

# **Regulation for Enforcement of the Mining Act**

(Order of the Ministry of International Trade and Industry No. 2 of January 27, 1951)

The Regulation for Enforcement of the Mining Act is established as follows based on the provisions of the Mining Act (Act No. 289 of 1950) for the purpose of enforcing that Act.

## **Table of Contents**

Chapter I General Provisions (Articles 1 to 3-2)

Chapter II Procedures for Filing Application for Establishment of or Changes to Mining Rights

Section 1 Procedures for Establishment of Mining Rights through Application or Application for Changes (Articles 4 to 21)

Section 2 Procedures for Filing Application for Establishment of or Changes to Mining Rights Based on the Selection of a Specified Developer (Articles 22 to 22-8)

Chapter III Procedures for Filing Application for Establishment of or Changes to Mining Lease Rights (Articles 23 to 26)

Chapter IV Implementation of Mining (Articles 26-2 to 44)

Chapter IV-2 Procedures for Obtaining Permission for the Exploration of Minerals (Articles 44-2 to 44-14)

Chapter V Procedures for Filing Application for Decision and Hearing of Opinions (Articles 45 to 56)

Chapter VI Auxiliary Provisions (Articles 57 to 61)

Supplementary Provisions

## **Chapter I General Provisions**

(Preparation of Documents)

Article 1 Documents and drawings for filing applications or notifications concerning mining business, and for paying the registration and license tax must be prepared for each case.

(Date of Submission of Documents)

Article 2 If a person submits a document or drawing referred to in the preceding Article as correspondence mail prescribed in Article 2, paragraph (3) of the Act on Correspondence Delivery by Private Business Operators (Act No. 99 of 2002) that is delivered by a general correspondence delivery service provider

prescribed in paragraph (6) of that Article or a specified correspondence delivery service provider prescribed in paragraph (9) of that Article (hereinafter referred to as "Correspondence Mail"), that person is deemed to have submitted the document or drawing on the day indicated by the date stamp except for cases in which it is handled as mail with certification of acceptance time. The same applies when the date stamp is not affixed or is unclear and the person who submitted the document or drawing proves the date of submission with a receipt of a postal item or Correspondence Mail.

(Application Number)

Article 2-2 The Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry who receives an application for the establishment of or changes to mining rights, or an application for the establishment of or changes to mining lease rights must affix an application number using Form 1 to the written application and give a notice of the relevant number to the applicant.

(Means of Application for the Establishment)

Article 2-3 The means specified by the Order of the Ministry of Economy, Trade and Industry referred to in Article 21, paragraph (2) of the Mining Act (Act No. 289 of 1950; hereinafter referred to as the "Act") are first-class mails handled as those with certification of acceptance time, Correspondence Mails for which acceptance and delivery are recorded, or those using electronic data processing systems (meaning electronic data processing systems that connect computers used by the Minister of Economy, Trade and Industry (including input-output devices; the same applies hereinafter) and a computer used by a person who intends to file an application under paragraph (1) of that Article via a telecommunications line) that have a function to record the date and time of sending written applications referred to in Article 27, paragraph (1) of the Act.

(Means of Public Notice)

Article 3 A public notice of the outline of a disposition under Article 141 of the Act is given by posting it on the notice board of the Ministry of Economy, Trade and Industry or a Regional Bureau of Economy, Trade and Industry.

(Means of Descriptions of Mining Sites)

Article 3-2 Locations of the points constituting the vertices of a polygon that shows the shape of a mining site (hereinafter referred to as "Vertices of the Mining Site") and the points constituting the vertices of a polygon that shows the shape of a mining lease site (hereinafter referred to as "Vertices of the Mining Lease Site") are to be described with coordinate values based on the

plane rectangular coordinate system (meaning the system specified by the Public Notice of the Ministry of Land, Infrastructure, Transport and Tourism No. 9 of January 2002) based on the Survey Act (Act No. 188 of 1949).

**Chapter II Procedures for Filing Application for Establishment of or  
Changes to Mining Rights  
Section 1 Procedures for Establishment of Mining Rights through  
Application or Application for Changes**

(Forms of Written Applications)

- Article 4 (1) A person who intends to apply for the establishment of mining rights under Article 21, paragraph (1) of the Act must submit a written application using Form 2, together with four copies of a map of the area using Form 26 that clearly describes the following matters, to the Director of a Regional Bureau of Economy, Trade and Industry:
- (i) location of the application area;
  - (ii) dimensions of the application area;
  - (iii) names of the subject minerals;
  - (iv) scale size;
  - (v) the points constituting the vertices of a polygon that shows the shape of the application area (hereinafter referred to as "Vertices of the Application Area") and the numbers of respective vertices assigned clockwise;
  - (vi) coordinate values of the Vertices of the Application Area based on the plane rectangular coordinate system referred to in the preceding Article;
  - (vii) boundaries of the application area;
  - (viii) landform of the application area and its vicinity.
- (2) When two or more persons intend to jointly file an application, all of the joint applicants for mining must affix their names and seals or affix their signatures to the written application referred to in the preceding paragraph.
- (3) Documents set forth in the following items must be attached to the written application referred to in paragraph (1); provided, however, that when the applicant intends to submit two or more written applications simultaneously to the same Director of a Regional Bureau of Economy, Trade and Industry, submission of one copy each would suffice for documents prescribed in items (i), (vi), and (vii):
- (i) a transcript or extract of the applicant's family register, certificate of registered information, or a document proving that the applicant is a Japanese national or a corporation of Japan;
  - (ii) the business plan using Form 2-1;
  - (iii) a document stating the amount of funds required for the business and funding means therefor, and documents for confirming that funding means;

- (iv) if the applicant is a corporation, balance sheets and profit and loss statements for each of the last three business years, articles of incorporation, and curricula vitae of officers;
  - (v) curricula vitae of major engineers;
  - (vi) a document stating the system for the mining of minerals;
  - (vii) a document pledging that the applicant does not fall under any of Article 29, paragraph (1), item (iii), (a) to (c) of the Act;
  - (viii) a document proving the ability to compensate in preparation for any event requiring compensation for mine damage, and other documents for confirming the financial basis and technical capability of the applicant.
- (4) Notwithstanding the provisions of the preceding paragraph, when the Director of a Regional Bureau of Economy, Trade and Industry receives the provision of personal identification information proving that the person who intends to establish a mining right is a Japanese national from a prefectural governor (if it is decided to have a designated information processing organization undertake relevant duties under Article 30-10, paragraph (1) of the Residential Basic Book Act (Act No. 81 of 1967), from that designated information processing organization; the same applies in Article 11, paragraph (4)), pursuant to the provisions of Article 30-7, paragraph (3) of the Act, a document proving that fact does not need to be attached to the written application referred to in paragraph (1).

(Certificate on Payment of Mining Lot Tax)

- Article 4-2 (1) When a holder of general prospecting rights intends to file a digging application in its own prospecting area, the holder must submit the written application referred to in paragraph (1) of the preceding Article, together with a document proving that the payment of mining lot tax pertaining to the relevant prospecting area is not delinquent or a document proving that the delinquency of mining lot tax is due to a natural disaster or other unavoidable circumstances (hereinafter collectively referred to as "Certificate of Tax Payment, etc.").
- (2) If the mining lot tax pertaining to the relevant prospecting area becomes further overdue after submitting the Certificate of Tax Payment, etc. under the preceding paragraph but before receiving a notice of permission or any other disposition for the digging application, the holder of general prospecting rights must submit a Certificate of Tax Payment, etc. for that overdue mining lot tax to the Director of a Regional Bureau of Economy, Trade and Industry.

(Description of Ore Deposits)

- Article 4-3 A person who intends to file a digging application must submit the written application referred to in Article 4, paragraph (1), together with a

description of ore deposits using Form 3, to the Director of a Regional Bureau of Economy, Trade and Industry.

(Written Statement of Reasons for Excess in Dimensions)

Article 5 If a person intends to file an application for the establishment of or changes to mining rights for a mining application area or a mining site that exceeds 350 ha, the person must submit a written statement of reasons together with a written application.

(Representative of Joint Applicants for Mining)

Article 6 (1) Joint applicants for mining must submit a written notification on the selection of the representative, to which all of them affix their names and seals or affix their signatures, to the Director of a Regional Bureau of Economy, Trade and Industry, together with a written application.

(2) Joint applicants for mining may indicate their representative in a written application in lieu of submitting the written notification referred to in the preceding paragraph.

(3) When joint applicants for mining change their representative, they must submit a written notification, to which all of them affix their names and seals or affix their signatures, to the Director of a Regional Bureau of Economy, Trade and Industry.

(4) The provisions of paragraphs (1) and (2) apply mutatis mutandis to cases where there are two or more persons who are to be mining applicants as a result of succession of mining applicant positions.

(Increase or Decrease of the Scale of Mining Application Areas)

Article 7 (1) A person who intends to file an application for an increase or decrease of the scale of mining application areas under Article 30, paragraph (1) of the Act must submit a written application using Form 4, together with four copies of a business plan using Form 2-1 and a map of the area that clearly describes the relationship between the former and new mining application areas, beyond the matters set forth in the items of Article 4, paragraph (1), to the Director of a Regional Bureau of Economy, Trade and Industry.

(2) The provisions of Article 4, paragraphs (2) and (3) (excluding items (i) and (vii)) apply mutatis mutandis to written applications referred to in the preceding paragraph, and the provisions of Articles 4-2 and 4-3 apply mutatis mutandis to applications for increases or for increases and decreases of the scale of digging application areas.

(Succession of Mining Applicant Positions)

Article 8 (1) A person who intends to succeed to a position of a former mining applicant under Article 36, paragraph (1) of the Act must submit a written application using Form 5 to the Director of a Regional Bureau of Economy, Trade and Industry.

(2) When a successor of a mining applicant intends to succeed to a position of a former mining applicant under Article 36, paragraph (2) of the Act, the successor must submit a document proving the facts which constitute the grounds therefor, together with the written application using Form 6.

(3) When a heir or other general successor does not succeed to a position of a former mining applicant under Article 36, paragraph (3) of the Act, the successor must submit a document proving the facts which constitute the grounds therefor, together with the written notification using Form 6-1.

(4) The provisions of Article 4, paragraphs (2) to (4) apply mutatis mutandis to written applications referred to in paragraph (1) or (2), and the provisions of Article 4-2 apply mutatis mutandis to mining applications in relation to succession of mining applicant positions.

(5) A person who files a notification under paragraph (3) may do so with the same written notification with regard to two or more applications under the jurisdiction of the same Regional Bureau of Economy, Trade and Industry.

Article 9 If a holder of general prospecting rights files a digging application in its own prospecting area and intends to change the name of the digging applicant thereafter, the holder must attach a document proving the transfer of the prospecting rights to the written application referred to in paragraph (1) or (2) of the preceding Article.

Article 10 If a holder of general prospecting rights files a digging application in its own prospecting area and transfers the prospecting rights thereafter, the holder must file a mining application in relation to succession of a mining applicant position under Article 8, paragraph (1).

#### (Change of Names of Mining Applicants)

Article 11 (1) A mining applicant who changes name or address must file a notification to that effect to the Director of a Regional Bureau of Economy, Trade and Industry, without delay, together with a document proving that facts. The same applies when a mining applicant that is a corporation changes its representative.

(2) When a mining applicant intends to submit two or more written notifications referred to in the preceding paragraph simultaneously to the same Director of a Regional Bureau of Economy, Trade and Industry, submission of one copy would suffice for the document referred to in that paragraph.

- (3) The provisions of Article 8, paragraph (5) apply mutatis mutandis to notification referred to in paragraph (1).
- (4) Notwithstanding the provisions of paragraph (1), when the Director of a Regional Bureau of Economy, Trade and Industry receives from a prefectural governor the provision of personal identification information proving the fact of a change of the mining applicant's address under Article 30-7, paragraph (3) of the Residential Basic Book Act, a document proving that fact does not need to be attached to the written notification referred to in paragraph (1).

(Application for Increase or Decrease of the Scale of Mining Sites)

- Article 12 (1) A person who intends to file an application for an increase or decrease of the scale of a mining site under Article 44, paragraph (1) of the Act must submit a written application using Form 7, together with four copies of a map of the area that clearly describes the relationship between the mining site and the area of land that the person intends to increase or decrease, beyond the matters set forth in the items of Article 4, paragraph (1), to the Director of a Regional Bureau of Economy, Trade and Industry.
- (2) When a person intends to file an application for a decrease of the scale of a digging area with regard to mortgaged general digging rights, the person must submit written approvals of the mortgagees, together with a written application.
  - (3) When a holder of general digging rights intends to file an application for a decrease of the scale of a mining lease site, the person must submit written approvals of the holders of mining lease rights, together with a written application.
  - (4) In the case referred to in the preceding paragraph, the map of the area referred to in paragraph (1) must contain a clear description of the relationship between the mining site and the mining lease site.
  - (5) The provisions of Article 4, paragraphs (2) and (3) (excluding items (i) and (vii)) apply mutatis mutandis to written applications referred to in paragraph (1), and the provisions of Articles 4-2 and 4-3 apply mutatis mutandis to applications for increases or for increases and decreases of the scale of digging areas.

