

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

(Act No. 81 of May 1, 2014)

(Purpose)

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

(Basic Principles)

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

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

(Definitions)

Article 3 The term "electricity from renewable energy sources" as used in this Act means electricity obtained by converting the following energy sources listed (referred to as "renewable energy sources" in the next paragraph) using a renewable energy power generation facility:

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

- (iv) geothermal power;
- (v) biomass (meaning organic substances derived from animals and plants that can be used as a source of energy (excluding crude oil, petroleum gas, combustible natural gas, coal, and products manufactured therefrom)); and
- (vi) beyond what are listed in the preceding items, energy sources specified by Order of the competent ministry as being recognized as perpetually usable as energy sources for electricity, other than crude oil, petroleum gas, combustible natural gas, coal, and products manufactured therefrom.

(2) The term "renewable energy power generation facility" as used in this Act means facilities that convert renewable energy sources into electricity, and their auxiliary facilities.

(3) The term "agricultural and forestry land, etc." as used in this Act means the following land:

- (i) farmland (meaning land used for cultivation; the same applies hereinafter) or pasture land (meaning land other than farmland that is used mainly for the purpose of harvesting fodder as part of the business of cultivating land or putting livestock out to pasture as part of the business of raising livestock; the same applies hereinafter) and land suitable for development as farmland or pasture land (hereinafter referred to as "agricultural land");
- (ii) land used to grow trees and bamboo as well as to harvest fodder as part of the business of cultivating land or put livestock out to pasture as part of the business of raising livestock (excluding agricultural land and the forest land stipulated in the following item);
- (iii) land used for collective growing of trees and bamboo (excluding land that is used mainly as agricultural land, or as housing land or equivalent land; referred to as "forest land" in this item and the following paragraph) and land suitable for forest land;
- (iv) land used for a renewable energy power generation facility or for the facilities stipulated by Order of the Ministry of Agriculture, Forestry and Fisheries that contribute to the sound development of agriculture, forestry, and fisheries (hereinafter referred to as an "agriculture/forestry/fishery-related facility") and developed land suitable for a renewable energy power generation facility or an agriculture/forestry/fishery-related facility in a rural area (excluding the land listed in the preceding three items); and
- (v) beyond the land listed in the preceding items, land suitable for integrated use with those types of land.

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

(Basic Policy)

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

(2) The following matters are to be stipulated in the basic policy:

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

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

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

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

(v) beyond what are listed in the preceding items, basic matters concerning the creation of the basic plan stipulated in paragraph (1) of the following Article; and

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

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

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

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

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

(Basic Plan)

Article 5 (1) A municipality may create a basic plan, based on the basic policy, concerning the rejuvenation of rural areas by promoting the generation of electricity from renewable energy sources harmonized with the sound

development of agriculture, forestry, and fisheries in its districts (hereinafter referred to as a "basic plan").

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

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

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

(4) In a basic plan, beyond what are listed in the items of paragraph (2) and in the preceding paragraph, the following matters may be stipulated in regard to an agricultural and forestry land ownership transfer promotion program carried out by the municipality that creates the basic plan (meaning a program that promotes the transfer of the ownership, and establishment and transfer of a right through superficies, right of lease, or loan for use (referred to as an "ownership transfer, etc." in Article 16) of agricultural and forestry land, etc. used to smooth the construction of a renewable energy power generation facility or an agriculture/forestry/fishery-related facility, as well as to ensure efficient and comprehensive utilization of agriculture and forestry land for agricultural and forestry business in the area around the land used for the facility; the same applies in item (i) and paragraph (1) of the same Article).

- (i) a basic policy concerning the implementation of the agricultural and forestry land ownership transfer promotion program;

- (ii) standards for calculating the compensation for transferred ownership and the payment method thereof;
- (iii) standards concerning the duration or remaining period of the superficies or right of lease and the right through a loan for use in regard to an established or transferred right and standards for calculating the land rent or rental fees if the established or transferred right falls under superficies or right of lease and the payment method thereof; and
- (iv) other matters stipulated by Order of the Ministry of Agriculture, Forestry and Fisheries.

(5) The district listed in paragraph (2), item (ii) is to be stipulated in accordance with standards specified by Order of the Ministry of Agriculture, Forestry and Fisheries as those that are unlikely to interfere with securing agricultural and forestry land, fishery ports, and surrounding water areas that are necessary for the sound development of agriculture, forestry, and fisheries in the area.

