

Electricity Business Act

(Act No. 170 of July 11, 1964)

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Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to protect the interests of electricity users and move toward achieving the sound development of electricity business by realizing appropriate and reasonable management of electricity business, and assuring public safety and promoting environmental preservation by regulating the construction, maintenance and operation of electric facilities.

(Definitions)

Article 2 (1) In this Act, the meanings of the terms listed in the following items are as provided for by each respective item:

- (i) retail service: supplying electricity to meet general demand;
- (ii) electricity retail: business of providing a retail service (excluding the part that constitutes general electricity transmission and distribution, specified electricity transmission and distribution, or electricity generation);
- (iii) electricity retailer: Person who has been registered under the following Article to conduct electricity retail;
- (iv) cross-area wheeling service: service pursuant to which a person receives

- electricity from another person and simultaneously supplies the other person with the same quantity of electricity as that received, at a point other than where the first person has received electricity;
- (v) intra-area wheeling service: any of the following services:
- (a) service pursuant to which a person receives electricity from another person engaged in the business of providing a retail service, and simultaneously supplies the other person with electricity in a quantity equivalent to the quantity of electricity used for the business of providing a retail service conducted by the other person at a point other than where the person received the electricity; and
 - (b) service pursuant to which a person receives electricity from another person who maintains and operates electric facilities for the generation of electricity other than electric facilities for the generation of electricity to be used for electricity business (hereinafter referred to as "electric facilities for non-electricity business" in this item (b)), where the electricity received by the person is generated by the electric facilities for non-electricity business (including electric facilities for non-electricity business maintained and operated by a person who has a close association with the other person as specified by Order of the Ministry of Economy, Trade and Industry), and simultaneously supplies the other person with electricity in the quantity requested in advance by the other person (limited to a quantity that is capable of meeting demand from the other person or a person who has a close association with the other person as specified by Order of the Ministry of Economy, Trade and Industry) at a point other than where the person received the electricity.
- (vi) wheeling service: cross-area wheeling service and intra-area wheeling service;
- (vii) electricity quantity adjustment service: service pursuant to which a person receives the electricity specified in (a) or (b) below from another person set forth therein and simultaneously supplies the other person with electricity in the quantity requested in advance by the other person at the point where the electricity has been received:
- (a) a person who maintains and operates electric facilities for the generation of electricity: the electricity generated by the electric facilities for the generation of electricity; or
 - (b) a person who conducts specified wholesale supplying (meaning supplying electricity to a person who provides a retail service, which satisfies the requirements specified by Order of the Ministry of Economy, Trade and Industry as being particularly necessary for ensuring the efficient operation of electricity business; hereinafter the same applies in (b)): the electricity for the specified wholesale supply (in the case of the person set

- forth in (a), excluding the electricity specified in (a));
- (viii) general electricity transmission and distribution: business whereby a utility provides a wheeling service or an electricity quantity adjustment service in its service area by using electric facilities for the transmission and distribution of electricity that it independently maintains and operates (excluding the part that constitutes electricity generation), including the business of providing any of the following retail services by using the electric facilities for the transmission and distribution of electricity (excluding the part that constitutes electricity generation):
- (a) supplying electricity to guarantee electricity supply to meet general demand (excluding demand from users who receive retail service from an electricity retailer or a registered specified electricity transmission and distribution utility (meaning a registered specified electricity transmission and distribution utility as prescribed in Article 27-19, paragraph (1)); the same applies in (b)) in the utility's service area (excluding an isolated island (limited to that specified by Order of the Ministry of Economy, Trade and Industry as an isolated island where electric lines that the utility independently maintains and operates within the area are not electrically connected with the main electric lines that it maintains and operates; simply referred to as an "isolated island" in (b) and Article 21, paragraph (3), item (i))) (hereinafter referred to as a "last resort service"; and
- (b) if there is an isolated island within the utility's service area, supplying electricity to guarantee electricity supply to meet general demand on the isolated island (hereinafter referred to as an "isolated island service");
- (ix) general electricity transmission and distribution utility: a person who has obtained a license under Article 3 to conduct general electricity transmission and distribution;
- (x) electricity transmission: business whereby a utility provides general electricity transmission and distribution utilities with a cross-area wheeling service by using electric facilities for the transmission of the electricity that it independently maintains and operates (excluding the part that constitutes general electricity transmission and distribution) and where the electric facilities for the transmission of electricity to be used for the business satisfy the requirements specified by Order of the Ministry of Economy, Trade and Industry;
- (xi) electricity transmission utility: a person who has obtained a license under Article 27-4 to conduct electricity transmission;
- (xii) specified electricity transmission and distribution: business whereby a utility provides a retail service or provides another person engaged in electricity retail or general electricity transmission and distribution with a

- wheeling service for supplying electricity to be used for electricity retail or general electricity transmission and distribution at a specified service point by using electric facilities for the transmission of electricity and for the distribution of the electricity that it independently maintains and operates (excluding the part that constitutes electricity generation);
- (xiii) specified electricity transmission and distribution utility: person who has given notification under Article 27-13, paragraph (1) to conduct specified electricity transmission and distribution;
- (xiv) electricity generation: business whereby a utility generates electricity to be used for electricity retail, general electricity transmission and distribution, or specified electricity transmission and distribution by using electric facilities for the generation of the electricity that it independently maintains and operates, and where the electric facilities for the generation of electricity to be used for the business satisfy the requirements specified by Order of the Ministry of Economy, Trade and Industry;
- (xv) electricity generation utility: a person who has given notification under Article 27-27, paragraph (1) to conduct an electricity generation;
- (xvi) electricity business: electricity retail, general electricity transmission and distribution, electricity transmission, specified electricity transmission and distribution, and electricity generation;
- (xvii) electricity utility: electricity retailer, general electricity transmission and distribution utility, electricity transmission utility, specified electricity transmission and distribution utility, and electricity generation utility; and
- (xviii) electric facilities: machines, apparatus, dams, waterways, reservoirs, electric lines, and other facilities installed for the purpose of generating, transforming, transmitting, distributing or using electricity (excluding those installed in ships, vehicles or aircrafts, and those specified by Cabinet Order).
- (2) If a general electricity transmission and distribution utility conducts any of the following businesses, the relevant business is deemed to be general electricity transmission and distribution:
- (i) business whereby the general electricity transmission and distribution utility supplies another general electricity transmission and distribution utility with electricity to be used for general electricity transmission and distribution;
- (ii) business whereby the general electricity transmission and distribution utility supplies an intra-area wheeling service, an electricity quantity adjustment service, a last resort service, or an isolated island service in its service area by using electric facilities for the transmission of electricity and for the distribution of electricity that a specified electricity transmission and distribution utility maintains and operates, while receiving a wheeling service from the specified electricity transmission and distribution utility;

and

- (iii) business whereby the general electricity transmission and distribution utility supplies electricity by obtaining the license set forth in Article 24, paragraph (1), and business whereby it installs electric lines that it is to independently maintain and operate in an area other than its service area and provides a cross-area wheeling service (limited to services for supplying electricity to be used for electricity retail or specified electricity transmission and distribution or electricity for the intra-area wheeling service set forth in item (v), (b) of the preceding paragraph) via the electric lines.
- (3) Business whereby an electricity transmission utility provides a general electricity transmission and distribution utility with a cross-area wheeling service is deemed to be electricity transmission.

Chapter II Electricity Business

Section 1 Electricity Retail

Subsection 1 Registration of Business

(Registration of Business)

Article 2-2 A person who intends to conduct electricity retail must be registered by the Minister of Economy, Trade and Industry.

(Application for Registration)

Article 2-3 (1) A person who intends to be registered under paragraph (1) of the preceding Article must submit a written application to the Minister of Economy, Trade and Industry, stating the following matters, pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry:

- (i) the name and address of the applicant, as well as the name of the representative if the applicant is a corporation;
 - (ii) the names and locations of the principal business office and any other business office of the applicant;
 - (iii) matters concerning ensuring the supply capability expected to be required for meeting the electricity demand of the recipient of the retail service;
 - (iv) the scheduled date of commencement of business; and
 - (v) other matters specified by Order of the Ministry of Economy, Trade and Industry.
- (2) The written application set forth in the preceding paragraph must be accompanied by a document pledging that the applicant does not fall under any of the items of Article 2-5, paragraph (1) (excluding item (iv)), documents stating the matters concerning the development of a system for performing electricity retail appropriately and reliably, and any other documents specified by Order of the Ministry of Economy, Trade and Industry.

(Execution of Registration)

Article 2-4 (1) When an application for registration under Article 2-2 has been filed, the Minister of Economy, Trade and Industry must register the following matters in the registry of electricity retailers, except when refusing to register pursuant to paragraph (1) of the following Article:

(i) the matters listed in the items of paragraph (1) of the preceding Article (excluding item (v)); and

(ii) the date of registration and registration number.

(2) If the Minister of Economy, Trade and Industry has completed registration under the preceding paragraph, the minister must notify the applicant to that effect without delay.

(Refusal of Registration)

Article 2-5 (1) If a person who has submitted a written application set forth in Article 2-3, paragraph (1) falls under any of the following items, or if the written application or any of the documents accompanying it contains a false statement of an important matter or lacks a statement of an important fact, the Minister of Economy, Trade and Industry must refuse to register the applicant:

(i) a person who is subject to a fine or more severe punishment for a violation of this Act or any order issued under this Act, if two years have not passed since the person finished serving the sentence or ceased to be subject its enforcement;

(ii) a person whose registration was rescinded pursuant to Article 2-9, paragraph (1), before the elapse of a period of two years since the date of rescission;

(iii) a corporation, any of whose officers falls under either of the preceding two items; and

(iv) a person who is expected to be unlikely to be able to ensure the supply capability required for meeting the electricity demand of the recipients of the retail service, or any other person who is found to be unsuitable for the protection of the interest of electricity users.

(2) If the Minister of Economy, Trade and Industry refuses to register pursuant to the preceding paragraph, the minister must send a document stating the reasons for the refusal to the person who filed the written application.

(Registration of Change)

Article 2-6 (1) When intending to change the matter set forth in Article 2-3, paragraph (1), item (iii), an electricity retailer must obtain the registration of change from the Minister of Economy, Trade and Industry; provided, however,

that this does not apply to a minor change specified by Order of the Ministry of Economy, Trade and Industry.

- (2) An electricity retailer who intends to obtain registration of a change as set forth in the preceding paragraph must submit a written application stating the matters subject to change to the Minister of Economy, Trade and Industry, pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.
- (3) The provisions of Article 2-3, paragraph (2) and the preceding two Articles apply mutatis mutandis to the registration of change set forth in paragraph (1). In this case, the phrase "the following matters" in Article 2-4, paragraph (1) is deemed to be replaced with "the matters subject to change" and the phrase "a person who has submitted a written application set forth in Article 2-3, paragraph (1) falls under any of the following items" in paragraph (1) of the preceding Article is deemed to be replaced with "a person who has submitted a written application for the registration of change falls under any of the following items (excluding item (ii))".
- (4) When there has been a change to the matters listed in the items of Article 2-3, paragraph (1) (excluding item (iii)) or when an electricity retailer has made a minor change specified by Order of the Ministry of Economy, Trade and Industry as set forth in the proviso to paragraph (1), the electricity retailer must notify the Minister of Economy, Trade and Industry to that effect without delay.
- (5) When the Minister of Economy, Trade and Industry accepts the notification under the preceding paragraph, the minister must register the matters set forth in Article 2-4, paragraph (1), item (i), among those contained in the notification, in the registry of electricity retailers.

(Succession)

- Article 2-7 (1) In the event of a transfer of all electricity retail, or the inheritance, merger or split of a retail electricity utility (limited to those resulting in the taking over of the whole of a electricity retail), the transferee of all electricity retail, the heir, the corporation surviving after the merger or the corporation newly established upon the merger, or the corporation that has taken over all electricity retail upon the split succeeds to the status of the retail electricity utility; provided, however, that this does not apply when the transferee of all electricity retail, the heir, the corporation surviving after the merger or the corporation newly established upon the merger, or the corporation that has taken over all electricity retail upon the split falls under any of the items of Article 2-5, paragraph (1) (excluding item (iv)).
- (2) A person who has succeeded to the status of a retail electricity utility pursuant to the preceding paragraph must notify the Minister of Economy,

Trade and Industry to that effect without delay.

- (3) The provisions of paragraph (5) of the preceding Article apply mutatis mutandis to the notification under the preceding paragraph.

(Suspension and Discontinuation of Business, and Dissolution of Corporations)

Article 2-8 (1) If an electricity retailer suspends or discontinues its business, it must notify the Minister of Economy, Trade and Industry to that effect without delay.

- (2) If a corporation acting as an electricity retailer is dissolved for reasons other than a merger, its liquidator (or its bankruptcy trustee if the dissolution is based on an order of commencement of bankruptcy proceedings) must notify the Minister of Economy, Trade and Industry to that effect without delay.

- (3) Before suspending or discontinuing its business, an electricity retailer must publicize the intention to do so among the recipients of its retail service pursuant to provisions by Order of the Ministry of Economy, Trade and Industry.

(Rescission of Registration)

Article 2-9 (1) If an electricity retailer falls under any of the following items, the Minister of Economy, Trade and Industry may rescind the registration made under Article 2-2:

- (i) the electricity retailer has violated this Act or an order or ruling pursuant thereto and the violation is found to be harmful to the public interest;
 - (ii) the electricity retailer has been registered under Article 2-2 or obtained registration of change under Article 2-6, paragraph (1) by wrongful means; and
 - (iii) the electricity retailer now falls under Article 2-5, paragraph (1), item (i) or (iii).
- (2) The provisions of Article 2-5, paragraph (2) apply mutatis mutandis to the case set forth in the preceding paragraph.

(Cancellation of Registration)

Article 2-10 The Minister of Economy, Trade and Industry must cancel the registration of the relevant electricity retailer when a notification of discontinuation of electricity retail or notification of dissolution under Article 2-8, paragraph (1) or (2) has been given, or when the minister has rescinded the registration pursuant to paragraph (1) of the preceding Article.

(Delegation to Order of the Ministry of Economy, Trade and Industry)

Article 2-11 Beyond what is provided for in Article 2-2 through the preceding Article, any matters necessary for the registration of an electricity retailer are

specified by Order of the Ministry of Economy, Trade and Industry.

Subsection 2 Services

(Ensuring Supply Capabilities)

- Article 2-12 (1) An electricity retailer must ensure the supply capability required for meeting the electricity demand of the recipients of its retail service, except when there are justifiable grounds not to do so.
- (2) When the Minister of Economy, Trade and Industry finds that, because an electricity retailer fails to ensure the supply capability required for meeting the electricity demand of the recipients of its retail service, the interest of electricity users is being harmed or there is a risk of that harm, the minister may order the electricity retailer to ensure the supply capability required for meeting the electricity demand and take other necessary measures.

(Explanation of Supply Conditions)

- Article 2-13 (1) If an electricity retailer and a person who engages in the intermediary, brokerage or agency service in the course of trade for the conclusion of an agreement on a retail service provided by an electricity retailer (hereinafter referred to as a "retail service agreement") (an electricity retailer and the person are hereinafter referred to as "electricity retailer, etc.") intend to conclude a retail service agreement with a person who intends to receive a retail service (excluding a person who is an electricity utility; hereinafter the same applies in this Article) or provide intermediary, brokerage or agency service therefor, the electricity retailer, etc. must explain the rates and other supply conditions for the retail service to the prospective recipient, pursuant to provisions by Order of the Ministry of Economy, Trade and Industry.
- (2) When giving the explanation under the preceding paragraph, an electricity retailer, etc. must deliver to the person who intends to receive a retail service a document stating the rates and other supply conditions for the retail service as specified by Order of the Ministry of Economy, Trade and Industry, except in any cases specified by Order of the Ministry of Economy, Trade and Industry.
- (3) In lieu of delivering a document under the preceding paragraph, an electricity retailer, etc. may provide, with the consent of a person who intends to receive a retail service, the matters that are required to be contained in the document by a means using an electronic data processing system or any other means using information communications technology specified by Order of the Ministry of Economy, Trade and Industry, pursuant to Cabinet Order provisions. In this case, the electricity retailer, etc. is deemed to have delivered the relevant document.

(Delivery of Documents)

Article 2-14 (1) If an electricity retailer, etc. has concluded a retail service agreement with a person who intends to receive a retail service (in the case of a person engaged in the intermediary service for the conclusion of a retail service agreement in the course of trade, when a retail service agreement has been formed through the person's intermediation), it must deliver a document stating the following matters to the prospective recipient without delay, except in any cases specified by Order of the Ministry of Economy, Trade and Industry:

- (i) the name and address of the electricity retailer, etc.;
- (ii) the date of agreement; and
- (iii) the rates and other supply conditions for the retail service as specified by Order of the Ministry of Economy, Trade and Industry.

(2) In lieu of delivering a document under the preceding paragraph, an electricity retailer, etc. may provide, with the consent of a person who intends to receive a retail service, the matters that are required to be contained in the document by means of using an electronic data processing system or any other means using information communications technology specified by Order of the Ministry of Economy, Trade and Industry, pursuant to Cabinet Order provisions. In this case, the electricity retailer, etc. is deemed to have delivered the relevant document.

(Handling of Complaints)

Article 2-15 An electricity retailer must appropriately and promptly handle complaints and inquiries from the recipients of its retail service (including a person who intends to receive a retail service from the electricity retailer, and excluding a person who is an electricity utility) with regard to the electricity retailer's operational procedure for providing the retail service or the rates and other supply conditions for the retail service provided by the electricity retailer.

(Prohibition of Use of Name)

Article 2-16 (1) An electricity retailer must not allow another person to use its name to conduct electricity retail.

(2) An electricity retailer must not allow another person to operate in electricity retail in its name, regardless of whether by leasing business or any other means whatsoever.

(Business Improvement Order)

Article 2-17 (1) If the Minister of Economy, Trade and Industry finds that the protection of the interests of electricity users or the sound development of

- electricity businesses is hindered or likely to be hindered because electricity retail is inappropriate, the minister may order the electricity retailer to take necessary measures to improve the management of electricity retail to the extent necessary to secure the interest of electricity users or public interest.
- (2) If an electricity retailer, etc. violates Article 2-13, paragraph (1) or (2), the Minister of Economy, Trade and Industry may order the electricity retailer, etc. to take necessary measures to improve its operational procedures.
- (3) If an electricity retailer, etc. violates Article 2-15, the Minister of Economy, Trade and Industry may order the electricity retailer, etc. to take necessary measures to improve its operational procedures.

Section 2 General Electricity Transmission and Distribution

Subsection 1 Business Licenses

(Business Licenses)

Article 3 A person who intends to conduct general electricity transmission and distribution must obtain a license from the Minister of Economy, Trade and Industry.

(Application for License)

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

- (i) the trade name and address of the applicant;
- (ii) the names of directors (or the names of directors and executive officers in the case of a company with nominating committee, etc.; the same applies in Article 6, paragraph (2), item (iii));
- (iii) the names and locations of the principal business office and any other business office of the applicant;
- (iv) the service area; and
- (v) the following matters concerning the electric facilities to be used for general electricity transmission and distribution:
 - (a) regarding electric facilities for the transmission of electricity, the site where they are to be installed, the electric system, means of installation, number of circuits, frequency, and voltage;
 - (b) regarding electric facilities for the distribution of electricity, the electric system, frequency, and voltage;
 - (c) regarding electric facilities for the transformation of electricity, the site where they are to be installed, frequency, and output capacity; and
 - (d) regarding electric facilities for the generation of electricity, the site where they are to be installed, the type of motive power, frequency, and output

capacity.

- (2) The written application set forth in the preceding paragraph must be accompanied by a business plan, estimate of business income and expenditure, and other documents specified by Order of the Ministry of Economy, Trade and Industry.

(Standards for Licenses)

Article 5 The Minister of Economy, Trade and Industry must not grant a license under Article 3 unless the Minister finds that the application for the license under the Article conforms to all of the following items:

- (i) the commencement of the general electricity transmission and distribution corresponds to demand in the service area;
- (ii) the applicant has sufficient financial basis and technical capability to perform the general electricity transmission and distribution competently;
- (iii) the general electricity transmission and distribution is based on a reliable plan;
- (iv) the electric facilities to be used for the general electricity transmission and distribution are capable of meeting the demand in the service area;
- (v) the commencement of the general electricity transmission and distribution will not result in the existence of an excessive number of electric facilities to be used for general electricity transmission and distribution within the all or part of the service area; and
- (vi) beyond what is listed in the preceding items, the commencement of the general electricity transmission and distribution is necessary and appropriate for the comprehensive and reasonable development of electricity business and for the promotion of other public interests.

(License Certificates)

Article 6 (1) When the Minister of Economy, Trade and Industry grants a license under Article 3, the minister is to issue a license certificate.

(2) The license certificate must state the following matters:

- (i) the date of grant of the license and the license number;
- (ii) the trade name and address of the licensee;
- (iii) the names of directors;
- (iv) the names and locations of the principal business office and any other business office of the licensee;
- (v) the service area; and
- (vi) the following matters concerning the electric facilities to be used for general electricity transmission and distribution:
 - (a) regarding electric facilities for the transmission of electricity, the site where they are installed, the electric system, means of installation,

- number of circuits, frequency and voltage;
- (b) regarding electric facilities for the distribution of electricity, the electric system, frequency and voltage;
- (c) regarding electric facilities for the transformation of electricity, the site where they are installed, frequency and output capacity; and
- (d) regarding electric facilities for the generation of electricity, the site where they are installed, the type of motive power, frequency and output capacity.

(Organs)

Article 6-2 A general electricity transmission and distribution utility must be a stock company which consists of the following:

- (i) the board of directors; and
- (ii) auditors, an audit and supervisory committee, or a nominating committee, etc. (meaning the nominating committee, etc. prescribed in Article 2, item (xii) of the Companies Act (Act No. 86 of 2005)).

(Obligation to Commence Business)

- Article 7 (1) A general electricity transmission and distribution utility must commence business within a period designated by the Minister of Economy, Trade and Industry not exceeding ten years from the day when the general electricity transmission and distribution utility obtained a business license.
- (2) If the Minister of Economy, Trade and Industry finds it particularly necessary, the minister may designate the period set forth in the preceding paragraph by category of service area.
- (3) When the Minister of Economy, Trade and Industry receives an application from a general electricity transmission and distribution utility and finds justifiable grounds, the minister may extend the period designated under paragraph (1).
- (4) When a general electricity transmission and distribution utility commences business (when the designation set forth in paragraph (1) has been made by category of service area pursuant to paragraph (2), the business corresponding to the category), it must notify the Minister of Economy, Trade and Industry to that effect without delay.

(Change of Service Area)

- Article 8 (1) When intending to change the matter set forth in Article 6, paragraph (2), item (v), a general electricity transmission and distribution utility must obtain permission from the Minister of Economy, Trade and Industry.
- (2) The provisions of Article 5 and the preceding Article apply mutatis mutandis to the permission set forth in the preceding paragraph (excluding the

permission under the preceding Article in relation to a reduction of service area).

(Changes of Electric Facilities)

Article 9 (1) When intending to make a material change specified by Order of the Ministry of Economy, Trade and Industry with respect to the matters listed in Article 6, paragraph (2), item (vi), a general electricity transmission and distribution utility must notify the Minister of Economy, Trade and Industry of the change.

(2) If a change is made to the matters listed in Article 6, paragraph (2), items (ii) through (iv) or the matters listed in item (vi) of the paragraph (excluding those prescribed in the preceding paragraph), a general electricity transmission and distribution utility must notify the Minister of Economy, Trade and Industry to that effect without delay.

(3) A general electricity transmission and distribution utility that has given notification pursuant to paragraph (1) must not make the change to which the notification pertained until 20 days have passed from the day when the notification was accepted.

(4) If the Minister of Economy, Trade and Industry finds that the content of the notification given under paragraph (1) is unlikely to hinder the appropriate performance of general electricity transmission and distribution by the general electricity transmission and distribution utility that has given the notification, the minister may shorten the period prescribed in the preceding paragraph.

(5) When the Minister of Economy, Trade and Industry finds that the content of the notification given under paragraph (1) is likely to hinder the competent performance of general electricity transmission and distribution affairs by the general electricity transmission and distribution utility that has given the notification, the Minister may, within 20 days from the day when the notification was accepted, order the general electricity transmission and distribution utility to change the content of the notification or suspend making the change to which the notification pertained.

(Transfer and Acceptance of Business, and Mergers and Company Splits)

Article 10 (1) A transfer and acceptance of all general electricity transmission and distribution affairs is not effective unless approved by the Minister of Economy, Trade and Industry.

(2) A merger and company split of a general electricity transmission and distribution utility (limited to those resulting in the succession of all general electricity transmission and distribution affairs; hereinafter the same applies in the following Article) are not effective unless approved by the Minister of Economy, Trade and Industry.

(3) The provisions of Article 5 apply mutatis mutandis to the approval set forth in the preceding two paragraphs.

(Succession)

Article 11 In the event of a transfer of all general electricity transmission and distribution affairs, or a merger or company split of a general electricity transmission and distribution utility, the stock company to which all general electricity transmission and distribution affairs has been transferred, the stock company surviving after the merger, the stock company newly established upon the merger, or the stock company that has taken over all general electricity transmission and distribution affairs upon the company split succeeds to the status of the general electricity transmission and distribution utility.

Article 12 Deleted

(Transfer of Facilities)

Article 13 (1) When intending to transfer facilities used for general electricity transmission and distribution or make them subject to any rights other than ownership, a general electricity transmission and distribution utility must notify the Minister of Economy, Trade and Industry to that effect; provided, however, that this does not apply to facilities specified by Order of the Ministry of Economy, Trade and Industry.

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

(Suspension and Discontinuation of Business, and Dissolution)

Article 14 (1) When intending to suspend or discontinue the all or part of its general electricity transmission and distribution affairs, a general electricity transmission and distribution utility must obtain permission from the Minister of Economy, Trade and Industry.

(2) A resolution at a shareholders meeting for the dissolution of a general electricity transmission and distribution utility is not effective unless approved

by the Minister of Economy, Trade and Industry.

- (3) The Minister of Economy, Trade and Industry must not grant permission under paragraph (1) or approval under the preceding paragraph unless the Minister finds that there is no risk of harm to the public interest as a result of the suspension or discontinuation of general electricity transmission and distribution or dissolution of a general electricity transmission and distribution utility.

(Rescission of Business Licenses)

Article 15 (1) When a general electricity transmission and distribution utility does not commence business within the period designated under Article 7, paragraph (1) (if the period has been extended under paragraph (3) of the Article, the extended period; the same applies in paragraph (1) of the following Article), the Minister of Economy, Trade and Industry may rescind the license granted under Article 3.

- (2) beyond the case prescribed in the preceding paragraph, if a general electricity transmission and distribution utility violates this Act or any order issued under this Act and the Minister of Economy, Trade and Industry finds the violation harmful to the public interest, the minister may rescind the license granted under Article 3.

- (3) If the Minister of Economy, Trade and Industry rescinds the license pursuant to either of the preceding two paragraphs, the minister must provide a written explanation of the reasons for rescission to the general electricity transmission and distribution utility.

Article 16 (1) If a general electricity transmission and distribution utility that has obtained permission under Article 8, paragraph (1) does not commence business within the period designated under Article 7, paragraph (1) as applied mutatis mutandis pursuant to Article 8, paragraph (2), in the new service area, the Minister of Economy, Trade and Industry may rescind the permission.

- (2) If a general electricity transmission and distribution utility does not conduct general electricity transmission and distribution in part of its service area, and the Minister of Economy, Trade and Industry finds that harmful to the public interest, the minister may remove that part from the service area.

- (3) The provisions of paragraph (3) of the preceding Article apply mutatis mutandis to the cases referred to in the preceding two paragraphs.

Subsection 2 Services

(Obligation to Provide Wheeling Service)

Article 17 (1) A general electricity transmission and distribution utility must not

- refuse to provide a wheeling service (in the case of a cross-area wheeling service, limited to services for supplying electricity to be used for electricity retail, general electricity transmission and distribution, or specified electricity transmission and distribution or electricity for intra-area wheeling service set forth in Article 2, paragraph (1), item (v), (b), which are specified by Order of the Ministry of Economy, Trade and Industry; the same applies in paragraph (1) of the following Article) in its service area without justifiable grounds.
- (2) A general electricity transmission and distribution utility must not refuse to provide an electricity quantity adjustment service in its service area unless there is a risk of having to ensure excessive supply capability in order to provide the electricity quantity adjustment service or there are other justifiable grounds.
- (3) A general electricity transmission and distribution utility must not refuse to provide a last resort service or an isolated island service without justifiable grounds.
- (4) When a general electricity transmission and distribution utility has been requested by a person who maintains and operates or intends to maintain and operate electric facilities for the generation of electricity to connect the Electric facilities for the generation of electricity with electric lines maintained and operated by the general electricity transmission and distribution utility, it must not refuse the connection unless there is a risk of the electric facilities for the generation of electricity causing electric or magnetic interference with the functioning of the electric lines or there are other justifiable grounds.
- (5) A general electricity transmission and distribution utility must appropriately and promptly handle complaints and inquiries from the recipients of its last resort service or isolated island service (including a person who intends to receive a last resort service or an isolated island service from the general electricity transmission and distribution utility, and excluding a person who is an electricity utility) with regard to the general electricity transmission and distribution utility's operational procedure for providing the last resort service or the isolated island service or the rates and other supply conditions for the last resort service or the isolated island service provided by the general electricity transmission and distribution utility.

(General Provisions for Wheeling Services)

Article 18 (1) Pursuant to provisions by Order of the Ministry of Economy, Trade and Industry, a general electricity transmission and distribution utility must formulate general provisions for a wheeling service and an electricity quantity adjustment service (hereinafter referred to as "wheeling service, etc." in this Article) on rates and other supply conditions for wheeling service, etc. in the service area, and obtain approval for the general provisions from the Minister

- of Economy, Trade and Industry. The same applies when a general electricity transmission and distribution utility intends to revise the general provisions.
- (2) A general electricity transmission and distribution utility must not provide a wheeling service, etc. under supply conditions other than those set out in the general provisions for wheeling service, etc. for which approval was granted pursuant to the preceding paragraph (if notification of revision has been given pursuant to paragraph (5) or (8) or if revision has been made pursuant to paragraph (2) of the following Article, the revised general provisions); provided, however, that this does not apply when there are special circumstances that make it difficult for the general electricity transmission and distribution utility to provide the wheeling service, etc. under the general provisions for wheeling service, etc., and the general electricity transmission and distribution utility provides a wheeling service, etc. at rates and other supply conditions approved by the Minister of Economy, Trade and Industry (if revision has been made pursuant to paragraph (2) of the Article, the revised conditions).
- (3) If the Minister of Economy, Trade and Industry finds that the application for the approval under paragraph (1) conforms to all of the following items, the minister must grant approval under the paragraph:
- (i) the rates consist of fair costs incurred as a result of efficient management and fair profits;
 - (ii) it is unlikely that the recipients of electricity supply under the general provisions for wheeling service, etc. to which the application for approval under paragraph (1) pertained would experience any serious difficulty in receiving the wheeling service, etc.;
 - (iii) the means of calculation of rates is specified appropriately and clearly;
 - (iv) the responsibilities of the general electricity transmission and distribution utility and the recipients of electricity supply under the general provisions for wheeling service, etc. to which the application for approval under paragraph (1) pertained, as well as the means of sharing expenses between them for electricity meters and works, are provided for appropriately and clearly;
 - (v) certain persons are not treated in an unfair and discriminatory manner;
and
 - (vi) beyond what is listed in the preceding items, the promotion of public interest would not be hindered.
- (4) Notwithstanding the provisions of the second sentence of paragraph (1), if the rates will be lowered or there will be no risk of harm to the interests of electricity users, as specified by Order of the Ministry of Economy, Trade and Industry, a general electricity transmission and distribution utility may revise, pursuant to provisions by Order of the Ministry of Economy, Trade and Industry, the rates and other supply conditions set under general provisions

- for wheeling service, etc. that have been approved under the paragraph (if notification of revision has been given pursuant to the following paragraph or paragraph (8), the revised provisions; the same applies in paragraph (7)).
- (5) If a general electricity transmission and distribution utility has revised the rates and other supply conditions pursuant to the preceding paragraph, it must notify the Minister of Economy, Trade and Industry of the revised general provisions for wheeling service, etc. pursuant to provisions by Order of the Ministry of Economy, Trade and Industry.
- (6) If the Minister of Economy, Trade and Industry finds that the general provisions for wheeling service, etc. to which the notification of revision given under the preceding paragraph pertained fail to fall under any of the following items, the minister may order the general electricity transmission and distribution utility to revise the general provisions for wheeling service, etc., within a reasonable time limit set by the minister:
- (i) it is unlikely that the recipients of electricity supply under the general provisions for wheeling service, etc. to which the notification of revision given under the preceding paragraph pertained would experience any serious difficulty in receiving the wheeling service, etc.;
 - (ii) the means of calculation of rates is specified appropriately and clearly;
 - (iii) the responsibilities of the general electricity transmission and distribution utility and the recipients of electricity supply under the general provisions for wheeling service, etc. to which the notification of revision given under the preceding paragraph pertained, as well as the means of sharing expenses between them for electricity meters and works, are provided for appropriately and clearly;
 - (iv) certain persons are not treated in an unfair and discriminatory manner;
and
 - (v) beyond what is listed in the preceding items, the promotion of public interest would not be hindered.
- (7) Notwithstanding the provisions of the second sentence of paragraph (1), when a measure should be taken to respond to an increase in the amount of expenses payable under the provisions of other Acts (limited to when it is extremely difficult to curtail the expenses in the course of conducting general electricity transmission and distribution) as specified by Order of the Ministry of Economy, Trade and Industry, a general electricity transmission and distribution utility may revise, pursuant to provisions by Order of the Ministry of Economy, Trade and Industry, the rates and other supply conditions set under general provisions for wheeling service, etc. that have been approved under the paragraph.
- (8) When intending to revise the rates and other supply conditions pursuant to the preceding paragraph, a general electricity transmission and distribution

utility must notify the Minister of Economy, Trade and Industry to that effect and of the revised general provisions for wheeling service, etc. pursuant to provisions by Order of the Ministry of Economy, Trade and Industry.