Article 12-2 Notwithstanding the provisions of paragraph (1) of the preceding Article, a person who intends to file an application for a mutual increase or decrease of the scale of respective mining sites based on a consultation under Article 89, paragraph (1) or (2) of the Act must submit a written application using Form 8, together with three copies of a map of the area that clearly describes the matters set forth in the items of Article 4, paragraph (1), a drawing clearly describing the relationship among areas subject to the mutual

increase or decrease of the scale of respective mining sites, and documents prescribed in paragraph (3) of that Article (excluding items (i) and (vii)), to the Director of a Regional Bureau of Economy, Trade and Industry.

(Application for Increase of the Scale of Excavation Sites)

Article 13 (1) Notwithstanding the provisions of Article 12, paragraph (1), a person who intends to file an application for an increase of the scale of a mining site under Article 46, paragraph (1) of the Act must submit a written application using Form 9, together with three copies of a map of the area that clearly describes the matters set forth in the items of Article 4, paragraph (1), written approvals of the holders of mining rights and the mortgagees of the adjacent mining sites or a document acceptable in lieu thereof, and documents prescribed in paragraph (3) of that Article (excluding items (i) and (vii)), to the Director of a Regional Bureau of Economy, Trade and Industry.

(2) Maps of ore deposits that clearly describe the relationship with the adjacent mining sites separating plane views and cross sectional views and a written explanation thereof must be attached to the map of the area referred to in the preceding paragraph

(Application for Division or Merging)

Article 14 (1) A person who intends to file an application for division or merging of digging areas under Article 50, paragraph (1) of the Act must submit a written application using Form 10 or 11, together with three copies of a map of the area that clearly describes the matters set forth in the items of Article 4, paragraph (1), and a drawing that clearly describes the relationship among areas to be divided or merged, to the Director of a Regional Bureau of Economy, Trade and Industry; provided, however, that the map of the area attached to the written application for division must be prepared for each of the areas after division.

(2) A person who intends to file an application for division and merging of digging areas under Article 50, paragraph (2) of the Act must submit a written application using Form 12 in accordance with the provisions of the preceding paragraph.

(3) In the cases referred to in the preceding two paragraphs, when a person intends to file an application for division or merging, or for division and merging of digging areas with regard to mortgaged general digging rights, the person must submit written approvals of the mortgagees and a written agreement on the priority of the mortgages, together with a written application.

(4) When a holder of general digging rights intends to file an application for division or for division and merging of mining lease sites, the drawing showing the relationship referred to in paragraph (1) or the drawing showing the



relationship that is to be submitted in accordance with the provisions of paragraph (1) under paragraph (2) must clearly describe the relationship between the mining sites and the mining lease sites.

- (5) The provisions of Article 4, paragraph (2) apply mutatis mutandis to written applications referred to in paragraph (1) or (2), and the provisions of Articles 12, paragraph (3) apply mutatis mutandis to applications referred to in the preceding paragraph.

(Application for Transfer of Mining Rights)

Article 14-2 (1) A person who intends to receive the transfer of mining rights (limited to the mining rights established under Article 21, paragraph (1) of the Act; the same applies in the following Article) under Article 51-2, paragraph (1) of the Act must submit a written application using Form 12-1 to the Director of a Regional Bureau of Economy, Trade and Industry.

- (2) The provisions of Article 4, paragraphs (2) to (4) apply mutatis mutandis to written applications referred to in the preceding paragraph.

(Notification of General Succession, Including Inheritance, of Mining Rights)

Article 14-3 (1) A person who acquires mining rights through general succession including inheritance under Article 51-3, paragraph (1) of the Act must submit a written notification using Form 12-2, together with a document proving the facts which constitute the grounds therefor, to the Director of a Regional Bureau of Economy, Trade and Industry within three months after the acquisition.

- (2) The provisions of Article 4, paragraphs (2) to (4) apply mutatis mutandis to written notifications referred to in the preceding paragraph.

(Period for Transferring Mining Rights)

Article 14-4 The period specified by the Order of the Ministry of Economy, Trade and Industry referred to in Article 51-3, paragraph (2) of the Act is six months after the arrival of a notice from the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry.

(Lottery for Overlapping Applications)

Article 15 (1) When the Director of a Regional Bureau of Economy, Trade and Industry intends to decide who has the right of priority by lottery under Article 27, paragraph (3) of the Act (including the cases where applied mutatis mutandis pursuant to Article 30, paragraph (2) of the Act and Article 44, paragraph (3) of the Act), the Director must decide the venue, date and means of the lottery and give a notice of the relevant matters to the relevant mining applicants by one week prior to that date.

- (2) The mining applicants who receive the notice under the preceding paragraph may attend the lottery.

(Notice on Overlapping Mining Sites)

Article 16 (1) When the Director of a Regional Bureau of Economy, Trade and Industry gives a notice of permission for an application for the establishment of or changes to mining rights, and the relevant areas overlap with other mining sites, the Director must notify the persons concerned to inform them of the registration number of the mining rights, names of the subject minerals, and names and addresses of the holders of mining rights, as well as the range of the overlapping areas.

- (2) When a person who receives a notice under the preceding paragraph has the establishment of or changes to mining rights registered, the Director of a Regional Bureau of Economy, Trade and Industry must notify the holders of mining rights of the overlapping mining sites to inform them of the registration number of the registered mining rights, names of the subject minerals, and name and address of the relevant holder of registered mining rights.

(Payment of Registration and License Tax)

Article 17 (1) A person who receives a notice of permission for an application for the establishment of or changes to mining rights or permission for the transfer of mining rights (limited to the mining rights established under Article 21, paragraph (1) of the Act) must submit a registration and license tax receipt or a statement of payment with a stamp in an amount equivalent to the amount of the prescribed registration and license tax to the Director of a Regional Bureau of Economy, Trade and Industry, together with a written notification, within the period prescribed in Article 37 of the Act.

- (2) When persons who receive a notice of permission for an application for a mutual increase or decrease of the scale of respective mining sites based on a consultation under Article 89, paragraph (1) or (2) of the Act intend to submit a statement of payment referred to in the preceding paragraph, the statement must be jointly submitted by the parties concerned in their joint names.
- (3) When the statement of payment referred to in paragraph (1) is submitted as a postal item or Correspondence Mail, it must be submitted as first-class mail handled as registered mail or as Correspondence Mail for which acceptance and delivery are recorded.

Article 18 Deleted.

(Representative of the Joint Holders of Mining Rights)

Article 19 (1) Joint holders of mining rights (limited to holders of the mining rights established under Article 21, paragraph (1) of the Act; hereinafter the same applies in this Article) must submit a written notification concerning the selection of their representatives, to which all of them affix their names and seals or affix their signatures, to the Director of a Regional Bureau of Economy, Trade and Industry, together with a statement of payment of the registration and license tax.

(2) Joint holders of mining rights may indicate their representative in a statement of payment of the registration and license tax in lieu of submitting a written notification referred to in the preceding paragraph.

(3) When joint holders of mining rights change their representative, they must submit a written notification concerning the change of the representative, to which all of them affix their names and seals or affix their signatures, to the Director of a Regional Bureau of Economy, Trade and Industry.

(4) The provisions of paragraphs (1) and (2) apply *mutatis mutandis* to cases where there are two or more persons who are to be holders of mining rights as a result of the transfer of mining rights.

#### (Application for Extension of Duration of Prospecting Rights)

Article 20 (1) A person who intends to file an application for the extension of the duration of prospecting rights (limited to the prospecting rights established under Article 21, paragraph (1) of the Act; hereinafter the same applies in this Article and the following Article) under Article 18, paragraph (2) of the Act must submit a written application using Form 13, together with a document and drawing explaining the record of exploration, to the Director of a Regional Bureau of Economy, Trade and Industry.

(2) When there are two or more holders of general prospecting rights with regard to prospecting rights for which an application is filed as referred to in the preceding paragraph, all of them must affix their names and seals or affix their signatures to the written application.

(3) When a holder of general prospecting rights intends to file an application referred to in paragraph (1) with regard to two or more prospecting rights, the holder may integrate them to prepare a written application referred to in that paragraph.

(4) The provisions of Article 4-2 apply *mutatis mutandis* to applications referred to in paragraph (1).

#### (Cases of Refusing Acceptance)

Article 21 The Director of a Regional Bureau of Economy, Trade and Industry must not accept a written application or notification (limited to a written application or notification pertaining to general prospecting rights or general

digging rights) in cases set forth in the following items:

- (i) when the entirety of the application area is not under the jurisdiction of the Regional Bureau;
- (ii) when the written application does not contain descriptions of the matters referred to in the items of Article 21, paragraph (2) of the Act, or when the subject minerals for which an application is filed do not fall under the minerals (excluding specified minerals) referred to in Article 3 of the Act;
- (iii) when a map of the area is not attached to the written application as required;
- (iii)-2 when documents set forth in the items of Article 4, paragraph (3) are not attached to the written application as required;
- (iv) when a map of the area does not contain descriptions of the Vertices of the Application Area or the number of the plane rectangular coordinate system referred to in Article 3-2, when coordinate values are not described for the Vertices of the Application Area as prescribed in Article 4, paragraph (1), item (vi), when the Vertices of the Application Area overlap, or when boundaries of the application area get crossed;
- (v) when a description of ore deposits is not attached to a written application for the establishment of digging rights, or for increases or for increases and decreases of the scale of digging application areas or digging areas;
- (vi) when the prescribed fees are not paid;
- (vii) when a written application is submitted not as first-class mail handled as registered mail nor as Correspondence Mail for which acceptance and delivery are recorded;
- (viii) when new and former mining applicants do not affix their names and seals or affix their signatures to the written application using Form 5 referred to in Article 8, paragraph (1) or the written application using Form 6 in the case of a joint application, or when a document proving the facts which constitute the relevant grounds is not attached to the written application using Form 6 or the written application using Form 6-1;
- (ix) in the case referred to in Article 9, when a document proving the transfer of the prospecting rights is not attached to a written application;
- (x) in the case referred to in Article 12, paragraph (2) or (3) (including the cases where applied mutatis mutandis pursuant to Article 14, paragraph (5)), when written approvals of the mortgagees or the holders of mining lease rights are not attached to a written application;
- (xi) in the case referred to in Article 13, paragraph (1), when written approvals of the holders of mining rights and the mortgagees of the adjacent mining sites or a document acceptable in lieu thereof, and documents prescribed in Article 4, paragraph (3) (excluding items (i) and (vii)) are not attached to a written application;

- (xii) in the case referred to in Article 14, paragraph (3), when written approvals of the mortgagees and a written agreement on the priority of the mortgages are not attached to a written application.

## **Section 2 Procedures for Filing Application for Establishment of or Changes to Mining Rights Based on the Selection of a Specified Developer**

(Special Circumstance Requiring Urgency)

Article 22 Special circumstance requiring urgency specified by the Order of the Ministry of Economy, Trade and Industry referred to in the proviso to Article 38, paragraph (5) of the Act is as follows:

- (i) that the mining is found to be extremely unsuitable in light of domestic and foreign social and economic circumstances and likely to hinder the promotion of public interest;
- (ii) that the mining is found to have an adverse effect on public welfare by harming health and hygiene, resulting in the destruction of facilities for public use or any facility equivalent to this, disrupting the protection of cultural property, parks or hot spring resources or impairing the profit of agriculture, forestry or other industries;
- (iii) that the circumstance is found to be otherwise equivalent to those set forth in the preceding two items.

(Application for Establishment of Mining Rights for Specified Minerals)

Article 22-2 (1) A person who intends to file an application for the establishment of mining rights for specified minerals in a specified zone under Article 39, paragraph (2) of the Act must submit a written application using Form 13-1, together with four copies of a map of the area using Form 26 that clearly describes the following matters, to the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry within the invitation period referred to in Article 38, paragraph (4), item (iv) of the Act. In this case, the map of the area must contain a clear description of the relationship between the area of land where the person intends to establish the mining rights and the specified zone designated under Article 38, paragraph (1) of the Act:

- (i) location of the application area;
- (ii) dimensions of the application area;
- (iii) names of the subject specified minerals;
- (iv) scale size;
- (v) the points constituting the vertices of a polygon that shows the shape of the application area (hereinafter referred to as "Vertices of the Application

- Area") and the numbers of respective vertices assigned clockwise;
  - (vi) coordinate values of the Vertices of the Application Area based on the plane rectangular coordinate system referred to in Article 3-2;
  - (vii) boundaries of the application area;
  - (viii) landform of the application area and its vicinity.
- (2) The provisions of Article 4, paragraphs (2) to (4) apply mutatis mutandis to written applications referred to in the preceding paragraph. In this case, the term "the same Director of a Regional Bureau of Economy, Trade and Industry" in paragraph (3) of that Article is deemed to be replaced with "the Minister of Economy, Trade and Industry or the same Director of a Regional Bureau of Economy, Trade and Industry"; and the term "Form 2-1" in item (ii) of that paragraph is deemed to be replaced with "Form 13-2".

(Matters to Be Stated in Business Plan Specified in Article 39, Paragraph (3), Item (vi) of the Act)

Article 22-3 Particulars regarding the mining of specified minerals specified by the Order of the Ministry of Economy, Trade and Industry referred to in Article 39, paragraph (3), item (vi) of the Act are those set forth in the following items:

- (i) the record of mining of the subject specified minerals or other minerals similar thereto;
- (ii) the record of exploration in the area where the person intends to establish the mining rights and the evaluation of the ore deposits based on information obtained through the exploration;
- (iii) the record of prospecting in the area where the person intends to establish the digging rights and the evaluation of the ore deposits based on information obtained through the prospecting (limited to the case of filing an application for digging rights);
- (iv) sales channels for the specified minerals (limited to the case of filing an application for digging rights) and other necessary matters.