(6) A person who intends to construct a renewable energy power generation facility may suggest to the municipality that has jurisdiction over the area in which the facility is to be constructed that a basic plan be created.

(7) If the municipality in the preceding paragraph determines that it is not necessary to create a basic plan based on the suggestion specified in the same paragraph must strive to notify the person who provided the suggestion of the determination and reasons therefor.

(8) When a municipality intends to create a basic plan and organizes a council stipulated in paragraph (1) of the following Article for the creation of a basic plan, it must have a consultation in the council about the matters stipulated in the basic plan.

(9) A basic plan must be harmonized with plans concerning regional development pursuant to the provisions of agricultural promotion area development plans and other laws and regulations, plans concerning forest development pursuant to the provisions of regional forestry plans and other laws and regulations, and urban planning and basic policies concerning municipal urban planning stipulated in Article 18-2, paragraph (1) of the City Planning Act (Act No. 100 of 1968).

(10) When creating a basic plan, a municipality (limited to a designated city, etc. stipulated in Article 20-3, paragraph (3) of the Act on Promotion of Global Warming Countermeasures (Act No. 117 of 1998)) must strive to ensure consistency with the action plans of local governments stipulated in paragraph (1) of the same Article.

(11) When a municipality creates a basic plan, it must strive to give public notice of the plan without delay.

(12) The provisions of paragraph (5) through the preceding paragraph apply

mutatis mutandis to a change to a basic plan.

(Council)

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

(2) The council is composed of the following parties:

(i) the municipality that intends to create the basic plan;

(ii) the person who intends to construct a renewable energy power generation facility in the municipality's district; and

(iii) relevant operators of agriculture, forestry, and fisheries in the municipality's district and groups organized by them, the residents concerned, persons with relevant knowledge and expertise, and others who are deemed necessary by the municipality.

(3) The members of the council must respect the outcomes of agreements reached at the council.

(4) Beyond what is stipulated in the preceding three paragraphs, matters necessary for governing the council are stipulated by the council.

(Approval for Facility Construction Plan)

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

(2) The following matters must be stated in a facility construction plan:

(i) the type and size of the renewable energy power generation facility that is intended to be constructed, other details on the construction of the renewable energy power generation facility, and the period of the construction work;

(ii) the ensuring of efficient and comprehensive utilization of agricultural and forestry land for agriculture and forestry business in conjunction with the construction of the renewable energy power generation facility specified in the preceding item; the construction of agriculture/forestry/fishery-related facilities; the facilitation of improvement in the operation of agricultural/forestry/fishery operators; the promotion of effective utilization of by-products generated from the production or processing of agricultural/forestry/fishery products; and the details of other initiatives for the sound development of agriculture, forestry, and fisheries;

(iii) the location, parcel number, land category, and area, or the extent of the

water area used for the renewable energy power generation facility specified in item (i) or an agriculture/forestry/fishery-related facility in the preceding item;

- (iv) the amount of funds necessary to carry out the construction work specified in item (i) and the initiatives in item (ii) and the procurement method therefor; and
- (v) other matters stipulated by Order of the Ministry of Agriculture, Forestry and Fisheries and Order of the Ministry of the Environment.

(3) When an application pursuant to the provisions of paragraph (1) is filed and the facility construction plan to which the application pertains is deemed to fall under the following requirements, the plan-creating municipality is to give approval:

- (i) the contents of the facility construction plan conform to the basic plan, and it is certain that the applicant will carry out the facility construction plan;
 - (ii) if acts concerning the construction of a renewable energy power generation facility, etc. specified in the facility construction plan (meaning the renewable energy power generation facility specified in item (i) of the preceding paragraph and an agriculture/forestry/fishery-related facility in item (ii) of the same paragraph; the same applies hereinafter) are carried out in a water area within the district of a fishery port or in a publicly owned open space controlled by the plan-creating municipality and approval for the acts must be obtained pursuant to Article 39, paragraph (1) of the Act on Development of Fishing Ports and Grounds, the fact that matters concerning the construction of the renewable energy power generation facility, etc. fall under the case where the approval must be given pursuant to paragraph (2) of the same Article; and
 - (iii) if acts concerning the construction of a renewable energy power generation facility, etc. specified in the facility construction plan are carried out in a coastal preservation zone controlled by the plan-creating municipality (meaning a coastal preservation zone designated pursuant to Article 3 of the Coast Act (Act No. 101 of 1956) and limited to those stipulated in Article 40, paragraph (1), items (ii) and (iii) of the same Act; the same applies in item (vii) of the following paragraph and in Article 13) and approval for the acts must be obtained pursuant to Article 7, paragraph (1) or Article 8, paragraph (1) of the Coast Act, the fact that matters concerning the construction of the renewable energy power generation facility, etc. do not fall under the case where the approval must not be given pursuant to Article 7, paragraph (2) of the same Act (including when applied *mutatis mutandis* pursuant to Article 8, paragraph (2) of the same Act).
- (4) When a plan-creating municipality intends to give approval stipulated in the preceding paragraph, and acts concerning the construction of a

renewable energy power generation facility, etc. that are specified in a facility construction plan concerning the application fall under any of the following items, the plan-creating municipality must, in advance, consult about the plan with the persons specified in the respective items, and in the case of those acts that fall under any of the acts listed in items (i), (ii), and (iv) through (x), the consent of the applicable persons must be obtained:

- (i) acts carried out to obtain the ownership of or right to use or make profits in regard to agricultural land in order to change farmland to land other than farmland or change the agricultural land to land other than agricultural land, and for which the permission stipulated in Article 4, paragraph (1) or Article 5, paragraph (1) of the Agricultural Land Act (Act No. 229 of 1952) must be obtained (limited to when farmland with an area of four hectares or greater is changed to land other than farmland for serving the purpose of a single program, or when obtaining the right in regard to farmland with an area of four hectares or greater, or to pasture land along with that farmland for serving the purpose of a single program): Minister of Agriculture, Forestry and Fisheries;
- (ii) acts carried out to obtain the ownership of or right to use or make profits in regard to agricultural land in order to change farmland to land other than farmland or change agricultural land to land other than agricultural land, and for which the permission stipulated in Article 4, paragraph (1) or Article 5, paragraph (1) of the Agricultural Land Act must be obtained (excluding the acts listed in the previous item): Prefectural governor;
- (iii) acts carried out on grassland (meaning grassland stipulated in Article 2, paragraph (3) of the Act on Dairy and Beef Cattle Production Promotion (Act No. 182 of 1954); the same applies in Article 10) within the district of an intensive dairy farming area (meaning the intensive dairy farming area as designated pursuant to Article 3, paragraph (1) of the same Act; the same applies in Article 10), and for which notification must be made pursuant to the provisions of Article 9 of the same Act: Prefectural governor;
- (iv) acts carried out in a private forest stipulated pursuant to Article 5, paragraph (1) of the Forest Act (Act No. 249 of 1951) that is covered by a regional forestry plan established pursuant to the same paragraph (excluding protected forests (meaning protected forests designated pursuant to Article 25 or Article 25-2 of the same Act; the same applies hereinafter), forests within the district of preservation facilities designated pursuant to Article 41 of the same Act, and forests within the district of coastal preservation zones designated pursuant to Article 3 of the Coast Act (meaning forests stipulated in Article 2, paragraph (1) of the Forest Act); referred to as "covered private forest" in Article 11, paragraph (1) of this Act)), and for which approval under Article 10-2, paragraph (1) of the Forest