- (9) The general provisions for wheeling service, etc. to which the notification given under the preceding paragraph pertained is not effective until 30 days have passed from the day when the notification was accepted.
- (10) If the Minister of Economy, Trade and Industry finds that the general provisions for wheeling service, etc. to which the notification given under paragraph (8) pertained conform to all of the following items, the minister may shorten the period prescribed in the preceding paragraph:
- (i) the content of the revision of the rates is necessary and sufficient in light of the purpose of the revision;
 - (ii) it is unlikely that the recipients of electricity supply under the general provisions for wheeling service, etc. to which the notification given under paragraph (8) pertained would experience any serious difficulty in receiving the wheeling service, etc.;
 - (iii) the means of calculation of rates is specified appropriately and clearly;
 - (iv) the responsibilities of the general electricity transmission and distribution utility and the recipients of electricity supply under the general provisions for wheeling service, etc. to which the notification given under paragraph (8) pertained, as well as the means of sharing expenses between them for electricity meters and works, are provided for appropriately and clearly;
 - (v) specific persons are not treated in an unfair and discriminatory manner; and
 - (vi) beyond what is listed in the preceding items, the promotion of public interest would not be hindered.
- (11) If the Minister of Economy, Trade and Industry finds that the general provisions for wheeling service, etc. to which the notification given under paragraph (8) pertained fail to conform to any of the items of the preceding paragraph, the minister may order, within 30 days from the day when the notification was accepted, the general electricity transmission and distribution utility to revise the general supply provisions.
- (12) If a general electricity transmission and distribution utility obtains approval for the general provisions for wheeling service, etc. pursuant to paragraph (1), gives notification of revision of the general provisions for wheeling service, etc. pursuant to paragraph (5) or (8), or revises the general provisions for wheeling service, etc. pursuant to paragraph (2) of the following Article, it must publicize the general provisions for wheeling service, etc. pursuant to provisions by Order of the Ministry of Economy, Trade and Industry.

(Orders and Rulings on General Provisions for Wheeling Service)

- Article 19 (1) If the Minister of Economy, Trade and Industry finds that the rates and other supply conditions have become particularly inappropriate as a result of changes in social and economic circumstances to the extent that they hinder the promotion of public interest, the minister may order the general electricity transmission and distribution utility to apply for approval to revise the general provisions for wheeling service, etc. approved under paragraph (1) of the preceding article (if notification of revision has been given pursuant to paragraph (5) or (8) of the Article, the revised provisions) or the rates and other supply conditions approved under the proviso to paragraph (2) of the Article (if revision has been made pursuant to the following paragraph, the revised general provisions for wheeling service, etc. or the revised rates and conditions), within a reasonable time limit set by the minister.
- (2) If the Minister of Economy, Trade and Industry issues an order pursuant to the preceding paragraph and no application for approval has been filed within the time limit set forth in the paragraph, it may revise the general provisions for wheeling service, etc. or the rates and other supply conditions.

(General Provisions for Last Resort Service)

- Article 20 (1) A general electricity transmission and distribution utility must formulate general provisions to set rates and other supply conditions for a last resort service, and notify the Minister of Economy, Trade and Industry of the general provisions pursuant to provisions by Order of the Ministry of Economy, Trade and Industry. The same applies when a general electricity transmission and distribution utility intends to revise the general provisions.
- (2) A general electricity transmission and distribution utility must not provide a last resort service under supply conditions other than those set out in the general provisions of which notification was given pursuant to the preceding paragraph (hereinafter referred to as "general provisions for last resort service"); provided, however, that this does not apply when there are special circumstances that make it difficult for the general electricity transmission and distribution utility to provide the last resort service under the general provisions for last resort service, and the general electricity transmission and distribution utility provides a last resort service at rates and other supply conditions approved by the Minister of Economy, Trade and Industry.
- (3) If the Minister of Economy, Trade and Industry finds that general provisions for last resort service fail to fall under any of the following items, the minister may order the general electricity transmission and distribution utility to revise the general provisions for last resort service, within a reasonable time limit set by the minister:
- (i) the rates are clearly set as fixed rates or fixed amounts by type of supply;
 - (ii) the responsibilities of the general electricity transmission and distribution

- utility and electricity users, as well as the means of sharing expenses between them for electricity meters and other instruments and for wiring and other works, are provided for appropriately and clearly;
- (iii) certain persons are not treated in an unfair and discriminatory manner; and
- (iv) the rates and conditions are not particularly inappropriate in light of social and economic circumstances or significantly harmful to the interest of recipients of electricity supply under the general provisions for last resort service.
- (4) The provisions of Article 18, paragraph (12) apply mutatis mutandis when a general electricity transmission and distribution utility has given notification of General provisions for last resort service pursuant to paragraph (1).

(General Provisions for Isolated Island Service)

- Article 21 (1) A general electricity transmission and distribution utility must formulate general provisions to set rates and other supply conditions for an isolated island service, and notify the Minister of Economy, Trade and Industry of the general provisions pursuant to provisions by Order of the Ministry of Economy, Trade and Industry. The same applies when a general electricity transmission and distribution utility intends to revise the general provisions.
- (2) A general electricity transmission and distribution utility must not provide an isolated island service under supply conditions other than those set out in the general provisions of which notification was given pursuant to the preceding paragraph (hereinafter referred to as "general provisions for isolated island service"); provided, however, that this does not apply when there are special circumstances that make it difficult for the general electricity transmission and distribution utility to provide the isolated island service under the general provisions for isolated island service, and the general electricity transmission and distribution utility provides an isolated island service at rates and other supply conditions approved by the Minister of Economy, Trade and Industry.
- (3) If the Minister of Economy, Trade and Industry finds that general provisions for isolated island service fail to fall under any of the following items, the minister may order the general electricity transmission and distribution utility to revise the general provisions for isolated island service, within a reasonable time limit set by the minister:
- (i) the standard of rates is around the same level as the standard of rates of the retail service provided by electricity retailers in the service area (excluding an isolated island);
- (ii) the rates are clearly set as fixed rates or fixed amounts by type of supply;
- (iii) the responsibilities of the general electricity transmission and distribution utility and electricity users, as well as the means of sharing expenses

- between them for electricity meters and other instruments and for wiring and other works, are provided for appropriately and clearly;
- (iv) certain persons are not treated in an unfair and discriminatory manner; and
 - (v) the supply conditions other than the rates are not particularly inappropriate in light of social and economic circumstances or significantly harmful to the interest of recipients of electricity supply under the general provisions for isolated island service.
- (4) The provisions of Article 18, paragraph (12) apply mutatis mutandis when a general electricity transmission and distribution utility has given notification of general provisions for isolated island service pursuant to paragraph (1).

(Accounting Concerning General Electricity Transmission and Distribution and Other Services)

- Article 22 (1) When conducting business other than general electricity transmission and distribution, a general electricity transmission and distribution utility must keep accounts concerning general electricity transmission and distribution and other services for the transformation, transmission and distribution of electricity pursuant to provisions by Order of the Ministry of Economy, Trade and Industry.
- (2) In the case referred to in the preceding paragraph, the general electricity transmission and distribution utility must publicize the results of the accounting set forth in the paragraph, pursuant to provisions by Order of the Ministry of Economy, Trade and Industry.

(Restrictions on Concurrent Business)

- Article 22-2 (1) A general electricity transmission and distribution utility must not engage in electricity retail or electricity generation (limited to business for generate electricity to be used for a electricity retail; the same applies in Article 27-11-2, paragraphs (1) and (2) and Article 117-2, item (iv)); provided, however, that if the general electricity transmission and distribution utility obtains approval from the Minister of Economy, Trade and Industry pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, the utility may engage in electricity retail (limited to business for meeting general demand in its service area; the same applies in the following paragraph) or an electricity generation (limited to business for generating electricity to be used for a electricity retail to meet general demand in its service area; the same applies in the same paragraph).
- (2) If an application is filed for the approval referred to in the proviso to the preceding paragraph, the Minister of Economy, Trade and Industry must not grant approval unless the minister finds that it is particularly necessary for

the general electricity transmission and distribution utility that has filed the application to engage in electricity retail or electricity generation in order to secure the interest of electricity users in its service area, while taking into consideration factors such as the overall capacity of the electric facilities for the transmission and distribution of electricity maintained and operated by the general electricity transmission and distribution utility and the natural and social conditions in the service area.

- (3) The provisions specified in the following items do not apply to the persons set forth in the respective items; provided, however, that this does not apply if an electricity retailer or electricity generation utility that is a specified related business operator (meaning the specified related business operator prescribed in paragraph (1) of the following Article; the same applies in item (iii)) of a general electricity transmission and distribution utility that has obtained the approval referred to in the proviso to paragraph (1) (hereinafter referred to as an "approved general electricity transmission and distribution utility" in this paragraph) engages in electricity retail (limited to business for meeting general demand in an area other than the service area of the approved general electricity transmission and distribution utility) or electricity generation (limited to business for generating electricity to be used for electricity retail to meet general demand in an area other than the service area of the approved general electricity transmission and distribution utility):
- (i) the approved general electricity transmission and distribution utility: the provisions of paragraph (2) of the following Article and Article 23, paragraphs (2) through (5);
 - (ii) directors, executive officers, or employees or other workers (hereinafter referred to as "employees") of the approved general electricity transmission and distribution utility: the provisions of paragraph (1) of the following Article; and
 - (iii) a specified related business operator of the approved general electricity transmission and distribution utility: the provisions of Article 23-2, paragraph (1) and Article 23-3, paragraph (1).

(Restrictions on the Concurrent Holding of Positions by Directors or Executive Officers of a General Electricity Transmission and Distribution Utility)

Article 22-3 (1) A director or executive officer of a general electricity transmission and distribution utility must not concurrently hold a position as a director, executive officer or any other officer in charge of operating business (hereinafter referred to as a "director, etc." in this paragraph and Article 27-11-3, paragraph (1)) or employee of its specified related business operator (meaning an electricity retailer or electricity generation utility that is a subsidiary company (meaning the subsidiary company prescribed in Article 2,

item (iii) of the Companies Act; the same applies hereinafter) or parent company (meaning the parent company prescribed in item (iv) of the same Article; hereinafter the same applies in this paragraph and Article 27-11-3, paragraph (1)) of a general electricity transmission and distribution utility or a subsidiary company, etc. (meaning the subsidiary company, etc. prescribed in Article 2, item (iii)-2 of the same Act; the same applies hereinafter) of the parent company other than the general electricity transmission and distribution utility, or a business operator that satisfies the requirements specified by Order of the Ministry of Economy, Trade and Industry as one that is found to have effective control over the management of the electricity retailer or electricity generation utility; hereinafter the same applies in this Subsection), and an employee of a general electricity transmission and distribution utility must not concurrently hold a position as a director, etc. of its specified related business operator; provided, however, that this does not apply if the concurrent holding of positions poses no risk of impairing the proper competitive relationship among persons who supply electricity (hereinafter referred to as "electricity suppliers"), as specified by Order of the Ministry of Economy, Trade and Industry.

(2) A general electricity transmission and distribution utility must not assign an employee of its specified related business operator specified in the following items for each of the specified related business operators set forth in the respective items to engage in, among the service of the general electricity transmission and distribution and other services for the transformation, transmission and distribution of electricity conducted by the general electricity transmission and distribution utility, the services specified by Order of the Ministry of Economy, Trade and Industry as those for which it is particularly necessary to ensure operational neutrality in order to ensure the proper competitive relationship among electricity suppliers (referred to as the "specified electricity transmission and distribution service" in Article 23-2, paragraph (1)); provided, however, that this does not apply if the assignment of the employee poses no risk of impairing the proper competitive relationship among electricity suppliers, as specified by Order of the Ministry of Economy, Trade and Industry:

- (i) electricity retailer: an employee who satisfies the requirements specified by Order of the Ministry of Economy, Trade and Industry as one who plays an important role in electricity retail operations;
- (ii) electricity generation utility: an employee who satisfies the requirements specified by Order of the Ministry of Economy, Trade and Industry as one who plays an important role in electricity generation operations; and
- (iii) a business operator that satisfies the requirements specified by Order of the Ministry of Economy, Trade and Industry as referred to in the main

- clause of the preceding paragraph; an employee who satisfies the requirements specified by Order of the Ministry of Economy, Trade and Industry as one who plays an important role in the business management operations of the electricity retailer or electricity generation utility whose management is found to be under effective control of the business operator.
- (3) The Minister of Economy, Trade and Industry may order a general electricity transmission and distribution utility or its specified related business operator, if a director, executive officer or employee of the general electricity transmission and distribution utility violates paragraph (1), and a general electricity transmission and distribution utility, if the general electricity transmission and distribution utility violates the preceding paragraph, to take the necessary measures to rectify the violation.

(Actions a General Electricity Transmission and Distribution Utility is Prohibited to Conduct)

Article 23 (1) A general electricity transmission and distribution utility must not conduct any of the following:

- (i) using information concerning other electricity suppliers and electricity users which the general electricity transmission and distribution utility has become aware of in the course of providing a wheeling service and an electricity quantity adjustment service, or providing another person with the information, for purposes other than using it for these services and the service of supplying electricity from renewable energy sources prescribed in Article 2, paragraph (2) of the Act on Special Measures Concerning Procurement of Electricity from Renewable Energy Sources by Electricity Utilities (Act No. 108 of 2011) which is to be procured under a specified contract prescribed in paragraph (5) of the same Article;
 - (ii) applying unreasonable preferential treatment or giving benefits, or applying unreasonable disadvantageous treatment or creating disadvantage for any particular electric supplier, in the course of providing a wheeling service and an electricity quantity adjustment service and other services for the transformation, transmission and distribution of electricity; and
 - (iii) beyond what is set forth in the preceding two items, conducting an act specified by Order of the Ministry of Economy, Trade and Industry as an act that impairs the proper competitive relationship among electricity suppliers.
- (2) A general electricity transmission and distribution utility must not conduct a transaction with its specified related business operator or any other business operator that has a special relationship specified by Order of the Ministry of Economy, Trade and Industry with the general electricity transmission and distribution utility (referred to as a "specified related business operator, etc. of a general electricity transmission and distribution utility" in Article 106,

paragraph (5)), under terms and conditions that are different from ordinary terms and conditions and that are likely to impair the proper competitive relationship among electricity suppliers; provided, however, that this does not apply if the utility has an unavoidable reason for conducting the transaction and obtains approval from the Minister of Economy, Trade and Industry in advance.

- (3) A general electricity transmission and distribution utility must not entrust its services for the transformation, transmission and distribution of electricity including wheeling service and electricity quantity adjustment service to its specified related business operator or a subsidiary company, etc. of the specified related business operator (excluding one that is a specified related business operator); provided, however, that this does not apply if the entrustment of services poses no risk of impairing the proper competitive relationship among electricity suppliers, as specified by Order of the Ministry of Economy, Trade and Industry.
- (4) A general electricity transmission and distribution utility must not entrust its last resort service or isolated island service to an electricity retailer or electricity generation utility that is its specified related business operator, without publicly inviting applicants to undertake these services pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry; provided, however, that this does not apply if the entrustment of services poses no risk of impairing the proper competitive relationship among electricity suppliers, as specified by Order of the Ministry of Economy, Trade and Industry.
- (5) A general electricity transmission and distribution utility must not undertake electricity retail or electricity generation services of the electricity retailer or electricity generation utility that is the specified related business operator; provided, however, that this does not apply if the undertaking of service poses no risk of impairing the proper competitive relationship among electricity suppliers, as specified by Order of the Ministry of Economy, Trade and Industry.
- (6) If the Minister of Economy, Trade and Industry finds that a general electricity transmission and distribution utility has conducted an action in violation of any of the preceding paragraphs, the minister may order the general electricity transmission and distribution utility to discontinue or correct that action.

(Restriction on Assignment of an Employee of a General Electricity

Transmission and Distribution Utility to Engage in Work as an Employee of a Specified Related Business Operator of the General Electricity Transmission and Distribution Utility by the Specified Related Service

Provider)

Article 23-2 (1) A specified related business operator of a general electricity transmission and distribution utility set forth in each of the following items must not assign an employee who engages in the specified electricity transmission and distribution service conducted by the general electricity transmission and distribution utility to engage in work as an employee specified in the respective items; provided, however, that this does not apply if such assignment of an employee poses no risk of impairing the proper competitive relationship among electricity suppliers, as specified by Order of the Ministry of Economy, Trade and Industry:

- (i) electricity retailer: an employee who satisfies the requirements specified by Order of the Ministry of Economy, Trade and Industry as one who plays an important role in electricity retail operations;
 - (ii) electricity generation utility: an employee who satisfies the requirements specified by Order of the Ministry of Economy, Trade and Industry as one who plays an important role in electricity generation operations; and
 - (iii) a business operator that satisfies the requirements specified by Order of the Ministry of Economy, Trade and Industry as referred to in the main clause of Article 22-3, paragraph (1); an employee who satisfies the requirements specified by Order of the Ministry of Economy, Trade and Industry as one who plays an important role in the business management operations of the electricity retailer or electricity generation utility whose management is found to be under effective control of the business operator.
- (2) If a specified related business operator of a general electricity transmission and distribution utility violates the preceding paragraph, the Minister of Economy, Trade and Industry may order the specified related business operator of the general electricity transmission and distribution utility to take the necessary measures to rectify the violation.

(Actions Specified Related Business Operator of a General Electricity

Transmission and Distribution Utility Are Prohibited from Conducting)

Article 23-3 (1) A specified related business operator of a general electricity transmission and distribution utility must not conduct any of the following:

- (i) demanding that the general electricity transmission and distribution utility conduct any of the acts set forth in the items of Article 23, paragraph (1) or the main clause of paragraph (2), the main clause of paragraph (3), the main clause of paragraph (4) or the main clause of paragraph (5) of the same Article, or requesting the utility to conduct any of these acts; and
- (ii) beyond what is set forth in the preceding item, conducting an act specified by Order of the Ministry of Economy, Trade and Industry as an act that impairs the proper competitive relationship among electricity suppliers.

- (2) If the Minister of Economy, Trade and Industry finds that a specified related business operator of a general electricity transmission and distribution utility has conducted an action in violation of the preceding paragraph, the minister may order the specified related business operator of the general electricity transmission and distribution utility to discontinue or correct that act.

(Development of Systems for Ensuring Proper Competitive Relationship Among Electricity Suppliers)

- Article 23-4 (1) A general electricity transmission and distribution utility must develop systems for the proper management of information that it has become aware of in connection with a wheeling service and electricity quantity adjustment service and any other information concerning the service of its general electricity transmission and distribution and for the appropriate monitoring of the implementation status of the wheeling service and electricity quantity adjustment service, and take other necessary measures to ensure the proper competitive relationship among electricity suppliers, pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.
- (2) A general electricity transmission and distribution utility must report the measures it has taken pursuant to the preceding paragraph, to the Minister of Economy, Trade and Industry, pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry every year.

(Electricity Supply via Electric Lines Installed Outside Service Areas)

- Article 24 (1) When intending to install electric lines that it is to independently maintain and operate in an area other than its service area and supply electricity via the electric lines, a general electricity transmission and distribution utility must obtain a license from the Minister of Economy, Trade and Industry for each place where electricity is to be supplied; provided, however, that this does not apply when a general electricity transmission and distribution utility supplies electricity to be used for general electricity transmission and distribution, or provides a cross-area wheeling service (limited to services for supplying electricity to be used for electricity retail, general electricity transmission and distribution, or specified electricity transmission and distribution or electricity for intra-area wheeling service set forth in Article 2, paragraph (1), item (v), (b)).
- (2) The Minister of Economy, Trade and Industry must not grant a license under the preceding paragraph unless the Minister finds that the application for the license under the paragraph conforms to all of the following items:
- (i) the supply of electricity is intended to meet demand in the service area of another general electricity transmission and distribution utility, it is not easy or appropriate for that other general electricity transmission and

- distribution utility to supply electricity in that area; and
- (ii) the supply of electricity is unlikely to significantly harm the interests of electricity users in the service area of the general electricity transmission and distribution utility that is intending to supply electricity.

(Seeking Consultation with Specified Electricity Transmission and Distribution Utilities)

- Article 25 (1) If a general electricity transmission and distribution utility needs new electric lines for conducting general electricity transmission and distribution and if it finds that installation of the electric lines is likely to significantly harm the interests of electricity users in the service area and, in order to prevent that harm, the general electricity transmission and distribution utility needs to conduct the general electricity transmission and distribution by receiving a wheeling service from a specified electricity transmission and distribution utility, the general electricity transmission and distribution utility may seek consultation with the specified electricity transmission and distribution utility about providing it with a wheeling service.
- (2) If parties fail to consult as set forth in the preceding paragraph or reach an agreement through consultation, either party may apply for a ruling by the Minister of Economy, Trade and Industry; provided, however, that this does not apply after either party has applied for arbitration under Article 36, paragraph (1).
- (3) If the Minister of Economy, Trade and Industry accepts an application for ruling filed under the preceding paragraph, the minister must notify the other party to that effect and provide that party with the opportunity to submit a written answer within a designated period.
- (4) If the Minister of Economy, Trade and Industry issues a ruling pursuant to paragraph (2), the minister must notify the parties concerned to that effect without delay.
- (5) If a ruling award has been issued pursuant to paragraph (2), it is deemed that the parties concerned have reached an agreement through consultation as determined by the award.

(Voltage and Frequency)

- Article 26 (1) A general electricity transmission and distribution utility must endeavor to maintain the voltage value and frequency value of the electricity that the general electricity transmission and distribution utility supplies at the levels specified by Order of the Ministry of Economy, Trade and Industry.
- (2) If the Minister of Economy, Trade and Industry finds that the interest of electricity users is harmed because the voltage value or frequency value of the electricity supplied by a general electricity transmission and distribution

utility is not maintained at the levels specified by Order of the Ministry of Economy, Trade and Industry under the preceding paragraph, the minister may order the general electricity transmission and distribution utility to repair or alter the electric facilities, improve the means of operating the electric facilities, and take other necessary measures in order to maintain the specified levels.

- (3) Pursuant provisions by Order of the Ministry of Economy, Trade and Industry, a general electricity transmission and distribution utility must measure the voltage and frequency of the electricity that the general electricity transmission and distribution utility supplies, record the values measured, and preserve the records.

(Business Improvement Orders)

Article 27 (1) If a general electricity transmission and distribution utility fails to make necessary repairs or take other measures immediately to eliminate any stoppage in electricity supply arising from an accident or when the Minister of Economy, Trade and Industry finds that the protection of the interests of electricity users or the sound development of electricity business is hindered or likely to be hindered because an operation of general electricity transmission and distribution is inappropriate, the minister may order the general electricity transmission and distribution utility to take measures necessary for the improvement of general electricity transmission and distribution to the extent necessary to secure the interest of electricity users or public interest.

- (2) If a general electricity transmission and distribution utility has violated Article 17, paragraph (5), the Minister of Economy, Trade and Industry may order the general electricity transmission and distribution utility to take necessary measures to improve its operational procedure.

Subsection 3 Accounting and Finance

(Keeping of Accounts)

Article 27-2 (1) Pursuant to provisions by Order of the Ministry of Economy, Trade and Industry, a general electricity transmission and distribution utility must keep accounts by establishing its business year and classification of items of accounts, as well as forms of balance sheets, profit and loss statements, and other statements on finance and accounting.

- (2) Pursuant to provisions by Order of the Ministry of Economy, Trade and Industry, a general electricity transmission and distribution utility must submit statements on finance and accounting prescribed in the preceding paragraph to the Minister of Economy, Trade and Industry after the end of each business year.

(Depreciation)

Article 27-3 If the Minister of Economy, Trade and Industry finds it particularly necessary in order to ensure the competent performance of general electricity transmission and distribution, the minister may order the general electricity transmission and distribution utility to record a reasonable amount of depreciation of fixed assets used for general electricity transmission and distribution by specifying a means or amount or to set aside reserves or allowances by specifying a means or amount.

Section 3 Electricity Transmission

(Business Licenses)

Article 27-4 A person who intends to conduct electricity transmission must obtain a license from the Minister of Economy, Trade and Industry.

(Application for License)

Article 27-5 (1) A person who intends to obtain a license under the preceding Article must submit a written application to the Minister of Economy, Trade and Industry, stating the following matters:

- (i) the trade name and address of the applicant;
- (ii) the names of directors (or the names of directors and executive officers in the case of a company with nominating committee, etc.; the same applies in Article 27-7, paragraph (2), item (iii));
- (iii) the names and locations of the principal business office and any other business office of the applicant;
- (iv) the general electricity transmission and distribution utility to which the cross-area wheeling service is to be provided; and
- (v) the following matters concerning the electric facilities to be used for electricity transmission:
 - (a) regarding electric facilities for transmission of electricity, the site where they are to be installed, the electric system, means of installation, number of circuits, frequency, and voltage; and
 - (b) regarding electric facilities for the transformation of electricity, the site where they are to be installed, frequency, and output capacity.

(2) The written application set forth in the preceding paragraph must be accompanied by a business plan, estimate of business income and expenditure, and other documents specified by Order of the Ministry of Economy, Trade and Industry.

(Standards for Licenses)

Article 27-6 The Minister of Economy, Trade and Industry must not grant a license under Article 27-4 unless the minister finds that the application for the license under the Article conforms to all of the following items:

- (i) the commencement of electricity transmission corresponds to demand for general electricity transmission and distribution;
- (ii) the applicant has a sufficient financial basis and technical capability to perform electricity transmission appropriately;
- (iii) electricity transmission is based on a reliable plan;
- (iv) if the electric facilities to be used for electricity transmission are located within the service area of a general electricity transmission and distribution utility, there is no risk of harm to the interests of electricity users within the general electricity transmission and distribution utility's service area as a result of the commencement of the business; and
- (v) beyond what is listed in the preceding items, the commencement of electricity transmission is necessary and appropriate for the comprehensive and reasonable development of electricity business and for the promotion of other public interests.

(License Certificates)

Article 27-7 (1) When the Minister of Economy, Trade and Industry grants a license under Article 27-4, the minister is to issue a license certificate.

(2) The license certificate must state the following matters:

- (i) the date of granting of the license and the license number;
- (ii) the trade name and address of the licensee;
- (iii) the names of directors;
- (iv) the names and locations of the principal business office and any other business office of the licensee;
- (v) the general electricity transmission and distribution utility to which the cross-area wheeling service is to be provided; and
- (vi) the following matters concerning the electric facilities to be used for electricity transmission:
 - (a) regarding electric facilities for the transmission of electricity, the site where they are to be installed, the electric system, means of installation, number of circuits, frequency, and voltage; and
 - (b) regarding electric facilities for the transformation of electricity, the site where they are to be installed, frequency, and output capacity.

(Rescission of Business Licenses)

Article 27-8 (1) If an electricity transmission utility does not commence business within the period designated under Article 7, paragraph (1) as applied mutatis mutandis pursuant to Article 27-12 (if the period has been extended under

Article 7, paragraph (3), the extended period; the same applies in paragraph (1) of the following Article), the Minister of Economy, Trade and Industry may rescind the license granted under Article 27-4.

- (2) beyond the case prescribed in the preceding paragraph, if an electricity transmission utility has violated this Act or any order issued under this Act, and the Minister of Economy, Trade and Industry finds the violation harmful to the public interest, the minister may rescind the license granted under Article 27-4.
- (3) Beyond the cases prescribed in the preceding two paragraphs, if the electric facilities used for electricity transmission by an electricity transmission utility have ceased to satisfy the requirements specified by Order of the Ministry of Economy, Trade and Industry under Article 2, paragraph (1), item (x), and the Minister of Economy, Trade and Industry finds that the facilities will never satisfy the requirements, the minister may rescind the license granted under Article 27-4.
- (4) If the Minister of Economy, Trade and Industry rescinds the license pursuant to any of the preceding three paragraphs, the minister must provide a written explanation of the reasons for rescission to the electricity transmission utility.

Article 27-9 (1) If an electricity transmission utility that has obtained permission under Article 8, paragraph (1) as applied *mutatis mutandis* pursuant to Article 27-12 does not commence business with respect to the general electricity transmission and distribution utility to which the cross-area wheeling service is to be newly provided within the period designated under Article 7, paragraph (1) as applied *mutatis mutandis* pursuant to Article 27-12, the Minister of Economy, Trade and Industry may rescind the permission.

- (2) The provisions of paragraph (4) of the preceding Article apply *mutatis mutandis* to the case set forth in the preceding paragraph.

(Obligation to Provide Cross-Area Wheeling Services)

Article 27-10 (1) An electricity transmission utility that has agreed to provide a cross-area wheeling service to a general electricity transmission and distribution utility must not refuse to provide the cross-area wheeling service without justifiable grounds.

- (2) When an electricity transmission utility has been requested by a person who maintains and operates or intends to maintain and operate electric facilities for generation of electricity to electrically connect the electric facilities for generation of electricity with electric lines maintained and operated by the electricity transmission utility, it must not refuse to provide the connection unless there is a risk of the electric facilities for generation of electricity causing electric or magnetic interference with the functioning of the electric

lines or there are other justifiable grounds.

(Cross-Area Wheeling Services)

- Article 27-11 (1) Pursuant to provisions by Order of the Ministry of Economy, Trade and Industry, an electricity transmission utility must notify the Minister of Economy, Trade and Industry of the rates and other supply conditions for the cross-area wheeling service to be provided to a general electricity transmission and distribution utility (limited to a service the contract for which satisfies the requirements specified by Order of the Ministry of Economy, Trade and Industry; the same applies in the following paragraph and paragraph 3, item (i)). The same applies when an electricity transmission utility intends to revise the rates and other supply conditions.
- (2) An electricity transmission utility must not provide a cross-area wheeling service to a general electricity transmission and distribution utility at rates and other supply conditions other than those of which notification was given pursuant to the preceding paragraph.
- (3) If the Minister of Economy, Trade and Industry finds that the rates and other supply conditions to which the notification given under paragraph (1) pertained fail to fall under any of the following items, the minister may order the electricity transmission utility to revise the rates and supply conditions within a reasonable time limit set by the minister:
- (i) it is unlikely that the general electricity transmission and distribution utility receiving electricity supply under the rates and other supply conditions to which the notification given under paragraph (1) pertained would experience any difficulty in receiving the cross-area wheeling service;
 - (ii) the rates are clearly set as fixed rates or fixed amounts;
 - (iii) the responsibilities of the electricity transmission utility and the general electricity transmission and distribution utility receiving electricity supply under the rates and other supply conditions to which the notification given under paragraph (1) pertained, as well as the means of sharing expenses between them for electricity meters and works, are provided for appropriately and clearly;
 - (iv) certain persons are not treated in an unfair and discriminatory manner; and
 - (v) beyond what is listed in the preceding items, the promotion of public interest would not be hindered.
- (4) If an electricity transmission utility has refused to provide a cross-area wheeling service to a general electricity transmission and distribution utility without justifiable grounds, the Minister of Economy, Trade and Industry may order the electricity transmission utility to provide a cross-area wheeling service.