(Application for Establishment of Digging Rights by a Holder of Prospecting Rights Who Is a Specified Developer)

Article 22-4 (1) A person who intends to file an application for the establishment of digging rights for specified minerals under Article 41, paragraph (2) of the Act must submit a written application using Form 13-3, together with four copies of a map of the area using Form 26 that clearly describes the matters set forth in the items of Article 22-2, paragraph (1), to the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry. In this case, the map of the area must contain a clear description of the relationship between the area of land where the person intends to establish the mining rights and the specified zone designated under Article 38,

paragraph (1) of the Act.

- (2) A document explaining the record of prospecting of the specified minerals in the area where the person intends to establish the digging rights must be attached to the written application referred to in the preceding paragraph.
- (3) The provisions of Article 4, paragraphs (2) to (4) apply mutatis mutandis to written applications referred to in paragraph (1), and the provisions of Article 4-2 apply mutatis mutandis to applications referred to in that paragraph. In this case, the term "the same Director of a Regional Bureau of Economy, Trade and Industry" in Article 4, paragraph (3) is deemed to be replaced with "the Minister of Economy, Trade and Industry or the same Director of a Regional Bureau of Economy, Trade and Industry"; the term "Form 2-1" in item (ii) of that paragraph is deemed to be replaced with "Form 13-4"; and the term "Director of a Regional Bureau of Economy, Trade and Industry" in Article 4-2, paragraph (2) is deemed to be replaced with "the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry".

(Period for Formulating Mining Plan for Specified Minerals)

Article 22-5 The period specified by the Order of the Ministry of Economy, Trade and Industry referred to in Article 41, paragraph (2), item (i) of the Act is to be five years.

(Matters to Be Stated in Business Plan Specified in Article 41, Paragraph (2), Item (vi) of the Act)

Article 22-6 Particulars regarding the mining of specified minerals specified by the Order of the Ministry of Economy, Trade and Industry referred to in Article 41, paragraph (2), item (vi) of the Act are those set forth in the following items:

- (i) the record of mining of the subject specified minerals or other minerals similar thereto;
- (ii) the record of exploration in the area where the person intends to establish the mining rights and the evaluation of the ore deposits based on information obtained through the exploration;
- (iii) the record of prospecting in the area where the person intends to establish the digging rights and the evaluation of the ore deposits based on information obtained through the prospecting;
- (iv) sales channels for the specified minerals and other necessary matters.

(Application for Increase or Decrease of the Scale of Mining Sites)

Article 22-7 (1) A person who intends to file an application for an increase or decrease of the scale of a mining site under Article 45, paragraph (1) of the Act must submit a written application using Form 13-5, together with four copies

of a map of the area that clearly describes the relationship between the mining site and the specified zone, and the area of land that the person intends to increase or decrease, beyond the matters set forth in the items of Article 22-2, paragraph (1), and to the Minister of Economy, Trade and Industry and the Director of a Regional Bureau of Economy, Trade and Industry.

(2) When a person intends to file an application for a decrease of the scale of a digging area with regard to mortgaged digging rights, the person must submit written approvals of the mortgagees, together with a written application.

(3) The provisions of Article 4, paragraphs (2) and (3) (excluding items (i) and (vii)) apply mutatis mutandis to written applications referred to in paragraph (1), and the provisions of Articles 4-2 and 4-3 apply mutatis mutandis to applications for increases or for increases and decreases of the scale of digging areas. In this case, the term "Form 2-1" in Article 4, paragraph (3), item (ii) is deemed to be replaced with "Form 13-2"; and the term "the Director of a Regional Bureau of Economy, Trade and Industry" in Article 4-2, paragraph (2) and Article 4-3 is deemed to be replaced with "the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry".

(Mutatis Mutandis Application)

Article 22-8 The provisions of Article 6, Article 11, Article 14-2, Article 14-3, Article 16, Article 17, paragraphs (1) and (3), Article 19 and Article 20 apply mutatis mutandis to mining rights established under Article 40, paragraph (3) or (7) of the Act, or Article 41, paragraph (1) of the Act. In this case, the term "the Director of a Regional Bureau of Economy, Trade and Industry" in Article 6, paragraphs (1) and (3), Article 11, paragraphs (1) and (4), Article 14-2, paragraph (1), Article 14-3, paragraph (1), Article 16, Article 17, paragraph (1), Article 19, paragraphs (1) and (3), and Article 20, paragraph (1) is deemed to be replaced with "the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry"; the term "the same Director of a Regional Bureau of Economy, Trade and Industry" in Article 11, paragraph (2) is deemed to be replaced with "the Minister of Economy, Trade and Industry or the same Director of a Regional Bureau of Economy, Trade and Industry"; and the term "Article 37 of the Act" in Article 17, paragraph (1) is deemed to be replaced with "Article 40, paragraph (6) of the Act".

### **Chapter III Procedures for Filing Application for Establishment of or Changes to Mining Lease Rights**

(Application for Establishment)

Article 23 (1) A person who intends to file an application for the establishment



of mining lease rights under Article 77, paragraph (1) of the Act must submit a written application using Form 14, together with three copies of a map of the area using Form 26 and other documents specified in that paragraph, to the Director of a Regional Bureau of Economy, Trade and Industry. In this case, the map of the area must contain a clear description of the relationship between the area of land where the person intends to establish the mining lease rights and the mining sites for the digging rights subject to the mining lease rights.

(2) In the case referred to in the preceding paragraph and when ore deposits are specified, maps of ore deposits prepared separating plane views and cross sectional views and a written explanation thereof must be attached to the map of the area.

(3) Documents set forth in the following items must be attached to the written application referred to in paragraph (1):

(i) a transcript or extract of the family register of the person who intends to be the holder of mining lease rights, certificate of registered information, or a document proving that the person is a Japanese national or a corporation of Japan;

(ii) the business plan using Form 2-1;

(iii) a document stating the amount of funds required for the business of the person who intends to be the holder of mining lease rights and funding means therefor, and documents for confirming that funding means;

(iv) if the person who intends to be the holder of mining lease rights is a corporation, balance sheets and profit and loss statements for the last three years, articles of incorporation, and curricula vitae of officers;

(v) curricula vitae of major engineers of the person who intends to be the holder of mining lease rights;

(vi) a document stating the system for mining of minerals of the person who intends to be the holder of mining lease rights;

(vii) a document pledging that the person who intends to be the holder of mining lease rights does not fall under any of Article 29, paragraph (1), item (iii), (a) to (c) of the Act;

(viii) other documents for confirming the financial basis and technical capability of the person.

(4) The provisions of Article 4, paragraph (2) apply *mutatis mutandis* to written applications referred to in paragraph (1).

(Application for Increase or Decrease of the Scale of Mining Lease Sites)

Article 24 (1) A person who intends to file an application for an increase or decrease of the scale of a mining lease site under Article 78, paragraph (1) of the Act must submit a written application using Form 15, together with three

copies of a map of the area using Form 26 and documents specified in Article 77, paragraph (1) of the Act applied mutatis mutandis pursuant to Article 78, paragraph (2) of the Act, to the Director of a Regional Bureau of Economy, Trade and Industry. In this case, the map of the area must contain a clear description of the relationship between the mining lease site and the area of land that the person intends to increase or decrease, as well as the mining sites for the digging rights where mining lease rights are established.

(2) The provisions of paragraphs (2) and (3) (excluding items (i) and (vii)) of the preceding Article apply mutatis mutandis to applications referred to in the preceding paragraph.

(3) The provisions of Article 4, paragraph (2) apply mutatis mutandis to written applications referred to in paragraph (1).

#### (Payment of Registration and License Tax)

Article 24-2 (1) A person who receives a notice of authorization for the establishment of or changes to mining lease rights must submit a registration and license tax receipt or a statement of payment with a stamp in an amount equivalent to the amount of the prescribed registration and license tax to the Director of a Regional Bureau of Economy, Trade and Industry, together with a written notification, within the period prescribed in Article 77, paragraph (4) of the Act.

(2) The provisions of Article 17, paragraph (3) apply mutatis mutandis to the case referred to in the preceding paragraph.

#### (Application for Extension of Duration)

Article 25 A person who intends to file an application for the extension of the duration of mining lease rights under Article 76, paragraph (4) of the Act must submit a written application using Form 16, together with a document and drawing explaining the record of digging and a written contract, to the Director of a Regional Bureau of Economy, Trade and Industry.

#### (Mutatis Mutandis Application)

Article 26 The provisions of Article 6, Article 8, paragraphs (2) and (3), Article 11, and Article 19 apply mutatis mutandis to mining lease rights.

### **Chapter IV Implementation of Mining**

#### (Postponement of the Initiation of Business)

Article 26-2 (1) A holder of mining rights who intends to file an application for authorization for the postponement of the initiation of business under Article 62, paragraph (2) of the Act must submit a written application using Form 17

to the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry.

- (2) A holder of mining rights who intends to file an application for authorization for the suspension of business under Article 62, paragraph (3) of the Act must submit a written application using Form 18 to the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry.
- (3) A holder of mining rights who intends to file a notification of the resumption of suspended business under Article 62, paragraph (4) of the Act must submit a written notification using Form 19 to the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry.
- (4) The provisions of Article 4, paragraph (4) apply mutatis mutandis to written applications or written notifications referred to in the preceding three paragraphs.

#### (Operational Plan)

Article 27 (1) A holder of general prospecting rights or a holder of general digging rights who intends to file a notification of an operational plan or file an application for authorization therefor under Article 63, paragraph (1) or (2) of the Act must submit an operational plan using Form 20, together with an explanatory drawing thereof, to the Director of a Regional Bureau of Economy, Trade and Industry.

- (2) A holder of general prospecting rights or a holder of general digging rights who intends to file a notification concerning changes to the operational plan or file an application for authorization therefor must submit a new operational plan using Form 20, together with an explanatory drawing thereof and a document stating the reasons for the changes, to the Director of a Regional Bureau of Economy, Trade and Industry.
- (3) Documents referred to in the preceding two paragraphs must be submitted with two copies each thereof.
- (4) The Director of a Regional Bureau of Economy, Trade and Industry must consult with the Director of a Regional Industrial Safety and Inspection Department before granting authorization for operational plans.

Article 27-2 (1) A person who intends to file an application for authorization for an operational plan under Article 63-2, paragraph (1) or (2) of the Act must submit an operational plan using Form 20, together with an explanatory drawing thereof and a business plan, to the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry.

- (2) A person who intends to file an application for authorization for changes to the authorized operational plan referred to in the preceding paragraph must

submit a new operational plan using Form 20, together with an explanatory drawing thereof and a document stating the reasons for the changes, to the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry.

- (3) The provisions of paragraphs (3) and (4) of the preceding Article apply mutatis mutandis to applications referred to in preceding two paragraphs.

Article 27-3 The Director of a Regional Bureau of Economy, Trade and Industry must consult with the Director of a Regional Industrial Safety and Inspection Department before giving a recommendation under Article 100, paragraph (1) or (2) of the Act or giving an order under paragraph (3) of that Article.

(Change of Type of Minerals)

Article 27-4 A holder of mining rights who intends to have the presence of the relevant minerals confirmed under Article 67 of the Act must submit a written notification using Form 21 to the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry.

(Report of Establishment of Mining Office)

Article 27-5 A holder of mining rights who intends to file a notification of the establishment of a mining office under Article 68 of the Act must submit a written notification using Form 22 to the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry.

(Prospecting Schedule)

Article 28 A holder of prospecting rights must enter the progress of prospecting as of the final day of the preceding month, the quantity of produced minerals during the preceding month, the number of operating days and man-hours in the prospecting schedule referred to in Article 69 of the Act by the final day of every month.

(Survey Maps of the Interior of Mining Pits)

Article 29 A holder of digging rights must prepare a survey map of the interior of a mining pit referred to in Article 70 of the Act using Form 27, separating plane views and cross sectional views, and enter the progress of digging as of the final day of the preceding month on the map by the final day of every month.

(Mining Registry)

Article 30 A holder of digging rights must enter the quantity of produced minerals during the preceding month, the quantity and amount of money of

sold minerals, the number of operating days and man-hours in the mining registry referred to in Article 70 of the Act by the final day of every month.

(Keeping by Electronic or Magnetic Means)

Article 30-2 (1) A prospecting schedule referred to in Article 69 of the Act or a survey map of the interior of a mining pit or a mining registry referred to in Article 70 of the Act may be prepared and kept by recording the matters prescribed in the preceding three Articles by electronic or magnetic means (meaning an electronic means, a magnetic means or any other means that is not perceivable by human senses).

(2) If a person is to keep the prospecting schedule, survey map of the interior of a mining pit or mining registry in accordance with the preceding paragraph, the person must keep the prospecting schedule, survey map of the interior of a mining pit or mining registry referred to in the preceding paragraph in a manner that they can be displayed immediately, as necessary, on a computer or other device.

(3) If a person is to keep the prospecting schedule, survey map of the interior of a mining pit or mining registry in accordance with paragraph (1), the person must endeavor to maintain the standards specified by the Minister of Economy, Trade and Industry.