- Act must be obtained: Prefectural governor;
- (v) acts carried out in a protected forest and for which approval under Article 34, paragraph (1) or (2) of the Forest Act must be obtained: Prefectural governor;
 - (vi) acts carried out in a water area within the district of a fishery port or in a publicly owned open space controlled by the municipality and for which approval under Article 39, paragraph (1) of the Act on Development of Fishing Ports and Grounds must be obtained: Prefectural governor;
 - (vii) acts carried out in coastal preservation zones (excluding the district controlled by the plan-creating municipality) and for which approval under Article 7, paragraph (1) or Article 8, paragraph (1) of the Coast Act must be obtained: Coast administrator (meaning the coast administrator stipulated in Article 2, paragraph (3) of the same Act; the same applies in paragraph (8))
 - (viii) acts carried out in the district of a national park (meaning a national park stipulated in Article 2, item (ii) of the Natural Park Act (Act No. 161 of 1957); the same applies in Article 14) and for which approval under Article 20, paragraph (3) of the same Act must be obtained or notification pursuant to Article 33, paragraph (1) of the same Act must be given: Minister of the Environment;
 - (ix) acts carried out in the district of a quasi-national park (meaning a quasi-national park stipulated in Article 2, item (iii) of the Natural Park Act; the same applies in Article 14) and for which approval under Article 20, paragraph (3) of the same Act must be obtained or notification pursuant to Article 33, paragraph (1) of the same Act must be given: Prefectural governor; and
 - (x) acts for which approval under Article 3, paragraph (1) or Article 11, paragraph (1) of the Hot Springs Act (Act No. 125 of 1948) must be obtained: Prefectural governor.
- (5) When a consultation about the facility construction plan concerning the acts listed in item (i) or (ii) of the preceding paragraph is held, the Minister of Agriculture, Forestry and Fisheries or the prefectural governor is to give consent under the same paragraph if the acts concerning the construction of a renewable energy power generation facility, etc. related to the consultation are found to fall under the following requirements:
- (i) if farmland is changed to land other than farmland, it does not fall under the case where approval under paragraph (1) of the Agricultural Land Act may not be given pursuant to Article 4, paragraph (2) of the same Act; and
 - (ii) if obtaining the ownership of or right to use or make profits in regard to agricultural land in order to change the agricultural land to land other than agricultural land, it does not fall under the case where approval under paragraph (1) of the Agricultural Land Act may not be given pursuant to

Article 5, paragraph (2) of the same Act.

(6) When a consultation about the facility construction plan concerning the acts listed in paragraph (4), item (viii) or (ix) (limited to those concerning approval under Article 20, paragraph (3) of the Natural Park Act) is held, and the acts concerning the construction of the renewable energy power generation facility, etc. related to the consultation are found not to fall under the case where approval under Article 20, paragraph (3) of the Natural Park Act may not be given pursuant to paragraph (4) of the same Article, the Minister of the Environment or the prefectural governor is to give consent under the same paragraph.

(7) When a consultation about the facility construction plan concerning the acts listed in the following items is held, and the acts concerning the construction of the renewable energy power generation facility, etc. related to the consultation are found to fall under the requirements as stipulated in the respective items, the prefectural governor is to give consent under paragraph (4):

- (i) acts listed in paragraph (4), item (iv): these acts fall under the case where approval under Article 10-2, paragraph (1) of the Forest Act must be given pursuant to paragraph (2) of the same Article;
- (ii) acts listed in paragraph (4), item (v): these acts fall under the case where approval under Article 34, paragraph (1) of the Forest Act must be given pursuant to paragraph (3) or (4) of the same Article, or the case where approval under paragraph (2) of the same Article must be given pursuant to paragraph (5) of the same Article;
- (iii) acts listed in paragraph (4), item (vi): these acts fall under the case where approval under Article 39, paragraph (1) of the Act on Development of Fishing Ports and Grounds must be given pursuant to paragraph (2) of the same Article; and
- (iv) acts listed in paragraph (4), item (x): these acts fall under the case where approval under Article 3, paragraph (1) or Article 11, paragraph (1) of the Hot Springs Act must be given pursuant to Article 4, paragraph (1) of the same Act (including when applied mutatis mutandis pursuant to Article 11, paragraph (2) or (3) of the same Act following the deemed replacement of terms).

(8) When a consultation about the facility construction plan concerning the acts listed in paragraph (4), item (vii) is held, and if the acts concerning the construction of a renewable energy power generation facility, etc. related to the consultation are found not to fall under the case where approval under Article 7, paragraph (1) or Article 8, paragraph (1) of the Coast Act must not be given pursuant to Article 7, paragraph (2) of the same Act (including when applied mutatis mutandis pursuant to Article 8, paragraph (2) of the same

Act) the coast administrator is to give consent under paragraph (4).