(Restrictions on Concurrent Business)

Article 27-11-2 (1) An electricity transmission utility must not engage in electricity retail or electricity generation; provided, however, that this does not apply if the electricity transmission utility obtains approval from the Minister of Economy, Trade and Industry pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.

(2) If an application is filed for the approval referred to in the proviso to the preceding paragraph, the Minister of Economy, Trade and Industry must not grant approval unless the minister finds that it is particularly necessary for the electricity transmission utility that has filed the application to engage in electricity retail or electricity generation in order to secure the interest of electricity users in its service area, while taking into consideration factors such as the overall capacity of the electric facilities for the transmission of electricity maintained and operated by the electricity transmission utility and the site where they are installed.

(3) The provisions specified in the following items do not apply to the persons set forth in the respective items:

(i) an electricity transmission utility that has obtained approval as referred to in the proviso to paragraph (1) (hereinafter referred to as the "approved electricity transmission utility" in this paragraph): the provisions of paragraph (2) of the following Article and Article 27-11-4, paragraphs (2) through (4);

(ii) directors, executive officers or employees of the approved electricity transmission utility: the provisions of paragraph (1) of the following Article; and

(iii) a specified related business operator (meaning the specified related business operator prescribed in paragraph (1) of the following Article) of the approved electricity transmission utility: the provisions of Article 27-11-5, paragraph (1) and Article 27-11-6, paragraph (1).

(Restriction on Concurrent Holding of Positions by Directors or Executive Officers of an Electricity Transmission Utility)

Article 27-11-3 (1) A director or executive officer of an electricity transmission utility must not concurrently hold a position as a director, etc. or employee of its specified related business operator (meaning an electricity retailer or electricity generation utility that is a subsidiary company or parent company of an electricity transmission utility or a subsidiary company, etc. of the parent company other than the electricity transmission utility, or a business operator that satisfies the requirements specified by Order of the Ministry of Economy, Trade and Industry as one that is found to have effective control over the

management of the electricity retailer or electricity generation utility; hereinafter the same applies in this Section); provided, however, that this does not apply if the concurrent holding of positions poses no risk of impairing the proper competitive relationship among electricity suppliers, as specified by Order of the Ministry of Economy, Trade and Industry.

- (2) An electricity transmission utility must not assign an employee of its specified related business operator specified in the following items for each of the specified related business operators set forth in the respective items to engage in, among the service of the electricity transmission and other services for the transformation and transmission of electricity conducted by the electricity transmission utility, the services specified by Order of the Ministry of Economy, Trade and Industry as those for which it is particularly necessary to ensure operational neutrality in order to ensure the proper competitive relationship among electricity suppliers (referred to as the "specified electricity transmission service" in Article 27-11-5, paragraph (1)); provided, however, that this does not apply if the assignment of the employee poses no risk of impairing the proper competitive relationship among electricity suppliers, as specified by Order of the Ministry of Economy, Trade and Industry:
- (i) electricity retailer: an employee who satisfies the requirements specified by Order of the Ministry of Economy, Trade and Industry as one who plays an important role in electricity retail operations;
 - (ii) electricity generation utility: an employee who satisfies the requirements specified by Order of the Ministry of Economy, Trade and Industry as one who plays an important role in the electricity generation operations and services; and
 - (iii) a business operator that satisfies the requirements specified by Order of the Ministry of Economy, Trade and Industry as referred to in the main clause of the preceding paragraph; an employee who satisfies the requirements specified by Order of the Ministry of Economy, Trade and Industry as one who plays an important role in the business management operations of the electricity retailer or electricity generation utility whose management is found to be under effective control of the business operator.
- (3) The Minister of Economy, Trade and Industry may order an electricity transmission utility or its specified related business operator, if a director, executive officer or employee of the electricity transmission utility violates paragraph (1), and an electricity transmission utility, if the electricity transmission utility violates the preceding paragraph, to take necessary measures to rectify the violation.

(Actions an Electricity Transmission Utility is Prohibited from Conducting)
Article 27-11-4 (1) An electricity transmission utility must not conduct any of

the following acts:

- (i) using information concerning other electricity suppliers and electricity users which the electricity transmission utility has become aware of in connection with a cross-area wheeling service, or providing another person with the information, for purposes other than using it for the service;
 - (ii) applying unreasonable preferential treatment or giving benefits, or applying unreasonable disadvantageous treatment or creating disadvantage to any particular electric supplier, in the course of providing a cross-area wheeling service and other services for the transformation and transmission of electricity;. and
 - (iii) beyond what is set forth in the preceding two items, conducting an act specified by Order of the Ministry of Economy, Trade and Industry as an act that impairs the proper competitive relationship among electricity suppliers.
- (2) An electricity transmission utility must not conduct a transaction with its specified related business operator or any other business operator that has a special relationship specified by Order of the Ministry of Economy, Trade and Industry with the electricity transmission utility (referred to as a "specified related business operator, etc. of an electricity transmission utility" in Article 106, paragraph (5)), under terms and conditions that are different from ordinary terms and conditions and that are likely to impair the proper competitive relationship among electricity suppliers; provided, however, that this does not apply if the utility has an unavoidable reason for conducting the transaction and obtains approval from the Minister of Economy, Trade and Industry in advance.
- (3) An electricity transmission utility must not entrust its services for the transformation and transmission of electricity including the cross-area wheeling service to its specified related business operator or a subsidiary company, etc. of the specified related business operator (excluding one that is a specified related business operator); provided, however, that this does not apply if the entrustment of services poses no risk of impairing the proper competitive relationship among electricity suppliers, as specified by Order of the Ministry of Economy, Trade and Industry.
- (4) An electricity transmission utility must not undertake electricity retail or electricity generation services from the electricity retailer or electricity generation utility that is its specified related business operator operating that service; provided, however, that this does not apply if the undertaking of service poses no risk of impairing the proper competitive relationship among electricity suppliers, as specified by Order of the Ministry of Economy, Trade and Industry.
- (5) If the Minister of Economy, Trade and Industry finds that an electricity transmission utility has conducted an action in violation of any of the

preceding paragraphs, the minister may order the electricity transmission utility to discontinue or correct that act.

(Restrictions on Assignments of an Employee of an Electricity Transmission Utility to Engage in Work as an Employee of a Specified Related Business Operator of the Electricity Transmission Utility by the Specified Related Business Operator)

Article 27-11-5 (1) A specified related business operator of an Electricity Transmission Utility set forth in each of the following items must not assign an employee who engages in the Specified Electricity Transmission Service conducted by the Electricity Transmission Utility to engage in work as an employee specified in the respective items; provided, however, that this does not apply if the assignment of the employee poses no risk of impairing the proper competitive relationship among Electricity Suppliers, as specified by Order of the Ministry of Economy, Trade and Industry:

- (i) electricity retailer: an employee who satisfies the requirements specified by Order of the Ministry of Economy, Trade and Industry as one who plays an important role in the operations of the electricity retail;
 - (ii) electricity generation utility: an employee who satisfies the requirements specified by Order of the Ministry of Economy, Trade and Industry as one who plays an important role in electricity generation operations; and
 - (iii) a business operator that satisfies the requirements specified by Order of the Ministry of Economy, Trade and Industry as referred to in the main clause of Article 27-11-3, paragraph (1); an employee who satisfies the requirements specified by Order of the Ministry of Economy, Trade and Industry as one who plays an important role in the business management operations of the electricity retailer or electricity generation utility whose management is found to be under effective control of the business operator.
- (2) If a specified related business operator of an electricity transmission utility violates the preceding paragraph, the Minister of Economy, Trade and Industry may order the specified related business operator of the electricity transmission utility to take necessary measures to rectify the violation.

(Actions a Specified Related Business Operator of an Electricity Transmission Utility is Prohibited from Conducting)

Article 27-11-6 (1) A specified related business operator of an electricity transmission utility must not conduct any of the following:

- (i) demanding that the electricity transmission utility conduct any of the acts set forth in the items of Article 27-11-4, paragraph (1) or the main clause of paragraph (2), the main clause of paragraph (3) or the main clause of paragraph (4) of the same Article, or requesting the utility to conduct any of

- these acts; and
- (ii) beyond what is set forth in the preceding item, conducting an act specified by Order of the Ministry of Economy, Trade and Industry as an act that impairs the proper competitive relationship among electricity suppliers.
- (2) If the Minister of Economy, Trade and Industry finds that a specified related business operator of an electricity transmission utility has conducted an action in violation of the preceding paragraph, the minister may order the specified related business operator of the electricity transmission utility to discontinue or correct that act.

(Application Mutatis Mutandis)

Article 27-12 The provisions of Articles 6-2 through 11, Article 13, Article 14, Article 22, Article 23-4, Article 27, paragraph (1), Article 27-2, and Article 27-3 apply mutatis mutandis to an electricity transmission utility. In this case, the term "service area" in Article 7, paragraphs (2) and (4) and Article 8, paragraph (2) is deemed to be replaced with "general electricity transmission and distribution utility to which the cross-area wheeling service is to be provided", the term "Article 6, paragraph (2), item (v)" in Article 8, paragraph (1) is deemed to be replaced with "Article 27-7, paragraph (2), item (v)", the term "Article 5" in Article 8, paragraph (2) and Article 10, paragraph (3) is deemed to be replaced with "Article 27-6", the term "Article 6, paragraph (2), item (vi)" in Article 9, paragraph (1) is deemed to be replaced with "Article 27-7, paragraph (2), item (vi)", the phrase "Article 6, paragraph (2), items (ii) through (iv)" in Article 9, paragraph (2) is deemed to be replaced with "Article 27-7, paragraph (2), items (ii) through (iv)", the phrase ", transmission and distribution" in Article 22, paragraph (1) is deemed to be replaced with "and transmission", and the phrase "a wheeling service and an electricity quantity adjustment service" in the items of Article 23-4, paragraph (1) is deemed to be replaced with "a cross-area wheeling service".

Section 4 Specified Electricity Transmission and Distribution

(Notification of Business)

Article 27-13 (1) A person who intends to conduct specified electricity transmission and distribution must notify the Minister of Economy, Trade and Industry of the following matters pursuant to provisions by Order of the Ministry of Economy, Trade and Industry:

- (i) the name and address of the applicant, as well as the name of the representative if the applicant is a corporation;
- (ii) the names and locations of the principal business office and any other business office of the applicant;

- (iii) the service points;
 - (iv) the following matters concerning the electric facilities to be used for specified electricity transmission and distribution:
 - (a) regarding electric facilities for the transmission of electricity, the site where they are to be installed, the electric system, means of installation, number of circuits, frequency, and voltage;
 - (b) regarding electric facilities for distribution of electricity, the site where they are to be installed, the electric system, frequency, and voltage;
 - (c) regarding electric facilities for transformation of electricity, the site where they are to be installed, frequency, and output capacity; and
 - (d) regarding electric facilities for generation of electricity, the site where they are to be installed, the type of motive power, frequency, and output capacity;
 - (v) the scheduled date of commencement of business; and
 - (vi) other matters specified by Order of the Ministry of Economy, Trade and Industry.
- (2) The notification given under the preceding paragraph must be accompanied by documents specified by Order of the Ministry of Economy, Trade and Industry.
- (3) The person who has given notification pursuant to paragraph (1) must not use the electric facilities to which the notification pertained for specified electricity transmission and distribution until 20 days have passed from the day when the notification was accepted.
- (4) If the Minister of Economy, Trade and Industry finds that use of the electric facilities to which the notification given under paragraph (1) pertained for specified electricity transmission and distribution is unlikely to significantly harm the interests of electricity users in the service area of a general electricity transmission and distribution utility that covers the service points to which the notification pertained, the minister may shorten the period prescribed in the preceding paragraph.
- (5) If the Minister of Economy, Trade and Industry finds that use of the electric facilities to which the notification given under paragraph (1) pertained for specified electricity transmission and distribution is likely to significantly harm the interests of electricity users in the service area of the general electricity transmission and distribution utility prescribed in the preceding paragraph, the minister may order, within 20 days from the day when the notification was accepted (if the period prescribed in paragraph (3) has been extended pursuant to the following paragraph, within the extended period), the person who has given the notification to change the content of the notification or suspend its performance of the specified electricity transmission and distribution to which the notification pertained.

- (6) If the Minister of Economy, Trade and Industry has reasonable grounds for believing that it will take a considerable period of time to examine whether or not use of the electric facilities to which the notification given under paragraph (1) pertained for specified electricity transmission and distribution is likely to significantly harm the interests of electricity users in the service area of the general electricity transmission and distribution utility prescribed in paragraph (4) and that the examination will not be completed within the period prescribed in paragraph (3), the minister may extend the period set forth in the same paragraph by up to 20 days. In this case, the Minister of Economy, Trade and Industry must notify the person who has given the notification of the extended period and the reason for extension without delay.
- (7) If a specified electricity transmission and distribution utility intends to change the matters set forth in paragraph (1), item (iii) or (iv), it must notify the Minister of Economy, Trade and Industry to that effect in advance pursuant to provisions by Order of the Ministry of Economy, Trade and Industry.
- (8) The provisions of paragraphs (2) through (6) apply mutatis mutandis to the notification under the preceding paragraph. In this case, the phrase "must not use the electric facilities to which the notification pertained for specified electricity transmission and distribution until 20 days have passed from the day when the notification was received" in paragraph (3) is deemed to be replaced with "must not change the electric facilities to which the notification pertained until 20 days have passed from the day when the notification was received; provided, however, that this does not apply to a minor change specified by Order of the Ministry of Economy, Trade and Industry" and the phrase "use of the electric facilities to which the notification given under paragraph (1) pertained for specified electricity transmission and distribution" in paragraphs (4) through (6) is deemed to be replaced with "the change to which the notification given under paragraph (1) pertained".
- (9) If there is a change to the matters listed in paragraph (1), item (i), (ii), (v) or (vi), the specified electricity transmission and distribution utility must notify the Minister of Economy, Trade and Industry to that effect without delay pursuant to provisions by Order of the Ministry of Economy, Trade and Industry.

(Obligation to Provide Wheeling Services)

Article 27-14 A specified electricity transmission and distribution utility that agrees to provide an electricity retailer or a general electricity transmission and distribution utility with a wheeling service for supplying electricity to be used for electricity retail or general electricity transmission and distribution must not refuse to provide the wheeling service without justifiable grounds.

(Registration of Retail Services)

Article 27-15 A specified electricity transmission and distribution utility that intends to provide a retail service by using electric facilities for the transmission of electricity and for distribution of electricity that it independently maintains and operates must be registered by the Minister of Economy, Trade and Industry.

(Application for Registration)

Article 27-16 (1) A specified electricity transmission and distribution utility that intends to be registered under the preceding paragraph must submit a written application to the Minister of Economy, Trade and Industry, stating the following matters, pursuant to provisions by Order of the Ministry of Economy, Trade and Industry:

- (i) the name and address of the applicant, as well as the name of the representative if the applicant is a corporation;
- (ii) the names and locations of the principal business office and any other business office of the applicant;
- (iii) the service points;
- (iv) matters concerning ensuring the supply capability expected to be required for meeting the electricity demand of the recipient of the retail service;
- (v) the scheduled date of commencement of the retail service; and
- (vi) other matters specified by Order of the Ministry of Economy, Trade and Industry.

(2) The written application set forth in the preceding paragraph must be accompanied by a document pledging that the applicant does not fall under any of the items of Article 17-18, paragraph (1) (excluding item (iv)), documents stating the matters concerning the development of a system for performing the retail service appropriately and reliably, and any other documents specified by Order of the Ministry of Economy, Trade and Industry.

(Execution of Registration)

Article 27-17 (1) When an application for registration under Article 27-15 has been filed, the Minister of Economy, Trade and Industry must register the following matters in the registry of specified electricity transmission and distribution utilities providing retail services, except when refusing to register pursuant to paragraph (1) of the following Article:

- (i) matters listed in the items of paragraph (1) of the preceding Article (excluding item (vi)); and
- (ii) the date of registration and registration number.

(2) When the Minister of Economy, Trade and Industry completes registration

under the preceding paragraph, the minister must notify the applicant to that effect without delay.

(Refusal of Registration)

Article 27-18 (1) If a specified electricity transmission and distribution utility that has submitted a written application set forth in Article 27-16, paragraph (1) falls under any of the following items, or if the written application or any of the documents accompanying it contains a false statement of an important matter or lacks a statement of an important fact, the Minister of Economy, Trade and Industry must refuse to register the applicant:

- (i) a person who is subject to a fine or more severe punishment for violation of this Act or any order issued under this Act, if two years have not passed since the person finished serving the sentence or ceased to be subject to its enforcement;
- (ii) a person whose registration was rescinded pursuant to Article 27-21, paragraph (1), if two years have not passed since the date of rescission;
- (iii) a corporation, any of whose officers falls under any of the preceding two items; and
- (iv) a person who is expected to be unlikely to be able to ensure the supply capability required for meeting the electricity demand of the recipients of the retail service, or any other person who is found to be unsuitable for the protection of the interest of electricity users.

(2) If the Minister of Economy, Trade and Industry refuses to register a person pursuant to the preceding paragraph, the minister must send a document stating the reasons for the refusal to the person who filed the written application.

(Registration of Change)

Article 27-19 (1) If a specified electricity transmission and distribution utility registered under Article 27-15 (hereinafter referred to as a "registered specified electricity transmission and distribution utility") intends to change the matter set forth in Article 27-16, paragraph (1), item (iv), it must obtain registration of change from the Minister of Economy, Trade and Industry; provided, however, that this does not apply to a minor change specified by Order of the Ministry of Economy, Trade and Industry.

(2) A registered specified electricity transmission and distribution utility that intends to obtain registration of change set forth in the preceding paragraph must submit a written application stating the matters subject to change to the Minister of Economy, Trade and Industry, pursuant to provisions by Order of the Ministry of Economy, Trade and Industry.

(3) The provisions of Article 27-16, paragraph (2) and the preceding two Articles

apply mutatis mutandis to the registration of change set forth in paragraph (1). In this case, the phrase "the following matters" in Article 27-17, paragraph (1) is deemed to be replaced with "the matters subject to change" and the phrase "a specified electricity transmission and distribution utility that has submitted a written application set forth in Article 27-16, paragraph (1) falls under any of the following items" in paragraph (1) of the preceding Article is deemed to be replaced with "a registered specified electricity transmission and distribution utility that has submitted a written application for registration of change falls under any of the following items (excluding item (ii))".

- (4) If there is a change to the matters listed in the items of Article 27-16, paragraph (1) (excluding item (iv)) or when a registered specified electricity transmission and distribution utility makes a minor change specified by Order of the Ministry of Economy, Trade and Industry as set forth in the proviso to paragraph (1), the registered specified electricity transmission and distribution utility must notify the Minister of Economy, Trade and Industry to that effect without delay.
- (5) If the Minister of Economy, Trade and Industry accepts the notification under the preceding paragraph, the minister must register the matters set forth in Article 27-17, paragraph (1), item (i), among those contained in the notification, in the registry of specified electricity transmission and distribution utilities providing retail services.

(Suspension and Discontinuation of Retail Service)

- Article 27-20 (1) If a registered specified electricity transmission and distribution utility suspends or discontinues the all or part of its retail service provided by using electric facilities for the transmission of electricity and for distribution of electricity that it independently maintains and operates, it must notify the Minister of Economy, Trade and Industry to that effect without delay.
- (2) If a registered specified electricity transmission and distribution utility intends to suspend or discontinue the all or part of its retail service provided by using electric facilities for the transmission of electricity and for distribution of electricity that it independently maintains and operates, it must publicize that intention among the recipients of its retail service in advance pursuant to provisions by Order of the Ministry of Economy, Trade and Industry.

(Rescission of Registration)

- Article 27-21 (1) If a registered specified electricity transmission and distribution utility falls under any of the following items, the Minister of Economy, Trade and Industry may rescind the registration made under Article 27-15:

- (i) the registered specified electricity transmission and distribution utility has violated this Act or an order or ruling pursuant thereto and the violation is found to be harmful to the public interest;
 - (ii) the registered specified electricity transmission and distribution utility has been registered under Article 27-15 or obtained registration of change under Article 27-19, paragraph (1), by wrongful means; and
 - (iii) the registered specified electricity transmission and distribution utility now falls under Article 27-18, paragraph (1), item (i) or (iii).
- (2) The provisions of Article 27-18, paragraph (2) apply mutatis mutandis to the case set forth in the preceding paragraph.

(Cancellation of Registration)

Article 27-22 The Minister of Economy, Trade and Industry must cancel the registration of the relevant registered specified electricity transmission and distribution utility if notification of discontinuation of the whole of retail service under Article 27-20, paragraph (1) has been given, if the minister has rescinded the registration pursuant to paragraph (1) of the preceding Article, or if notification of dissolution under Article 27-25, paragraph (2) has been given.

(Delegation to Order of the Ministry of Economy, Trade and Industry)

Article 27-23 Beyond what is provided for in Article 27-15 through the preceding Article, any matters necessary for the registration of a registered specified electricity transmission and distribution utility are specified by Order of the Ministry of Economy, Trade and Industry.

(Succession)

Article 27-24 (1) In the event of a transfer of the whole of a specified electricity transmission and distribution, or inheritance, merger or split of a specified electricity transmission and distribution utility (limited to those resulting in the taking over of the whole of a specified electricity transmission and distribution), the transferee of all specified electricity transmission and distribution, the heir, the corporation surviving after the merger or the corporation newly established upon the merger, or the corporation that has taken over all specified electricity transmission and distribution upon the split succeeds to the status of the specified electricity transmission and distribution utility; provided, however, that this does not apply when the specified electricity transmission and distribution relates to the provision of a retail service, and the transferee of all specified electricity transmission and distribution, the heir, the corporation surviving after the merger or the corporation newly established upon the merger, or the corporation that has

- taken over all specified electricity transmission and distribution upon the split falls under any of the items of Article 27-18, paragraph (1) (excluding item (iv)).
- (2) A person who has succeeded to the status of a specified electricity transmission and distribution utility pursuant to the preceding paragraph must notify the Minister of Economy, Trade and Industry to that effect without delay.
 - (3) The provisions of Article 27-19, paragraph (5) apply mutatis mutandis to the notification under the preceding paragraph (limited to that relating to a registered specified electricity transmission and distribution utility).

(Suspension and Discontinuation of Business, and Dissolution of Corporation)

- Article 27-25 (1) If a specified electricity transmission and distribution utility intends to suspend or discontinue the all or part of its business, it must notify the Minister of Economy, Trade and Industry to that effect in advance pursuant to provisions by Order of the Ministry of Economy, Trade and Industry.
- (2) If a corporation acting as a specified electricity transmission and distribution utility is dissolved for reasons other than a merger, its liquidator (or its bankruptcy trustee if the dissolution is based on an order to commence bankruptcy proceedings) must notify the Minister of Economy, Trade and Industry to that effect without delay.

(Application Mutatis Mutandis)

- Article 27-26 (1) The provisions of Article 26 and Article 27, paragraph (1) apply mutatis mutandis to a specified electricity transmission and distribution utility.
- (2) The provisions of Article 2-12, Article 2-15, Article 2-16, and Article 2-17, paragraph (3) apply mutatis mutandis to a registered specified electricity transmission and distribution utility. In this case, the term "electricity retail" in Article 2-16, paragraph (1) is deemed to be replaced with "specified electricity transmission and distribution (limited to business that provides a retail service; the same applies in the following paragraph)" and the term "electricity retail" in paragraph (2) of the Article is deemed to be replaced with "specified electricity transmission and distribution".
 - (3) The provisions of Article 2-13, Article 2-14, and Article 2-17, paragraph (2) apply mutatis mutandis to a registered specified electricity transmission and distribution utility and a person who engages in the intermediary, brokerage or agency service in the course of trade for the conclusion of an agreement on a retail service provided by a registered specified electricity transmission and distribution utility. In this case, the phrase "an electricity retailer and a person who engages in the intermediary, brokerage or agency service in the course of trade for the conclusion of an agreement on a retail service provided

by an electricity retailer" in Article 2-13, paragraph (1) is deemed to be replaced with "a registered specified electricity transmission and distribution utility and a person who engages in the intermediary, brokerage or agency service in the course of trade for the conclusion of an agreement on a Retail Service provided by a registered specified electricity transmission and distribution utility" and the term "an electricity retailer, etc." in Article 2-13, Article 2-14 and Article 2-17, paragraph (2) is deemed to be replaced with "registered specified electricity transmission and distribution utility, etc."

Section 5 Electricity Generation

(Notification of Business)

Article 27-27 (1) A person who intends to conduct electricity generation must notify the Minister of Economy, Trade and Industry of the following matters pursuant to provisions by Order of the Ministry of Economy, Trade and Industry:

- (i) the name and address of the applicant, as well as the name of the representative if the applicant is a corporation;
 - (ii) the names and locations of the principal business office and any other business office of the applicant;
 - (iii) the site where electric facilities for generation of electricity to be used for electricity generation are to be installed, the type of motive power, frequency, and output capacity;
 - (iv) the scheduled date of commencement of business; and
 - (v) other matters specified by Order of the Ministry of Economy, Trade and Industry.
- (2) The notification given under the preceding paragraph must be accompanied by documents specified by Order of the Ministry of Economy, Trade and Industry.
- (3) If there is a change to the matters to which the notification given under paragraph (1) pertained, the relevant electricity generation utility must notify the Minister of Economy, Trade and Industry to that effect without delay, pursuant to provisions by Order of the Ministry of Economy, Trade and Industry.

(Obligation to Generate Electricity)

Article 27-28 An electricity generation utility that has agreed to generate electricity to be used for general electricity transmission and distribution by using electric facilities for generation of electricity that it maintains and operates and to supply the electricity to a general electricity transmission and distribution utility must not refuse to generate and supply electricity without

justifiable grounds.

(Application Mutatis Mutandis)

Article 27-29 The provisions of the main clause of Article 2-7, paragraph (1), Article 2-7, paragraph (2), Article 27, paragraph (1), Article 27-2, Article 27-3, and Article 27-25 apply mutatis mutandis to an electricity generation utility. In this case, the phrase "the all or part of its business" in paragraph (1) of the Article 27-25 is to be deemed to be replaced with "its business".

Section 6 Specified Service

- Article 27-30 (1) A person who intends to conduct the business of supplying electricity must obtain a license from the Minister of Economy, Trade and Industry for each recipient of electricity supply and each place where electricity is to be supplied, except in the case of conducting electricity business (excluding electricity generation) or any of the following cases:
- (i) the person intends to supply electricity through generation facilities intended exclusively for supplying electricity to meet the demand in a single building or in any premises specified by Order of the Ministry of Economy, Trade and Industry; and
 - (ii) the person intends to supply electricity to be used for electricity retail, general electricity transmission and distribution, or specified electricity transmission and distribution.
- (2) A person who intends to obtain a license under the preceding paragraph must submit a written application to the Minister of Economy, Trade and Industry, with a document specified by Order of the Ministry of Economy, Trade and Industry stating the following matters:
- (i) the name and address of the applicant, as well as the name of the representative if the applicant is a corporation;
 - (ii) the name and address of the recipient of electricity supply;
 - (iii) the place where electricity is to be supplied; and
 - (iv) other matters specified by Order of the Ministry of Economy, Trade and Industry.
- (3) The Minister of Economy, Trade and Industry must not grant a license under paragraph (1) unless the Minister finds that the application for the license under the paragraph conforms to all of the following items:
- (i) the person who is to conduct electricity supply business has a close association with the recipient of electricity supply as specified by Order of the Ministry of Economy, Trade and Industry; and
 - (ii) the place where electricity is to be supplied is located in the service area of a general electricity transmission and distribution utility, and there is no

risk of harm to the interests of electricity users in the service area of the general electricity transmission and distribution utility.

- (4) If there has been a change to the matters listed in paragraph (2), item (i), item (ii) or item (iv), the person who has obtained a license under paragraph (1) must notify the Minister of Economy, Trade and Industry to that effect without delay.
- (5) If a person who has obtained a license under paragraph (1) discontinues the electricity supply business under the license, the person must notify the Minister of Economy, Trade and Industry to that effect without delay.
- (6) If the Minister of Economy, Trade and Industry finds that the person who has obtained a license under paragraph (1) has ceased to conform to any of the items of paragraph (3), the minister may rescind the license granted under paragraph (1).

Section 7 Operations Covering an Extensive Area

Subsection 1 Cooperation among Electricity Utilities

Article 28 In the course of implementing electric power development projects, supplying electricity, operating electric facilities and performing other business activities, electricity utilities must cooperate with one another while appropriately making use of the capabilities of specified persons installing electric facilities for private use prescribed in Article 28-3, paragraph (2), so as to contribute to ensuring a stable supply of electricity and other comprehensive and reasonable development of electricity business through operations covering an extensive area.

Article 28-2 Deleted.

Subsection 2 Notification of Specified Person Installing Electric Facilities for Private Use

Article 28-3 (1) If a person who maintains and operates electric facilities for private use for electricity generation that satisfy the requirements specified by Order of the Ministry of Economy, Trade and Industry (excluding any electricity retailer, general electricity transmission and distribution utility, specified electricity transmission and distribution utility, and electricity generation utility) has the electric facilities for private use electrically connected directly, or indirectly through electric lines maintained and operated by a person other than a general electricity transmission and distribution utility, with electric lines maintained and operated by a general electricity transmission and distribution utility, the person must notify the Minister of

Economy, Trade and Industry to that effect pursuant to provisions by Order of the Ministry of Economy, Trade and Industry, with a document stating the person's name and address as well as the matters specified by Order of the Ministry of Economy, Trade and Industry, without delay; provided, however, that this does not apply to cases specified by Order of the Ministry of Economy, Trade and Industry.

- (2) If a person who has given notification under the preceding paragraph (hereinafter referred to as "specified person installing electric facilities for private use" in Article 31, paragraph (2)) falls under any of the following items, the person must notify the Minister of Economy, Trade and Industry to that effect without delay pursuant to provisions by Order of the Ministry of Economy, Trade and Industry:
- (i) the matters listed in the preceding paragraph have been changed;
 - (ii) the electric facilities for private use for electricity generation regarding which notice has been given pursuant to the provisions of the preceding paragraph have ceased to satisfy the requirements specified by Order of the Ministry of Economy, Trade and Industry as referred to in the paragraph;
 - (iii) the electric facilities for private use for electricity generation regarding which notice has been given pursuant to the provisions of the preceding paragraph have ceased to be electrically connected directly, or indirectly through electric lines maintained and operated by a person other than a general electricity transmission and distribution utility, with electric lines maintained and operated by a general electricity transmission and distribution utility; and
 - (iv) the person otherwise falls under any of the items prescribed in an Order of the Ministry of Economy, Trade and Industry.

**Subsection 3 The Organization for Cross-regional Coordination of
Transmission Operators
Division 1 General Provisions**

(Purpose)

Article 28-4 The purpose of the organization for cross-regional coordination of transmission operators (hereinafter referred to as "OCCTO") is to promote operations covering an extensive area in conducting electricity business by monitoring the status of the supply of and demand for electricity for electricity business conducted by an electricity utility and giving the electricity utility instructions to supply electricity to another electricity retailer, general electricity transmission and distribution utility, or specified electricity transmission and distribution utility whose status regarding supply of and demand for electricity has worsened.

(Legal Personality)

Article 28-5 OCCTO is to have legal personality.

(Number)

Article 28-6 Only one OCCTO is to be established.

(Name)

Article 28-7 (1) OCCTO must use the words "organization for cross-regional coordination of transmission operators" in its name.

(2) A legal person that is not the OCCTO must not use the words "organization for cross-regional coordination of transmission operators" in its name.

(Registration)

Article 28-8 (1) The OCCTO must be registered pursuant to Cabinet Order.

(2) The matters to be registered pursuant to the provisions of the preceding paragraph may not be asserted against a third party until the matters are registered.