(Periodical Reports)

Article 30-3 A person who intends to make a report under Article 70-2, paragraph (1) of the Act (including the cases where applied mutatis mutandis pursuant to paragraph (2) of that Article) must submit a written periodical report using Form 22-1 specifying the matters set forth in the following items to the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry by the final day of May every year:

- (i) the progress of the operational plan formulated under Article 63-2, paragraph (1) or (2) of the Act as of the final day of March every year;
- (ii) the status of mining of specified minerals during one year until the final day of March every year;
- (iii) the situation of the ore deposits of specified minerals as of the final day of March every year;
- (iv) the quantity of produced minerals, the quantity and amount of money of sold minerals, and purchasers during one year until the final day of March every year.

(Mining Agents)

Article 31 (1) A holder of mining rights may appoint a mining agent to whom the holder delegates procedures and other acts that the holder is to undertake

under the Act and the provisions of orders based thereon for the implementation of mining, by clarifying the scope of the delegation.

- (2) The appointment or change of a mining agent or the extinguishment of that mining agent's authority to represent does not become effective unless a holder of mining rights submits a written notification using Form 23, 24 or 25 to the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry.

(Integration of Documents)

Article 32 (1) A holder of mining rights may integrate and prepare documents under Article 26-2 with regard to two or more mining rights.

- (2) If a holder of mining rights conducts business integrally in two or more mining sites, the holder may integrate and prepare documents referred to in Article 27, Article 27-2, and Article 27-4 to the preceding Article, respectively.

(Mutatis Mutandis Application)

Article 33 The provisions of Article 27, Article 27-4, Articles 29 to 31, and paragraph (2) of the preceding Article apply mutatis mutandis to mining business by holders of mining lease rights.

(Application for Permission for Entry into Land)

Article 34 A person who intends to enter land of other persons or fell obtrusive bamboo and trees under Article 101, paragraph (1) of the Act must submit a written application specifying the matters set forth in the following items to the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry:

- (i) name and address of the applicant;
- (ii) location and land category of the land;
- (iii) names and addresses of the owners and possessors of the land;
- (iv) scheduled period and purpose of entry;
- (v) when intending to fell obtrusive bamboo and trees, locations thereof, names and addresses of the owners and possessors thereof, scheduled quantity and price of bamboo and trees to fell, and scheduled dates and purpose of felling them.

(Application for Permission for Use or Condemnation of Land)

Article 35 (1) A person who intends to file an application for the use or condemnation of land of other persons under Article 106, paragraph (1) of the Act must submit a written application specifying the matters set forth in the following items, together with the certificate of registered information of the land, survey maps of related land, and work specifications, to the Minister of

Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry:

- (i) name and address of the applicant;
  - (ii) location and land category of the land;
  - (iii) dimensions of the land;
  - (iv) names and addresses of the owners of the land;
  - (v) purpose and reasons for the use or condemnation;
  - (vi) scheduled dates and period of the use or condemnation.
- (2) When filing an application referred to in the preceding paragraph, the person must submit the relevant number of copies of the written application and survey maps of related land in accordance with the number of prefectures and municipalities where the land to be used or condemned is located.

Article 35-2 (1) Survey maps of related land referred to in the preceding Article are to be prepared as prescribed in the following items by using marks as used in a topographical map with a scale of 1:50,000 issued by the Geospatial Information Authority of Japan or by using any other appropriate mark if there are none available in that topographical map:

- (i) the location of the related land must be indicated on a general map with a scale of 1:25,000 (or 1:50,000 if a general map with a scale of 1:25,000 is not available);
  - (ii) on a topographical map with an appropriate scale convenient to indicate the related land between around 1:100 and 1:3,000, the related land to be used must be colored in light green and the related land to be condemned in light yellow, and any major articles located within the related land must be graphically illustrated.
- (2) Drawings of the locations and details of facilities to be included in the work specifications referred to in the preceding Article are those of a scale between around 1:100 and 1:3,000.

Article 35-3 The drawings that the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry is to send to the mayors of municipalities under Article 106, paragraph (6) of the Act are survey maps of related land referred to in Article 35.

(Deferment of Procedures for Use or Condemnation)

Article 35-4 A person who intends to file an application for the deferment of procedures for the use or condemnation under Article 106-2, paragraph (1) of the Act must submit a written application specifying the matters set forth in the following items to the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry. In this case,

the areas of the land for which the procedures for the use or condemnation are to be deferred are to be indicated with black diagonal lines on the survey maps of related land referred to in Article 35:

- (i) name and address of the applicant;
- (ii) locations and dimensions of the land to be used or condemned;
- (iii) locations and dimensions of the land for which the procedures for the use or condemnation are to be deferred;
- (iv) reasons for deferring the procedures for the use or condemnation;
- (v) scheduled date to resume the procedures for the use or condemnation.

#### (Use of Water)

Article 36 The provisions of the preceding four Articles apply *mutatis mutandis* to the right of use of water.

#### (Notification of Use)

Article 37 When a holder of mining rights or a holder of mining lease rights acquires the rights concerning land or the right of use of water in accordance with the Land Condemnation Act (Act No. 219 of 1951) which applies in accordance with Article 107, paragraph (1) of the Act (including the cases where applied *mutatis mutandis* pursuant to Article 108 of the Act), or starts, ends or no longer continues the use of the land or water, the holder must file a notification to that effect, without delay, to the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry.

#### (Provision of Security)

Article 38 (1) By the final day of February every year, the Director of a Regional Bureau of Economy, Trade and Industry must determine the amount of money to be deposited under Article 117, paragraph (1) of the Act, and notify a holder of mining rights or a holder of mining lease rights who intends to mine coal or lignite of the amount and the name of the deposit office at which the relevant amount is to be deposited.

(2) By the final day of March every year, the holder of mining rights or the holder of mining lease rights who receives a notice referred to in the preceding paragraph must deposit the amount of money referred to in the preceding paragraph at the deposit office designated by the Director of a Regional Bureau of Economy, Trade and Industry.

Article 39 (1) If mining rights or mining lease rights to mine coal or lignite extinguish, the Director of a Regional Bureau of Economy, Trade and Industry must determine the amount of money to be deposited under Article 117,



paragraph (1) of the Act, in accordance with the quantity of coal or lignite mined from January 1 of the year until the day of the extinguishment of the rights, and notify the holder of mining rights or the holder of mining lease rights of the amount of money and the name of the deposit office at which the relevant amount is to be deposited.

- (2) The holder of mining rights or the holder of mining lease rights who receives a notice referred to in the preceding paragraph must deposit the amount of money referred to in the preceding paragraph at the deposit office designated by the Director of a Regional Bureau of Economy, Trade and Industry, within thirty days from the day on which the notice arrives.

Article 40 The provisions of the preceding two Articles apply *mutatis mutandis* to deposit of collateral by a holder of mining rights or a holder of mining lease rights who intends to mine minerals other than coal and lignite under Article 117, paragraph (3) of the Act. In this case, the term "the Director of a Regional Bureau of Economy, Trade and Industry" is deemed to be replaced with "the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry".

(Deposit of Compensation)

Article 40-2 Deposit of compensation under Article 53-2, paragraph (5) of the Act is to be made through the procedures prescribed in the Deposit Regulation (Order of the Ministry of Justice No. 2 of 1959).

(Deposit in Installments)

Article 41 (1) In making a deposit as prescribed in Articles 38 and 39 (including the cases where applied *mutatis mutandis* pursuant to Article 40), a holder of mining rights or a holder of mining lease rights who has justifiable grounds may deposit the amount of money to be deposited in four or less installments by obtaining approval of the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry.

- (2) A person who intends to obtain the approval referred to in the preceding paragraph must submit a written application specifying the matters set forth in the following items to the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry no later than 15 days prior to the deadline for the deposit:
- (i) name and address of the applicant;
  - (ii) registration number of the mining rights or the mining lease rights;
  - (iii) the amount of money to be deposited;
  - (iv) the number of installments and the amount to be deposited each time;
  - (v) timing to deposit the money in installments;

(vi) reasons for depositing the money in installments.

(Notification of Deposit)

Article 42 A holder of mining rights or a holder of mining lease rights who deposits the amount of money under Article 117, paragraph (1) or (3) of the Act must submit the original of the certificate of deposit, without delay, to the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry.

(Recovery of Deposited Property)

Article 43 A person who intends to obtain approval for the recovery of the money or national government bonds (including those for which the ownership of the right is to be determined based on the statement or record in the book-entry account registry under the provisions of the Act on Book-Entry Transfer of Company Bonds, Shares, etc. (Act No. 75 of 2001) (hereinafter referred to as "book-entry transfer national government bonds" in this Article); hereinafter, the same applies in this Article and the following Article) that the person has deposited under Article 119 of the Act must submit a written application specifying the matters set forth in the following items to the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry:

- (i) name and address of the applicant;
- (ii) registration number of the mining rights or the mining lease rights;
- (iii) the amount of deposited money already existing for the relevant mining site or mining lease site (when what have been deposited are national government bonds other than book-entry transfer national government bonds, the types, codes, numbers, volumes, face values, and deposit prices, and when what have been deposited are book-entry transfer national government bonds, the issues and amounts of money);
- (iv) the amount of money the person intends to recover (when what have been deposited are national government bonds other than book-entry transfer national government bonds, the types, codes, numbers, volumes, face values, and deposit prices, and when what have been deposited are book-entry transfer national government bonds, the issues and amounts of money);
- (v) reasons for recovering.

Article 44 A person who intends to recover the deposited money or national government bonds under Article 119 of the Act must follow the procedures of the Deposit Regulation and submit a document proving that the person has obtained the approval set forth in the preceding Article to the deposit office.

## **Chapter IV-2 Procedures for Obtaining Permission for the Exploration of Minerals**

(Method Specified by the Order of the Ministry of Economy, Trade and Industry Referred to in Article 100-2, Paragraph (1) of the Act)

- Article 44-2 (1) The seismic survey method prescribed in Article 100-2, paragraph (1) of the Act means the method to artificially produce vibrations to generate seismic waves and detect the reflected waves thereof.
- (2) The method specified by the Order of the Ministry of Economy, Trade and Industry referred to in Article 100-2, paragraph (1) of the Act is either of the following methods that uses certain areas continuously and is conducted within the exclusive economic zone under Article 1, paragraph (2) of the Act on the Exclusive Economic Zone and the Continental Shelf (Act No. 74 of 1996), a sea area relating to a continental shelf under Article 2 of that Act, or territorial waters or inland waters (excluding rivers and lakes) under Article 1, paragraph (1) of the Act on Territorial Waters and Contiguous Water Area (Act No. 30 of 1977):
- (i) the electronic or magnetic method (meaning the method to generate electronic or magnetic waves close to the seafloor surface and detect changes in the electronic or magnetic field caused thereby);
  - (ii) the intensive sampling method (meaning the method to sample bottom sediments intensively using a bottom sediment collector).

(Form of Written Application)

- Article 44-3 (1) A person who intends to obtain permission for exploration under Article 100-2, paragraph (1) of the Act must submit a written application using Form 35, together with three copies of a drawing indicating the areas for exploration using Form 36 that clearly describes the matters set forth in the following items, to the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry:
- (i) location of the application area;
  - (ii) dimensions of the application area;
  - (iii) scale size;
  - (iv) Vertices of the Application Area and the numbers of respective vertices assigned clockwise;
  - (v) coordinate values of the Vertices of the Application Area based on the plane rectangular coordinate system referred to in Article 3-2;
  - (vi) boundaries of the application area;
  - (vii) landform of the application area and its vicinity;
  - (viii) other matters necessary for ascertaining the location where exploration is to be conducted, such as the turning zones, preliminary adjustment zones,

exploration survey lines or exploration survey points.

- (2) A document pledging that the applicant does not fall under any of Article 100-3, item (ii), (a) to (c) of the Act must be attached to the written application referred to in the preceding paragraph.

Article 44-4 With regard to the method of exploration referred to in Article 100-2, paragraph (2), item (iii) of the Act, the matters set forth in the following items must be described:

- (i) for exploration conducted in a sea area, details of the ships (including patrol boats or other ships used for the exploration);
- (ii) details of the devices and equipment;
- (iii) other matters necessary for ascertaining that method of exploration.

Article 44-5 Particulars specified by the Order of the Ministry of Economy, Trade and Industry referred to in Article 100-2, paragraph (2), item (v) of the Act are those set forth in the following items:

- (i) the implementation plan for that exploration;
- (ii) scheduled ports of call and dates;
- (iii) matters concerning the protection of facilities for public use or any facility equivalent to this, cultural property, parks or hot spring resources;
- (iv) matters concerning the adjustments with the agriculture, forestry, fisheries, or other industries;
- (v) if the exploration for which the application is filed is conducted in another person's mining site, matters concerning the adjustments with the holder of mining rights of the relevant mining site;
- (vi) matters concerning the handling of the exploration results.

(Certificate of Permission)

Article 44-6 The certificate of permission referred to in Article 100-2, paragraph (3) of the Act is to be prepared using Form 37 and contain the matters set forth in the following items:

- (i) location of the area where the exploration is conducted;
- (ii) period of exploration;
- (iii) name and address of the applicant;
- (iv) names and official numbers of ships;
- (v) the seismic survey method or the applicable method out of those set forth in the items of Article 44-2, paragraph (2);
- (vi) date of the permission and permission number;
- (vii) conditions for permission.