(9) When a consultation about the Facility Construction Plan concerning the acts listed in the following items is held and the prefectural governor intends to give consent under paragraph (4), the governor must consult with the persons specified in the respective items:

(i) acts listed in paragraph (4), item (ii) (limited to when farmland with an area of two hectares or greater is included in the land related to the acts):

Minister of Agriculture, Forestry and Fisheries; and

(ii) acts listed in paragraph (4), item (x) (limited to when the yield, temperature, or ingredients of hot springs in adjacent prefectures (meaning hot springs stipulated in Article 2, paragraph (1) of the Hot Springs Act) may be affected): Minister of the Environment.

(10) When a consultation is held pursuant to the provisions of item (ii) of the preceding paragraph, the Minister of the Environment must hear opinions from the stakeholders of relevant prefectures.

(11) When a consultation about a facility construction plan concerning the acts listed in the following items is held and the prefectural governor intends to give consent under paragraph (4), the governor must hear opinions from the persons specified in the respective items:

(i) acts listed in paragraph (4), item (ii): Prefectural Agricultural Council;

(ii) acts listed in paragraph (4), item (iv): Prefectural Forest Council; and

(iii) acts listed in paragraph (4), item (x): Council and other bodies with a council system established pursuant to Article 51 of the Natural Environment Conservation Act (Act No. 85 of 1972).

(Change to Facility Construction Plan)

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

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

(3) A plan-creating municipality may revoke approval for the construction of a renewable energy power generation facility, etc. if it is found that the approved

facility constructor is not complying with the facility construction plan concerning the approval under paragraph (3) of the preceding Article (if a change is approved pursuant to the provisions of paragraph (1) or a notification of change is made under the preceding paragraph, the changed facility construction plan; hereinafter referred to as an "approved facility construction plan").

(4) The provisions of paragraphs (3) through (11) of the preceding Article apply mutatis mutandis to approval of changes pursuant to the provisions of paragraph (1).

(Special Provisions for the Agricultural Land Act)

Article 9 (1) If an approved facility constructor changes farmland to land other than farmland for the purpose of constructing a renewable energy power generation facility, etc. in accordance with an approved facility construction plan, it is deemed that approval under Article 4, paragraph (1) of the Agricultural Land Act has been given.

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

(Special Provisions Concerning the Act on Dairy and Beef Cattle Production Promotion)

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

(Special Provisions Concerning the Forest Act)

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

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

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

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

(Special Provisions Concerning the Coast Act)

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

(Special Provisions Concerning the Natural Park Act)

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

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

(Special Provisions Concerning the Hot Springs Act)

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

(Creation of Ownership Transfer Promotion Plan)

Article 16 (1) If an approved facility constructor requests an ownership transfer, etc. in regard to agricultural or forestry land, etc. in accordance with an

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

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

- (i) name and address of the person who is to receive an ownership transfer, etc.;
- (ii) location, parcel number, land category, and area of the land whose ownership is to be transferred to the person stipulated in the preceding item;
- (iii) name and address of the person who is to transfer the ownership of the land stipulated in the preceding item to the person stipulated in item (i);
- (iv) the purpose of utilization of the land after the transfer of the ownership that is to be transferred to the person stipulated in item (i) is completed, and the time when the ownership transfer is completed, etc., as well as compensation for the transfer and the payment method thereof;
- (v) the types, details (including the purpose of utilization of the land), time of commencement or time of transfer, or duration or remaining period of superficies or right of lease and the right through a loan for use to be established by or transferred to the person stipulated in item (i); and, if the right to have the establishment or transfer is superficies or a right of lease, the land rent or rental fees and the payment method thereof; and
- (vi) other matters stipulated by Order of the Ministry of Agriculture, Forestry and Fisheries.

(3) An ownership transfer promotion plan must fall under the following requirements:

- (i) the contents of the ownership transfer promotion plan conform to the basic plan;
- (ii) for each piece of land stipulated in item (ii) of the preceding paragraph, all necessary consents have been obtained from the person stipulated in item (i) of the same paragraph and from those who possess the ownership, superficies, farming right, pledge, right of lease, right through a loan for use, or right intended for other utilizations and profits in regard to the land;
- (iii) the purpose of utilization of the land stipulated in item (iv) or (v) of the preceding paragraph is found to conform to the agricultural promotion area development plan pertaining to the land, urban planning, and other plans concerning land use, and it is found appropriate to use the land for the purpose of utilization in consideration of the location and size of the land and