(Application Mutatis Mutandis of the Act on General Incorporated Associations and General Incorporated Foundations)

Article 28-9 The provisions of Articles 4 and 78 of the Act on General Incorporated Associations and General Incorporated Foundations (Act No. 48 of 2006) apply mutatis mutandis to the OCCTO.

Division 2 Members

(Qualification of Members)

Article 28-10 (1) Persons qualified to be members of the OCCTO are limited to Electricity Utilities.

(2) The OCCTO must not refuse entry to those who qualify as members nor set unreasonable conditions with respect to that entry.

(Entry Obligations)

Article 28-11 (1) Electricity utilities must join as members of the OCCTO.

(2) A person who intends to conduct electricity retail by registering under Article 2-2, a person who intends to conduct general electricity transmission and distribution under a license obtained under Article 3, a person who intends to conduct electricity transmission under a license obtained under Article 27-4, a person who gives notification under Article 27-13, paragraph (1) and intends to conduct specified electricity transmission and distribution, and a person who

gives notification under Article 27-27, paragraph (1) and intends to conduct electricity generation must undertake procedures to join the OCCTO prior to applying for the registration, license or notification; provided, however, that this does not apply when the person is a member of the OCCTO.

- (3) A person who has undertaken procedures to join the OCCTO pursuant to the preceding paragraph becomes a member of the OCCTO when the registration in the paragraph has been obtained, the license in the paragraph has been obtained, or the notification in the paragraph has been accepted.
- (4) Upon joining the OCCTO, an electricity utility must notify the Minister of Economy, Trade and Industry to that effect without delay.

(Withdrawal)

Article 28-12 (1) A member automatically withdraws from the OCCTO when the registration under Article 2-2 is rescinded pursuant to Article 2-9, paragraph (1) if the member is an electricity retailer, when the license under Article 3 is rescinded pursuant to Article 15, paragraph (1) or (2) if the member is a general electricity transmission and distribution utility, and when the license under Article 27-4 is rescinded pursuant to Article 27-8, paragraphs (1) through (3) if the member is an electricity transmission utility.

(2) A member may not withdraw from the OCCTO; provided, however, that this does not apply in the following cases:

- (i) the registration under Article 2-2 has been rescinded pursuant to Article 2-9, paragraph (1);
- (ii) the license under Article 3 has been rescinded pursuant to Article 15, paragraph (1) or (2);
- (iii) the license under Article 27-4 has been rescinded pursuant to Article 27-8, paragraphs (1) through (3);
- (iv) the notification under Article 2-8, paragraph (1) (limited to that relating to discontinuation of electricity retail) is given;
- (v) the permission under Article 14, paragraph (1) (limited to that relating to discontinuation of all of general electricity transmission and distribution) is obtained;
- (vi) the permission under Article 14, paragraph (1) as applied *mutatis mutandis* pursuant to Article 27-12 (limited to that relating to discontinuation of all of electricity transmission) is obtained;
- (vii) the notification under Article 27-25, paragraph (1) (limited to that relating to discontinuation of all of specified electricity transmission and distribution) is given;
- (viii) the notification under Article 27-25, paragraph (1) as applied *mutatis mutandis* pursuant to Article 27-29 (limited to that relating to discontinuation of electricity generation) is given; and

- (ix) other cases specified by Order of the Ministry of Economy, Trade and Industry.
- (3) The provisions of paragraph (1) and the proviso to the preceding paragraph only apply to a member who is two or more of an electricity retailer, general electricity transmission and distribution utility, electricity transmission utility, specified electricity transmission and distribution utility, or electricity generation utility and is to no longer be any of them.

Division 3 Establishment

(Requirements for Establishment)

- Article 28-13 (1) In order to establish the OCCTO, seven or more electricity utilities who intend to become members must be founders.
- (2) After preparing the articles of incorporation and operational rules, the founders must invite persons who intend to become members, and hold an organizational meeting by giving public notice of the articles of incorporation and operational rules as well as the time and place of the meeting by two weeks prior to the date of the meeting.
- (3) Approval of the articles of incorporation and operational rules and decisions on any other matters necessary for the establishment of the OCCTO must be made by a resolution of the organizational meeting.
- (4) The articles of incorporation and operational rules may be amended at the organizational meeting.
- (5) Decisions at the organizational meeting under paragraph (3) are made by at least two-thirds of the voting rights of those present when at least half of the founders and the electricity utilities which have notified the founders of their intention to become members before the opening of the meeting are present.
- (6) Notwithstanding the provisions of Article 28-33, any necessary matters for the operation of business in the fiscal year which includes the date of establishment of the OCCTO (including the budget) may be decided by a resolution at an organizational meeting.
- (7) The provisions of the main clause of Article 28-34 apply mutatis mutandis to the business of the organizational meeting under the preceding paragraph. In this case, the term "all members" in the main clause of the Article is deemed to be replaced with "the founders and the electric utilities which have notified the founders of their intention to become members before the opening of the meeting".
- (8) The provisions of Articles 28-38 and 28-39 apply mutatis mutandis to a resolution of an organizational meeting.

(Application for Approval)

Article 28-14 (1) After the conclusion of the organizational meeting, the founders must submit a written application for approval describing the matters listed in the following items to the Minister of Economy, Trade and Industry without delay, and obtain approval for the establishment:

- (i) the name;
 - (ii) the location of the place of business; and
 - (iii) the names and addresses of officers and trade names of members
- (2) A written application for approval under the preceding paragraph must be accompanied by the articles of incorporation, operational rules and other documents specified by Order of the Ministry of Economy, Trade and Industry.

(Standards for Approval)

Article 28-15 If the Minister of Economy, Trade and Industry finds that the application for approval under paragraph (1) of the preceding Article conforms to each of the following items, the minister must grant approval for establishment:

- (i) the procedures for establishment and the terms of the articles of incorporation and operational rules conform to laws and regulations;
- (ii) there is no false statement in the written application for approval, the articles of incorporation and operational rules;
- (iii) none of the officers is a person who falls under any category of the persons in each item of Article 28-21;
- (iv) it is expected with certainty that business will be operated fairly and appropriately; and
- (v) the OCCTO to which the application pertains is organized in such a way as to conform to the provisions of this Act.

(Handover of Processes to the President)

Article 28-16 When approval for establishment is granted, the founders must hand over their processes to the president without delay.

(Registration)

Article 28-17 (1) The OCCTO is established by registering its establishment at the location of its principal office.

- (2) When the OCCTO registers its establishment under the preceding paragraph, it must notify the Minister of Economy, Trade and Industry to that effect without delay.

Division 4 Management

(Matters to be Included in the Articles of Incorporation)

Article 28-18 (1) The articles of incorporation of the OCCTO must state the matters listed in the following:

- (i) purposes;
 - (ii) name;
 - (iii) location of the place of business;
 - (iv) the following matters related to members:
 - (a) membership qualification;
 - (b) entry and withdrawal of members; and
 - (c) sanctions against members;
 - (v) matters related to general meetings;
 - (vi) matters related to officers;
 - (vii) matters related to the board of councilors;
 - (viii) matters related to membership fees;
 - (ix) matters related to finance and accounting;
 - (x) matters related to changes to the articles of incorporation; and
 - (xi) the means of public notice
- (2) No change to the articles of incorporation is effective unless approved by the Minister of Economy, Trade and Industry.

(Officers)

Article 28-19 The OCCTO has one president, two or more directors, and one or more auditors as officers.

(Authority of Officers)

Article 28-20 (1) The president represents the OCCTO and presides over its business.

- (2) Pursuant to the articles of incorporation, directors represent the OCCTO, assist the president in the management of the business of the OCCTO, represent the president when circumstances hinder the performance of the president's duties, and perform those duties when the position of president is vacant.
- (3) Auditors audit the business of the OCCTO.
- (4) When they deem it necessary, auditors may submit their opinions to the president or the Minister of Economy, Trade and Industry based on the results of audit.

(Disqualification of Officers)

Article 28-21 A person who falls under any of the following items may not become an officer:

- (i) employees of the government or any local public entity (excluding part-time employees);

- (ii) a person who has been sentenced to imprisonment without work or a more severe punishment, if two years have not passed since the person finished serving the sentence or ceased to be subject to its enforcement; and
- (iii) a person who has been subject to a fine for violation of this Act or any order issued under this Act, if two years have not passed since the person finished paying the fine or ceased to be subject to the fine.

Article 28-22 If an officer comes to fall under any of the items of the preceding Article, the OCCTO must dismiss the officer.

(Appointment, Term of Office and Dismissal of Officers)

Article 28-23 (1) Officers are appointed or dismissed at a general meeting pursuant to the provisions of the articles of incorporation; provided, however, that the officers at the time of establishment are appointed at the organizational meeting.

(2) The appointment (excluding appointment of officers at the time of establishment) and dismissal of officers of the OCCTO under the provisions of the preceding paragraph do not come into effect without the approval of the Minister of Economy, Trade and Industry.

(3) The term of office of an officer is a period of not more than two years as specified by the articles of incorporation.

(4) Officers may be re-appointed.

(5) If any officer violates this Act, an order or ruling pursuant thereto, the articles of incorporation or operational rules, or commits a particularly inappropriate act in relation to the business of the OCCTO, the Minister of Economy, Trade and Industry may order the OCCTO to dismiss the officer, specifying a time limit.

(6) If the OCCTO does not dismiss an officer who has become ineligible under the provisions of Article 28-21 or does not obey an order pursuant to the provisions of the preceding paragraph, the Minister of Economy, Trade and Industry may dismiss the officer.

(Prohibition of the Concurrent Holding of Positions by Officers)

Article 28-24 No officer may become an officer of any profit-oriented association or personally engage in any profit-making business; provided, however, that this does not apply when the officer has obtained approval to do so from the Minister of Economy, Trade and Industry.

(Prohibition of Concurrent Holding of Positions by Auditors)

Article 28-25 Auditors must not concurrently hold the position of president, director, councilor or employee of the OCCTO.

(Restriction on the Right of Representation)

Article 28-26 Neither the president nor the directors has the right of representation with regard to any matter in which their interests and the interests of the OCCTO conflict. In this case, auditors represent the OCCTO.

(Board of Councilors)

Article 28-27 (1) The OCCTO has a board of councilors in charge of deliberating on important matters concerning its administration.

(2) The board of councilors consists of not more than twenty councilors.

(3) The councilors are appointed by the president, with the authorization of the Minister of Economy, Trade and Industry, from among persons with relevant knowledge and experience in electricity business.

(Appointment of Employees)

Article 28-28 Employees of the OCCTO are appointed by the president.

(Officers and Employee Obligations to Confidentiality)

Article 28-29 (1) No officer, employee or councilor of the OCCTO or person who formerly held such a position may disclose to another person any confidential information learned during the course of duties or misappropriate that information.

(2) No officer, employee or councilor of the OCCTO or person who was formerly in such a position may use any information learned during the course of duties for any purpose other than for the business of the OCCTO.

(Position of Officers and Employees)

Article 28-30 With regard to the application of the Penal Code (Act No. 45 of 1907) and other penal provisions, officers, employees and councilors of the OCCTO are deemed to be employees engaged in public service under laws and regulations.

Division 5 General Meetings

(Convocation of General Meetings)

Article 28-31 (1) The president must convene an ordinary general meeting once every fiscal year pursuant to the provisions of the articles of incorporation.

(2) The president may convene an extraordinary general meeting when the finding it necessary to do so.

(Attendance of Designated Employees at Meetings)

Article 28-32 Employees designated by the Minister of Economy, Trade and Industry may attend general meetings and state their opinions.

(Matters to be Resolved at General Meetings)

Article 28-33 Beyond matters for which special provisions exist in this Act, the following matters require a resolution of a general meeting:

- (i) changes to the articles of incorporation;
- (ii) decision or revision of budgets;
- (iii) changes to operational rules
- (iv) settlement of accounts; and
- (v) beyond what is listed in the preceding items, matters set forth in the articles of incorporation.

(Decisions at General Meetings)

Article 28-34 Decisions at general meetings are made by a majority vote of the members present when at least half of all members are present and by the chairperson in the event of a tie; provided, however, that decisions on the matters set forth in items (i) and (iii) of the preceding Article are made by at least a two-thirds majority vote of the members present.

(Extraordinary General Meetings)

Article 28-35 The president must convene an extraordinary general meeting when a demand indicating the matters that are the purpose of the meeting is presented from one-fifth or more of all members; provided, however, that a percentage that differs from one-fifth of all members may be specified by the articles of incorporation.

(Convocation of General Meetings)

Article 28-36 Notice of convocation for a general meeting must be given in accordance with the means specified by the articles of incorporation at least five days prior to the day of the general meeting and indicate the matter that is the subject of the general meeting.

(Decisions at General Meetings)

Article 28-37 Only matters of which notice has been given in advance pursuant to the provisions of the preceding Article may be resolved at a general meeting; provided, however, that this does not apply when otherwise provided for in the articles of incorporation.

(Voting Rights of Members)

Article 28-38 (1) All members have equal voting rights.

- (2) Members who do not attend a general meeting may vote in writing or through a proxy.
- (3) The provisions of the preceding two paragraphs do not apply when otherwise provided for in the articles of incorporation.

(No Voting Right)

Article 28-39 When a decision is to be made regarding the relationship between the OCCTO and a certain member, that member has no voting rights.

Division 6 Operations

(Operations)

Article 28-40 The OCCTO conducts the following operations in order to achieve the purposes set forth in Article 28-4:

- (i) monitor the status of the supply and demand of electricity for electricity businesses conducted by members;
- (ii) give instructions pursuant to the provisions of Article 28-44, paragraph (1);
- (iii) establish basic guidelines for the performance of the services for electricity transmission and distribution, etc. (meaning wheeling service and other services for transformation, transmission and distribution of electricity provided by a general electricity transmission and distribution utility or electricity transmission utility; hereinafter the same applies in this Article) (hereinafter referred to as "Guidelines for the Services for Electricity Transmission and Distribution" in Article 28-45, Article 28-46 and Article 29, paragraph (2));
- (iv) conduct a review and delivery pursuant to the provisions of Article 29, paragraph (2) (including when applied mutatis mutandis pursuant to paragraph (4) of that Article);
- (v) provide services for inviting people who will maintain and operate electric facilities for generation of electricity by implementing bidding processes or by any other means, and other services for promoting installation of electric facilities for generation of electricity;
- (vi) give guidance or make recommendations to electricity suppliers or perform other services necessary to ensure the smooth performance of the services for electricity transmission and distribution, etc. and otherwise ensure stable electricity supply;
- (vii) handle complaints from and settle disputes with electricity suppliers with regard to the services for electricity transmission and distribution, etc.;
- (viii) provide relevant information, and liaise and coordinate with respect to the services for electricity transmission and distribution, etc.;
- (ix) conduct business incidental to that set forth in the preceding items; and

(x) beyond what is listed in the preceding items, conduct other operations necessary to achieve the purposes set forth in Article 28-4.

(Operational Rules)

Article 28-41 (1) The operational rules of the OCCTO must state matters concerning its business, the execution thereof, and other matters specified by Order of the Ministry of Economy, Trade and Industry.

(2) If instructions under the provisions of Article 28-44, paragraph (1) have been given, the matters concerning business and the execution thereof under the preceding paragraph must include matters in relation to amounts payable or receivable by members and other matters necessary for execution of instructions.

(3) If the OCCTO intends to change its operational rules, it must obtain approval from the Minister of Economy, Trade and Industry.

(Submission of Reports or Materials)

Article 28-42 (1) When it is necessary in order to conduct its business, the OCCTO may request its members to submit reports or materials.

(2) A member who has been requested to submit reports or materials pursuant to the provisions of the preceding paragraph must submit them without delay.

(3) Upon receiving a request from the OCCTO, if the Minister of Economy, Trade and Industry finds that it is particularly necessary for the conduct of business by the OCCTO, the minister may issue materials (limited to those pertaining to the information held by the Minister of Economy, Trade and Industry with regard to enforcement of this Act) to the OCCTO and have the OCCTO inspect them.

(Obligation to Provide Information)

Article 28-43 Pursuant to the provisions of its operational rules, members must provide the OCCTO with information on the quantity of electricity generated by the electric facilities for business use for generation of electricity maintained and operated by them at all times, information pertaining to the frequency of the electricity supplied by them and any other information provided for in the operational rules as information necessary for the execution of business listed in Article 28-40, item (i) by the OCCTO.

(Instructions by OCCTO)

Article 28-44 (1) If the status of supply of and demand for electricity for electricity retail conducted by a member who is an electricity retailer, general electricity transmission and distribution conducted by a member who is a general electricity transmission and distribution utility, or specified electricity

transmission and distribution conducted by a member who is a specified electricity transmission and distribution utility has worsened or is likely to worsen, and the OCCTO finds it necessary to improve the status of supply of and demand for electricity, it may instruct members to undertake the following actions pursuant to the provisions of the operational rules; provided, however, that it may not instruct a member who is an electricity transmission utility to conduct the matter set forth in item (i), a member who is an electricity retailer and a member who is an electricity generation utility to conduct the matter set forth in item (ii), and a member who is an electricity transmission utility and a member who is an electricity generation utility to conduct the matter set forth in item (iii):

- (i) supply electricity to a member for which the status of supply of and demand for electricity has worsened;
 - (ii) provide a member who is an electricity retailer, a member who is a general electricity transmission and distribution utility, or a member who is a specified electricity transmission and distribution utility with cross-area wheeling service;
 - (iii) receive supply of electricity from a member;
 - (iv) lease electric facilities to or from a member or share electric facilities with a member; and
 - (v) beyond what is listed in the preceding items, take necessary measures to improve the status of supply of and demand for electricity.
- (2) If the OCCTO gives instructions pursuant to the preceding paragraph, it must immediately report the contents of the instructions and any other matters specified by Order of the Ministry of Economy, Trade and Industry to the Minister of Economy, Trade and Industry.
- (3) If the OCCTO finds that a member who has received instructions pursuant to the provisions of paragraph (1) fails to take necessary measures pertaining to the instructions without justifiable grounds, it must immediately report that fact to the Minister of Economy, Trade and Industry.

(Guidelines for Services for Electricity Transmission and Distribution)

Article 28-45 Guidelines for Services for Electricity Transmission and Distribution are to establish the following:

- (i) matters pertaining to improvement in the capacity of electric lines maintained and operated by a general electricity transmission and distribution utility;
- (ii) matters pertaining to electric connections between electric facilities for generation of electricity and electric lines maintained and operated by a general electricity transmission and distribution utility; and
- (iii) other matters specified by Order of the Ministry of Economy, Trade and

Industry.

(Approval of Guidelines for Services for Electricity Transmission and Distribution)

- Article 28-46 (1) Guidelines for Services for Electricity Transmission and Distribution are not effective unless approved by the Minister of Economy, Trade and Industry. The same applies when a general electricity utility intends to amend the Guidelines (excluding minor matters specified by Order of the Ministry of Economy, Trade and Industry).
- (2) The Minister of Economy, Trade and Industry must not grant approval under the preceding paragraph unless the minister finds that the Guidelines for the Services for Electricity Transmission and Distribution subject to an application for approval under the paragraph conform to all of the following items:
- (i) its terms are not in violation of any applicable law;
 - (ii) the procedures for its establishment or amendment are not in violation of any applicable law or the articles of incorporation; and
 - (iii) the Guidelines are not unfairly discriminatory.
- (3) If the Minister of Economy, Trade and Industry finds that the Guidelines for Services for Electricity Transmission and Distribution do not conform to any of the items in the preceding paragraph, the minister must order the OCCTO to amend the Guidelines for Services for Electricity Transmission and Distribution.
- (4) If the OCCTO makes an amendment to minor matters specified by Order of the Ministry of Economy, Trade and Industry under paragraph (1), it must give notice of the amended Guidelines for Services for Electricity Transmission and Distribution to the Minister of Economy, Trade and Industry without delay.

Division 7 Finance and Accounting

(Fiscal Year)

Article 28-47 The fiscal year of the OCCTO is from April 1 to March 31 of the following year; provided, however, that the fiscal year including the day of establishment of the OCCTO is from the day of establishment to the following March 31.

(Approval of Budgets)

Article 28-48 The OCCTO must prepare a budget and business plan for each fiscal year, and obtain approval from the Minister of Economy, Trade and Industry prior to the beginning of the fiscal year (in the fiscal year that includes the day of establishment of the OCCTO, without delay after establishment). The same applies when the OCCTO intends to revise them.

(Submission of Financial Statements)

Article 28-49 (1) The OCCTO must prepare an inventory of property, a balance sheet, a profit and loss statement, a business report and a settlement of accounts (hereinafter referred to as "financial statements, etc." in this Article) for the previous fiscal year and submit these to and gain approval therefor from the Minister of Economy, Trade and Industry as specified by Order of the Ministry of Economy, Trade and Industry within three months from the day of commencement of a fiscal year (excluding the fiscal year that includes the day of establishment of the OCCTO).

(2) When the OCCTO submits financial statements, etc. to the Minister of Economy, Trade and Industry pursuant to the provisions of the preceding paragraph, it must attach to these the written opinion of the auditor of the financial statements, etc.

(3) The OCCTO must keep a copy of the financial statements, etc. prepared and approved by the Minister of Economy, Trade and Industry pursuant to the provisions of paragraph (1) at the office of the OCCTO and make them available for public inspection.

(Delegation to Order of the Ministry of Economy, Trade and Industry)

Article 28-50 Beyond what is provided for in this Act, matters necessary for the finance and accounting of the OCCTO are specified by Order of the Ministry of Economy, Trade and Industry.

Division 8 Supervision

(Supervision Order)

Article 28-51 If the Minister of Economy, Trade and Industry finds it necessary for the enforcement of this Act, the minister may issue to the OCCTO a supervision order related to changes to its articles of incorporation or operational rules or related to any other matters concerning its operation.

Division 9 Miscellaneous Provisions

(Dissolution)

Article 28-52 Dissolution of the OCCTO is provided for by other Acts.

Subsection 4 Supply Plan

Article 29 (1) Pursuant to provisions by Order of the Ministry of Economy, Trade and Industry, an electricity utility must each fiscal year prepare a plan on the

supply of electricity and the installation and operation of electric facilities for a period commencing from the fiscal year as specified by Order of the Ministry of Economy, Trade and Industry (hereinafter referred to as a "supply plan") and must notify the Minister of Economy, Trade and Industry of the plan through the OCCTO prior to the beginning of the fiscal year (in the case of the fiscal year which includes the day of becoming an electricity utility, without delay after becoming an electricity utility).

- (2) When the OCCTO receives a supply plan from an electricity utility pursuant to the provisions of the preceding paragraph, it must summarize it, consider it in light of the Guidelines for Services for Electricity Transmission and Distribution and knowledge obtained through the performance of services, and send the summary to the Minister of Economy, Trade and Industry prior to the beginning of the relevant fiscal year (promptly, in the case of a supply plan relating to a person who became an electricity utility in the fiscal year) with its opinion, if any, attached thereto, as specified by Order of the Ministry of Economy, Trade and Industry.
- (3) If an electricity utility revises its supply plan, it must notify the Minister of Economy, Trade and Industry of the revised matters via the OCCTO without delay.
- (4) The provisions of paragraph (2) apply mutatis mutandis to cases as set forth in the preceding paragraph. In this case, the phrase "summarize it, consider it" in paragraph (2) is deemed to be replaced with "consider it" and the phrase "prior to the beginning of the relevant fiscal year (promptly, in the case of a supply plan relating to a person who became an electricity utility in the fiscal year)" is deemed to be replaced with "promptly".
- (5) If the Minister of Economy, Trade and Industry finds that a supply plan is not appropriate for securing a stable electricity supply or otherwise realizing the comprehensive and reasonable development of electricity business through operations covering an extensive area, the minister may recommend that the electricity utility should revise the supply plan.
- (6) When the Minister of Economy, Trade and Industry makes a recommendation pursuant to the preceding paragraph and deems it particularly necessary and appropriate, the minister may order the electricity utility to take the following measures; provided, however, that the Minister may not order an electricity transmission utility to take the measure set forth in item (i), order an electricity retailer or electricity generation utility to take the measure set forth in item (ii), or order an electricity transmission utility or electricity generation utility to take the measure set forth in item (iii):
 - (i) supply electricity to an electricity retailer, general electricity transmission and distribution utility, or specified electricity transmission and distribution Utility;

- (ii) provide a cross-area wheeling service;
- (iii) receive a supply of electricity;
- (iv) lease electric facilities to or from an electricity utility or share electric facilities with an electricity utility; and
- (v) beyond what is listed in the preceding items, take measures specified by Order of the Ministry of Economy, Trade and Industry as necessary for operations covering an extensive area.

Article 30 Deleted.

Subsection 5 Supply Order

Article 31 (1) In the event of a hindrance, or likely hindrance to ensuring a stable supply of electricity, if the Minister of Economy, Trade and Industry finds it particularly necessary and appropriate in order to secure the public interest, the minister may order an electricity utility to take the following measures; provided, however, that the minister may not order an electricity transmission utility to take the measure set forth in item (i), order an electricity retailer or electricity generation utility to take the measure set forth in item (ii), or order an electricity transmission utility or electricity generation utility to take the measure set forth in item (iii):

- (i) supply electricity to an electricity retailer, general electricity transmission and distribution utility, or specified electricity transmission and distribution utility;
 - (ii) provide a cross-area wheeling service to an electricity retailer, general electricity transmission and distribution utility, or specified electricity transmission and distribution utility;
 - (iii) receive a supply of electricity from an electricity utility;
 - (iv) lease electric facilities to or from an electricity utility or share electric facilities with an electricity utility; and
 - (v) beyond what is listed in the preceding items, take measures as necessary for ensuring a stable supply of electricity by way of operations covering an extensive Area.
- (2) If the Minister of Economy, Trade and Industry finds that it is still difficult to secure a stable electricity supply even after taking the measures specified in the preceding two paragraphs, and finds it particularly necessary and appropriate in order to secure the public interest, the minister may recommend that a specified person installing electric facilities for private use take measures necessary to secure the electricity supply to a general electricity utility or otherwise to secure a stable electricity supply.
- (3) If the Minister of Economy, Trade and Industry makes a recommendation

pursuant to the preceding paragraph and the person who received the recommendation fails to follow this recommendation without justifiable grounds, the minister may make that fact public.

- (4) If the Minister of Economy, Trade and Industry takes the measures set forth in paragraph (1) or (2), the minister is to immediately notify the OCCTO of the details of the measures.
- (5) If an order has been issued pursuant to paragraph (1) or a recommendation has been made pursuant to paragraph (2), the amount payable or receivable by each party concerned and other details regarding the execution of the order or recommendation are determined by consultation between the parties.

Article 32 The provisions of Article 25, paragraphs (2) through (5) apply mutatis mutandis to the consultation referred to in paragraph (5) of the preceding Article.

Article 33 (1) Either party that is dissatisfied with the amount payable or receivable by that party as determined by an award issued under Article 25, paragraph (2) as applied mutatis mutandis pursuant to the preceding Article may file a suit to request an increase or decrease of the amount, within six months from the day when the party is notified of the award.

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

(3) A request for review with respect to an award issued under Article 25, paragraph (2) as applied mutatis mutandis pursuant to the preceding Article may not be made by reason of dissatisfaction with the amount payable or receivable by the party.

Subsection 6 Restrictions on the Use of Electricity

Article 34 (1) If it seems that if no adjustment is made to the supply of and demand for electricity, a shortage of electricity supply will adversely affect the national economy, standard of living or public interest, the Minister of Economy, Trade and Industry may, to the extent necessary for resolving the situation and pursuant to Cabinet Order provisions, order or recommend a person who receives electricity supply from an electricity retailer, general electricity transmission and distribution utility, or registered specified electricity transmission and distribution utility (hereinafter referred to as an "electricity retailer, etc." in this Article) to restrict the use of electricity supplied by an electricity retailer, etc. by limiting the power use or peak load or specifying the purpose of use or the date and time when power use should be stopped, or to restrict the receipt of electricity from an electricity retailer, etc.

by limiting the capacity for receipt of electricity.

- (2) The Minister of Economy, Trade and Industry may, to the extent necessary for the enforcement of the preceding paragraph, require a person who receives electricity supply from an electricity retailer, etc. to report the status of use of electricity supplied by the electricity retailer, etc. and any other necessary matters pursuant to Cabinet Order provisions.

Section 8 Mediation and Arbitration

(Mediation)

- Article 35 (1) If, between electricity suppliers, one of them offers to conclude an agreement or any other arrangement relating to a transaction of electricity as specified by Cabinet Order (hereinafter referred to as an "agreement, etc." in this paragraph and paragraph (1) of the following paragraph) but the other refuses to hold a consultation or they fail to reach an agreement through a consultation, or the parties fail to reach an agreement on the amount payable or receivable by the respective parties, conditions or other details concerning the conclusion of an Agreement, etc., each party may apply for mediation by the Electricity and Gas Market Surveillance Commission (hereinafter referred to as the "commission" in this Section); provided, however, that this does not apply after either party has applied for an award under Article 25, paragraph (2) (including when applied mutatis mutandis pursuant to Article 32) or arbitration under paragraph (1) of the following Article.
- (2) The commission is to conduct mediation except when it finds that a case is not suited for mediation due to its nature or that the party has applied for mediation for unjust purposes and without due cause.
- (3) Mediation by the commission is conducted by a mediator that the commission appoints for each case from among the members and other employees (limited to those that are designated by the commission in advance; the same applies in paragraph (3) of the following Article) of the commission.
- (4) A mediator must endeavor to resolve a case by mediating between the parties and ascertaining the salient points of both parties' assertions.
- (5) A mediator may hear the opinions of the parties or request them to submit reports, and prepare and submit to the parties a mediation proposal that is needed to resolve the case.
- (6) A mediator may discontinue a case if either party has applied for an award under Article 25, paragraph (2) (including when applied mutatis mutandis pursuant to Article 32) or arbitration under paragraph (1) of the following Article.

(Arbitration)

Article 36 (1) If electricity suppliers fail to reach an agreement through a consultation on the amount payable or receivable by the respective parties, conditions or other details concerning the conclusion of an agreement, etc., the parties may apply for arbitration by the commission; provided, however, that this does not apply after either party has applied for an award under Article 25, paragraph (2) (including when applied mutatis mutandis pursuant to Article 32).

(2) Arbitration by the commission is conducted by three arbitrators.

(3) The commission appoints as arbitrators those whom the parties have selected by agreement from among the members and other employees of the commission; provided, however, that if the parties fail to select arbitrators by agreement, the commission appoints arbitrators from among the members and other employees of the commission.

(4) With regard to arbitration, the provisions of the Arbitration Act (Act No. 138 of 2003) apply mutatis mutandis by deeming the arbitrator under this Act as the arbitrator under the Arbitration Act, unless otherwise provided for in this Article.

(Application Route)

Article 37 When filing an application for mediation or arbitration with the Commission pursuant to the provisions of this Section, the application must be filed via the Minister of Economy, Trade and Industry.

(Delegation to Cabinet Order)

Article 37-2 Beyond what is provided for in this Section, matters necessary for mediation and arbitration procedures are specified by Cabinet Order.

Chapter III Electric Facilities

Section 1 Definitions

Article 38 (1) The term "electric facilities for general use" as used in this Act means the following electric facilities; provided, however, that it does not include those installed on the same premises (including areas similar thereto; hereinafter the same applies) together with electric facilities for generation of electricity other than small capacity generation facilities, or those installed at places specified by Order of the Ministry of Economy, Trade and Industry where, due to the existence of explosive or inflammable substances, there is a high risk of the occurrence of an accident from electric facilities:

(i) electric facilities for receiving electricity from another person at a voltage lower than that specified by Order of the Ministry of Economy, Trade and Industry and using the electricity thus received at the same premises where

- it has been received (including small capacity generation facilities installed in the same premises and electrically connected with the electric facilities) which are electrically connected with electric facilities installed outside the premises only via the electric lines used for receiving electricity;
- (ii) small capacity generation facilities installed at premises (including electric facilities installed at the same premises and electrically connected with generation facilities for using electricity) which are electrically connected with electric facilities installed outside the premises only via the electric lines used by another person at the premises for receiving electricity at a voltage lower than that specified by Order of the Ministry of Economy, Trade and Industry under the preceding item; and
 - (iii) electric facilities specified by Order of the Ministry of Economy, Trade and Industry as similar to what is listed in the preceding two items.
- (2) The term "small capacity generation facilities" as used in the preceding paragraph means electric facilities for generation of electricity at a voltage lower than that specified by Order of the Ministry of Economy, Trade and Industry which are specified by Order of the Ministry of Economy, Trade and Industry.
- (3) The term "electric facilities for business use" as used in this Act means electric facilities other than electric facilities for general use.
- (4) The term "electric facilities for private use" as used in this Act means electric facilities other than electric facilities used for any of the following businesses and electric facilities for general use:
- (i) general electricity transmission and distribution;
 - (ii) electricity transmission;
 - (iii) specified electricity transmission and distribution; and
 - (iv) electricity generation if electric facilities for generation of electricity used for the business satisfy the requirements specified by order of the competent ministry.