(Reissuance of Certificate of Permission)

Article 44-7 The reissuance and return of certificates of permission and other procedural particulars concerning certificates of permission specified by the Order of the Ministry of Economy, Trade and Industry referred to in Article 100-2, paragraph (5) of the Act are those set forth in the following items:

- (i) when a person who has obtained permission under Article 100-2, paragraph (1) of the Act intends to receive the reissuance of a certificate of permission, which has been defaced or lost, the person must submit the written application using Form 38, and return the certificate of permission if it has been defaced, to the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry;
- (ii) in the following cases, a person who has obtained permission under Article 100-2, paragraph (1) of the Act (in the case set forth in (c) below, the heir, an officer or liquidator of the extinguished corporation, or the bankruptcy trustee) must return the certificate of permission (in the case set forth in (d) below, the certificate of permission discovered) immediately to the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry:
  - (a) when the exploration has been completed within the period of exploration;
  - (b) when the permission has been rescinded under Article 100-5 of the Act;
  - (c) when a person who has obtained the permission has died, has been merged or split (limited to the cases where the status of that person who has obtained the permission has not been succeeded to), or has been dissolved;
  - (d) when the lost certificate of permission has been discovered after receiving the reissuance of the certificate of permission under the preceding paragraph.

(Standards Concerning Method of Exploration)

Article 44-8 The standards specified by the Order of the Ministry of Economy, Trade and Industry referred to in Article 100-3, item (i) of the Act are those set forth in the following items:

- (i) with regard to exploration conducted on or around the spot where water pipes, sewerage pipes, gas pipes or oil pipes (hereinafter referred to as "water pipes, etc." in this item) are found to be buried underground, appropriate measures are taken so that the water pipes, etc. are not damaged due to the exploration;
- (ii) necessary measures are taken in order to prevent hazards in the application area;
- (iii) the implementation system is such that which ensures proper exploration;
- (iv) beyond what is set forth in the preceding three items, the implementation plan is a proper one for conducting the exploration properly.

(Application for Permission for Changes in Exploration)

Article 44-9 (1) A person who intends to obtain permission for changes referred to in Article 100-4, paragraph (1) of the Act must submit the written application using Form 39 specifying the matters set forth in the following items to the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry:

- (i) name and address;
- (ii) date of the permission and permission number;
- (iii) details of the changes;
- (iv) reasons for the changes.

(2) If there are changes in the matters set forth in Article 100-2, paragraph (2), item (i) of the Act or Article 44-3, paragraph (1), drawings referred to in that paragraph after the changes must be attached to the written application referred to in the preceding paragraph.

(3) When a person intends to obtain permission for changes referred to in Article 100-4, paragraph (1) of the Act and the matters for which the person files the application fall under the matters to be stated in a certificate of permission, the person must submit the certificate of permission to the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry upon filing the application and receive the issuance of the certificate of permission specifying the matters after the changes.

(Minor Changes in Exploration Which Do Not Require Permission)

Article 44-10 The minor changes specified by the Order of the Ministry of Economy, Trade and Industry referred to in the proviso to Article 100-4, paragraph (1) of the Act are those set forth in the following items:

- (i) a change of a device, etc. used for exploration to another device, etc. of the same type, which causes no significant change in the range of data to be obtained;
- (ii) shortening of the period of exploration;
- (iii) reduction of or less than 10 percent increase of the dimensions of the application area.

(Notification of Minor Changes in Exploration)

Article 44-11 (1) A person who intends to file a notification referred to in Article 100-4, paragraph (3) of the Act must submit the written notification using Form 40 specifying the matters set forth in the following items to the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry:

- (i) name and address;

- (ii) date of the permission and permission number;
  - (iii) date of the changes;
  - (iv) details of the changes;
  - (v) reasons for the changes.
- (2) If there are changes in the matters set forth in item (iii) of the preceding Article, drawings referred to in Article 44-3, paragraph (1) after the changes must be attached to the written notification referred to in the preceding paragraph.
- (3) When a person intends to file a notification referred to in Article 100-4, paragraph (3) of the Act and the matters for which the person files the notification fall under the matters to be stated in a certificate of permission, the person must submit the certificate of permission to the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry upon filing the notification and receive the issuance of the certificate of permission specifying the matters after the changes.

(Application for Approval for the Merger and Split of a Corporation That Has Obtained Permission for Exploration)

Article 44-12 (1) A person who intends to obtain approval for the merger or split referred to in Article 100-8, paragraph (1) of the Act must submit a written application for approval for merger using Form 41 or a written application for approval for split using Form 42, together with the documents set forth in the following items, to the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry:

- (i) a copy of a written merger agreement, a split plan or a written split agreement;
  - (ii) a document pledging that the applicant does not fall under any of Article 100-3, item (ii), (a) to (c) of the Act.
- (2) A person who intends to obtain approval for the merger or split referred to in Article 100-8, paragraph (1) of the Act must submit the certificate of permission to the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry upon filing the application and receive the issuance of the certificate of permission that specifying the matters after the changes.

(Application for Approval for Inheritance from the Person Who Has Obtained Permission for Exploration)

Article 44-13 (1) A person who intends to obtain approval for the inheritance referred to in Article 100-9, paragraph (1) of the Act must submit a written application using Form 43, together with the documents set forth in the following items, to the Minister of Economy, Trade and Industry or the

Director of a Regional Bureau of Economy, Trade and Industry:

- (i) the family register;
  - (ii) in the case of a person selected as the heir to succeed to the exploration business based on the unanimous consent of all of the multiple heirs, written consent of all of them;
  - (iii) a document pledging that the applicant does not fall under either of Article 100-3, item (ii), (a) or (b) of the Act.
- (2) A person who intends to obtain approval for the inheritance referred to in Article 100-9, paragraph (1) of the Act must submit the certificate of permission to the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry upon filing the application and receive the issuance of the certificate of permission specifying the matters after the changes.

(Report of Results of Exploration)

Article 44-14 The report prescribed in Article 100-11 of the Act must be made with the document using Form 44 specifying the matters set forth in the following items, together with an optical disk, magnetic tape or magnetic disk in which data (results of the investigations into the geological structure, etc. obtained through the exploration (including analysis results) and the record thereof) are recorded:

- (i) matters that are suspected to have influence on the reliability of the exploration;
- (ii) other necessary matters.

## **Chapter V Procedures for Filing Application for Decision and Hearing of Opinions**

(Application for Decision)

Article 45 (1) A person who intends to file an application for a decision under Article 47, paragraph (1) of the Act or Article 66, paragraph (4) of the Act must submit a written application specifying the matters set forth in the following items, together with a drawing showing the relationship of ore deposits prepared, separating plane views and cross sectional views, and a written explanation thereof, as well as a document describing the developments of the consultations with the holders of mining rights and the mortgagees of the adjacent mining sites or with the holders of mining rights of the overlapping mining sites (if the person has been unable to have consultations, a written statement of the reasons therefor), to the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry:

- (i) name and address of the applicant;



- (ii) names and addresses of the holders of mining rights and the mortgagees of the adjacent mining sites or the holders of mining rights of the overlapping mining sites;
  - (iii) locations of that mining site and the adjacent mining sites or the overlapping mining sites;
  - (iv) registration numbers of the relevant mining rights and the mining rights for the adjacent mining sites or the overlapping mining sites;
  - (v) purpose and reasons for filing the application.
- (2) When filing an application referred to in the preceding paragraph, the person must submit the relevant number of copies of the written application in accordance with the number of the holders of mining rights and the mortgagees of the adjacent mining sites or the holders of mining rights of the overlapping mining sites.

Article 45-2 (1) A person who intends to file an application for a decision under Article 64-2 of the Act must submit a written application specifying the matters set forth in the following items, together with a drawing clearly describing the relationship between the ore deposits and facilities or buildings prepared separating plane views and cross sectional views and a written explanation thereof, as well as a document describing the developments of the consultations (if the person has been unable to have consultations, a written statement of the reasons therefor), to the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry:

- (i) name and address of the applicant;
  - (ii) location of the relevant mining site or mining lease site;
  - (iii) registration numbers of the mining rights or mining lease rights;
  - (iv) names and locations of the relevant facilities or buildings;
  - (v) names and addresses of the managers of the relevant facilities or buildings;
  - (vi) purpose and reasons for filing the application.
- (2) When filing an application referred to in the preceding paragraph, the person must submit the relevant number of copies of the written application in accordance with the number of the managers of the relevant facilities or buildings plus one.

Article 46 (1) A person who intends to file an application for a decision under Article 90 of the Act must submit a written application specifying the matters set forth in the following items, together with a drawing showing the relationship of ore deposits prepared, separating plane views and cross sectional views, and a written explanation thereof, as well as a drawing clearly describing the range of increases or decreases of the scale of the relevant digging areas, and a document describing the developments of the

consultations with the holders of general digging rights of the adjacent mining sites (if the person has been unable to have consultations, a written statement of the reasons therefor), to the Director of a Regional Bureau of Economy, Trade and Industry:

- (i) name and address of the applicant;
  - (ii) names and addresses of the holders of general digging rights of the adjacent mining sites;
  - (iii) locations of the relevant mining site and the adjacent mining sites;
  - (iv) registration numbers of the relevant general digging rights and the general digging rights for the adjacent mining sites;
  - (v) purpose and reasons for filing the application;
  - (vi) consideration and the basis for the calculation thereof.
- (2) When filing an application referred to in the preceding paragraph, the person must submit the relevant number of copies of the written application in accordance with the number of the holders of general digging rights of the adjacent mining sites, and the mortgagees for the relevant general digging rights and the general digging rights for the adjacent mining sites or the holders of mining lease rights.

(Application for Mediation of Settlements)

Article 47 (1) A person who intends to file an application for mediation of settlement under Article 122 of the Act must submit a written application specifying the matters set forth in the following items to the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry:

- (i) name and address of the applicant;
  - (ii) names and addresses of the parties to the dispute;
  - (iii) outline of the developments of the dispute;
  - (iv) object of the application.
- (2) When filing an application referred to in the preceding paragraph, the person must submit the relevant number of copies of the written application in accordance with the number of the parties concerned.

Article 48 Deleted.

(Hearing Session)

Article 49 (1) Hearing of opinions under Article 34, paragraph (1) of the Act, Article 47, paragraph (2) of the Act (including the cases where applied mutatis mutandis pursuant to Article 66, paragraph (5) of the Act), Article 91, paragraph (1) of the Act, or Article 106, paragraph (2) of the Act (including the cases where applied mutatis mutandis pursuant to Article 108 of the Act) must

be carried out at a hearing session chaired by the Minister of Economy, Trade and Industry or an official designated thereby or by the Director of a Regional Bureau of Economy, Trade and Industry or an official designated thereby.

- (2) Hearing of opinions under Article 126 of the Act must be carried out at a hearing session chaired by the review officer prescribed in Article 11, paragraph (2) of the Administrative Complaint Review Act (Act No. 68 of 2014).
- (3) The provisions of Article 3 apply *mutatis mutandis* to the public notice concerning hearing of opinions referred to in the preceding two paragraphs.

Article 50 The chairperson may request officials of the relevant administrative organs, persons with relevant knowledge or experience, and other witnesses to attend a hearing session when the chairperson finds it necessary.

Article 51 A person who intends to attend a hearing session (excluding hearing sessions under Article 126 of the Act) as an interested person or an agent thereof must make a *prima facie* showing of the fact, in writing, that the person has an interest in that case.

Article 52 (1) At a hearing session, in the case of an application for examination, the chairperson must have the applicant for examination or an agent thereof state the gist and reasons for the application, and in other cases, the chairperson must explain the gist and reasons of the disposition or the application.

- (2) When an applicant for examination or an agent thereof does not attend a hearing session for an application for examination, reading out of the written application for examination may replace the statement by the applicant or an agent thereof.

Article 53 When it is necessary for maintaining order in a hearing session, the chairperson may have a person who is disturbing order or is acting or behaving in a disturbing manner leave the session.

Article 54 The chairperson may postpone or continue a hearing session when the chairperson finds it necessary. In this case, the chairperson must decide the date and venue of the next session, give notice of that date and venue to the parties concerned and interested persons, and also give public notice thereof.

Article 55 (1) A written statement regarding a hearing session must be prepared and included in the case records.

- (2) The written statement referred to in the preceding paragraph must contain the matters set forth in the following items and the chairperson must affix the

chairperson's name and seal thereto:

- (i) indication of the case;
- (ii) the date and venue of the hearing session;
- (iii) the title and name of the chairperson;
- (iv) names and addresses of the parties concerned or agents thereof who attended the hearing session;
- (v) names and addresses of the interested persons or agents thereof who attended the hearing session;
- (vi) names of other attendants;
- (vii) arguments and statements or the gist thereof;
- (viii) when any pieces of evidence have been presented, that fact and the types of evidence;
- (ix) other major matters concerning the developments of the hearing session.

Article 56 The parties concerned or agents thereof may inspect the case records. The same applies to witnesses and other persons who have made a prima facie showing of the fact, in writing, that they have an interest in that case, and agents thereof.