- the situation of surrounding land use;
- (iv) the contents of the ownership transfer promotion plan have been stipulated so as to contribute to ensuring efficient and comprehensive utilization of agricultural and forestry land for agriculture and forestry business in the area around the land that is used for a renewable energy power generation facility, etc. specified in an approved facility construction plan; and
 - (v) each piece of land stipulated in item (ii) of the preceding paragraph falls under the following requirements:
 - (a) if the land is agricultural land and purpose of land utilization stipulated in item (iv) or (v) of the preceding paragraph concerning the land is use as agricultural land, it does not fall under the case where approval under Article 3, paragraph (1) of the Agricultural Land Act pursuant to paragraph (2) of the same Article may not be given;
 - (b) if the land is agricultural land and the ownership transfer, etc. concerning the land falls under the case stipulated in the main clause of Article 5, paragraph (1) of the Agricultural Land Act, the purpose of land utilization stipulated in item (iv) or (v) of the preceding paragraph concerning the land is use for a renewable energy power generation facility, etc. specified in an approved facility construction plan; and
 - (c) if the land is land other than agricultural land, it is found that, after the ownership transfer, etc. is completed, the person stipulated in item (i) of the preceding paragraph will be able to use the land appropriately and steadily in line with the purpose of land utilization stipulated in item (iv) or (v) of the same paragraph.

(Public Notice of Ownership Transfer Promotion Plan)

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

(Effect of Public Notice)

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

(Special Provisions for Registration)

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

(Assistance)

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

(Guidance and Advice)

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

(Competent Minister)

Article 22 (1) The competent ministers in Article 4, paragraphs (1), (4), and (5) are the Minister of Agriculture, Forestry and Fisheries and the Minister of Economy, Trade and Industry for the parts of a basic plan concerning the matters listed in paragraph (2), item (ii) of the same Article, the Minister of Agriculture, Forestry and Fisheries and the Minister for the Environment for the parts of a basic plan concerning the matters listed in items (v) and (vi) of the same paragraph, and the Minister of Agriculture, Forestry and Fisheries for other parts of a basic plan.

(2) Orders of the competent ministry in this Act are orders issued by the Minister of Agriculture, Forestry and Fisheries, the Minister of Economy, Trade and Industry, and the Minister of the Environment.

(Delegation of Authority)

Article 23 The authority of the Minister of Agriculture, Forestry and Fisheries stipulated by this Act may be delegated to the Director of a Regional Agricultural Administration Office pursuant to the provisions of Order of the Ministry of Agriculture, Forestry and Fisheries, and the authority of the Minister of the Environment to the Director General of a Regional Environmental Office stipulated by this Act pursuant to the provisions of Order of the Ministry of the Environment.

(Classifications of Affairs)

Article 24 Among affairs that are deemed to be processed by a prefectural government pursuant to this Act, the following affairs are Type-1 statutory entrusted functions stipulated in Article 2, paragraph (9), item (i) of the Local Autonomy Act (Act No. 67 of 1947):

(i) affairs that are deemed to be processed by a prefectural government

pursuant to Article 7, paragraph (4), item (ii) and paragraph (11), item (i) (including when applied mutatis mutandis pursuant to Article 8, paragraph (4)) (limited to those related to a facility construction plan concerning acts to change farmland with an area of two hectares or greater to land other than farmland for serving the purpose of a single program, or acts to obtain the right stipulated in the main clause of Article 3, paragraph (1) of the Agricultural Land Act in regard to farmland with an area of two hectares or greater or pasture land along with the farmland for serving the purpose of a single program);

(ii) affairs that are deemed to be processed by a prefectural government pursuant to Article 7, paragraph (4), item (v) (including when applied mutatis mutandis pursuant to Article 8, paragraph (4)) (limited to those related to a facility construction plan concerning acts carried out in a protected forest related to a designation for the purpose of achieving the goals listed in Article 25, paragraph (1), items (i) through (iii) of the Forest Act in the case of a private forest (meaning a private forest stipulated in Article 2, paragraph (3) of the same Act)); and

(iii) affairs that are deemed to be processed by a prefectural government pursuant to Article 7, paragraph (9), item (i) (including when applied mutatis mutandis pursuant to Article 8, paragraph (4)).

Supplementary Provisions [Extract]

(Effective Date)

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

(Review)

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