Section 2 Electric Facilities for Business Use

Subsection 1 Conformity to Technical Standards

(Maintenance of Electric Facilities for Business Use)

- Article 39 (1) A person that installs electric facilities for business use must maintain the electric facilities for business use to ensure that they conform to the technical standards established by order of the competent ministry.
- (2) The order of the competent ministry set forth in the preceding paragraph must be formulated in accordance with the following:
- (i) electric facilities for business use are not to pose a risk of inflicting bodily or damage to objects;

- (ii) electric facilities for business use are not to cause electric or magnetic interference with the functioning of other electric equipment or objects;
- (iii) damage to electric facilities for business use are not to significantly hinder the supply of electricity by a general electricity transmission and distribution utility; and
- (iv) if electric facilities for business use are used for general electricity transmission and distribution, any damage to the electric facilities for business use is not to significantly hinder the supply of electricity pertaining to the general electricity transmission and distribution.

(Order for Conformity to Technical Standards)

Article 40 If the competent minister finds that electric facilities for business Use do not conform to the technical standards established by order of the competent ministry under paragraph (1) of the preceding Article, the minister may order the person who installs the electric facilities for business use to repair or alter the electric facilities for business use to ensure conformity to the technical standards, or order the person to relocate the facilities or suspend the use of them, or restrict the person from using the facilities.

(Sharing of Expenses)

- Article 41 (1) If electric facilities for business use have ceased to conform to the technical standards established by order of the competent ministry under Article 39, paragraph (1) as a result of the installation of electric equipment or other objects owned by another person (excluding those specified by Cabinet Order), necessary measures to be taken to ensure conformity to the technical standards and the means of sharing expenses for the measures are determined through consultation between the parties; provided, however, that when the means of sharing expenses is specified by Cabinet Order, that means apply.
- (2) The provisions of the main clause of Article 25, paragraph (2), Article 25, paragraphs (3) through (5) and Article 33 apply mutatis mutandis if the parties fail to consult as set forth in the preceding paragraph or to reach an agreement through consultation. In this case, the term "the Minister of Economy, Trade and Industry" in the provisions of the main clause of Article 25, paragraph (2) and Article 25, paragraphs (3) and (4) are deemed to be replaced with "the competent minister".
- (3) If the competent minister intends to issue an award under the main clause of Article 25, paragraph (2) as applied mutatis mutandis pursuant to the preceding paragraph, the minister must consult with the ministers concerned in advance pursuant to Cabinet Order provisions.

Subsection 2 Independent Safety Measures

(Safety Regulations)

- Article 42 (1) In order to ensure safety of the construction, maintenance and operation of electric facilities for business use, pursuant to provisions by order of the competent ministry, a person who installs electric facilities for business use must establish safety regulations for each organization in charge of the electric facilities for business use the safety of which should be secured uniformly, and notify the competent minister of the regulations before the commencement of the use of the electric facilities for business use by the organizations (in the case of facilities requiring self-inspection set forth in Article 51, paragraph (1) or operator's inspection set forth in Article 52, paragraph (1), before the commencement of the construction of the facilities).
- (2) If a person who installs electric facilities for business use revises the safety regulations, the person must notify the competent minister of the revised matters without delay.
- (3) If the competent minister finds it necessary in order to ensure safety of the construction, maintenance, and operation of electric facilities for business use, the minister may order a person who installs electric facilities for business use to revise the safety regulations.
- (4) A person who installs electric facilities for business use and employees thereof must observe the safety regulations.

(Chief Engineers)

- Article 43 (1) Pursuant to provisions by order of the competent ministry, a person who installs electric facilities for business use must appoint one or more chief engineer from among persons who have a chief engineer's license in order to have the person supervise the safety of the construction, maintenance, and operation of the facilities.
- (2) Notwithstanding the provisions of the preceding paragraph, when permitted by the competent minister, a person who installs electric facilities for private use may appoint a person who does not have a chief engineer's license as a chief engineer.
- (3) If a person who installs electric facilities for business use appoints a chief engineer (excluding the case of an appointment permitted under the preceding paragraph), the person must notify the competent minister to that effect without delay. The same applies when the person has dismissed the chief engineer.
- (4) A chief engineer must perform the duty of supervising the safety of the construction, maintenance, and operation of electric facilities for business use in good faith.
- (5) People who are engaged in the construction, maintenance or operation of

electric facilities for business use must follow the instructions given by the chief engineer to ensure the safety thereof.

(Chief Engineer Licenses)

Article 44 (1) The types of chief engineer license are as follows:

- (i) first-class chief electricity engineer license;
- (ii) second-class chief electricity engineer license;
- (iii) third-class chief electricity engineer license;
- (iv) first-class chief dam/waterway engineer license;
- (v) second-class chief dam/waterway engineer license;
- (vi) first-class chief boiler/turbine engineer license; and
- (vii) second-class chief boiler/turbine engineer license.

(2) A chief engineer license is granted by the Minister of Economy, Trade and Industry to persons who fall under any of the following:

- (i) a person who holds the academic record or qualification and work experience specified by Order of the Ministry of Economy, Trade and Industry for each type of chief engineer license; and
- (ii) with respect to the types of chief engineer's license listed in items (i) through (iii) of the preceding paragraph, a person who has passed an examination for a chief electricity engineer license.

(3) The Minister of Economy, Trade and Industry may choose not to grant a chief engineer license to a person who falls under any of the following:

- (i) a person who was ordered to return a chief engineer license pursuant to the following paragraph, if one year has not passed since the order was issued; and
- (ii) a person who was fined or sentenced to a more severe punishment for violation of this Act or any order issued under this Act, if two years have not passed since the person finished serving the sentence or ceased to be subject to its enforcement.

(4) If a person who has a chief engineer license has violated this Act or any order issued under this Act, the Minister of Economy, Trade and Industry may order that person to return the chief engineer license.

(5) The scope of the construction, maintenance and operation of the electric facilities for business use for which a person who has a chief engineer license is in charge of safety supervision as well as the procedural matters concerning the granting of a chief engineer license are specified by Order of the Ministry of Economy, Trade and Industry.

(Entrustment of Licensing Processes)

Article 44-2 (1) Pursuant to Cabinet Order provisions, the Minister of Economy, Trade and Industry may entrust the all or part of the processes concerning

chief engineer licenses (limited to those listed in items (i) through (iii) of paragraph (1) of the preceding Article) to a designated examining body as set forth in paragraph (2) of the following Article (these processes do not include the processes concerning the return of a chief engineer license or other processes specified by Cabinet Order; hereinafter referred to as "licensing processes").

- (2) Current or former officers or employees of a designated examining body entrusted with the licensing processes under the preceding paragraph must not divulge any secrets that they have become aware of in the course of administering the entrusted licensing processes.

(Examination for Chief Electricity Engineer Licenses)

Article 45 (1) Examinations for a chief electricity engineer licenses are conducted by the Minister of Economy, Trade and Industry for each type of chief engineer license with respect to the knowledge and skills required for ensuring safety in the construction, maintenance and operation of electric facilities for business use.

- (2) The Minister of Economy, Trade and Industry may designate a person (hereinafter referred to as a "designated examining body") and have the person administer the processes concerning an examination for a chief electricity engineer license (hereinafter referred to as "examination processes").
- (3) The subjects of an examination for a chief electricity engineer license, procedure for participating in the examination and other details concerning the examination for a chief electricity engineer license are specified by Order of the Ministry of Economy, Trade and Industry.

Article 46 Deleted

Subsection 3 Special Provisions Concerning Assessment on Environmental Impact

(Environmental Impact Assessment on Electric Facilities for Business Use)

Article 46-2 An environmental impact assessment as prescribed in Article 2, paragraph (1) of the Environmental Impact Assessment Act (Act No. 81 of 1997) on a construction project to install or modify electric facilities for business use that falls under the category of Class 1 projects prescribed in paragraph (2) of the Article or the category of Class 2 projects prescribed in paragraph (3) of the Article (hereinafter referred to as an "environmental impact assessment") and relevant procedures are as provided for by that Act and this Subsection.

(Environmental Impact Assessment by Simple Procedures)

Article 46-3 Pursuant to provisions by Order of the Ministry of Economy, Trade and Industry, a person who intends to implement a construction project to install or modify electric facilities for business use that falls under the category of Class 2 projects prescribed in Article 2, paragraph (3) of the Environmental Impact Assessment Act must state in a document set forth in the first sentence of paragraph (1) of Article 4 of the Act, the matters prescribed in the first sentence of the paragraph as well as the results of an environmental impact assessment conducted by a simple procedure specified by Order of the Ministry of Economy, Trade and Industry for the construction project.

(Preparation of Scope Statements)

Article 46-4 A person who intends to implement a construction project to install or modify electric facilities for business use that falls under the category of relevant projects prescribed in Article 2, paragraph (4) of the Environmental Impact Assessment Act (these projects are hereinafter referred to as "specified relevant projects", and the person is hereinafter referred to as a "specified business operator") must state in a scoping statement concerning an environmental impact assessment set forth in Article 5, paragraph (1) of the Act (hereinafter referred to as a "scoping statement") the items to be considered in an Environmental Impact Assessment of the specified relevant project as well as the survey, prediction and assessment means to be employed, notwithstanding the provisions of item (vii) of the paragraph.

(Submission of Scoping Statements)

Article 46-5 If a specified business operator submits a scoping statement pursuant to Article 6, paragraph (1) of the Environmental Impact Assessment Act, the operator must also submit the document and a summary thereof to the Minister of Economy, Trade and Industry.

(Submission of Outline of Comments on Scoping Statements)

Article 46-6 (1) A specified business operator must state in a document set forth in Article 9 of the Environmental Impact Assessment Act the matters prescribed in the Article as well as the operator's view on the comments given under Article 8, paragraph (1) of the Act.

(2) If a specified business operator submits documents pursuant to Article 9 of the Environmental Impact Assessment Act, the operator must also submit the documents to the Minister of Economy, Trade and Industry.

(Comments of Municipal or Prefectural Governor on Scoping Statements)

Article 46-7 (1) Comments of a municipal or prefectural governor set forth in

Article 10, paragraph (1) of the Environmental Impact Assessment Act as well as comments of a mayor specified by Cabinet Order set forth in paragraph (4) of the Article and a municipal or prefectural governor set forth in paragraph (5) of the Article that relate to a specified relevant project are to be submitted to the Minister of Economy, Trade and Industry instead of the relevant business operator, as comments to be given under the paragraphs, notwithstanding the provisions of the paragraphs.

- (2) In relation to comments set forth in Article 10, paragraph (1) of the Environmental Impact Assessment Act that relate to a specified relevant project, a municipal or prefectural governor must give due consideration to the business operator's views stated in the document set forth in Article 9 of the Act pursuant to paragraph (1) of the preceding Article beyond due considerations as required by Article 10, paragraph (3) of the Act.
- (3) In relation to comments set forth in Article 10, paragraph (4) of the Environmental Impact Assessment Act that relate to a specified relevant project, a mayor specified by Cabinet Order set forth in the paragraph must give due consideration to the business operator's views stated in the document set forth in Article 9 of the Act pursuant to paragraph (1) of the preceding Article beyond due considerations as required by Article 10, paragraph (6) of the Act.

(Recommendations on Scoping Statements)

- Article 46-8 (1) When a scoping statement has been submitted pursuant to Article 46-5, and the Minister of Economy, Trade and Industry finds it necessary in order to examine the scoping statement and ensure that due consideration will be given to environmental preservation in the specified relevant project pertaining to the scoping statement, while taking into account the municipal or prefectural governor's comments given under Article 10, paragraph (1) of the Environmental Impact Assessment Act or comments of a mayor specified by Cabinet Order set forth in paragraph (4) of the Article and a municipal or prefectural governor set forth in paragraph (5) of the Article, if any, as well as the outline of the comments under Article 8, paragraph (1) of the Act and the business operator's views thereon, which are submitted pursuant to Article 46-6, paragraph (2), the minister may make, within a period specified by Order of the Ministry of Economy, Trade and Industry from the day when the submission made under Article 46-5 is accepted, necessary recommendations to the specified business operator regarding the items to be considered in an environmental impact assessment on the specified relevant project as well as the survey, prediction and assessment means to be employed.
- (2) If the Minister of Economy, Trade and Industry finds it unnecessary to make recommendations pursuant to the preceding paragraph, the minister must

notify the specified business operator to that effect without delay.

(3) If the Minister of Economy, Trade and Industry makes recommendations pursuant to paragraph (1) or gives notification pursuant to the preceding paragraph, the minister must also send a copy of the document set forth in Article 10, paragraph (1) of the Environmental Impact Assessment Act or the document set forth in paragraph (4) of the Article and the document set forth in paragraph (5) of the Article, if any, to the specified business operator.

(Selection of Items of Environmental Impact Assessment)

Article 46-9 When recommendations are made pursuant to paragraph (1) of the preceding Article, the specified business operator must make a review pursuant to Article 11, paragraph (1) of the Environmental Impact Assessment Act, while taking into account, pursuant to the paragraph, the comments given under Article 10, paragraph (1), (4) or (5) of the Act as well as the comments given under Article 8, paragraph (1) of the Act, and referring to the recommendations.

(Preparation of Draft Environmental Impact Statements)

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

(Submission of Draft EIS)

Article 46-11 When a specified business operator submits a draft EIS pursuant to Article 15 of the Environmental Impact Assessment Act, the operator must also submit the draft EIS and a summary thereof to the Minister of Economy, Trade and Industry.

(Submission of Outline of Comments on Draft EIS)

Article 46-12 If a specified business operator submits the documents set forth in Article 19 of the Environmental Impact Assessment Act, the operator must also submit the documents of the same Article to the Minister of Economy, Trade and Industry.

(Comments of Relevant Municipal or Prefectural Governor on Draft EIS)

Article 46-13 Comments of a relevant municipal or prefectural governor set forth in Article 20, paragraph (1) of the Environmental Impact Assessment Act as well as comments of a mayor specified by Cabinet Order set forth in paragraph (4) of the Article and a relevant municipal or prefectural governor set forth in

paragraph (5) of the Article that relate to a specified relevant project are to be submitted to the Minister of Economy, Trade and Industry instead of the business operator, as comments to be given under the paragraphs notwithstanding the provisions of the paragraphs.

(Recommendations on Draft EIS)

Article 46-14 (1) When a draft EIS has been submitted pursuant to Article 46-11, and the Minister of Economy, Trade and Industry finds it necessary in order to examine the draft EIS and ensure that due consideration will be given to environmental preservation in the specified relevant project pertaining to the draft EIS, while taking into account the relevant municipal or prefectural governor's comments given under Article 20, paragraph (1) of the Environmental Impact Assessment Act or comments of a mayor specified by Cabinet Order set forth in paragraph (4) of the Article and a relevant municipal or prefectural governor set forth in paragraph (5) of the Article, if any, as well as the outline of the comments under Article 18, paragraph (1) of the Act and the proponent's views thereon, which are submitted pursuant to Article 46-12, the minister may make, within a period specified by Order of the Ministry of Economy, Trade and Industry from the day when the submission made under Article 46-11 is accepted, necessary recommendations to the specified business operator regarding an Environmental Impact Assessment on the specified relevant project.

- (2) If the Minister of Economy, Trade and Industry conducts an examination pursuant to the preceding paragraph, the minister must consult with the Minister of the Environment from the standpoint of preserving the environment.
- (3) If the Minister of Economy, Trade and Industry finds it unnecessary to make recommendations pursuant to paragraph (1), the minister must notify the specified business operator to that effect without delay.
- (4) If the Minister of Economy, Trade and Industry makes recommendations pursuant to paragraph (1) or gives notification pursuant to the preceding paragraph, the minister must also send a copy of the document set forth in Article 20, paragraph (1) of the Environmental Impact Assessment Act or the document set forth in paragraph (4) of the Article and the document set forth in paragraph (5) of the Article, if any, to the specified business operator.

(Preparation of Environmental Impact Statements)

Article 46-15 (1) If recommendations are made pursuant to paragraph (1) of the preceding Article, the specified business operator must make a review pursuant to Article 21, paragraph (1) of the Environmental Impact Assessment Act, while taking into account pursuant to the paragraph, the comments given

under Article 20, paragraph (1), (4) or (5) of the Act as well as the comments given under Article 18, paragraph (1) of the Act, and referring to the recommendations.

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

(Submission of EIS)

Article 46-16 When a specified business operator prepares an EIS pursuant to Article 21, paragraph (2) of the Environmental Impact Assessment Act, the operator must submit the EIS to the Minister of Economy, Trade and Industry. The same applies when the specified business operator has revised the EIS in response to an order issued under paragraph (1) of the following Article.

(Order of Revision)

- Article 46-17 (1) If the Minister of Economy, Trade and Industry finds it necessary and appropriate in order to ensure that due consideration will be given to environmental preservation in the specified relevant project pertaining to the EIS submitted under the preceding Article, the minister may order, within a period specified by Order of the Ministry of Economy, Trade and Industry from the day when the submission made under the Article is accepted, the specified business operator to revise the EIS, within a reasonable time limit set by the minister.
- (2) If the Minister of Economy, Trade and Industry finds it unnecessary to issue an order pursuant to the preceding paragraph, the minister must notify the specified business operator to that effect without delay.

(Submission of EIS)

- Article 46-18 (1) If the Minister of Economy, Trade and Industry gives notification pursuant to paragraph (2) of the preceding Article, the minister must send a copy of the EIS to which the notification pertained to the Minister of the Environment.
- (2) If the specified business operator receives notification pursuant to paragraph (2) of the preceding Article, the operator must promptly submit to the relevant municipal or prefectural governor(s) and relevant mayor(s) prescribed in Article 15 of the Environmental Impact Assessment Act the EIS to which the notification pertained, a summary thereof, and a document stating the content of the order issued under paragraph (1) of the preceding Article.

(Making EIS Public and Available for Public Inspection)

Article 46-19 In the case of the application of Article 27 of the Environmental Impact Assessment Act to a specified business operator, the phrase "made submission or notification pursuant to Article 25, paragraph (3)" in the Article is deemed to be replaced with "received notification pursuant to Article 46-17, paragraph (2) of the Electricity Business Act", the term "EIS" is deemed to be replaced with "EIS to which the notification pertained", and the phrase "EIS and other relevant documents" is deemed to be replaced with "EIS to which the notification pertained, a summary thereof, and a document stating the content of the order issued under paragraph (1) of the Article".

(Consideration of Environmental Preservation)

Article 46-20 A specified business operator must implement a specified relevant project while giving due consideration to environmental preservation pursuant to Article 38, paragraph (1) of the Environmental Impact Assessment Act, and must maintain and operate the electric facilities for business use pertaining to the specified relevant project while giving due consideration to environmental preservation based on the content of the EIS to which the notification given under Article 46-17, paragraph (2) pertained.

(Publication of Reports)

Article 46-21 In the case of the application of Article 38-3, paragraph (1) of the Environmental Impact Assessment Act to a specified business operator, the phrase "it as well as send it to a person who has received the report under Article 21, paragraph (2) pursuant to Article 22, paragraph (1)" in the paragraph is deemed to be replaced with "it".

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

Article 46-22 Beyond what is provided for in this Subsection, the technical replacement of terms and phrases upon applying the Environmental Impact Assessment Act to a specified business operator and other necessary matters concerning the application of the Act to a specified business operator are specified by Cabinet Order.

(Exclusion from Application of the Environmental Impact Assessment Act)

Article 46-23 The provisions of Articles 22 through 26, Articles 33 through 37, Article 38-3, paragraph (2), Article 38-4 and Article 38-5 of the Environmental Impact Assessment Act do not apply to a specified relevant project to be implemented by a specified business operator.

Subsection 4 Construction Plans and Inspections

(Construction Plans)

- Article 47 (1) If a construction project to install or modify electric facilities for business use is specified by order of the competent ministry as being particularly important for assuring public safety, the person who intends to implement the project must obtain approval of the plans for the construction project from the competent minister; provided, however, that this does not apply to any unavoidable temporary work to be implemented in the event of loss of or damage to electric facilities for business use or in the event of a disaster or other emergency.
- (2) A person who obtains approval under the preceding paragraph and intends to revise the approved construction plan must obtain approval of the revision from the competent minister; provided, however, that this does not apply to any minor revision specified by order of the competent ministry.
- (3) If the competent minister finds that the construction plan to which the application for approval under the preceding two paragraphs pertained conforms to all of the following items, the minister must grant approval under the preceding two paragraphs:
- (i) the electric facilities for business use conform to the technical standards established by order of the competent ministry under Article 39, paragraph (1);
 - (ii) if the electric facilities for business use are used for general electricity transmission and distribution, the electric facilities for business use are technically appropriate for securing the smooth supply of electricity;
 - (iii) in the case of a construction plan for a specified relevant project, the plan is in accordance with the EIS to which the notification given under Article 46-17, paragraph (2) pertained with respect to the specified relevant project; and
 - (iv) in the case of a construction plan for a Class 2 project prescribed in Article 2, paragraph (3) of the Environmental Impact Assessment Act (excluding a specified relevant project), the measures set forth in Article 4, paragraph (3), item (ii) of the Act (including when applied *mutatis mutandis* pursuant to paragraph (4) of the Article and paragraph (2) of Article 29 of the Act) have been taken.
- (4) In the case referred to in the proviso to paragraph (1), a person who has commenced the construction project and installs electric facilities for business use must notify the competent minister to that effect without delay.
- (5) In the case referred to in the proviso to paragraph (2), a person who has revised the construction plan and obtains approval under paragraph (1) must notify the competent minister of the revised construction plan without delay;

provided, however, that this does not apply to the cases specified by order of the competent ministry.

Article 48 (1) When a person intends to implement a construction project to install or modify electric facilities for business use (excluding those specified by order of the competent ministry under paragraph (1) of the preceding Article), which is specified by order of the competent ministry, the person must notify the competent minister of the plan for the construction project. The same applies when the person intends to revise the construction plan (excluding any minor revision specified by order of the competent ministry).

(2) a person who gives notification pursuant to the preceding paragraph must not commence the construction project to which the notification pertained until 30 days have passed since the day when the notification was accepted.

(3) If the competent minister finds that the construction plan of which notification was given pursuant to paragraph (1) conforms to all of the following items, the minister may shorten the period prescribed in the preceding paragraph:

(i) the requirements listed in the items of paragraph (3) of the preceding Article; and

(ii) in the case of a construction project concerning electric facilities for business use for electricity generation by means of hydraulic power, the electric facilities for business use are technically appropriate for assuring the effective utilization of hydraulic power for electricity generation.

(4) If the competent minister finds that the construction plan of which notification was given pursuant to paragraph (1) fails to conform to any of the items of the preceding paragraph, the minister may order, within 30 days from the day when the notification is accepted (if the period prescribed in paragraph (2) has been extended pursuant to the next paragraph, the extended period), the person who has given the notification to revise or discontinue the construction plan.

(5) If the competent minister has reasonable grounds for believing that it will take a considerable period of time to examine whether or not the construction plan of which notification was given pursuant to paragraph (1) conforms to the items of paragraph (3) and that the examination will not be completed within the period prescribed in paragraph (2), the minister may extend the period up to a period of time that the minister considers reasonable. In this case, the competent minister must notify the person who has given the notification of the extended period and the reason for extension without delay.

(Pre-use Inspection)

Article 49 (1) Electric facilities for business use to be installed or modified

according to a construction plan approved under Article 47, paragraph (1) or paragraph (2) or electric facilities for business use to be installed or modified according to a construction plan of which notification was given pursuant to paragraph (1) of the preceding Article (if an order has been issued with respect to the construction plan relating to electric facilities pursuant to paragraph (4) of the Article, but notification has not yet been given pursuant to paragraph (1) of the Article, the facilities are be excluded) which are specified by order of the competent ministry as being particularly important for ensuring public safety (hereinafter referred to as "specified electric facilities for business use" in Article 112-3, paragraph (3)) must not be used unless and until they undergo and pass an inspection conducted by the competent minister with respect to the construction project pursuant to provisions by order of the competent ministry; provided, however, that this does not apply to the cases specified by order of the competent ministry.

- (2) Electric facilities for business use that conform to all of the following items are to pass the inspection set forth in the preceding paragraph:
 - (i) the construction project for the facilities has been implemented according to the construction plan approved under Article 47, paragraph (1) or paragraph (2) (including a plan following any minor revision specified by order of the competent ministry under the proviso to paragraph) or the construction plan of which notification was given pursuant to paragraph (1) of the preceding Article (including a plan following any minor revision specified by order of the competent ministry under the second sentence of the paragraph); and
 - (ii) the facilities conform to the technical standards established by order of the competent ministry under Article 39, paragraph (1).

Article 50 (1) If the competent minister has conducted the inspection pursuant to paragraph (1) of the preceding Article with respect to the electric facilities for business use prescribed in the same paragraph and finds it unavoidable, the minister may regard the electric facilities for business use as having provisionally passed the inspection, designating the period and means of use thereof.

- (2) Notwithstanding the provisions of paragraph (1) of the preceding Article, electric facilities for business use regarded as having provisionally passed the inspection pursuant to the preceding paragraph are not precluded from being used within the period specified under the preceding paragraph by the means specified under the paragraph.

(Pre-use Safety Management Inspections)

Article 51 (1) If a person installs electric facilities for business use to be installed or modified according to the construction plan of which notification

- was given pursuant to Article 48, paragraph (1) (if an order has been issued with respect to a construction plan relating to electric facilities pursuant to paragraph (4) of the Article, but notification has not yet been given pursuant to paragraph (1) of the Article, the facilities are excluded; the facilities specified by order of the competent ministry under Article 49, paragraph (1) are also excluded), which are specified by order of the competent ministry, the person must conduct a self-inspection of the electric facilities for business use before commencing the use thereof, record the inspection results, and preserve the records, pursuant to provisions by order of the competent ministry.
- (2) In the self-inspection set forth in the preceding paragraph (hereinafter referred to as "pre-use self-inspection"), it is necessary to confirm that the electric facilities for business use conform to all of the following:
- (i) the construction project for the facilities has been implemented according to the construction plan of which notification was given pursuant to Article 48, paragraph (1) (including a plan following any minor revision specified by order of the competent ministry under the second sentence of the paragraph); and
 - (ii) the facilities conform to the technical standards established by order of the competent ministry under Article 39, paragraph (1).
- (3) Within the period specified by order of the competent ministry (if notification has been given under paragraph (7), the period specified by order of the competent ministry depending on the past evaluation of the pre-use self-Inspection to which the notification pertained), a person who installs electric facilities for business use subject to a pre-use self-inspection must submit the system for conducting a pre-use self-inspection to undergo examination by a person registered by the Minister of Economy, Trade and Industry if the person installs electric facilities for business use other than electric facilities for business use for electricity generation by means of nuclear power which are specified by Order of the Ministry of Economy, Trade and Industry, or examination by the competent minister in the case of other persons.
- (4) The examination set forth in the preceding paragraph is conducted, in accordance with the principle of ensuring safety management for electric facilities for business use, with respect to the organization in charge of pre-use self-inspection, and to inspection means, process control, and other matters specified by order of the competent ministry.
- (5) If a person registered by the Minister of Economy, Trade and Industry under paragraph (3) has completed the examination set forth in the paragraph, the person must notify the Minister of Economy, Trade and Industry of the examination results pursuant to provisions by Order of the Ministry of Economy, Trade and Industry without delay.
- (6) Based on the results of the examination conducted under paragraph (3)

(including the examination results of which notification was given pursuant to the preceding paragraph), the competent minister is to comprehensively evaluate the system for conducting a pre-use self-inspection submitted by the person who installs the electric facilities for business use.

- (7) The competent minister must notify the person who has undergone the examination under paragraph (3) of the results of the examination as well as the results of the evaluation set forth in the preceding paragraph.

(Self-check of Electric Facilities for Business Use by Person Installing the Facilities)

Article 51-2 (1) When a person installing electric facilities for business use which are specified by order of the competent ministry as being particularly important for ensuring public safety intends to commence the use thereof, the person must personally check that the electric facilities for business use conform to the technical standards established by order of the competent ministry referred to in Article 39, paragraph (1), pursuant to provisions by order of the competent ministry; provided, however, that this does not apply to the case of using electric facilities for business use related to the approval referred to in Article 47, paragraph (1) (limited to a construction project for installation) or notification under paragraph (4) of the Article or Article 48, paragraph (1), and cases specified by order of the competent ministry.

- (2) The provisions of the preceding paragraph apply mutatis mutandis if the person installing electric facilities for business use prescribed in the paragraph has made a change as specified by order of the competent ministry to the electric facilities for business use and intends to commence with the use of the changed electric facilities for business use. In this case, the phrase "that the electric facilities for business use" in the paragraph is to be deemed to be replaced with "that the changed electric facilities for business use", and the phrase "a construction project for installation" in the paragraph is deemed to be replaced with "a construction project for change".

- (3) When the person installing electric facilities for business use prescribed in paragraph (1) conducts a check under the paragraph (including when applied mutatis mutandis pursuant to the preceding paragraph), the person must notify the competent minister of the results thereof pursuant to provisions by order of the competent ministry, before commencing the use of the electric facilities for business use.

(Operator Inspections on Welding)

Article 52 (1) A person who installs electric facilities falling under the category of boilers, turbines and other machines or apparatus for electricity generation specified by order of the competent ministry (hereinafter referred to as "boilers,

etc."), of which some parts under a pressure higher than that specified by order of the competent ministry (hereinafter referred to as "pressure parts") are to be welded, or imported boilers, etc. of which pressure parts are welded, must conduct an operator inspection of the electric facilities before commencing the use thereof, record the inspection results and preserve the records, pursuant to provisions by order of the competent ministry with respect to welding; provided, however, that this does not apply to cases specified by order of the competent ministry.

(2) In the inspection set forth in the preceding paragraph, it is necessary to confirm that the welding conforms to the technical standards established by order of the competent ministry under Article 39, paragraph (1).

(Commencement of the Use of Electric Facilities for Private Use)

Article 53 After a person who installs electric facilities for private use commences the use of the electric facilities for private use, the person must notify the competent minister to that effect without delay; provided, however, that this does not apply to the cases of using electric facilities for private use for which approval has been granted under Article 47, paragraph (1) or of which notification was given under paragraph (4) of the Article, Article 48, paragraph (1), or Article 51-2, paragraph (3) and to cases specified by order of the competent ministry.

(Periodic Inspections)

Article 54 A person who installs specific important electric facilities (meaning boilers, turbines and other electric facilities for generation of electricity, which are specified by order of the competent ministry as being particularly important for assuring public safety and have some parts under a pressure higher than that specified by order of the competent ministry, as well as nuclear reactors for electricity generation and auxiliary equipment thereof, which are specified by order of the competent ministry) must undergo an inspection conducted by the competent minister at an interval specified by order of the competent ministry, pursuant to provisions by order of the competent ministry; provided, however, that this does not apply to the cases specified by order of the competent ministry.