## **Chapter VI Auxiliary Provisions**

(Request for Investigation of Mining Sites)

Article 57 (1) A person who intends to request an on-site investigation under Article 140, paragraph (1) of the Act must submit a written application specifying the matters set forth in the following items, together with a written statement of reasons to the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry:

- (i) name and address of the applicant;
- (ii) location and the range of the mining site or mining lease site for which the applicant requests the investigation;
- (iii) registration number of the mining rights or the mining lease rights for the mining site or mining lease site for which the applicant requests the investigation;
- (iv) name and address of the holder of mining rights or the holder of mining lease rights of the mining site or mining lease site for which the applicant requests the investigation.

(2) When the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry has received an application referred to in the preceding paragraph and finds an on-site investigation necessary, the minister or the director must notify the applicant of the number of days, the number of laborers and types and the quantity of commodities

required for the investigation.

(Special Provisions Concerning Calculation of the Amount in Arrears)

Article 57-2 The cases prescribed by the Order of the Ministry of Economy, Trade and Industry referred to in Article 143, paragraph (4) of the Act are where a person is unable to pay the compensation by the payment deadline due to a disaster or other special circumstances.

(Report)

Article 58 By the final day of August every year, a holder of digging rights or a holder of mining lease rights must submit a copy of a survey map of the interior of a mining pit as of the final day of June every year to the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry, and if digging rights or mining lease rights have extinguished, a person who used to be a holder of digging rights or a holder of mining lease rights must submit a copy of a survey map of the interior of a mining pit as of the day of the extinguishment of the digging rights or mining lease rights to the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry by the final day of the month that contains the day on which two months have elapsed from the day of extinguishment.

(Procedures for Recording onto Flexible Disk)

Article 58-2 (1) The documents set forth in the left-hand column of the following table may be submitted by using a flexible disk onto which the matters to be stated in the relevant documents are recorded respectively on the form set forth in the right-hand column of the same table, together with the flexible disk submission slip using Form 29.

Written application referred to in Article 26-2, paragraph (1)	Form 30
Written application referred to in Article 26-2, paragraph (2)	Form 31
Written notification referred to in Article 26-2, paragraph (3)	Form 32
Written notification referred to in Article 27-3	Form 33
Written notification referred to in Article 27-4 (including the cases applied mutatis mutandis pursuant to Article 33)	Form 34

(2) An applicant may submit the documents set forth in the following items by using a flexible disk onto which the matters to be stated in the relevant

documents are recorded, together with the flexible disk submission slip using Form 29:

- (i) a written opinion referred to in Article 25, paragraph (1) of the Act and a document referred to in paragraph (2) of that Article (including the cases where applied *mutatis mutandis* pursuant to Article 30, paragraph (2) of the Act, Article 39, paragraph (4) of the Act, Article 41, paragraph (4) of the Act, Article 44, paragraph (3) of the Act, and Article 45, paragraph (3) of the Act);
- (ii) design specifications referred to in Article 26 of the Act (including the cases where applied *mutatis mutandis* pursuant to Article 30, paragraph (2) of the Act, Article 39, paragraph (4) of the Act, Article 41, paragraph (4) of the Act, Article 44, paragraph (3) of the Act, Article 45, paragraph (3) of the Act, and Article 87 of the Act);
- (iii) a written notification referred to in Article 11, paragraph (1) (including the cases where applied *mutatis mutandis* pursuant to Article 22-6 and Article 26);
- (iv) a written application referred to in Article 34 (including the cases where applied *mutatis mutandis* pursuant to Article 36);
- (v) a written opinion referred to in Article 101, paragraph (2) of the Act;
- (vi) a written application referred to in Article 41, paragraph (2);
- (vii) a written application referred to in Article 43;
- (viii) a written application and a written statement of reasons referred to in Article 57, paragraph (1).

#### (Structure of Flexible Disk)

Article 58-3 The flexible disk referred to in the preceding Article must fall under either of the following items:

- (i) a 90-mm flexible disk cartridge that conforms to the Japanese Industrial Standards under the Industrial Standardization Act (Act No. 185 of 1949) (hereinafter referred to as "Japanese Industrial Standards") X6221;
- (ii) a 90-mm flexible disk cartridge that conforms to the Japanese Industrial Standards X6223.

#### (Flexible Disk Recording Methods)

Article 58-4 (1) Recording onto a flexible disk under Article 58-2 must be carried out by the following methods:

- (i) for a track format, the method specified in Japanese Industrial Standards X6222 in the case of recording data onto a flexible disk referred to in item (i) of the preceding Article, or the method specified in Japanese Industrial Standards X6225 in the case of recording data onto a flexible disk referred to in item (ii) of that Article;
- (ii) for a volume and file configuration, the method specified in Japanese

Industrial Standards X0605;

(iii) for character coded representation, the method specified in Annex 1 to Japanese Industrial Standards X0208.

(2) Recording onto a flexible disk under Article 58-2 must be carried out by using those graphic characters specified in Japanese Industrial Standards X0201 and X0208 and the "carriage return (CR)" and the "line feed (LF)" from among those control characters specified in Japanese Industrial Standards X0211.

(Document to Be Pasted onto Flexible Disk)

Article 58-5 A document specifying the matters set forth in the following items must be pasted onto the labeling area specified in Japanese Industrial Standards X6221 or X6223 on a flexible disk referred to in Article 58-2:

- (i) name of the submitter;
- (ii) date of submission.

(Special Provisions for Procedures by the Use of Electronic Data Processing System)

Article 58-6 If a person set forth in the following items undertakes the procedures by using an electronic data processing system referred to in Article 3, paragraph (1) of the Act on Use of Information and Communications Technology in Administrative Procedure (Act No. 151 of 2002) (meaning an electronic data processing system that connects computers used by the Minister of Economy, Trade and Industry (including input-output devices; the same applies hereinafter) and a computer used by a person who undertakes the procedures prescribed in the relevant items via a telecommunications line), the person undertaking the procedures must enter the matters set forth in the following items from the computer used thereby (limited to a computer that conforms to the standards specified by the Minister of Economy, Trade and Industry in a public notice):

- (i) a person who intends to file a notification of the resumption of business to the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry under Article 62, paragraph (4) of the Act: the matters to be stated in a form for filing a notification of the resumption of business that is available from a file on a computer used by the Minister of Economy, Trade and Industry;
- (ii) a person who intends to file a notification of the establishment of a mining office to the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry under Article 68 of the Act (including the cases where applied mutatis mutandis pursuant to Article 87 of the Act): the matters to be stated in a form for filing a notification of the establishment of a mining office that is available from a file on a computer

- used by the Minister of Economy, Trade and Industry and the matters stated on an abridged map from the nearest station to the mining office;
- (iii) a person who intends to file a notification of the appointment of a mining agent to the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry under Article 31, paragraph (2): the matters to be stated in a form for filing a notification of the appointment of a mining agent that is available from a file on a computer used by the Minister of Economy, Trade and Industry;
  - (iv) a person who intends to file a notification of the change of a mining agent to the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry under Article 31, paragraph (2): the matters to be stated in a form for filing a notification of the change of a mining agent that is available from a file on a computer used by the Minister of Economy, Trade and Industry;
  - (v) a person who intends to file a notification of the extinguishment of a mining agent's authority to represent to the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry under Article 31, paragraph (2): the matters to be stated in a form for filing a notification of the extinguishment of a mining agent's authority to represent that is available from a file on a computer used by the Minister of Economy, Trade and Industry;
  - (vi) a person who intends to file a notification of use, etc. to the Minister of Economy, Trade and Industry or the Director of a Regional Bureau of Economy, Trade and Industry under Article 37: the matters to be stated in a form for filing a notification of use, etc. that is available from a file on a computer used by the Minister of Economy, Trade and Industry.

Article 58-7 When a person pays fees by cash under the proviso to Article 3 of the Order on Fees Relating to the Mining Act (Cabinet Order No. 16 of 1951), the person must pay that fees based on the payment information acquired through filing the application, notification, or request.

(Identification Card)

Article 59 The identification card certifying the status of an official who conducts an on-site inspection referred to in Article 144, paragraph (3) of the Act is to be in Form 28.

(Exceptions to the Regulation on Hearing Procedures of the Ministry of Economy, Trade and Industry)

Article 60 With regard to the application of the Regulation on Hearing Procedures of the Ministry of Economy, Trade and Industry (Order of the



Ministry of International Trade and Industry No. 62 of 1994) to the hearing referred to in Article 48, paragraph (4) of the Act, the term "14 days" in Article 5 of that Regulation and the term "7 days" in Article 9 of that Regulation are deemed to be replaced with "6 days".

(Delegation of Authority)

Article 61 (1) The authority of the Minister of Economy, Trade and Industry prescribed in Article 19 of the Act, Article 38, paragraphs (1), (3) and (7) of the Act, Article 39, paragraphs (1) and (2) of the Act, Article 40 (excluding paragraphs (6) and (8)) of the Act, Article 41 (excluding paragraph (4)) of the Act, Article 43 (excluding paragraphs (4) and (5)) of the Act, Article 45, paragraphs (1) and (2) of the Act, Article 51-2 (excluding paragraph (4)) of the Act, Article 51-3 of the Act, Article 52 of the Act, Article 53 of the Act, Article 53-2, paragraph (3) of the Act, Article 54 of the Act, Article 55 of the Act, Article 56, paragraph (1) of the Act, Article 57, paragraph (1) of the Act, Article 58 of the Act, Article 61 of the Act, Article 62 (excluding paragraph (1)) of the Act, Article 63-2, paragraphs (1) and (2) of the Act, Article 64-2, paragraphs (1) and (3) of the Act, Article 66, paragraph (4) of the Act, Article 67 of the Act, Article 68 of the Act, Article 70-2, paragraph (1) of the Act, Article 88 of the Act, Article 100 (excluding paragraph (5)) of the Act, Article 100-2 (excluding paragraphs (4) and (5)) of the Act, Article 100-3 of the Act, Article 100-4, paragraphs (1) and (3) of the Act, Article 100-5 of the Act, Article 100-6 of the Act, Article 100-8, paragraph (1) of the Act, Article 100-9, paragraph (1) of the Act, Article 100-10 of the Act, Article 100-11 of the Act, Article 101, paragraphs (1) and (2) of the Act, Article 106 (excluding paragraph (4)) of the Act, Article 106-2, paragraph (3) of the Act, Article 107, paragraph (3) of the Act, Article 117, paragraph (3) of the Act, Article 119 of the Act, Article 120 of the Act, Article 122 of the Act, Article 123, paragraph (1) of the Act, Article 124, paragraph (1) of the Act, Article 137 of the Act, Article 138 of the Act, Article 139 of the Act, Article 140, paragraph (1) of the Act, Article 141 of the Act, Article 142 of the Act, Article 143 (excluding paragraphs (5) and (6)) of the Act, and Article 144, paragraphs (1) and (2) of the Act is to be exercised by the Director of a Regional Bureau of Economy, Trade and Industry who has jurisdiction over the location of the relevant mining site or area for exploration (excluding the mining sites, etc. or areas for exploration established under Article 38, paragraph (1) of the Act, Article 40, paragraph (3) or (7) of the Act, or Article 41, paragraph (1) of the Act, the whole or part of which is established within either of the areas set forth in the following items); provided, however, that the relevant delegation does not preclude the Minister of Economy, Trade and Industry from exercising its own authority:

(i) territorial waters or inland waters (excluding rivers and lakes) under

Article 1, paragraph (1) of the Act on Territorial Waters and Contiguous Water Area;

(ii) a sea area relating to the exclusive economic zone under Article 1, paragraph (2) of the Act on the Exclusive Economic Zone and the Continental Shelf and a sea area relating to a continental shelf under Article 2 of that Act.

(2) The authority of the Minister of Economy, Trade and Industry prescribed in Article 21, paragraphs (1) and (2) of the Act, Article 23 (excluding paragraphs (4) and (5)) of the Act, Article 24 of the Act, Article 25 of the Act, Article 26 of the Act, Article 27, paragraph (3) of the Act, Article 29 of the Act, Article 31, paragraphs (1) and (3) of the Act, Article 32 of the Act, Article 33 of the Act, Article 34, paragraphs (1) and (2) of the Act, Article 36, paragraph (3) of the Act, Article 47 (excluding paragraphs (4) and (6)) of the Act, Article 48, paragraphs (1), (3) and (4) of the Act, Article 49, paragraphs (1) and (2) of the Act, Article 63 of the Act, Article 76, paragraph (4) of the Act, Article 77, paragraphs (1) and (3) of the Act, Article 83, paragraph (1) of the Act, Article 89, paragraph (1) of the Act, Article 90 of the Act, Article 91, paragraphs (1) and (2) of the Act, Article 93 of the Act, Article 94, paragraph (2) of the Act, Article 96, paragraph (2) of the Act, and Article 117, paragraph (2) of the Act is to be exercised by the Director of a Regional Bureau of Economy, Trade and Industry who has jurisdiction over the areas of the relevant mining site, etc.; provided, however, that the relevant delegation does not preclude the Minister of Economy, Trade and Industry from exercising its own authority.

### **Supplementary Provisions [Extract]**

(Effective Date)

(1) This Ministerial Order comes into effect as of the date on which the Act comes into effect.