(Periodic Safety Management Inspection)

Article 55 (1) A person who installs electric facilities set forth in the following items (hereinafter referred to as "specified electric facilities" in this Article) must conduct an operator inspection of the specified electric facilities at periodic intervals, record the inspection results, and preserve the records, pursuant to provisions by Order of the competent ministry:

- (i) electric facilities for generation of electricity specified by Order of the competent ministry, such as boilers and turbines, which have some parts under a pressure higher than that specified by the preceding Article;
 - (ii) among electric facilities, facilities including machinery and appliances installed out of doors which are specified by Order of the competent ministry (excluding those set forth in the preceding item); and
 - (iii) nuclear reactors for electricity generation and auxiliary equipment thereof, which are specified by order of the competent ministry (excluding those set forth in the preceding two items).
- (2) In the inspection set forth in the preceding paragraph (hereinafter referred to as a "periodic operator inspection"), it is necessary to confirm that the specified electric facilities conform to the technical standards established by order of the competent ministry under Article 39, paragraph (1).
- (3) If a person who installs specified electric facilities subject to a periodic operator inspection finds in the periodic operator inspection that any parts of the specified electric facilities for generation of electricity by means of nuclear power, which are specified by Order of the competent ministry, are no longer likely to conform to the technical standards established by order of the competent ministry under Article 39, paragraph (1) after a certain period of time has passed, that person must estimate the time when the parts will cease to conform to the technical standards established by Order of the competent ministry under the paragraph and other matters specified by Order of the competent ministry, record the estimation results and preserve the records, as well as report on the matters specified by Order of the competent ministry to the competent minister, pursuant to provisions by Order of the competent ministry.
- (4) Within the period specified by Order of the competent ministry (if notification has been given under Article 51, paragraph (7) as applied mutatis mutandis pursuant to paragraph (6), the period specified by Order of the competent ministry depending on the past evaluation of the periodic operator inspection to which the notification pertained), a person who installs specified electric facilities subject to a periodic operator inspection must submit the system for conducting a periodic operator inspection to undergo examination by a person registered by the Minister of Economy, Trade and Industry if that person installs specified electric facilities other than specified electric facilities for generation of electricity by means of nuclear power, which are specified by Order of the Ministry of Economy, Trade and Industry, or examination by the Minister of Economy, Trade and Industry in the case of other persons.
- (5) The examination set forth in the preceding paragraph is conducted, in accordance with the principle of ensuring safety management for specified electric facilities, with respect to the organization in charge of a periodic

operator inspection, and to means of inspection, process control, and other matters specified by Order of the competent ministry.

- (6) The provisions of Article 51, paragraphs 5 through 7 apply *mutatis mutandis* to the examination set forth in paragraph (4). In this case, the phrase "paragraph (3)" in paragraph (5) of the Article is deemed to be replaced with "paragraph (4)", and the term "the electric facilities for business use" in paragraph (6) of the Article is deemed to be replaced with "the specified electric facilities".

Subsection 5 Succession

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

- Article 55-2 (1) In the event of the inheritance, merger or split of a person who installs electric facilities for business use (limited to those resulting in the taking over of the electric facilities for business use), the heir, the corporation surviving after the merger or the corporation newly established upon the merger, or the corporation that has taken over the electric facilities for business use upon the split succeed to the status of the person who installs the electric facilities for business use as prescribed in this Act.
- (2) A person who has succeeded to the status of a person who installs electric facilities for business use pursuant to the preceding paragraph must notify, without delay, the competent minister to that effect, with a document proving that fact.

Section 3 Electric Facilities for General Use

(Order for Conformity to Technical Standards)

- Article 56 (1) If the Minister of Economy, Trade and Industry finds that electric facilities for general use do not conform to the technical standards established by Order of the Ministry of Economy, Trade and Industry, the minister may order the owner or possessor to repair or alter the electric facilities for general use to ensure conformity to the technical standards, to relocate the facilities or suspend the use of them, or restrict the owner or possessor from using the facilities.
- (2) The provisions of Article 39, paragraph (2) (excluding item (iii) and item (iv)) apply *mutatis mutandis* to the Order of the Ministry of Economy, Trade and Industry set forth in the preceding paragraph.

(Obligation to Investigate)

- Article 57 (1) A person who maintains and operates electric lines that are

electrically connected directly to electric facilities for general use (hereinafter referred to as a "person maintaining and operating electric lines" in this Article, the following Article, and Article 89) must investigate whether or not the electric facilities for general use conform to the technical standards established by Order of the Ministry of Economy, Trade and Industry under paragraph (1) of the preceding Article, pursuant to provisions by Order of the Ministry of Economy, Trade and Industry, except in cases specified by Order of the Ministry of Economy, Trade and Industry; provided, however, that this does not apply if the person is unable to obtain consent for the entry into the site where the electric facilities for general use are installed from the owner or possessor of the facilities.

- (2) If a person maintaining and operating electric lines finds, as a result of the investigation conducted under the preceding paragraph, that the electric facilities for general use do not conform to the technical standards established by Order of the Ministry of Economy, Trade and Industry under paragraph (1) of the preceding Article, the person must notify, without delay, the owner or possessor of the facilities of the measures to be taken to ensure conformity to the technical standards and the possible consequences that might occur if the measures were not taken.
- (3) If the person maintaining and operating electric lines fails to conduct an investigation under paragraph (1) or give notification under the preceding paragraph or applies an inappropriate means for investigation or notification, the Minister of Economy, Trade and Industry may order the person maintaining and operating electric lines to conduct an investigation or give notification, or to improve the means for investigation or notification.
- (4) A person maintaining and operating electric lines must keep books and state the matters with respect to the processes concerning the investigation under paragraph (1) and the notification under paragraph (2) specified by Order of the Ministry of Economy, Trade and Industry in those books.
- (5) The books set forth in the preceding paragraph must be preserved pursuant to provisions by Order of the Ministry of Economy, Trade and Industry.

(Entrustment of Investigation Services)

Article 57-2 (1) A person maintaining and operating electric lines may entrust a person registered by the Minister of Economy, Trade and Industry (hereinafter referred to as a "registered investigation bodies") with the task of investigating whether or not the electric facilities for general use that are electrically connected directly with electric lines maintained and operated by the person maintaining and operating electric lines conform to the technical standards established by Order of the Ministry of Economy, Trade and Industry under Article 56, paragraph (1), and if the electric facilities for general use do not

conform to the technical standards, the task of notifying the owner or possessor of the facilities of the measures to be taken to ensure conformity to the technical standards as well as the possible consequences that might occur if the measures were not taken (hereinafter referred to as "investigation services").

- (2) If a person maintaining and operating electric lines entrusts a registered investigation body with the investigation services pursuant to the preceding paragraph, the person must notify the Minister of Economy, Trade and Industry to that effect without delay. The same applies when an agreement for entrustment has expired.
- (3) The provisions of paragraph (1) of the preceding Article does not apply to the electric facilities for general use for which a person maintaining and operating electric lines has entrusted a registered investigation bodies with investigation services pursuant to paragraph (1) of this Article.

Chapter IV Use of Land

(Temporary Use)

Article 58 (1) An electricity utility (excluding an electricity retailer; hereinafter the same applies in this Chapter) may, when it is necessary and unavoidable, temporarily use another person's land or buildings and other structures affixed thereto (hereinafter referred to as "land, etc.") for any of the following purposes to the extent that the use does not significantly hinder another person's use of the land, etc.; provided, however, that the use of buildings and other structures is allowed only for the purpose of supporting electric lines (including lines used for communication necessary for the maintenance and operation of electric lines) or auxiliary equipment thereof (hereinafter collectively referred to as "electric lines"):

- (i) establish a site for storing materials or parking vehicles, an earth dumping site, a work yard, or a tower or cableway for stringing, all of which are required to implement a construction project concerning electric lines to be used for electricity business (excluding electricity retail; hereinafter the same applies in this Chapter);
 - (ii) install electric lines for urgent supply of electricity in the event of a natural disaster, incident or other emergency; and
 - (iii) install markers for the purpose of installing electric facilities to be used for electricity business.
- (2) If an electricity utility intends to use another person's land, etc. temporarily pursuant to the preceding paragraph, the utility must obtain permission from the Minister of Economy, Trade and Industry; provided, however, that this does not apply to the temporary use for a period not exceeding 15 days in the

event of a natural disaster, incident or other emergency.

- (3) When the Minister of Economy, Trade and Industry receives an application for permission under the preceding paragraph, the minister must notify the owner and possessor of the land, etc. to that effect and provide them with the opportunity to submit a written opinion.
- (4) If an electricity utility intends to use another person's land, etc. temporarily pursuant to paragraph (1), the utility must notify the possessor of the land, etc. in advance; provided, however, that if it is difficult to give notification in advance, it is sufficient for the electricity utility to give notification without delay after the commencement of the use.
- (5) When the land, etc. to be used temporarily under paragraph (1) is in use for residential purposes, consent must be obtained from the residents.
- (6) The period of temporary use under paragraph (1) may not exceed six months (or one year if provisional electric lines have been installed under item (ii) of the paragraph, or temporary use takes place under item (iii) of the paragraph).
- (7) A person who enters another person's land, etc. for the purpose of temporary use under paragraph (1) must carry a document certifying that the person has obtained permission under paragraph (2), and show the document when requested by a person concerned; provided, however, that this does not apply to the case referred to in the proviso to the paragraph.

(Entry into Land)

- Article 59 (1) When it is necessary in order to conduct the taking of measurements or field investigations of electric facilities to be used for electricity business, an electricity utility may enter another person's land with permission from the Minister of Economy, Trade and Industry.
- (2) The provisions of paragraph (3) of the preceding Article apply mutatis mutandis when an application for permission under the preceding paragraph is filed.
 - (3) The provisions of paragraph (4) and paragraph (5) of the preceding Article and the main clause of paragraph (7) of the Article apply mutatis mutandis when an electricity utility enters another person's land pursuant to paragraph (1) of this Article.

(Passage)

- Article 60 (1) When it is necessary in order to implement a construction project with regard to electric lines to be used for electricity business or maintain electric lines, an electricity utility may pass through another person's land.
- (2) A person who passes through another person's land pursuant to the preceding paragraph must carry a certificate of identification and show it when requested by a person concerned.

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

(Clearing or Transplantation of Plants)

Article 61 (1) If plants cause or are likely to cause interference with electric lines to be used for electricity business or plants cause hindrance to taking measurements or field investigations with regard to electric facilities to be used for electricity business or a construction project with regard to electric lines to be used for electricity business, an electricity utility may clear or transplant the plants with permission from the Minister of Economy, Trade and Industry, when it is unavoidable.

(2) When an electricity utility intends to clear or transplant plants pursuant to the preceding paragraph, the utility must notify the owner of the plants in advance; provided, however, that if it is difficult to give notification in advance, it is sufficient for the electricity utility to give notification without delay after the clearing or transplantation.

(3) If plants cause interference with electric lines to be used for electricity business and there is a risk that leaving the interference unaddressed would significantly damage the electric lines, thereby causing serious hindrance to the supply of electricity or cause a fire or other disaster, thereby harming public safety, an electricity utility may clear or transplant the plants without permission from the Minister of Economy, Trade and Industry, notwithstanding the provisions of paragraph (1). In this case, after the clearing or transportation, the electricity utility must notify, without delay, the Minister of Economy, Trade and Industry as well as the owner of the plants to that effect.

(4) The provisions of Article 58, paragraph (3) apply mutatis mutandis when an application for permission under paragraph (1) is filed.

(Compensation for Loss)

Article 62 If an electricity utility causes any loss from temporarily using another person's land, etc. pursuant to Article 58, paragraph (1), entering another person's land pursuant to Article 59, paragraph (1), passing through another person's land pursuant to Article 60, paragraph (1), or clearing or transplanting plants pursuant to paragraph (1) or paragraph (3) of the preceding Article, the utility must compensate the person who has suffered the loss for any loss that generally arises.

Article 63 (1) With respect to compensation for loss under the preceding Article, if the electricity utility and the person who has suffered the loss fail to with

each other or reach an agreement through consultation, the electricity utility or the person who has suffered the loss may apply for an award by the municipal or prefectural governor who has jurisdiction over the land, etc. or the place where the land or the plants causing interference are located.

- (2) The provisions of Article 25, paragraphs (3) through (5) and Article 33 apply mutatis mutandis to an award set forth in the preceding paragraph. In this case, the term "Minister of Economy, Trade and Industry" in Article 25, paragraph (3) and paragraph (4) is deemed to be replaced with "municipal or prefectural governor".
- (3) An award ordering compensation for a loss must determine the amount of compensation as well as the time and means of payment thereof.

(Obligation to Restore)

Article 64 When an electricity utility has finished with the temporary use of the Land, etc. pursuant to Article 58, paragraph (1), the utility must return the land, etc. after having restored the land, etc. to its original state or having compensated for any loss that would generally arise from not restoring the land to its original state.

(Use of Public Land)

- Article 65 (1) When it is necessary to install electric lines to be used for electricity business on a road, bridge, ditch, river, embankment or other public land, an electricity utility may use them with permission from the administrator thereof to the extent that the use does not impair their usability.
- (2) In the case referred to in the preceding paragraph, the electricity utility must pay a user's fee as determined by the administrator.
 - (3) If the administrator refuses to grant permission under paragraph (1) without justifiable grounds or the amount of the user's fee determined by the administrator is inappropriate, the competent minister may, upon application by the electricity utility, grant permission or determine the amount of the user's fee.
 - (4) The provisions of the preceding three paragraphs do not apply to roads prescribed in the Road Act (Act No. 180 of 1952) or to land areas on which roads are to be constructed as determined under Article 18, paragraph (1) of the Act and accessories to roads constructed on the land.
 - (5) In any of the following cases, the competent minister must consult with the Minister of Economy, Trade and Industry in advance:
 - (i) the competent minister intends to grant permission for use or determine the amount of a user's fee pursuant to paragraph (3); and
 - (ii) an electricity utility intends to occupy roads or land areas on which roads are to be constructed or accessories to roads constructed on the land as set

forth in the preceding paragraph for the purpose of installing electric lines to be used for electricity business, and the competent minister intends to make an administrative determination in response to a request for review of the determination of the amount of an occupation fee to be collected by the road administrator pursuant to Article 39, paragraph (1) of the Road Act (including when applied mutatis mutandis pursuant to Article 91, paragraph (2) of the Act) or the imposition of a condition to the permission or approval under Article 87, paragraph (1) of the Act (including when applied mutatis mutandis pursuant to Article 91, paragraph (2) of the Act).

(Application Mutatis Mutandis)

Article 66 The provisions of Article 61, paragraph (3) as well as Article 62 and Article 63 apply mutatis mutandis to an electricity retailer and a person who installs electric facilities for private use. In this case, the phrase "significantly damage the electric lines, thereby causing serious hindrance to the supply of electricity or cause a fire or other disaster, thereby harming public safety" in Article 61, paragraph (3) is deemed to be replaced with "cause a fire or other disaster, thereby harming public safety".

Chapter V Electricity and Gas Market Surveillance Commission

(Establishment)

Article 66-2 The Electricity and Gas Market Surveillance Commission (hereinafter referred to as the "commission") is established in the Ministry of Economy, Trade and Industry.

(Authority)

Article 66-3 The commission processes matters within the scope of its authority pursuant to the provisions of this Act, the Gas Business Act (Act No. 51 of 1954), the Heat Supply Business Act (Act No. 88 of 1972), and the Act on Special Measures Concerning Procurement of Electricity from Renewable Energy Sources by Electricity Utilities.

(Exercise of Authority)

Article 66-4 The chairperson and members of the commission exercise their authority independently.

(Organization)

Article 66-5 (1) The commission is composed of a chairperson and four members.
(2) The chairperson and members serve on a part-time basis.

(Chairperson)

Article 66-6 (1) The chairperson presides over the processes of the commission and represents it.

(2) If the chairperson is unable to attend to the chairperson's duties, a member designated by the chairperson in advance performs the duties on behalf of the chairperson.

(Appointment of Chairperson and Members)

Article 66-7 The chairperson and members are appointed by the Minister of Economy, Trade and Industry from among those who have expert knowledge of and experience in law, economy, finance or engineering, and who are able to make fair and neutral determinations concerning their duties.

(Term of Office of Chairperson and Members)

Article 66-8 (1) The term of office of the chairperson and members is three years; provided, however, that the term of office of a substitute chairperson or member is the remaining term of office of the predecessor.

(2) The chairperson and members may be reappointed.

(3) When the term of office of the chairperson or a member has expired, the chairperson or member is to continue to perform the duties until a successor is appointed.

(Meetings)

Article 66-9 (1) Meetings of the commission are convened by the chairperson.

(2) The commission may not hold a meeting and adopt a resolution unless the chairperson and two or more members are present.

(3) All matters before the commission are to be decided by a majority of those present, and in the case of a tie vote, the chairperson is to break the tie.

(4) When applying the provisions of paragraph (2) and the chairperson is unable to attend to the chairperson's duties, the member prescribed in Article 66-6, paragraph (2) is deemed to be the chairperson.

(Secretariat)

Article 66-10 (1) A secretariat is established in the commission to process the administrative processes of the commission.

(2) The secretariat has a secretary general and necessary employees.

(3) The secretary general takes control of the processes of the secretariat in accordance with the orders of the chairperson.

(4) The internal organization of the secretariat is specified by Cabinet Order.

(Hearing of Opinions of the Commission)

Article 66-11 (1) In any of the following cases, the Minister of Economy, Trade and Industry must hear the opinions of the commission in advance:

(i) when intending to make the registration referred to in Article 2-2 or Article 27-15;

(ii) when intending to rescind registration under Article 2-9, paragraph (1) or Article 27-21, paragraph (1);

(iii) when intending to issue an order under Article 2-17, paragraph (1), paragraph (2) (including when applied mutatis mutandis pursuant to Article 27-26, paragraph (3)) or paragraph (3) (including when applied mutatis mutandis pursuant to Article 27-26, paragraph (2)), Article 9, paragraph (5) (including when applied mutatis mutandis pursuant to Article 13, paragraph (2) (including when applied mutatis mutandis pursuant to Article 27-12) and Article 27-12), Article 18, paragraph (6) or (11), Article 19, paragraph (1), Article 20, paragraph (3), Article 21, paragraph (3), Article 22-3, paragraph (3), Article 23, paragraph (6), Article 23-2, paragraph (2), Article 23-3, paragraph (2), Article 27, paragraph (1) (including when applied mutatis mutandis pursuant to Article 27-12, Article 27-26, paragraph (1), and Article 27-29), Article 27, paragraph (2), Article 27-3 (including when applied mutatis mutandis pursuant to Article 27-12 and Article 27-29), Article 27-11, paragraph (3) or (4), Article 27-11-3, paragraph (3), Article 27-11-4, paragraph (5), Article 27-11-5, paragraph (2), Article 27-11-6, paragraph (2), Article 27-13, paragraph (5) (including when applied mutatis mutandis pursuant to paragraph (8) of the Article), Article 28-46, paragraph (3), Article 28-51, Article 29, paragraph (6), Article 99, paragraph (2), Article 99-11, or Article 99-12;

(iv) when intending to grant a license or give permission under Article 3, Article 8, paragraph (1) (including when applied mutatis mutandis pursuant to Article 27-12), Article 14, paragraph (1) (including when applied mutatis mutandis pursuant to Article 27-12), Article 24, paragraph (1), Article 27-4, Article 27-30, paragraph (1), or Article 99-7, paragraph (1);

(v) when intending to give the approval or permission referred to in Article 10, paragraph (1) or (2) (including when these provisions are applied mutatis mutandis pursuant to Article 27-12), Article 14, paragraph (2) (including when applied mutatis mutandis pursuant to Article 27-12), Article 18, paragraph (1), the proviso to Article 18, paragraph (2), the proviso to Article 22-2, paragraph(1), the proviso to Article 27-11-2, paragraph (1), Article 28-14, paragraph (1), Article 28-41, paragraph (3), Article 28-46, paragraph (1), Article 28-48, Article 99, paragraph (1), or Article 99-6, paragraph (1);

(vi) when intending to rescind a license under Article 15, paragraph (2), Article 27-8, paragraph (2), or Article 27-30, paragraph (6);

(vii) when intending to make a ruling to reduce a service area under Article 16,

- paragraph (2);
 - (viii) when intending to make a ruling of revision under Article 19, paragraph (2);
 - (ix) when intending to give approval under the proviso to Article 20, paragraph (2), the proviso to Article 21, paragraph (2), the proviso to Article 23, paragraph(2), the proviso to Article 27-11-4, paragraph (2), or Article 28-49, paragraph (1);
 - (x) when intending to issue an award under Article 25, paragraph (2) (including when these provisions are applied mutatis mutandis pursuant to Article 32);
 - (xi) when intending to make a recommendation under Article 29, paragraph (5);
 - (xii) when intending to make a designation under Article 97, paragraph (1); and
 - (xiii) when intending to rescind a designation under Article 99-12.
- (2) When the commission states its opinions pursuant to the provisions of the preceding paragraph, it must publicize the contents of the opinions without delay.

(Recommendations)

- Article 66-12 (1) If the commission exercises the authority under Article 105, Article 106, paragraphs (3) through (5), or paragraph (7) or (9) or Article 107, paragraph (2), (3), (6), or (8) which has been delegated thereto pursuant to Article 114, paragraph (1) or (2), and finds it necessary in order to ensure appropriate transactions of electricity, it may make a necessary recommendation to an electricity utility; provided, however, that this does not apply when the commission has made a recommendation pursuant to paragraph (1) of the following Article.
- (2) When the commission makes a recommendation pursuant to the preceding paragraph, and the electricity utility that has received the recommendation fails to follow the recommendation without justifiable grounds, the commission is to report this to the Minister of Economy, Trade and Industry.
- (3) When the commission makes a report pursuant to the preceding paragraph, it may seek a report from the Minister of Economy, Trade and Industry with regard to the measures taken based on its report.

- Article 66-13 (1) When the commission exercises the authority under Article 105, Article 106, paragraphs (3) through (5), or paragraph (7) or (9) or Article 107, paragraph (2), (3), (6), or (8), which has been delegated thereto pursuant to Article 114, paragraph (1) or (2), and finds it particularly necessary in order to ensure appropriate transactions of electricity, it may make a necessary

recommendation to the Minister of Economy, Trade and Industry; provided, however, that this does not apply when the commission has made a recommendation pursuant to paragraph (1) of the preceding Article.

(2) When the commission makes a recommendation pursuant to the preceding paragraph, it must publicize the content thereof without delay.

(3) When the commission makes a recommendation pursuant to paragraph (1), it may seek a report from the Minister of Economy, Trade and Industry with regard to the measures taken based on its recommendation.

(Proposal)

Article 66-14 (1) When the commission finds it necessary in order to ensure fair transactions of electricity, in connection with the matters within the scope of its authority pursuant to the provisions of this Act, it may make a proposal to the Minister of Economy, Trade and Industry with regard to the measures that should be implemented in relation to electricity business.

(2) When the commission makes a proposal pursuant to the preceding paragraph, it must publicize the content thereof without delay.

(3) When the commission makes a proposal pursuant to paragraph (1), it may seek a report from the Minister of Economy, Trade and Industry with regard to the measures taken based on its proposal.

(Request for Submission of Materials)

Article 66-15 When the commission finds it necessary in order to process the matters within the scope of its authority pursuant to the provisions of this Act, it may request the heads of the relevant administrative organs and other persons concerned to submit materials, express opinions, give explanations and provide other necessary cooperation.

(Publication)

Article 66-16 The commission must publicize the status of the processing of its processes every year.

(Delegation to Cabinet Order)

Article 66-17 Beyond what is provided for in this Part, necessary matters concerning the commission are specified by Cabinet Order.

**Chapter VI Registered Safety Management Examination Bodies,
Designated Examining Bodies, and Registered Investigation Bodies
Section 1 Registered Safety Management Examination Bodies**

(Registration)

Article 67 The registration set forth in Article 51, paragraph (3) or Article 55, paragraph (4) is made, pursuant to provisions by Order of the Ministry of Economy, Trade and Industry, for each of the following categories of examinations (hereinafter simply referred to as an "examination category") upon application by a person who intends to conduct examinations (hereinafter collectively referred to as "safety management examinations"):

- (i) the examination set forth in Article 51, paragraph (3); and
- (ii) the examination set forth in Article 55, paragraph (4).

(Disqualification)

Article 68 A person who falls under any of the following items may not be registered under Article 51, paragraph (3) or Article 55, paragraph (4):

- (i) a person who was subject to a fine or more severe punishment for violation of this Act or any order issued under this Act, if two years have not passed since the person finished serving the sentence or ceased to be subject its enforcement;
- (ii) a person whose registration was rescinded pursuant to Article 78, if two years have not passed since the date of rescission; and
- (iii) a corporation, any of whose officers in charge of its business falls under any of the preceding two items.

(Standards for Registration)

Article 69 (1) The Minister of Economy, Trade and Industry must register a person who has applied for registration pursuant to Article 67 (hereinafter referred to as an "applicant for registration" in this paragraph) if that person conforms to all of the following requirements; in this case, necessary procedures for registration are specified by Order of the Ministry of Economy, Trade and Industry:

- (i) Safety management examinations are conducted by a person who falls under any of the following conditions, and at least two persons are assigned for each examination category:
 - (a) a person who graduated from a university (excluding junior college) under the School Education Act (Act No. 26 of 1947) or a university under the former University Order (Imperial Order No. 388 of 1918) after completing a course in electric engineering, civil engineering, mechanical engineering or management engineering or any other course similar thereto, and has experience of being engaged for a total of at least two years in the services for construction, maintenance or operation of electric facilities or the services for safety management examinations;
 - (b) a person who graduated from a junior college or college of technology under the School Education Act (including the first stage of a program at

- professional university under the same Act) or a professional training college under the former Professional Training College Order (Imperial Order No. 61 of 1903) after completing a course in electric engineering, civil engineering, mechanical engineering or management engineering or any other course similar thereto (in the case of the first stage of a program at a professional university under the same Act, a person who completed the first stage of the program), and who has been engaged for a total of at least four years in the services for construction, maintenance or operation of electric facilities or the services for safety management examinations; and
- (c) a person who has been engaged for a total of at least six years in the services for construction, maintenance or operation of electric facilities or the services for safety management examinations;
- (ii) the applicant for registration controlled by a person who installs electric facilities subject to safety management examinations pursuant to Article 51, paragraph (3) or Article 55, paragraph (4) (hereinafter referred to as "person installing electric facilities subject to examination" in this item) falls under none of the following conditions:
- (a) the applicant for registration is a stock company, and the person installing electric facilities subject to examination is its parent corporation (as prescribed in Article 879, paragraph (1) of the Companies Act);
- (b) more than half of the officers of the applicant for registration (in the case of a Membership Company (meaning a membership company prescribed in Article 575, paragraph (1) of the Companies Act), the officers in charge of its business) are officers or employees of the person installing electric facilities subject to examination (including those who have been officers or employees of the person installing electric facilities subject to examination in the past two years); and
- (c) The applicant for registration (or, in the case of a corporation, its representative officer) is an officer or employee of the person installing electric facilities subject to examination (or has been an officer or employee of the person installing electric facilities subject to examination in the past two years).
- (2) The registration set forth in Article 51, paragraph (3) or Article 55, paragraph (4) is to be made, with the following matters stated in the registry of safety management examination bodies:
- (i) the date of registration and registration number;
- (ii) the name and address of the person registered, as well as the name of the representative if the person is a corporation; and
- (iii) the examination category.
- (iv) the location of the place of business where the person registered is to

conduct a safety management examination.

(Renewal of Registration)

- Article 70 (1) Unless the registration set forth in Article 51, paragraph (3) or Article 55, paragraph (4) is renewed at an interval of not less than three years as set by Cabinet Order, it ceases to be effective upon the end of the interval.
- (2) The provisions of the preceding three Articles apply mutatis mutandis to the renewal of registration set forth in the preceding paragraph.

(Obligation to Conduct a Safety Management Examination)

- Article 71 (1) A person registered under Article 51, paragraph (3) or Article 55, paragraph (4) (hereinafter referred to as a "registered safety management examination body") must conduct a safety management examination without delay when requested except when there are justifiable grounds not to do so.
- (2) A registered safety management examination body must conduct a safety management examination fairly by a means specified by Order of the Ministry of Economy, Trade and Industry.
- (3) When a registered safety management examination body conducts a safety management examination, it must have a person prescribed in Article 69, paragraph (1), item (i) take charge of the safety management examination.

(Notification of Change)

- Article 72 When a registered safety management examination body intends to change its name or the location of its place of business where a safety management examination is to be conducted, it must notify the Minister of Economy, Trade and Industry of the change by two weeks prior to the day when the change is scheduled to be made.

(Operational Rules)

- Article 73 (1) A registered safety management examination body must formulate rules concerning services for safety management examinations (hereinafter referred to as "operational rules" in this Section), and notify the Minister of Economy, Trade and Industry of the rules before commencing services for safety management examinations. The same applies when a registered safety management examination body intends to revise the rules.
- (2) Operational rules must provide for a means for implementing a safety management examination, a means for calculating the fees for safety management examinations, and other matters specified by Order of the Ministry of Economy, Trade and Industry.

(Suspension or Discontinuation of Operations)

Article 74 If a registered safety management examination bodies intends to suspend or discontinue the all or part of the services for safety management examinations, it must notify the Minister of Economy, Trade and Industry to that effect in advance pursuant to provisions by Order of the Ministry of Economy, Trade and Industry.

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

Article 75 (1) Within three months after the end of each fiscal year, a registered safety management examination body must prepare a property inventory, balance sheet, profit and loss statement or income and expenditure statement and business report (if these documents are prepared as electronic or magnetic records (meaning records produced by an electronic device, magnetic device or any other device not recognizable to human senses, which are used for data processing by a computer; hereinafter the same applies in this Article), or electronic or magnetic records are prepared instead of preparing the documents, the electronic or magnetic records must be included; these documents are hereinafter referred to as "financial statements, etc." in the following paragraph and Article 122-4) and keep them in its place of business for five years.

(2) A person who installs electric facilities subject to a pre-use self-inspection or periodic operator inspection and other interested persons may, at any time during the business hours of the registered safety management examination body, make any of the following requests to the body; provided, however, that when making a request set forth in item (ii) or item (iv), the person or interested persons must pay the fee determined by the Registered Safety Management examination body:

(i) when financial statements, etc. are prepared as written documents, a request for public inspection or copying of the written documents;

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

(iii) if financial statements, etc. are prepared as electronic or magnetic records, a request for public inspection or copying of the content of the electronic or magnetic records displayed by a device specified by Order of the Ministry of Economy, Trade and Industry; and

(iv) a request for provision of the content of the electronic or magnetic records set forth in the preceding item by electronic or magnetic means specified by Order of the Ministry of Economy, Trade and Industry or a request for delivery of documents stating the content.

(Order for Conformity)

Article 76 If the Minister of Economy, Trade and Industry finds that a registered

safety management examination body has ceased to conform to any of the items of paragraph (1) of Article 69, the minister may order the registered safety management examination body to take any necessary measures to ensure conformity to the provisions of the items.

(Order for Improvement)

Article 77 If the Minister of Economy, Trade and Industry finds that a registered safety management examination body is in violation of Article 71, the minister may order the registered safety management examination body to conduct a safety management examination or take other necessary measures to improve the means for implementing a safety management examination or other operational procedure.

(Rescission of Registration)

Article 78 If a registered safety management examination body falls under any of the following items, the Minister of Economy, Trade and Industry may rescind the registration made under Article 51, paragraph (3) or Article 55, paragraph (4), or order the registered safety management examination body to suspend the all or part of the services for safety management examinations within a specified period:

- (i) the registered safety management examination body has violated Article 51, paragraph (5) (including when applied *mutatis mutandis* pursuant to Article 55, paragraph (6)), Article 71, Article 72, Article 73, paragraph (1), Article 74, Article 75, paragraph (1) or the next Article;
- (ii) the registered safety management examination body now falls under Article 68, item (i) or item (iii);
- (iii) the registered safety management examination body has refused a request made under the items of paragraph (2) of Article 75 without justifiable grounds;
- (iv) the registered safety management examination body has violated an order issued under the preceding two Articles; and
- (v) the registered safety management examination body has been registered under Article 51, paragraph (3) or Article 55, paragraph (4) by wrongful means.

(Bookkeeping)

Article 79 (1) A registered safety management examination body must keep books and state in them the matters concerning the services for safety management examinations specified by Order of the Ministry of Economy, Trade and Industry.

(2) The books set forth in the preceding paragraph must be preserved pursuant to

provisions by Order of the Ministry of Economy, Trade and Industry.

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

Article 80 (1) The Minister of Economy, Trade and Industry may personally perform the all or part of the services for safety management examinations of a registered safety management examination body when: there is no person registered pursuant to Article 51, paragraph (3) or Article 55, paragraph (4); notification of the suspension or discontinuation of the all or part of the services for safety management examinations has been given pursuant to Article 74; the registration made under Article 51, paragraph (3) or Article 55, paragraph (4) has been rescinded or an order has been issued to the registered safety management examination body to suspend or discontinue the all or part of the services for safety management examinations pursuant to Article 78; it has become difficult for the registered safety management examination body to perform the all or part of the services for safety management examinations due to a disaster or otherwise; or the minister finds it necessary to do so for any other reasons.

(2) When the Minister of Economy, Trade and Industry personally performs the all or part of the services for safety management examinations pursuant to the preceding paragraph, the transfer of the services for safety management examinations and other necessary matters are specified by Order of the Ministry of Economy, Trade and Industry.

Section 2 Designated Examining Body

(Designation)

Article 81 (1) The designation set forth in Article 45, paragraph (2) is made pursuant to provisions by Order of the Ministry of Economy, Trade and Industry upon application by a person who intends to administer examination processes.

(2) When the Minister of Economy, Trade and Industry makes the designation under Article 45, paragraph (2), the minister is not to administer examination processes.

(Disqualification)

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

(i) a person who was subject to a fine or more severe punishment for violation of this Act or any order issued under this Act, if two years have not passed since the person finished serving the sentence or ceased to be subject to its

- enforcement;
- (ii) a person whose designation was rescinded pursuant to Article 87, paragraph (2), if two years has not passed since the date of rescission; and
 - (iii) a person, any of whose officers in charge of its business falls under any of the following conditions:
 - (a) a person who falls under item (i); and
 - (b) a person who was dismissed by an order under Article 84-5, if two years have not passed since the date of dismissal.

(Standards for Designation)

Article 83 The Minister of Economy, Trade and Industry must not make the designation under Article 45, paragraph (2) unless no other person has received designation under the paragraph and the application for designation filed under the paragraph conforms to all of the following items:

- (i) the applicant's plan for the administration of the examination processes, which covers personnel, equipment, means of administering the examination processes and other matters, is appropriate for the competent administration of the examination processes;
- (ii) the applicant has a sufficient financial basis and technical capability to competently implement the plan for the administration of the examination processes set forth in the preceding item;
- (iii) the applicant is a general incorporated association or general incorporated foundation; and
- (iv) if the applicant is engaged in services other than examination processes, there is no risk that the applicant will fail to fairly administer the examination processes by performing the other services.

(Examiners)

Article 84 (1) When a designated examining body administers examination processes, it must have its examiners administer the processes in determining whether or not an applicant for any of the types of chief engineer's license listed in Article 44, paragraph (1), items (i) through (iii) has the necessary knowledge and skills as a chief engineer.

- (2) A designated examining body must appoint examiners from among persons who satisfy the requirements specified by Order of the Ministry of Economy, Trade and Industry.
- (3) When a designated examining body appoints examiners, it must notify the Minister of Economy, Trade and Industry to that effect pursuant to provisions by Order of the Ministry of Economy, Trade and Industry. The same applies when any examiner is replaced.

(Operational Rules)

Article 84-2 (1) A designated examining body must formulate rules concerning examination processes (hereinafter referred to as the "operational rules" in this Section), and obtain approval of the rules from the Minister of Economy, Trade and Industry. The same applies when a designated examining body intends to revise the rules.

(2) The matters to be provided for by the operational rules are specified by Order of the Ministry of Economy, Trade and Industry.

(3) If the Minister of Economy, Trade and Industry finds that the operational rules approved under paragraph (1) have become inappropriate for the fair administration of the examination processes, the minister may order the designated examining body to revise the operational rules.

(Suspension and Discontinuation of Examination Processes)

Article 84-2-2 A designated examining body must not suspend or discontinue the all or part of the examination processes unless it is permitted by the Minister of Economy, Trade and Industry.

(Business Plans)

Article 84-3 (1) Prior to the beginning of each business year (or without delay after designation under Article 45, paragraph (2) in the case of a business year that contains the date of designation), a designated examining body must prepare a business plan, and income and expenditure budget for the business year, and obtain approval of them from the Minister of Economy, Trade and Industry. The same applies when a designated examining body intends to revise them.

(2) Within three months after the end of each business year, a designated examining body must prepare a business report and statement of accounts, and submit them to the Minister of Economy, Trade and Industry.

(Appointment and Dismissal of Officers)

Article 84-4 The appointment and dismissal of an officer of a designated examining body is not effective unless approved by the Minister of Economy, Trade and Industry.

(Order of Dismissal)

Article 84-5 If any officer or examiner of a designated examining body has violated this Act or any order issued under this Act or the operational rules, the Minister of Economy, Trade and Industry may order the designated examining body to dismiss the officer or examiner.

(Obligation of Confidentiality)

Article 85 Current or former officers or employees (including examiners) of a designated examining body must not divulge secrets that they have become aware of in the course of administering the examination processes.

(Status of Officers and Employees)

Article 85-2 With regard to the application of the Penal Code and other penal provisions, officers or employees (including examiners) of a designated examining body who are engaged in examination processes are regarded as personnel engaged in public services under laws and regulations.

(Order for Conformity)

Article 86 (1) If the Minister of Economy, Trade and Industry finds that a designated examining body has ceased to conform to any of the items of Article 83 (excluding item (iii); hereinafter the same applies in this paragraph), the minister may order the designated examining body to take any necessary measures to ensure conformity to the provisions of the items.

(2) Beyond what is provided for in the preceding paragraph, if the Minister of Economy, Trade and Industry finds it necessary for the enforcement of this Act, the minister may issue to a designated examining body an order necessary for the supervision of the examination processes.

(Rescission of Designation)

Article 87 (1) If a designated examining body ceases to conform to Article 83, item (iii), the Minister of Economy, Trade and Industry must rescind the designation made under Article 45, paragraph (2).

(2) If a designated examining body falls under any of the following items, the Minister of Economy, Trade and Industry may rescind the designation made under Article 45, paragraph (2), or order the designated examining body to suspend the all or part of the examination processes within a specified period:

(i) the designated examining body now falls under Article 82, item (i) or item (iii);

(ii) the designated examining body has violated Article 84, Article 84-2, paragraph (1), Article 84-2-2, Article 84-3, or the following Article;

(iii) the designated examining body has not administered the examination processes in accordance with the operational rules approved under Article 84-2, paragraph (1);

(iv) the designated examining body has violated an order issued under Article 84-2, paragraph (3), Article 84-5, or the preceding Article; and

(v) the designated examining body has received designation under Article 45, paragraph (2) by wrongful means.

(Bookkeeping)

Article 87-2 (1) A designated examining body must keep books and state in them the matters concerning the examination processes specified by Order of the Ministry of Economy, Trade and Industry.

(2) The books set forth in the preceding paragraph must be preserved pursuant to provisions by Order of the Ministry of Economy, Trade and Industry.

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

Article 88 (1) The Minister of Economy, Trade and Industry may personally administer the all or part of the examination processes of a designated examining body when: the designated examining body suspends the all or part of the examination processes with permission granted under Article 84-2-2; an order is issued to the designated examining body to suspend the all or part of the examination processes pursuant to Article 87, paragraph (2); or the minister finds it necessary to do so because it has become difficult for the designated examining body to administer the all or part of the examination processes as a result of a natural disaster or otherwise.

(2) When the Minister of Economy, Trade and Industry personally administers the all or part of the examination processes pursuant to the preceding paragraph, a designated examining body discontinues the all or part of the examination processes with permission granted under Article 84-2-2, or the Minister of Economy, Trade and Industry rescinds the designation of a designated examining body pursuant to Article 87, the transfer of the examination processes and other necessary matters are specified by Order of the Ministry of Economy, Trade and Industry.

Section 3 Registered Investigation Bodies

(Registration)

Article 89 The registration set forth in Article 57-2, paragraph (1) is made, pursuant to provisions by Order of the Ministry of Economy, Trade and Industry, upon application by a person who intends to perform investigation services as entrusted by a person maintaining and operating electric lines.

(Standards for Registration)

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

- (i) the investigation services are performed by using the following measuring instruments:
 - (a) insulation resistance meter;
 - (b) ground resistance meter;
 - (c) leakage current ammeter;
 - (d) AC ammeter; and
 - (e) AC voltmeter;
- (ii) the investigation services are performed by a person who falls under any of the following conditions:
 - (a) a person who has obtained any of the types of chief engineer's license listed in Article 44, paragraph (1), items (i) through (iii);
 - (b) a first-class electrician prescribed in Article 3, paragraph (1) of the Electrician Act (Act No. 139 of 1960) or second-class electrician prescribed in paragraph (2) of the Article; and
 - (c) a person who graduated from a university, college of technology, high school or secondary education school under the School Education Act, a university under the former University Order, a professional training college under the former Professional Training College Order, or an industrial school under the former Secondary School Order (Imperial Order No. 36 of 1943) after completing a course in electric engineering or any other course similar thereto.
- (2) The registration set forth in Article 57-2, paragraph (1) is to be made, with the following matters stated in the investigation body registry:
 - (i) the date of registration and registration number; and
 - (ii) the name and address of the person registered, as well as the name of the representative if the person is a corporation.

Article 91 Deleted

(Obligation to Investigate)

- Article 92 (1) When a registered investigation body is entrusted with investigation services pursuant to Article 57-2, paragraph (1), it must perform the investigation services pursuant to provisions by Order of the Ministry of Economy, Trade and Industry under Article 57, paragraph (1); provided, however, that this does not apply if the registered investigation body is unable to obtain consent for the entry into the site where the electric facilities for general use are installed from the owner or possessor of the facilities.
- (2) If a registered investigation body is entrusted with investigation services pursuant to Article 57-2, paragraph (1) and fails to perform the investigation services or applies an inappropriate means for investigation, the Minister of Economy, Trade and Industry may order the registered investigation body to

perform the investigation services or to improve the means for investigation.

(Discontinuation of Investigation Services)

Article 93 If a registered investigation body discontinues the investigation services, it must notify the Minister of Economy, Trade and Industry to that effect without delay.

(Operational Rules)

Article 94 (1) A registered investigation body must formulate rules concerning the investigation services (hereinafter referred to as "operational rules" in this Section), and notify the Minister of Economy, Trade and Industry of the rules before commencing the investigation services. The same applies when a registered investigation body intends to revise the rules.

(2) Operational rules must provide for a means for performing the investigation services, a means for calculating the fee for investigation services, and other matters specified by Order of the Ministry of Economy, Trade and Industry.

(Rescission of Registration)

Article 95 If a registered investigation body falls under any of the following items, the Minister of Economy, Trade and Industry may rescind the registration made under Article 57-2, paragraph (1):

- (i) the registered investigation body now falls under Article 68, item (i) or item (iii) as applied mutatis mutandis pursuant to the following Article;
- (ii) the registered investigation body has refused the request made under the items of paragraph (2) of Article 75 as applied mutatis mutandis pursuant to the following Article, without justifiable grounds;
- (iii) the registered investigation body has violated Article 92, paragraph (1), Article 93, or paragraph (1) of the preceding Article, or violated Article 75, paragraph (1) or Article 79 which are applied mutatis mutandis in the following Article;
- (iv) the registered investigation body has violated an order issued under Article 92, paragraph (2), or under Article 76 as applied mutatis mutandis pursuant to the following Article; and
- (v) the registered investigation body has been registered under Article 57-2, paragraph (1) by wrongful means.

(Application Mutatis Mutandis)

Article 96 The provisions of Articles 68, 70, 75, 76, and 79 apply mutatis mutandis to a registered investigation body. In this case, the term "Article 78" in Article 68, item (ii) is deemed to be replaced with "Article 95", the phrase "a person who installs electric facilities subject to a pre-use self-inspection or

periodic operator inspection" in Article 75, paragraph (2) is deemed to be replaced with "the owner or possessor of the electric facilities for general use subject to the investigation services performed by the registered investigation body", and. the phrase "items of paragraph (1) of Article 69" in Article 76 is deemed to be replaced with "items of paragraph (1) of Article 90".

Chapter VII Wholesale Electricity Exchange

(Designation)

- Article 97 (1) The Minister of Economy, Trade and Industry may, upon application, designate as a wholesale electricity exchange a general incorporated association, general incorporated foundation or other corporation specified by Cabinet Order which aims to achieve expansion of the opportunities for wholesale transactions of electricity for electricity utilities and ensure the formation of fair prices to be used as indicators for the transactions, thereby contributing to smooth transactions, and which is found to conform to the following standards with regard to the operations prescribed in the following Article (hereinafter referred to as "market launch operations"):
- (i) the applicant's plan for the administration of the market launch operations, which covers personnel, means of administering the market launch operations and other matters, is appropriate for the competent administration of the market launch operations;
 - (ii) the applicant has a sufficient financial and technical basis to competently implement the plan for the administration of the market launch operations set forth in the preceding item;
 - (iii) the composition of the officers or employees is unlikely to hinder the fair administration of the market launch operations;
 - (iv) if the applicant is to conduct operations other than market launch operations, conducting the operations is unlikely to hinder the fair administration of the market launch operations;
 - (v) the applicant is not a person whose designation was rescinded pursuant to Article 99-12, if two years has not passed since the date of rescission; and
 - (vi) the applicant has no officer who falls under any of the following conditions:
 - (a) a person who was sentenced to imprisonment or severer punishment, if two years have not passed since the person finished serving the sentence or ceased to be subject to its enforcement; and
 - (b) a person who was subject to a fine or more severe punishment for violation of this Act or any order issued under this Act, if two years have not passed since the person finished serving the sentence or ceased to be subject to the sentence.
- (2) If a wholesale electricity exchange intends to change its name or address or

the location of the office where market launch operations are to be conducted, it must notify the Minister of Economy, Trade and Industry of the change by two weeks prior to the day when the change is scheduled to be made.

(Operations)

Article 98 A wholesale electricity exchange is to conduct the following operations:

- (i) launch a market for conducting sale and purchase transactions of electricity that are required for expanding the opportunities for wholesale transactions of electricity for electricity utilities and forming fair prices to be used as indicators for the transactions (referred to as a "wholesale electricity transaction market" in Article 99-2);
- (ii) conduct operations incidental to the operations set forth in the preceding item; and
- (iii) beyond what is set forth in the preceding two items, conduct operations necessary for achieving the purpose of the wholesale electricity exchange.

(Approval of Operational Rules)

Article 99 (1) When a wholesale electricity exchange conducts market launch operations, it must formulate rules concerning the administration of market launch operations (hereinafter referred to as "operational rules" in this Chapter) and obtain approval of the rules from the Minister of Economy, Trade and Industry before commencing the operations. The same applies when a wholesale electricity exchange intends to revise the rules.

- (2) If the Minister of Economy, Trade and Industry finds that the operational rules approved under the preceding paragraph have become inappropriate for the fair and competent administration of the market launch operations, the minister may order the wholesale electricity exchange to revise the operational rules.
- (3) The matters to be stated in the operational rules and the standards for the approval set forth in paragraph (1) are specified by Order of the Ministry of Economy, Trade and Industry.

(Person Who May Conduct Sale and Purchase Transactions)

Article 99-2 A person who may conduct sale and purchase transactions of electricity on a wholesale electricity transaction market (hereinafter simply referred to as "sale and purchase transactions" in this Section) is an electricity utility or a person equivalent thereto who is specified under the operational rules as having sufficient financial resources and credibility to competently administer the operations of wholesale transactions of electricity.

(Sale and Purchase Transactions)

- Article 99-3 (1) Sale and purchase transactions must be conducted by a bidding process or other means specified under the operational rules.
- (2) If a wholesale electricity exchange finds that a wrongful act is conducted or an unfair price is formed in sale and purchase transactions, it may restrict the sale and purchase transactions or take any other necessary measure for securing fairness of the sale and purchase transactions against persons who conduct the sale and purchase transactions, pursuant to the provisions of the operational rules.
- (3) When a wholesale electricity exchange takes the measure prescribed in the preceding paragraph, it must promptly notify the Minister of Economy, Trade and Industry to that effect.

(Publication of Sale and Purchase Transaction Volume)

Article 99-4 Pursuant to provisions by Order of the Ministry of Economy, Trade and Industry, a wholesale electricity exchange must publicize the volume and price of sale and purchase transactions and other matters specified by Order of the Ministry of Economy, Trade and Industry.

(Prohibition of Discriminatory Treatment)

Article 99-5 A wholesale electricity exchange must not unfairly treat persons who conduct sale and purchase transactions in a discriminatory manner, with regard to the management of market launch operations.

(Business Plans)

- Article 99-6 (1) Prior to the beginning of each business year (or without delay after designation under Article 97, paragraph (1) in the case of a business year that contains the date of designation), a wholesale electricity exchange must prepare a business plan and income and expenditure budget for the business year, and obtain approval of them from the Minister of Economy, Trade and Industry. The same applies when a wholesale electricity exchange intends to revise them.
- (2) A wholesale electricity exchange must within three months after the end of each business year prepare a business report and statement of accounts, and submit them to the Minister of Economy, Trade and Industry.

(Suspension or Discontinuation of Operations)

- Article 99-7 (1) A wholesale electricity exchange must not suspend or discontinue the all or part of the market launch operations unless it is permitted by the Minister of Economy, Trade and Industry.
- (2) If the Minister of Economy, Trade and Industry permits discontinuation of

the whole of market launch operations pursuant to the provisions of the preceding paragraph, the designation relating to the permission ceases to be effective.

(Appointment and Dismissal of Officers)

Article 99-8 The appointment and dismissal of an officer of a wholesale electricity exchange is not effective unless approved by the Minister of Economy, Trade and Industry.

(Order of Dismissal)

Article 99-9 If any officer of a wholesale electricity exchange has violated this Act or any order issued under this Act or the operational rules, the Minister of Economy, Trade and Industry may order the wholesale electricity exchange to dismiss the officer.

(Obligation of Confidentiality)

Article 99-10 Current or former officers or employees of a wholesale electricity exchange must not divulge or misappropriate secrets that they have become aware of in the course of administering the market launch operations.

(Supervision Orders)

Article 99-11 If the Minister of Economy, Trade and Industry finds it necessary for securing the fair and competent administration of market launch operations, the minister may issue to a wholesale electricity exchange an order necessary for the supervision of the market launch operations.

(Rescission of Designation)

Article 99-12 If a wholesale electricity exchange falls under any of the following items, the Minister of Economy, Trade and Industry may rescind its designation, or order the wholesale electricity exchange to suspend all or part of the market launch operations within a specified period:

- (i) the wholesale electricity exchange is found not to conform to the standards set forth in Article 97, paragraph (1), items (i) through (iv);
- (ii) the wholesale electricity exchange has ceased to conform to the standards set forth in Article 97, paragraph (1), item (vi);
- (iii) the wholesale electricity exchange has violated Article 97, paragraph (2), Article 99, paragraph (1), Article 99-3, paragraph (3), Articles 99-4 through 99-6, or Article 99-7, paragraph (1);
- (iv) the wholesale electricity exchange has not administered market launch operations in accordance with the operational rules approved under Article 99, paragraph (1);

- (v) the wholesale electricity exchange has violated an order issued under Article 99, paragraph (2), Article 99-9, or the preceding Article; and
- (vi) the wholesale electricity exchange has received designation under Article 97, paragraph (1) by wrongful means.

Chapter VIII Miscellaneous Provisions

(Conditions Attached to Registration)

Article 100 (1) Conditions may be attached to registration, registration of change, license/permission or approval, and the conditions may be changed.

(2) The conditions set forth in the preceding paragraph are limited to the minimum required for promoting public interest or ensuring successful implementation of the matters concerning the registration, registration of change, license/permission or approval, and must not impose any unreasonable obligation on the person who is to obtain the registration, registration of change, license/permission or approval.

(Hydraulic Power for Electricity Generation)

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

Article 102 If the Minister of Economy, Trade and Industry finds it necessary for the development of hydraulic power for electricity generation, the minister may order a person who installs electric facilities for generation of electricity by means of hydraulic power to measure the discharge of the river where the electric facilities are installed and report on the results of the measurement pursuant to provisions by Order of the Ministry of Economy, Trade and Industry.

Article 103 (1) If an application has been filed for license or permission under Article 23 or Article 29, paragraph (2) of the River Act (Act No. 167 of 1964) or license or permission under Article 24 or Article 26, paragraph (1) of the Act (excluding license or permission concerning use of water supply (meaning use of water supply prescribed in the Article; hereinafter the same applies in paragraph (3)) by way of occupancy of river water which is subject to registration under Article 23-2 of the Act) for the purpose of using hydraulic power for electricity generation, the relevant municipal or prefectural governor or the head of the relevant designated city under Article 252-19, paragraph (1) of the Local Autonomy Act (Act No. 67 of 1947) (the city is hereinafter referred to as a "designated city") must report to the Minister of Economy, Trade and

Industry to that effect, with an opinion attached thereto, and request the opinion of the Minister of Economy, Trade and Industry.

- (2) If the Minister of Economy, Trade and Industry is requested for an opinion pursuant to the preceding paragraph, the minister is to consult with the Minister of Land, Infrastructure, Transport and Tourism.
- (3) When an application has been filed to a municipal or prefectural governor or the head of a designated city for license or permission under Article 23 or Article 29, paragraph (2) of the River Act or license or permission under Article 24 or Article 26, paragraph (1) of the Act (excluding license or permission concerning use of water supply by way of occupancy of river water which is subject to the registration under Article 23-2 of the Act) (excluding the case prescribed in paragraph (1)), and the Minister of Economy, Trade and Industry finds it necessary in order to ensure the effective utilization of hydraulic power for electricity generation, the minister may make the necessary recommendations to the municipal or prefectural governor or the head of the designated city regarding the rulings under these provisions.

(Electric Facility Inspector)

- Article 104 (1) The Ministry of Economy, Trade and Industry and the Nuclear Regulation Authority have electric facility inspectors.
- (2) Electric facility inspectors of the Ministry of Economy, Trade and Industry engage in processes concerning the inspection set forth in Article 49, paragraph (1) or Article 54, or the examination set forth in Article 51, paragraph (3) or Article 55, paragraph (4).
 - (3) Electric facility inspectors of the Nuclear Regulation Authority engage in processes concerning the inspection set forth in Article 49, paragraph (1) or Article 54, or the examination set forth in Article 51, paragraph (3).
 - (4) The necessary matters concerning the qualification of an electric facility inspector are specified by Cabinet Order.

(Audits)

Article 105 The Minister of Economy, Trade and Industry must audit the services and accounting of the general electricity transmission and distribution utilities and electricity transmission utilities every year.

(Collection of Reports)

Article 106 (1) The competent minister may have a person who installs electric facilities for generation of electricity by means of nuclear power (hereinafter referred to as "facilities for nuclear power generation") submit reports or materials on the status of the services for assuring the safety of the facilities for nuclear power generation, to the extent necessary for the enforcement of

Article 39, Article 40, Article 47, Article 49, and Article 50, pursuant to Cabinet Order provisions.

- (2) Beyond the cases referred to in the preceding paragraph, if the competent minister has had the person who installs facilities for nuclear power generation submit reports or materials, and finds it particularly necessary in order to ensure the safety of the facilities for nuclear power generation, the minister may have the business operator who has conducted maintenance and inspection of the facilities for nuclear power generation submit reports or materials on necessary matters, to the extent necessary for the enforcement of Article 39, Article 40, Article 47, Article 49, and Article 50.
- (3) Beyond the cases referred to in paragraph (1), the Minister of Economy, Trade and Industry may have an electricity retailer, etc., general electricity transmission and distribution utility, electricity transmission utility, specified electricity transmission and distribution utility, or electricity generation utility submit reports or materials on the status of the services or accounting, to the extent necessary for the enforcement of this Act, pursuant to Cabinet Order provisions.
- (4) The Minister of Economy, Trade and Industry may have a specified related business operator prescribed in Article 22-3, paragraph (1) (excluding an electricity retailer, etc., a general electricity transmission and distribution utility, an electricity transmission utility, a specified electricity transmission and distribution utility, and an electricity generation utility; referred to as a "specified related business operator of a general electricity transmission and distribution utility" in the following paragraph and paragraph (3) of the following Article) or a specified related business operator prescribed in Article 27-11-3, paragraph (1) (excluding an electricity retailer, etc., a general electricity transmission and distribution utility, an electricity transmission utility, a specified electricity transmission and distribution utility, and an electricity generation utility; referred to as a "specified related business operator of an electricity transmission utility" in the following paragraph and paragraph (3) of the following Article) submit reports or materials on necessary matters, to the extent necessary for the enforcement of Articles 22-3 through 23-3 or Articles 27-11-3 through 27-11-6.
- (5) If the Minister of Economy, Trade and Industry has had a general electricity transmission and distribution utility or an electricity transmission utility submit reports or materials pursuant to paragraph (3), and finds it particularly necessary in order to ensure the proper competitive relationship among electricity suppliers, the minister may have a specified related business operator, etc. of the general electricity transmission and distribution utility (excluding a specified related business operator of a general electricity transmission and distribution utility) or a specified related business operator,

etc. of the electricity transmission utility (excluding a specified related business operator of an electricity transmission utility) submit reports or materials on necessary matters, to the extent necessary for the enforcement of Article 23, paragraph (2) or Article 27-11-4, paragraph (2).

- (6) Beyond the cases referred to in paragraph (1), the Minister of Economy, Trade and Industry may have a person who installs electric facilities for private use or a registered investigation bodies submit reports or materials on the status of the services, to the extent necessary for the enforcement of this Act, pursuant to Cabinet Order provisions.
- (7) The Minister of Economy, Trade and Industry may have the OCCTO submit reports or materials on the status of the services or accounting, to the extent necessary for the enforcement of this Act.
- (8) The Minister of Economy, Trade and Industry may have a registered safety management examination body submit reports or materials on the status of the services or accounting, to the extent necessary for the enforcement of this Act.
- (9) The Minister of Economy, Trade and Industry may have a designated examining body or wholesale electricity exchange submit reports or materials on the status of the services or accounting, to the extent necessary for the enforcement of this Act.

(On-site Inspections)

Article 107 (1) The competent minister may have employees of the Ministry of Economy, Trade and Industry enter the factory, business office or other office or other workplace of a person who installs facilities for nuclear power generation, a person who processes a fuel assembly, or a person who welds boilers, etc. or vessels, etc. (limited to those relating to facilities for nuclear power generation), and inspect the facilities for nuclear power generation, books, documents, and any other articles of the person, to the extent necessary for the enforcement of Article 39, Article 40, Article 47, Article 49, and Article 50.

- (2) Beyond the on-site inspection prescribed in the preceding paragraph, the Minister of Economy, Trade and Industry may have employees of the Ministry of Economy, Trade and Industry enter the business office or other office or other workplace of an electricity utility, and inspect the status of the services or accounting, or the electric facilities, books, documents, and any other articles of the electricity utility, to the extent necessary for the enforcement of this Act.
- (3) The Minister of Economy, Trade and Industry may have employees of the Ministry of Economy, Trade and Industry enter the business office or other office or other workplace of a specified related business operator of a general electricity transmission and distribution utility or a specified related business

operator of an electricity transmission utility, and inspect the status of the services or accounting or the books, documents, and any other articles of the specified related business operator, to the extent necessary for the enforcement of Articles 22-3 through 23-3 or Articles 27-11-3 through 27-11-6.

- (4) Beyond the on-site inspection prescribed in paragraph (1), the Minister of Economy, Trade and Industry may have employees of the Ministry of Economy, Trade and Industry enter the factory, business office or other office or other workplace of a person who installs electric facilities for private use or a person who welds boilers, etc., and inspect the electric facilities, books, documents, and any other articles of the person, to the extent necessary for the enforcement of this Act.
- (5) The Minister of Economy, Trade and Industry may have employees of the Ministry of Economy, Trade and Industry enter the site where electric facilities for general use (excluding those used for residential purposes) are installed, and inspect the electric facilities for general use, to the extent necessary for the enforcement of this Act.
- (6) The Minister of Economy, Trade and Industry may have employees of the Ministry of Economy, Trade and Industry enter the business office of the OCCTO, and inspect the status of the services or books, documents, and any other articles of the organization, to the extent necessary for the enforcement of this Act.
- (7) The Minister of Economy, Trade and Industry may have employees of the Ministry of Economy, Trade and Industry enter the business office or place of business of a registered safety management examination bodies or registered Investigation bodies, and inspect the status of the services or books, documents, and any other articles of the body, to the extent necessary for the enforcement of this Act.
- (8) The Minister of Economy, Trade and Industry may have employees of the Ministry of Economy, Trade and Industry enter the office of a designated examining body or wholesale electricity exchange, and inspect the status of the services or books, documents, and any other articles of the body or exchange, to the extent necessary for the enforcement of this Act.
- (9) The employees who conduct an on-site inspection pursuant to the preceding paragraphs must carry a certificate of identification and show it when requested by a person concerned.
- (10) If the Minister of Economy, Trade and Industry finds it necessary, the minister may have the OCCTO conduct an on-site inspection prescribed in paragraph (2); limited to those to be conducted in order to investigate the following items:
 - (i) whether provision of information as prescribed by Article 28-43 has been appropriately made; and

- (ii) whether members of the OCCTO who received an instruction pursuant to Article 28-44, paragraph (1) have taken actions relating to the instruction.
- (11) When the Minister of Economy, Trade and Industry has the OCCTO conduct an on-site inspection pursuant to the preceding paragraph, the minister is to give instructions to the OCCTO with respect to the site subject to the on-site inspection and other necessary matters.
- (12) When the OCCTO has conducted an on-site inspection prescribed in paragraph (10) as instructed under the preceding paragraph, it must report the inspection results to the Minister of Economy, Trade and Industry.
- (13) The employees of the OCCTO who conduct an on-site inspection pursuant to paragraph (10) must carry a certificate of identification and show it when requested by a person concerned.
- (14) The authority under paragraphs (1) through (8) must not be construed as being vested for criminal investigation.

(Special Provisions for Hearing)

- Article 108 (1) If the Minister of Economy, Trade and Industry intends to reduce the service area pursuant to Article 16, paragraph (2), the minister must hold a hearing irrespective of the categories of procedures for hearing statements of opinions prescribed in Article 13, paragraph (1) of the Administrative Procedure Act (Act No. 88 of 1993).
- (2) Proceedings on the date of a hearing with respect to a ruling under Article 2-9, paragraph (1), Article 15, paragraph (1) or (2), Article 16, paragraph (1) or (2), Article 27-8, paragraphs (1) through (3), Article 27-9, paragraph (1), Article 27-21, paragraph (1), Article 28-23, paragraph (6), Article 78, Article 84-5, Article 87, Article 95, Article 99-9, or Article 99-12 must be open to the public.

(Request for Review of a Ruling by a Designated Examining Body)

- Article 109 A person who is dissatisfied with a ruling made by a designated examining body on the examination processes or the body's inaction may make a request for review to the Minister of Economy, Trade and Industry. In this case, with regard to the application of Article 25, paragraphs (2) and (3), Article 46, paragraphs (1) and (2), and Article 49, paragraph (3) of the Administrative Complaint Review Act (Act No. 68 of 2014), the Minister of Economy, Trade and Industry is deemed to be the higher administrative agency of the designated examining body.

(Hearing of Opinions in Procedures for a Request for Review)

- Article 110 (1) A ruling on a request for review with respect to a ruling made pursuant to this Act or an order issued under this Act or inaction thereof must be made after giving advance notice of a reasonable period to the requester of

review and after the review officer provided in Article 11, paragraph (2) of the Administrative Complaint Review Act has heard opinions in public, except when the request for review is dismissed pursuant to Article 24 of the Act.

- (2) When holding a public hearing as set forth in paragraph (1), the requester for a review and any interested persons must be given the opportunity to present evidence and state their opinions.
- (3) The provisions of Article 31 of the Administrative Complaint Review Act do not apply to a request for review prescribed in paragraph (1), and the provisions of paragraphs (2) through (5) of the Article apply mutatis mutandis to the hearing of opinions under paragraph (1).

(Filing of Complaints)

Article 111 (1) A person who has complaints about the electricity supply or the intermediary, brokerage or agency service for the conclusion of a retail service agreement by an electricity retailer, etc., general electricity transmission and distribution utility, electricity transmission utility, specified electricity transmission and distribution utility, or electricity generation utility may file the complaints with the Minister of Economy, Trade and Industry or the commission (the complaints to be filed with the commission are limited to those relating to transactions of electricity), with a written explanation of the reasons attached thereto.

- (2) A person who has complaints about the investigation services by a registered investigation body may file the complaints with the Minister of Economy, Trade and Industry, with a written explanation of the reasons attached thereto.
- (3) When the Minister of Economy, Trade and Industry and the commission receive complaints under the preceding two paragraphs (in the case of the commission, the complaints under paragraph (1)), they must handle them in good faith and notify the complainant of the results of the handling.