(Repeal of Ministerial Orders)

(2) The following Ministerial Orders are to be repealed:

Detailed Regulation for Enforcement of the Mining Act (Order of Ministry of Agriculture and Commerce No. 17 of 1905);

Detailed Regulation for Enforcement of the Placer Act (Order of Ministry of Agriculture and Commerce No. 26 of 1909)

(Effect of Transitional Provisions)

(5) The provisions of Articles 94 and 98 of the Supplementary Provisions of the Former Detailed Regulation remain in force even after the enforcement of this Ministerial Order.

- (6) With regard to the application of the provisions of Articles 94 and 98 of the Supplementary Provisions of the Former Detailed Regulation that remain in force under the preceding paragraph, the provisions of Article 68, paragraphs (2) to (6) of the Former Detailed Regulation remain in force even after the enforcement of this Ministerial Order.

(Effect of Dispositions under the Former Detailed Regulation)

- (7) Dispositions, procedures and other acts made under the provisions of the Former Detailed Regulation and the Former Detailed Regulation for Enforcement of the Placer Act prior to the enforcement of this Ministerial Order are deemed to have been made under this Ministerial Order when this Ministerial Order has corresponding provisions.

(Application for Establishment of Mining Rights for Additional Minerals)

- (8) A person who intends to file an application for the establishment of mining rights under Article 5 of the Act for Enforcement of the Mining Act (Act No. 290 of 1950; hereinafter referred to as the "Enforcement Act") must submit a written application, together with the documents set forth in the following items, beyond a map of the area prescribed in Article 4, paragraph (1), to the Director of a Regional Bureau of International Trade and Industry:
- (i) a document describing the current status of the mining business of the relevant minerals;
  - (ii) a document proving that the applicant is a person who has continued to be engaged in the mining of additional minerals for over six months prior to the date on which the Act comes into effect, or a successor of that person.
- (9) A map of the area to be attached to a written application under the preceding paragraph must clearly describe the relationship between the mining area under Article 5 of the Enforcement Act and the application area, beyond the matters set forth in the items of Article 4, paragraph (1).
- (10) A person who intends to file an application for the establishment of mining rights under Article 6 of the Enforcement Act must submit a written application, together with the documents set forth in the following items, beyond a map of the area prescribed in Article 4, paragraph (1), to the Director of a Regional Bureau of International Trade and Industry:
- (i) a document proving that the applicant is a person who has continued to have the rights for the use of land for the purpose of obtaining additional minerals for over one year prior to the date on which the Act comes into effect, or a successor of that person;
  - (ii) when the applicant is conducting the mining business of the relevant minerals, a document describing the current status of the business.
- (11) A map of the area to be attached to a written application under the

preceding paragraph must clearly describe the relationship between the area of land where the person can exercise the rights under Article 6 of the Enforcement Act and the application area, beyond the matters set forth in the items of Article 4, paragraph (1).

- (12) A person who intends to file an application for the establishment of mining rights for additional minerals (excluding applications referred to in Article 5 or 6 of the Enforcement Act) within six months from the date on which this Ministerial Order comes into effect must submit a written application, together with the documents set forth in the following items, beyond a map of the area prescribed in Article 4, paragraph (1), to the Director of a Regional Bureau of International Trade and Industry:
- (i) name and address of the owner of the land pertaining to the application area;
  - (ii) certification by the mayor of the municipality where the relevant land is located to the effect that the statement referred to in the preceding item is true and correct.
- (13) A person who intends to file an application for the establishment of mining rights under Article 7, paragraph (2) of the Enforcement Act must submit a written application, together with the documents set forth in the following items, beyond a map of the area prescribed in Article 4, paragraph (1), to the Director of a Regional Bureau of International Trade and Industry:
- (i) a written notice by the Director of a Regional Bureau of International Trade and Industry under Article 7, paragraph (1) of the Enforcement Act;
  - (ii) a transcript of the land registry or other document proving that the applicant is the owner of the relevant land.
- (14) A map of the area to be attached to a written application under the preceding paragraph must clearly describe the relationship between the area of land that the person owns and the application area, beyond the matters set forth in the items of Article 4, paragraph (1).

(Application for Decision)

- (15) A person who intends to file an application for a decision under Article 12, paragraph (2) of the Enforcement Act must submit a written application specifying the matters set forth in the following items, together with a drawing showing the relationship of ore deposits and a document describing the developments of the consultations with the holders of mining rights of the overlapping mining sites (if the person has been unable to have consultations, a written statement of the reasons therefor), to the Director of a Regional Bureau of Economy, Trade and Industry:
- (i) name and address of the applicant;
  - (ii) names and addresses of the holders of mining rights of the overlapping

- mining sites;
  - (iii) locations of the relevant mining site and the overlapping mining sites;
  - (iv) registration numbers of the relevant mining rights and the mining rights for the overlapping mining sites;
  - (v) purpose and reasons for filing the application.
- (16) A person who intends to file an application for a decision under Article 13, paragraph (4) of the Enforcement Act must submit a written application specifying the matters set forth in the following items, together with a document proving that the person has received compensation from a person who mines additional minerals or a person who has the rights for the use of land for the purpose of obtaining additional minerals, upon the enforcement of the Act, a certificate of registered information of the land (for unregistered land, a transcript of the cadaster), a description of ore deposits, a survey map of the land, and a document describing the developments of the consultations with the holders of mining rights, to the Director of a Regional Bureau of Economy, Trade and Industry:
- (i) name and address of the applicant;
  - (ii) the location, land category, and dimensions of the relevant land;
  - (iii) names and addresses of the holders of mining rights;
  - (iv) locations and dimensions of the mining sites for the related mining rights;
  - (v) registration number of the mining rights;
  - (vi) purpose and reasons for filing the application.
- (17) The provisions of Articles 49 to 56 apply mutatis mutandis to hearing of opinions under Article 47, paragraph (2) of the Act applied mutatis mutandis pursuant to Article 12, paragraph (3) and Article 13, paragraph (5) of the Enforcement Act.

(Special Provisions in Cases of Refusing Acceptance of Applications or Notifications)

- (19) The provisions of Article 21, item (vi) do not apply to a written application or notification for an application for the establishment of mining rights under Article 21, paragraph (1) of the Act, application for increases or for increases and decreases of the scale of digging areas under Article 45, paragraph (1) of the Act, application for division or merging of digging areas under Article 50, paragraph (1) or (2) of the Act, application for authorization for the establishment of mining lease rights under Article 77, paragraph (1) of the Act, application for a decision under Article 90 of the Act, application for permission for the use or condemnation of land under Article 106, paragraph (1) of the Act, or request for an on-site investigation under Article 186, paragraph (1) of the Act (hereinafter referred to as an "application, etc.") that has been filed between April 1, 1989, and April 30, 1989, for which fees have

been paid in the amount determined by the Order on Fees Relating to the Mining Act (Cabinet Order No. 16 of 1951) prior to the amendment under Article 3 of the Cabinet Order Partially Amending the Cabinet Order to Determine the Amount of Fees for Applying for Permission for Labeling Based on the Industrial Standardization Act, etc. (Cabinet Order No. 59 of 1989), for the period until one month elapses after the day on which that application, etc. is filed; provided, however, that this does not apply when the prescribed fees are not paid within one month from the day on which that application, etc. is filed.

**Supplementary Provisions [Order of the Ministry of International Trade and Industry No. 13 of March 8, 1951]**

This Ministerial Order comes into effect as of the date of promulgation and starts to apply on January 31, 1951.

**Supplementary Provisions [Order of the Ministry of International Trade and Industry No. 22 of April 3, 1951]**

This Ministerial Order comes into effect as of the date of promulgation.

**Supplementary Provisions [Order of the Ministry of International Trade and Industry No. 58 of August 28, 1951] [Extract]**

- (1) This Ministerial Order comes into effect as of the date of promulgation; provided, however, that the provisions for revising Article 36 in Article 1 come into effect as of the date on which the Land Condemnation Act comes into effect, and the provisions for revising paragraph (12) of the Supplementary Provisions in Article 1 and the provisions of Article 3, and paragraph (2) of the Supplementary Provisions start to apply on January 31, 1951.
- (2) The Regulation on Preparation of Lost Mining Registry (Order of the Ministry of Commerce and Industry No. 1 of 1945) is to be repealed.

**Supplementary Provisions [Order of the Ministry of International Trade and Industry No. 39 of August 13, 1953] [Extract]**

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

**Supplementary Provisions [Order of the Ministry of International Trade and Industry No. 67 of December 27, 1955]**

This Ministerial Order comes into effect as of February 1, 1956.

**Supplementary Provisions [Order of the Ministry of International Trade and Industry No. 34 of March 30, 1959]**

This Ministerial Order comes into effect as of April 1, 1959.

**Supplementary Provisions [Order of the Ministry of International Trade and Industry No. 113 of October 1, 1962]**

- (1) This Ministerial Order comes into effect as of the date of promulgation.
- (2) The provisions after the amendment by this Ministerial Order also apply to dispositions made by administrative authority prior to the enforcement of this Ministerial Order and other matters that have occurred prior to the enforcement of this Ministerial Order; provided, however, that this does not hinder legal effects that have arisen under the provisions prior to the amendment by this Ministerial Order.
- (3) With regard to objections and other appeals filed prior to enforcement of this Ministerial Order, prior laws continue to govern even after the enforcement of this Ministerial Order.

**Supplementary Provisions [Order of the Ministry of International Trade and Industry No. 3 of January 31, 1967] [Extract]**

(Effective Date)

- (1) This Ministerial Order comes into effect as of July 1, 1967.

(Application)

- (2) With regard to applications for the establishment of or changes to mining rights filed prior to the enforcement of this Ministerial Order, the provisions of Article 2-2 of the Regulation for Enforcement of the Mining Act after the amendment (hereinafter referred to as the "New Regulation") do not apply, and prior laws continue to govern, notwithstanding the provisions of Article 21, items (iv), (v) and (viii) of the New Regulation.
- (3) With regard to descriptions of application areas for changes to mining application areas pertaining to applications for the establishment of mining rights filed prior to the enforcement of this Ministerial Order, prior laws continue to govern, notwithstanding the provisions of Article 4, paragraph (1) of the New Regulation.
- (4) If a person who has already filed an application for the establishment of or changes to prospecting rights as of the time of the enforcement of this

Ministerial Order, or a successor thereof, files an application for the establishment of or changes to digging rights covering the relevant prospecting application area for the minerals that are found in the same type of ore deposits where the subject minerals of the prospecting application area are found, after the enforcement of this Ministerial Order (excluding the cases where a part of the application area pertains to a prospecting area or prospecting application area described under Article 3-2 or Article 4, paragraph (1) of the New Regulation, and the cases where an application is filed for changes to digging areas or digging application areas described under Article 3-2 or Article 4, paragraph (1) of the New Regulation), with regard to the descriptions of the relevant application area, prior laws continue to govern, notwithstanding the provisions of Article 4, paragraph (1) of the New Regulation. If a person who has already filed an application for the establishment of or changes to digging rights as of the time of the enforcement of this Ministerial Order, or a successor thereof, files an application for the establishment of or changes to prospecting rights covering the relevant digging application area for the minerals that are found in the same type of ore deposits where the subject minerals of the digging application area are found, after the enforcement of this Ministerial Order (excluding the cases where a part of the application area pertains to a digging application area described under Article 4, paragraph (1) of the New Regulation, and the cases where an application is filed for changes to prospecting areas or prospecting application areas described under Article 3-2 or Article 4, paragraph (1) of the New Regulation), with regard to the descriptions of the relevant application area, the same applies.

- (5) If a holder of prospecting rights of a prospecting area that exists as of the time of the enforcement of this Ministerial Order or a prospecting area established or changed based on an application referred to in the preceding three paragraphs, or a successor thereof, files an application for the establishment of or changes to digging rights covering the relevant prospecting area for the minerals that are found in the same type of ore deposits where the subject minerals of the prospecting area are found, after the enforcement of this Ministerial Order (excluding the cases where a part of the application area pertains to a prospecting area or prospecting application area described under Article 3-2 or Article 4, paragraph (1) of the New Regulation, and the cases where an application is filed for changes to digging areas or digging application areas described under Article 3-2 or Article 4, paragraph (1) of the New Regulation), with regard to the descriptions of the relevant application area, prior laws continue to govern, notwithstanding the provisions of Article 4, paragraph (1) of the New Regulation.



(Descriptions of Mining Sites)

- (6) With regard to the descriptions of mining sites for mining rights that exist as of the time of the enforcement of this Ministerial Order or mining rights established or changed based on an application referred to in the preceding four paragraphs (including the application areas when filing an application for changes to those mining sites), prior laws continue to govern, notwithstanding the provisions of Article 3-2, and Article 4, paragraph (1) of the New Regulation.
- (7) With regard to applications or mining rights for which areas or mining sites are described as governed by prior laws under paragraph (2) to the preceding paragraph of the Supplementary Provisions, the Director of a Regional Bureau of Economy, Trade and Industry may revise the descriptions of the relevant areas or mining sites to the descriptions under Article 3-2 of the New Regulation.
- (8) When the Director of a Regional Bureau of Economy, Trade and Industry intends to revise the descriptions of application areas or mining sites under the preceding paragraph, the director must notify the persons who have filed the relevant applications or the holders of mining rights of the relevant mining sites to inform them of the details of the relevant descriptions to be revised and grant them an opportunity to submit a written opinion within a reasonable period of time.
- (9) When the Director of a Regional Bureau of Economy, Trade and Industry has revised the descriptions of an application area under paragraph (7) of the Supplementary Provisions, the director must add the descriptions under Article 3-2 of the New Regulation to the relevant map of the area, together with the date of the revision.
- (10) The provisions of paragraphs (5) and (6) of the Supplementary Provisions do not apply to mining rights for which the mining site is described under Article 3-2 of the New Regulation as a result of the revision of descriptions of application areas or mining sites under paragraph (7) of the Supplementary Provisions.

(Mining Lease Rights)

- (11) The provisions of Article 2-2 of the New Regulation do not apply to applications for the establishment of or changes to mining lease rights filed prior to the enforcement of this Ministerial Order.
- (12) With regard to the descriptions of application areas for the establishment of or changes to mining lease rights pertaining to digging rights for which the digging areas are described as governed by prior laws under paragraph (6) of the Supplementary Provisions, prior laws continue to govern, notwithstanding the provisions of Article 23, paragraph (1) or Article 24, paragraph (1) of the

New Regulation.

- (13) The provisions of paragraphs (6) to (10) of the Supplementary Provisions apply *mutatis mutandis* to mining lease rights.

(Survey Maps of the Interior of Mining Pits)

- (14) With regard to survey maps of the interior of mining pits pertaining to digging rights or mining lease rights for which the digging areas or mining lease sites are described as governed by prior laws under paragraph (6) of the Supplementary Provisions (including the cases where applied *mutatis mutandis* pursuant to the preceding paragraph), prior laws continue to govern, notwithstanding the provisions of Article 29 of the New Regulation; provided, however, that this does not apply with regard to survey maps of the interior of mining pits pertaining to digging rights or mining lease rights for which the digging areas or mining lease sites are described under Article 3-2 of the New Regulation as a result of the revision of descriptions of application areas or mining sites, or application areas or mining lease sites under paragraph (7) of the Supplementary Provisions (including the cases where applied *mutatis mutandis* pursuant to the preceding paragraph).

(Effect of Dispositions under the Former Regulation)

- (15) Dispositions, procedures and other acts made under the provisions of the Act or the provisions of the Regulation for Enforcement of the Mining Act prior to the amendment prior to the enforcement of this Ministerial Order are deemed to have been made under this Ministerial Order when this Ministerial Order has corresponding provisions.

**Supplementary Provisions [Order of the Ministry of International Trade and Industry No. 120 of August 19, 1967] [Extract]**

- (1) This Ministerial Order comes into effect as of the date of promulgation and starts to apply on August 1, 1967.

**Supplementary Provisions [Order of the Ministry of International Trade and Industry No. 164 of December 23, 1967] [Extract]**

- (1) This Ministerial Order comes into effect as of January 1, 1968.
- (2) The provisions of Article 35-2 of the Regulation for Enforcement of the Mining Act after the amendment (including the cases applied *mutatis mutandis* pursuant to Article 37 of that Regulation) do not apply to applications for the use or condemnation of land or the right of use of water filed prior to the enforcement of this Ministerial Order.

**Supplementary Provisions [Order of the Ministry of International Trade and Industry No. 47 of June 3, 1969]**

This Ministerial Order comes into effect as of the date of promulgation

**Supplementary Provisions [Order of the Ministry of International Trade and Industry No. 54 of May 13, 1972] [Extract]**

(Effective Date)

- (1) This Ministerial Order comes into effect as of May 15, 1972.

**Supplementary Provisions [Order of the Ministry of International Trade and Industry No. 28 of March 31, 1979]**

- (1) This Ministerial Order comes into effect as of July 1, 1979.
- (2) With regard to applications for the establishment of or changes to mining rights filed prior to the enforcement of this Ministerial Order, prior laws continue to govern, notwithstanding the provisions of Article 4, paragraph (1) of the Regulation for Enforcement of the Mining Act after the amendment (hereinafter referred to as the "New Regulation").
- (3) With regard to the descriptions of application areas for changes to mining application areas pertaining to applications for the establishment of mining rights (excluding those based on the plane rectangular coordinate system referred to in Article 3-2) filed prior to the enforcement of this Ministerial Order, prior laws continue to govern, notwithstanding the provisions of Article 4, paragraph (1) of the New Regulation.

**Supplementary Provisions [Order of the Ministry of International Trade and Industry No. 14 of April 30, 1982]**

This Ministerial Order comes into effect as of May 1, 1982.

**Supplementary Provisions [Order of the Ministry of International Trade and Industry No. 9 of March 28, 1989]**

This Ministerial Order comes into effect as of the date of promulgation.

**Supplementary Provisions [Order of the Ministry of International Trade and Industry No. 42 of July 1, 1989] [Extract]**

(Effective Date)

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

**Supplementary Provisions [Order of the Ministry of International Trade and Industry No. 66 of September 30, 1994]**

(Effective Date)

This Ministerial Order comes into effect as of the date on which the Administrative Procedure Act comes into effect (October 1, 1994).

**Supplementary Provisions [Order of the Ministry of International Trade and Industry No. 39 of March 27, 1997] [Extract]**

This Ministerial Order comes into effect as of the date of promulgation.

**Supplementary Provisions [Order of the Ministry of International Trade and Industry No. 111 of September 26, 1997]**

This Ministerial Order comes into effect as of the date of promulgation.

**Supplementary Provisions [Order of the Ministry of International Trade and Industry No. 34 of March 30, 1998] [Extract]**

Article 1 This Ministerial Order comes into effect as of April 1, 1998.

**Supplementary Provisions [Order of the Ministry of International Trade and Industry No. 27 of March 31, 1999]**

This Ministerial Order comes into effect as of the date of promulgation.

**Supplementary Provisions [Order of the Ministry of International Trade and Industry No. 304 of October 31, 2000]**

This Ministerial Order comes into effect as of January 6, 2001.

**Supplementary Provisions [Order of the Ministry of International Trade and Industry No. 358 of November 20, 2000] [Extract]**

(1) This Ministerial Order comes into effect as of January 6, 2001.

**Supplementary Provisions [Order of the Ministry of Economy, Trade and**

**Industry No. 184 of July 13, 2001]**

This Ministerial Order comes into effect as of the date of promulgation.

**Supplementary Provisions [Order of the Ministry of Economy, Trade and Industry No. 212 of November 29, 2001]**

This Ministerial Order comes into effect as of December 28, 2001; provided, however, that the provisions for adding one Article after Article 58-5 (limited to the part pertaining to Article 58-6, paragraph (5), item (ii)) come into effect as of March 1, 2002.

**Supplementary Provisions [Order of the Ministry of Economy, Trade and Industry No. 24 of February 14, 2002] [Extract]**

(Effective Date)

Article 1 This Ministerial Order comes into effect as of the date on which the Act Partially Amending the Survey Act and the Act on Services Related to Waterways (Act No. 53 of 2001) comes into effect.

(Application)

Article 2 (1) With regard to applications for the establishment of or changes to mining rights filed prior to the enforcement of this Ministerial Order, prior laws continue to govern.

(2) With regard to applications for changes to mining application areas pertaining to applications for the establishment of mining rights filed prior to the enforcement of this Ministerial Order, prior laws continue to govern.

(3) If a person who has already filed an application for the establishment of prospecting rights as of the time of the enforcement of this Ministerial Order files an application for the establishment of or changes to digging rights covering the relevant prospecting application area for the minerals that are found in the same type of ore deposits where the subject minerals of the prospecting application area are found, after the enforcement of this Ministerial Order (excluding the cases where a part of the application area pertains to a prospecting area or prospecting application area described under Article 3-2 of the Regulation for Enforcement of the Mining Act after the amendment (hereinafter referred to as the "New Regulation"), and the cases where an application is filed for changes to digging areas or digging application areas described under Article 3-2 of the New Regulation), with regard to the descriptions of the relevant application area, prior laws continue to govern. If a person who has already filed an application for the establishment of digging

rights as of the time of the enforcement of this Ministerial Order files an application for the establishment of or changes to prospecting rights covering the relevant digging application area for the minerals that are found in the same type of ore deposits where the subject minerals of the digging application area are found, after the enforcement of this Ministerial Order (excluding the cases where a part of the application area pertains to a digging application area described under Article 3-2 of the New Regulation, and the cases where an application is filed for changes to prospecting areas or prospecting application areas described under Article 3-2 of the New Regulation), with regard to the descriptions of the relevant application area, the same applies.

- (4) If a holder of prospecting rights of a prospecting area that exists as of the time of the enforcement of this Ministerial Order or a prospecting area established or changed based on an application referred to in the preceding three paragraphs files an application for the establishment of or changes to digging rights covering the relevant prospecting area for the minerals that are found in the same type of ore deposits where the subject minerals of the prospecting area are found, after the enforcement of this Ministerial Order (excluding the cases where a part of the application area pertains to a prospecting area or prospecting application area described under Article 3-2 of the New Regulation, and the cases where an application is filed for changes to digging areas or digging application areas described under Article 3-2 of the New Regulation), with regard to the descriptions of the relevant application area, prior laws continue to govern.

(Descriptions, of Mining Sites)

- Article 3 (1) With regard to the descriptions of mining sites for mining rights that exist as of the time of the enforcement of this Ministerial Order or mining rights established or changed based on an application referred to in the preceding Article (including the application areas when filing an application for changes to the mining sites), prior laws continue to govern, notwithstanding the provisions of Article 3-2 of the New Regulation.
- (2) With regard to applications or mining rights for which areas or mining sites are described as governed by prior laws under the preceding Article and the preceding paragraph, the Director of a Regional Bureau of Economy, Trade and Industry may describe them under Article 3-2 of the New Regulation, in addition to those descriptions.
- (3) When the Director of a Regional Bureau of Economy, Trade and Industry intends to add the descriptions as prescribed in Article 3-2 of the New Regulation under the preceding paragraph, the director must notify the persons who have filed the relevant applications or the holders of mining rights of the relevant mining sites to inform them of the details of those descriptions

to be added and grant them an opportunity to submit a written opinion within a reasonable period of time.

- (4) The provisions of paragraph (4) of the preceding Article and paragraph (1) do not apply to mining rights for which the mining site is described as prescribed in Article 3-2 of the New Regulation under paragraph (2).

**(Mining Lease Rights)**

Article 4 (1) With regard to applications for the establishment of or changes to mining lease rights pertaining to digging rights for which the digging areas are described as governed by prior laws under paragraph (1) of the preceding Article, prior laws continue to govern.

- (2) The provisions of the preceding Article apply mutatis mutandis to mining lease rights.

**(Survey Maps of the Interior of Mining Pits)**

Article 5 With regard to survey maps of the interior of mining pits pertaining to digging rights or mining lease right for which the digging areas or mining lease sites are described as governed by prior laws under Article 3, paragraph (1) of the Supplementary Provisions (including the cases where applied mutatis mutandis pursuant to paragraph (2) of the preceding Article), prior laws continue to govern; provided, however, that this does not apply with regard to survey maps of the interior of mining pits pertaining to digging rights or mining lease rights for which the application areas or mining sites, or application areas or mining lease sites are described as prescribed in Article 3-2 of the New Regulation under Article 3, paragraph (2) of the Supplementary Provisions (including the cases where applied mutatis mutandis pursuant to paragraph (2) of the preceding Article).

**Supplementary Provisions [Order of the Ministry of Economy, Trade and Industry No. 1 of January 6, 2003]**

This Ministerial Order comes into effect as of the date of promulgation.

**Supplementary Provisions [Order of the Ministry of Economy, Trade and Industry No. 9 of February 3, 2003]**

This Ministerial Order comes into effect as of the date on which the Act on Use of Information and Communications Technology in Administrative Procedure comes into effect (February 3, 2003).

**Supplementary Provisions [Order of the Ministry of Economy, Trade and**

**Industry No. 33 of March 28, 2003]**

This Ministerial Order comes into effect as of April 1, 2003.

**Supplementary Provisions [Order of the Ministry of Economy, Trade and Industry No. 42 of March 29, 2004]**

This Ministerial Order comes into effect as of March 31, 2004.

**Supplementary Provisions [Order of the Ministry of Economy, Trade and Industry No. 14 of March 4, 2005]**

This Ministerial Order comes into effect as of the date on which the Real Property Registration Act comes into effect (March 7, 2005).

**Supplementary Provisions [Order of the Ministry of Economy, Trade and Industry No. 21 of March 11, 2005]**

This Ministerial Order comes into effect as of April 1, 2005.

**Supplementary Provisions [Order of the Ministry of Economy, Trade and Industry No. 67 of September 28, 2007] [Extract]**

(Effective Date)

(1) This Ministerial Order comes into effect as of October 1, 2007.

**Supplementary Provisions [Order of the Ministry of Economy, Trade and Industry No. 91 of December 26, 2008]**

This Ministerial Order comes into effect as of the date on which the Act for Partially Amending the Act on Book-Entry Transfer of Company Bonds, etc. for Streamlining Settlement of Transactions of Shares, etc. comes into effect.

**Supplementary Provisions [Order of the Ministry of Economy, Trade and Industry No. 2 of January 12, 2012]**

This Ministerial Order comes into effect as of the date on which the Act for Partially Amending, etc. the Mining Act comes into effect (January 21, 2012).

**Supplementary Provisions [Order of the Ministry of Economy, Trade and Industry No. 43 of March 29, 2016]**



This Ministerial Order comes into effect as of April 1, 2016.