(Fees)

Article 112 (1) All of the following persons must pay the fee determined by Order of the Ministry of Economy, Trade and Industry in light of the actual cost:

- (i) a person who intends to obtain a chief engineer's license pursuant to Article 44, paragraph (2), item (i) or by reason of having passed an examination for a chief electricity engineer's license the examination processes of which are administered by a designated examining body;
- (ii) a person who intends to take an examination for a chief electricity engineer's license;
- (iii) a person who applies for the re-issuance of a chief engineer's license;
- (iv) a person who intends to undergo an examination under Article 55, paragraph (4) (limited to when examination is conducted by the Minister of

- Economy, Trade and Industry); and
- (v) a person who intends to undergo a safety management examination conducted by the Minister of Economy, Trade and Industry pursuant to Article 80, paragraph (1).
- (2) All of the following persons must pay the fee determined by order of the competent ministry in light of the actual cost:
- (i) a person who intends to undergo inspection under Article 49, paragraph (1);
 - (ii) a person who undergoes inspection under Article 54; and
 - (iii) a person who intends to undergo examination under Article 51, paragraph (3) (excluding when it is conducted by a registered safety management examination body).
- (3) The fees paid under the preceding two paragraphs are regarded as income of the designated examining body if paid by the person who intends to obtain a chief engineer's license for which the designated examining body administers licensing processes as entrusted under Article 44-2, paragraph (1), or the person who intends to take an examination for a chief electricity engineer's license for which the designated examining body administers examination processes , or as national revenue if it is paid by other persons.

(Public Notice)

Article 112-2 In any of the following cases, the Minister of Economy, Trade and Industry must make a public notice of the relevant matters in the Official Gazette:

- (i) the minister has made a designation under Article 45, paragraph (2) or Article 97, paragraph (1);
- (ii) the minister has made registration under Article 51, paragraph (3), Article 55, paragraph (4), or Article 57-2, paragraph (1);
- (iii) the minister has received notification under Article 57-2, paragraph (2), Article 72, Article 74, Article 93, or Article 97, paragraph (2);
- (iv) the minister has rescinded registration or ordered the suspension of the all or part of the services for safety management examinations pursuant to Article 78;
- (v) the minister personally administers the all or part of the services for safety management examinations pursuant to Article 80, paragraph (1), or ceases to administer the all or part of the services for safety management examinations that the minister has personally administered;
- (vi) the minister has granted permission under Article 84-2-2 or Article 99-7, paragraph (1);
- (vii) the minister has rescinded a designation pursuant to Article 87 or ordered the suspension of the all or part of the examination processes pursuant to paragraph (2) of the Article;

- (viii) the minister personally administers the all or part of the examination processes pursuant to Article 88, or ceases to administer the all or part of the examination processes that the minister has personally administered;
- (ix) the minister has rescinded registration pursuant to Article 95; and
- (x) the minister has rescinded registration pursuant to Article 99-12 or ordered the suspension of the all or part of the market launch operations.

(Relationship with Act on Control of Nuclear Source Materials, Nuclear Fuel Materials and Reactors)

Article 112-3 (1) In applying the provisions of Article 47, paragraph (3) or Article 48, paragraph (3) to a construction plan for installation or modification of facilities for nuclear power generation implemented in relation to a construction plan including the design and construction means (hereinafter referred to as a "design and construction plan" in this Article) which has been approved pursuant to Article 43-3-9, paragraph (1) of the Act on Control of Nuclear Reactors, the design and construction plan is deemed to conform with the requirement listed in Article 47, paragraph (3), item (i) (limited to the part pertaining to the matter listed in Article 39, paragraph (2), item (i) and to the part that falls under the category of technical standards as set forth in Article 43-3-14 of the Act on Control of Nuclear Reactors; the same applies in the next paragraph) or with the requirement listed in Article 48, paragraph (3), item (i) (limited to the requirement listed in Article 47, paragraph (3), item (i) (limited to the part pertaining to the matter listed in Article 39, paragraph (2), item (i) and to the part that falls under the category of technical standards as set forth in Article 43-3-14 of the Act on Control of Nuclear Reactors); the same applies in the next paragraph).

- (2) In applying the provisions of Article 47, paragraph (3) or Article 48, paragraph (3) to a construction plan for installation or modification of facilities for nuclear power generation implemented in relation to a design and construction plan of which notification has been given pursuant to Article 43-3-10, paragraph (1) of the Act on Control of Nuclear Reactors (excluding when an order has been issued pursuant to paragraph (4) of the Article but notification has not yet been given pursuant to paragraph (1) of the Article), the design and construction plan is deemed to conform with the requirement listed in Article 47, paragraph (3), item (i) or with the requirement listed in Article 48, paragraph (3), item (i).
- (3) In applying the provisions of Article 49, paragraph (2) to specified electric facilities for business use which are nuclear reactors for electricity generation prescribed in Article 43-3-5, paragraph (2), item (v) of the Act on Control of Nuclear Reactors that have been confirmed under the provisions of Article 43-3-11, paragraph (3) of the Act on Control of Nuclear Reactors, the specified

electric facilities for business use are deemed to conform with the requirement listed in item (ii) of the paragraph (limited to the part pertaining to the matter listed in Article 39, paragraph (2), item (i) and to the parts that fall under the category of technical standards as set forth in Article 43-3-14 of the Act on Control of Nuclear Reactors).

- (4) The provisions of Articles 51, 52, 54, and 55 do not apply to facilities for nuclear power generation which are subject to regulatory inspection under the Act on Control of Nuclear Reactors or pursuant to an order issued thereunder.

(Transitional Measures)

Article 113 When enacting, revising or discontinuing a Cabinet Order, Order of the Ministry of Economy, Trade and Industry, or order of the competent ministry pursuant to this Act, necessary transitional measures may be provided for by Cabinet Order, or Order of the Ministry of Economy, Trade and Industry or order of the competent ministry to the extent considered reasonably necessary for that enactment, revision or abolition.

(Competent Ministers)

Article 113-2 (1) The competent ministers in this Act (excluding Article 65, paragraphs 3 and 5) are ministers or commissions as specified in the respective items, according to categories of matters listed in each of the following items:

- (i) matters concerning facilities for nuclear power generation: the Nuclear Regulation Authority and Minister of Economy, Trade and Industry; and
- (ii) matters other than those listed in the preceding item: Minister of Economy, Trade and Industry;

(2) The competent minister in Article 65, paragraphs 3 and 5 is the minister who is in charge of administration of the road, bridge, ditch, river, embankment or other public land prescribed in paragraph (1) of the Article.

(3) Orders of the competent ministry in this Act are orders issued by the respective competent ministers specified in items according to the categories of matters listed in each of the items of paragraph (1).

(Delegation of Authority)

Article 114 (1) The Ministry of Economy, Trade and Industry delegates the minister's authority under Article 106, paragraphs (3), (7), and (9) (limited to the authority relating to a wholesale electricity exchange), Article 107, paragraphs (2), (6), and (8) (limited to the authority relating to a wholesale electricity exchange) (the authority is limited to that concerning the provisions specified by Cabinet Order as provisions for securing appropriate transactions of electricity), as well as the minister's authority under Article 106, paragraphs (4) and (5) and Article 107, paragraph (3), to the commission; provided,

however, that this does not preclude the Minister of Economy, Trade and Industry from personally exercising the authority to order submission of reports or materials.

- (2) The Ministry of Economy, Trade and Industry may, pursuant to Cabinet Order provisions, delegate the minister's authority under Article 105 and authority under Article 106, paragraphs (3), (7), and (9) (limited to the authority relating to a wholesale electricity exchange), Article 107, paragraphs (2), (6), and (8) (limited to the authority relating to a wholesale electricity exchange) (excluding the authority concerning the provisions specified by Cabinet Order referred to in the preceding paragraph) to the commission.
- (3) When the commission exercises the authority delegated thereto pursuant to the preceding paragraph, it must promptly report the result thereof to the Minister of Economy, Trade and Industry.
- (4) Pursuant to Cabinet Order provisions, the Minister of Economy, Trade and Industry may delegate part of the minister's authority under the provisions of this Act (excluding the authority delegated to the commission pursuant to paragraph (1) or (2)) to the Director of a Regional Bureau of Economy, Trade and Industry or the director of a Regional Industrial Safety and Inspection Department.
- (5) Pursuant to Cabinet Order provisions, the commission may delegate part of the authority delegated thereto pursuant to paragraph (1) or (2) to the director of a Regional Bureau of Economy, Trade and Industry.
- (6) With regard to the processes under the authority delegated to the director of a Regional Bureau of Economy, Trade and Industry pursuant to the preceding paragraph, the commission directs and supervises the director.

(Requests for Reviews to the Commission)

Article 114-2 A request for review of an order of submission of reports or materials issued by the commission with the authority under Article 106, paragraphs (3) through (5), or paragraph (7) or (9) which has been delegated thereto pursuant to paragraph (1) or (2) of the preceding Article (including when the order is issued by the director of a Regional Bureau of Economy, Trade and Industry pursuant to the provision of paragraph (5) of the preceding Article) may be made only to the commission.

Chapter IX Penal Provisions

Article 115 (1) A person who damages electric facilities to be used for electricity business or caused interference with the functioning of electric facilities to be used for electricity business, thereby obstructing the generation, transformation, transmission or distribution of electricity, is subject to

imprisonment for not more than five years or a fine of not more than one million yen.

- (2) A person who operates electric facilities to be used for electricity business, without due cause, thereby obstructing the generation, transformation, transmission or distribution of electricity, is subject to imprisonment for not more than two years or a fine of not more than 500,000 yen.
- (3) The same is imposed upon a person who engages in electricity business and fails to perform, without justifiable grounds, the services to maintain or operate electric facilities to be used for an electricity business, thereby causing interference with the generation, transformation, transmission or distribution of electricity.
- (4) A person who attempts to commit the offenses prescribed in paragraph (1) and paragraph (2) is subject to punishment.

Article 116 A person who falls under any of the following items is subject to imprisonment for not more than three years or a fine of not more than three million yen, or both:

- (i) a person who has conducted general electricity transmission and distribution in violation of Article 3;
- (ii) a person who has conducted electricity transmission in violation of Article 27-4;
- (iii) a person who has violated an order issued or a ruling made under Article 40 (limited to cases relating to facilities for nuclear power generation); and
- (iv) a person who has implemented a construction project to install or modify electric facilities in violation of Article 47, paragraph (1) (limited to cases relating to facilities for nuclear power generation).

Article 117 A person who falls under any of the following items is subject to imprisonment for not more than two years or a fine of not more than three million yen, or both:

- (i) a person who has suspended or discontinued all or part of the general electricity transmission and distribution in violation of Article 14, paragraph (1);
- (ii) a person who has refused to supply electricity in violation of Article 17, paragraph (1), (2), or (3) (limited to cases relating to an isolated island service) or Article 27-10, paragraph (1); and
- (iii) a person who has suspended or discontinued all or part of electricity transmission in violation of Article 14, paragraph (1) as applied mutatis mutandis pursuant to Article 27-12.

Article 117-2 A person who falls under any of the following items is subject to

imprisonment for not more than one year or a fine of not more than one million yen, or both:

- (i) a person who has conducted electricity retail in violation of Article 2-2;
- (ii) a person who has allowed another person to use its name to conduct electricity retail in violation of Article 2-16, paragraph (1);
- (iii) a person who has allowed another person to operate electricity retail in its name in violation of Article 2-16, paragraph (2);
- (iv) a person who has engaged in electricity retail or electricity generation in violation of Article 22-2, paragraph (1) or Article 27-11-2, paragraph (1);
- (v) a person who has conducted specified electricity transmission and distribution without giving notification under Article 27-13, paragraph (1) or having given a false notification;
- (vi) a person who has provided a retail service in violation of Article 27-15;
- (vii) a person who has allowed another person to use its name to conduct specified electricity transmission and distribution (limited to business that provides a retail service; the same applies in the following item) in violation of Article 2-16, paragraph (1) as applied mutatis mutandis pursuant to Article 27-26, paragraph (2) by replacing terms;
- (viii) a person who has allowed another person to operate specified electricity transmission and distribution in its name in violation of Article 2-16, paragraph (2) as applied mutatis mutandis pursuant to Article 27-26, paragraph (2) by replacing terms;
- (ix) a person who has used electric facilities in violation of Article 49, paragraph (1) (limited to cases relating to facilities for nuclear power generation);
- (x) a person who has failed to make records or made false records, failed to preserve records, or failed to make reports or made false reports in violation of Article 55, paragraph (3);
- (xi) a person who has refused, obstructed or evaded the examination or inspection under Article 107, paragraph (1);
- (xii) a person who has violated an order of suspension of the services for safety management examinations issued under Article 78; and
- (xiii) a person who has failed to submit reports or materials under Article 106, paragraph (1), or submitted false reports or materials.

Article 117-3 An officer or employee of the designated examining body or wholesale electricity exchange who violates an order of suspension of examination processes or market launch operations issued under Article 87, paragraph (2) or Article 99-12 is subject to imprisonment for not more than one year or a fine of not more than one million yen.

Article 117-4 A person who falls under any of the following items is subject to imprisonment for not more than one year or a fine of not more than one million yen:

- (i) a person who has divulged a secret in violation of Article 44-2, paragraph (2) or Article 85; and
- (ii) a person who has divulged or misappropriated a secret in violation of Article 99-10.

Article 117-5 A person who has violated Article 28-29, paragraph (1) or (2) is subject to imprisonment for not more than one year or a fine of not more than 500,000 yen.

Article 118 A person who falls under any of the following items is subject to a fine of not more than three million yen:

- (i) a person who has violated an order issued under Article 2-12, paragraph (2) (including when applied mutatis mutandis pursuant to Article 27-26, paragraph (2)), Article 2-17, paragraph (1), Article 2-17, paragraph (2) (including when applied mutatis mutandis pursuant to Article 27-26, paragraph (3)), Article 2-17, paragraph (3) (including when applied mutatis mutandis pursuant to Article 27-26, paragraph (2)), Article 9, paragraph (5) (including when applied mutatis mutandis pursuant to Article 27-12), Article 18, paragraph (6) or (11), Article 20, paragraph (3), Article 21, paragraph (3), Article 22-3, paragraph (3), Article 23, paragraph (6), Article 23-2, paragraph (2), Article 23-3, paragraph (2), Article 26, paragraph (2) (including when applied mutatis mutandis pursuant to Article 27-26, paragraph (1)), Article 27, paragraph (1) (including when applied mutatis mutandis pursuant to Article 27-12, Article 27-26, paragraph (1), and Article 27-29), Article 27, paragraph (2), Article 27-11, paragraph (3) or (4), Article 27-11-3, paragraph (3), Article 27-11-4, paragraph (5), Article 27-11-5, paragraph (2), Article 27-11-6, paragraph (2), Article 27-13, paragraph (5) (including when applied mutatis mutandis pursuant to paragraph (8) of the Article), Article 29, paragraph (6), Article 31, paragraph (1), Article 57, paragraph (3), or Article 92, paragraph (2);
- (ii) a person who has refused to supply electricity in violation of Article 17, paragraph (3) (excluding cases relating to an isolated island service) or Article 27-14;
- (iii) a person who has supplied electricity in violation of Article 18, paragraph (2), Article 21, paragraph (2), Article 24, paragraph (1), or Article 27-11, paragraph (2);
- (iv) a person who has refused to generate and/or supply electricity in violation of Article 27-28;

- (v) a person who has violated an order issued or a ruling made under Article 40 (excluding cases relating to facilities for nuclear power generation);
- (vi) a person who has failed to appoint a chief engineer in violation of Article 43, paragraph (1); and
- (vii) a person who has implemented a construction project to install or modify electric facilities in violation of Article 47, paragraph (1) (excluding cases relating to facilities for nuclear power generation).

Article 119 A person who falls under any of the following items is subject to a fine of not more than one million yen:

- (i) a person who has changed the matters set forth in Article 2-3, paragraph (1), item (iii) in violation of Article 2-6, paragraph (1);
- (ii) a person who has failed to give notification under Article 9, paragraph (1) (including when applied mutatis mutandis pursuant to Article 27-12) or Article 27-13, paragraph (7), or given a false notification;
- (iii) a person who has violated Article 9, paragraph (3) (including when applied mutatis mutandis pursuant to Article 27-12), or Article 27-13, paragraph (3) (including when applied mutatis mutandis pursuant to paragraph (8) of the Article);
- (iv) a person who has supplied electricity in violation of Article 20, paragraph (2);
- (v) a person who has failed to submit the necessary documents or submitted documents containing false statements in violation of Article 27-13, paragraph (2) (including when applied mutatis mutandis pursuant to paragraph (8) of the Article) or Article 27-27, paragraph (2);
- (vi) a person who has changed the matter set forth in Article 27-16, paragraph (1), item (iv) in violation of Article 27-19, paragraph (1);
- (vii) a person who has failed to give notification under Article 27-27, paragraph (1), or given a false notification;
- (viii) a person who has conducted electricity supply business in violation of Article 27-30, paragraph (1);
- (ix) a person who has violated an order issued under Article 34, paragraph (1);
- (x) a person who has implemented a construction project to install or modify electric facilities in violation of an order issued under Article 48, paragraph (4); and
- (xi) a person who has used electric facilities in violation of Article 49, paragraph (1) (excluding cases relating to facilities for nuclear power generation).

Article 119-2 A founder, officer or employee of the OCCTO who commits any of the following violations is subject to a fine of not more than 300,000 yen:

- (i) entering a false statement in a written application or an attached document under Article 28-14, paragraph (1) or (2);
- (ii) failing to send a supply plan under Article 29, paragraph (2) (including when applied mutatis mutandis pursuant to paragraph (4) of the Article);
- (iii) failing to submit reports or materials under Article 106, paragraph (7), or submitting false reports or materials; and
- (iv) refusing, obstructing or evading inspection under Article 107, paragraph (6).

Article 119-3 An officer or employee of the designated examining body or wholesale electricity exchange who commits any of the following violations is subject to a fine of not more than 300,000 yen:

- (i) discontinuing all examination processes or market launch operations without obtaining permission under Article 84-2-2 or Article 99-7, paragraph (1);
- (ii) failing to state the matters prescribed in Article 87-2, paragraph (1), in violation of the paragraph, or making false statements;
- (iii) failing to preserve books, in violation of Article 87-2, paragraph (2);
- (iv) failing to submit reports or materials under Article 106, paragraph (9), or submitting false reports or materials; and
- (v) refusing, obstructing or evading inspection under Article 107, paragraph (8).

Article 120 A person who falls under any of the following items is subject to a fine of not more than 300,000 yen:

- (i) a person who has failed to give notification under Article 2-7, paragraph (2) (including when applied mutatis mutandis pursuant to Article 27-29), Article 2-8, paragraph (1), Article 7, paragraph (4) (including when applied mutatis mutandis pursuant to Article 8, paragraph (2) (including when applied mutatis mutandis pursuant to Article 27-12) and Article 27-12), Article 20, paragraph (1), Article 21, paragraph (1), Article 27-11, paragraph (1), Article 27-20, paragraph (1), Article 27-24, paragraph (2), Article 27-25, paragraph (1) (including when applied mutatis mutandis pursuant to Article 27-29), Article 28-3, paragraph (1), Article 29, paragraph (1) or paragraph (3), Article 42, paragraph (1) or paragraph (2), Article 43, paragraph (3), Article 47, paragraph (4) or paragraph (5), Article 51-2, paragraph (3), Article 57-2, paragraph (2), or Article 74, or who has given a false notification;
- (ii) a person who has failed to deliver the document prescribed in Article 2-14, paragraph (1), in violation of the paragraph (including when applied mutatis mutandis pursuant to Article 27-26, paragraph (3); hereinafter the same applies in this item), or delivered a document in which false information is stated or displayed;

- (iii) a person who has violated Article 18, paragraph (12) (including when applied mutatis mutandis pursuant to Article 20, paragraph (4) and Article 21, paragraph (4));
- (iv) a person who has failed to make reports under Article 23-4, paragraph (2) (including when applied mutatis mutandis pursuant to Article 27-12) or Article 34, paragraph (2), or made false reports;
- (v) a person who has failed to make records or made false records, or failed to preserve records, in violation of Article 26, paragraph (3) (including when applied mutatis mutandis pursuant to Article 27-26, paragraph (1)), Article 51, paragraph (1), Article 52, paragraph (1), or Article 55, paragraph (1) (excluding cases relating to facilities for nuclear power generation);
- (vi) a person who has violated an order issued under Article 42, paragraph (3);
- (vii) a person who has implemented a construction project to install or modify electric facilities in violation of Article 48, paragraph (1) or paragraph (2);
- (viii) a person who has refused, obstructed or evaded an examination or inspection under Article 51, paragraph (3), Article 54, or Article 55, paragraph (4) (excluding cases relating to facilities for nuclear power generation) or Article 107, paragraphs (2) through (5) or paragraph (7);
- (ix) a person who has violated an order issued or a ruling made under Article 56, paragraph (1);
- (x) a person who has failed to state the matters prescribed in Article 57, paragraph (4), or Article 79, paragraph (1) (including when applied mutatis mutandis pursuant to Article 96), in violation of those paragraphs (including when applied mutatis mutandis pursuant to Article 96), or made false statements;
- (xi) a person who has failed to preserve books, in violation of Article 57, paragraph (5), or Article 79, paragraph (2) (including when applied mutatis mutandis pursuant to Article 96); and
- (xii) a person who has failed to submit reports or materials under Article 102 or Article 106, paragraphs (2) through (6) or paragraph (8), or submitted false reports or materials.

Article 121 If a representative of a corporation or an agent or employee of a corporation or an individual commits any of the violations prescribed in the following items, with regard to the business of the corporation or individual, not only the offender but also the corporation is subject to the fine prescribed in the relevant item or the individual is subject to the fine prescribed in the following Articles:

- (i) Article 116, item (iii) or (iv): a fine of not more than 300 million yen;
- (ii) Article 117-2 (excluding the part concerning items (i) through (viii) and item (xii)): a fine of not more than 100 million yen; and

(iii) Article 116, item (i) or (ii), Article 117, Article 117-2 (limited to the part concerning items (i) through (viii) and item (xii)), Article 118, Article 119, or the preceding Article: the fines prescribed in the respective Articles.

Article 122 A person who falls under any of the following items is subject to a civil fine of not more than one million yen:

- (i) a person who has violated an order issued under Article 9, paragraph (5) as applied mutatis mutandis pursuant to Article 13, paragraph (2) (including when applied mutatis mutandis pursuant to Article 27-12), Article 27-3 (including when applied mutatis mutandis pursuant to Articles 27-12 and 27-29), or Article 46-17, paragraph (1);
- (ii) a person who has violated Article 22, paragraph (1) (including when applied mutatis mutandis pursuant to Article 27-12) or Article 27-2, paragraph (1) (including when applied mutatis mutandis pursuant to Articles 27-12 and 27-29);
- (iii) a person who has failed to publicize necessary matters, in violation of Article 22, paragraph (2) (including when applied mutatis mutandis pursuant to Article 27-12), or publicized false matters; and
- (iv) a person who has failed to submit documents under Article 27-2, paragraph (2) (including when applied mutatis mutandis pursuant to Articles 27-12 and 27-29), or submitted false documents.

Article 122-2 A founder or officer of the OCCTO who commits any of the following violations is subject to a civil fine of not more than 200,000 yen:

- (i) failing to receive the approval of the Minister of Economy, Trade and Industry when it is necessary to receive the approval pursuant to the provisions of this Act;
- (ii) failing to complete registration, in violation of a Cabinet Order under the provisions of Article 28-8, paragraph (1);
- (iii) violating the provisions of Article 28-10, paragraph (2);
- (iv) failing to give a public notice under the provisions of Article 28-13, paragraph (2) or giving a false public notice;
- (v) conducting business other than those prescribed in Article 28-40;
- (vi) failing to make a report, in violation of the provisions of Article 28-44, paragraph (2) or (3), or making a false report;
- (vii) violating an order issued under Article 28-46, paragraph (3) or Article 28-51;
- (viii) failing to give notification under Article 28-46, paragraph (4), or giving a false notification; and
- (ix) failing to submit documents under Article 28-49, paragraph (1) or (2), or submitting false documents.

Article 122-3 A person who violates Article 28-7, paragraph (2) is subject to a civil fine of not more than 200,000 yen.

Article 122-4 A person who has failed to keep financial statements, etc., failed to state necessary matters in financial statements, etc. or made false statements, in violation of Article 75, paragraph (1) (including when applied mutatis mutandis pursuant to Article 96), or refused a request made under the items of Article 75, paragraph (2) (including when applied mutatis mutandis pursuant to Article 96) without justifiable grounds, is subject to a civil fine of not more than 200,000 yen.

Article 123 A person who falls under any of the following items is subject to a civil fine of not more than 100,000 yen:

- (i) a person who has failed to give notification under Article 2-6, paragraph (4), Article 2-8, paragraph (2), Article 9, paragraph (2), or Article 13, paragraph (1) (including when these provisions are applied mutatis mutandis pursuant to Article 27-12), Article 27-13, paragraph (9), Article 27-19, paragraph (4), Article 27-25, paragraph (2) (including when applied mutatis mutandis pursuant to Article 27-29), Article 27-27, paragraph (3), Article 27-30, paragraph (4) or (5), Article 28-3, paragraph (2), Article 53, Article 55-2, paragraph (2), or Article 93, or has given a false notification;
- (ii) a person who has transferred facilities or made them subject to any rights other than ownership in violation of Article 9, paragraph (3) as applied mutatis mutandis pursuant to Article 13, paragraph (2) (including when applied mutatis mutandis pursuant to Article 27-12); and
- (iii) a person who has failed to return a chief engineer's license without justifiable grounds, in violation of an order issued under Article 44, paragraph (4).

Supplementary Provisions [Extract]

- (1) This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding one year from the date of promulgation; provided, however, that the provisions listed in Articles 86 through 93 and the part of the provisions in paragraph (26) of the Supplementary Provisions to revise Article 25, paragraph (1) of the Act for Establishment of the Ministry of International Trade and Industry (Act No. 275 of 1952) by adding the paragraph on the Council for Electricity Industry following the paragraph on the Liaison Council for Coal Measures come into effect as of the date of promulgation.

- (2) The Act on Temporary Measures Concerning Electricity (Act No. 341 of 1952; hereinafter referred to as the "Former Act") is repealed.
- (3) Any rulings, procedures or other acts conducted pursuant to the provisions of the former Public Welfare Undertaking Order (Cabinet Order No. 343 of 1950) under the Former Act are deemed to have been conducted under the relevant provisions of this Act if this Act contains provisions corresponding to those provisions.
- (4) A person who has obtained, prior to the enforcement of this Act, a first-class, second-class or third-class license granted pursuant to the provisions of the former Regulation for Examination for Chief Electricity Engineer's License (Order of the Ministry of Communication No. 54 of 1932) under Article 1, paragraph (1) of the former Regulation for Enforcement of the Act on Temporary Measures Concerning Electricity (Order of the Ministry of International Trade and Industry No. 99 of 1952; hereinafter referred to as the "Former Regulation ") is deemed to have obtained a first-class chief electricity engineer's license, second-class chief electricity engineer's license or third-class chief electricity engineer's license under Article 54, paragraph (1).
- (5) A person who has been appointed, prior to the enforcement of this Act, as chief engine/boiler engineer pursuant to the provisions of Article 20 of the former Regulation for Control of Engines and Boilers for Electricity Generation (Order of the Ministry of Communication No. 5 of 1940) under Article 1, paragraph (1) of the Former Regulation, serving as a chief engine/boiler engineer at a power plant where atmospheric pressure is not less than 60 kg per square meter or a chief engine/boiler engineer at a power plant where atmospheric pressure is not less than 15 kg per square meter and not more than 60 kg per square meter, is deemed to have obtained a first-class chief boiler/turbine engineer's license or second-class chief boiler/turbine engineer's license under Article 54, paragraph (1).
- (6) With respect to electric facilities for which the State has commenced, prior to the enforcement of this Act, a construction project for installation or modification (excluding construction projects implemented in the case referred to in the proviso to paragraph (1) of Article 70 or cases specified by Order of the Ministry of International Trade and Industry under the first sentence of paragraph (1) of Article 71 and those relating to nuclear reactors for electricity generation), if they have been reported or approved pursuant to the provisions of Article 51 or Article 52 of the former Regulation for Electric Facilities for Private Use (Order of the Ministry of Communication No. 56 of 1932) under Article 1, paragraph (1) of the Former Regulation, it is deemed that approval has been granted under Article 70, paragraph (1) or notification has been given under Article 71, paragraph (1) regarding the plan for the construction project.
- (9) With regard to the application of penal provisions to any acts committed prior

to the enforcement of this Act, the provisions previously in force remain applicable.

- (10) All of the following entities may apply to the Minister of Economy, Trade and Industry for certification to the effect that it is appropriate to apply paragraphs (17) through (19), in order to facilitate the supply of electricity and the installation and operation of electric facilities:
- (i) a general electricity transmission and distribution utility;
 - (ii) an electricity transmission utility;
 - (iii) a company that is an electricity generation utility; and
 - (iv) a company that has any of the entities set forth in the preceding three items as its subsidiary company.
- (11) An entity that intends to apply for certification under the preceding paragraph must submit a written application stating the following matters and other documents specified by Order of the Ministry of Economy, Trade and Industry to the Minister of Economy, Trade and Industry, pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry:
- (i) the trade name and address; and
 - (ii) if the entity engages in a business other than the electricity business (in the case of the entity set forth in item (iv) of the preceding paragraph, including the case where the entity set forth in items (i) through (iii) of the same paragraph that is a subsidiary company of that entity engages in a business other than the electricity business), the outline of the business.
- (12) If an application under paragraph (10) is filed, and the Ministry of Economy, Trade and Industry finds that the supply of electricity and the installation and operation of electric facilities to which the application pertains comply with all of the following items, the minister is to grant certification:
- (i) the supply of electricity and the installation and operation of electric facilities are appropriate for realizing the comprehensive and reasonable development of electricity business such as securing a stable electricity supply through operations covering an extensive area;
 - (ii) the supply of electricity and the installation and operation of electric facilities are expected to be implemented smoothly and with certainty; and
 - (iii) money to be obtained through the issuance of bonds is expected to be used to cover expenses required for the supply of electricity and the installation and operation of electric facilities.
- (13) If an entity that has obtained certification as referred to in the preceding paragraph (hereinafter referred to as a "certified company") changes any of the matters set forth in the items of paragraph (11), it must notify the Minister of Economy, Trade and Industry of the change without delay.
- (14) If the Minister of Economy, Trade and Industry finds that the supply of electricity and the installation and operation of electric facilities covered by the

certification referred to in paragraph (12) have ceased to comply with any of the items of the same paragraph or if the certified company applies for rescission of the certification referred to in the same paragraph, the minister must rescind the certification.

- (15) If the Minister of Economy, Trade and Industry intends to grant certification as referred to in paragraph (12) or intends to rescind the certification pursuant to the preceding paragraph (excluding the case where the certified company applies for rescission of the certification referred to in paragraph (12)), the minister must hear the opinions of the commission in advance.
- (16) If the Minister of Economy, Trade and Industry grants certification as referred to in paragraph (12) or rescinds the certification pursuant to paragraph (14), the minister must make a public notice of the relevant facts in the Official Gazette.
- (17) Bondholders who hold bonds (excluding short-term bonds prescribed in Article 66, item (i) of the Act on Book-Entry Transfer of Corporate Bonds and Shares (Act No. 75 of 2001)) of a certified company have the right to receive payment of their claims from the company's property in preference over other creditors.
- (18) The rank of the statutory lien referred to in the preceding paragraph is second to the general statutory lien under the Civil Code (Act No. 89 of 1896).
- (19) If the certification referred to in paragraph (12) is rescinded pursuant to paragraph (14), bondholders of bonds issued by the certified company prior to the rescission of the certification are deemed to be bondholders of bonds of the certified company and the provisions of the preceding two paragraphs apply thereto.
- (20) The provisions of paragraph (10) to the preceding paragraph cease to be effective as of March 31, 2025.
- (21) With regard to bondholders of bonds issued by a certified company before the provisions of paragraphs (10) through (19) cease to be effective, the provisions of paragraphs (17) through (19) remain in force on and after the day prescribed in paragraph (19), notwithstanding the provisions of the preceding paragraph.

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

- (1) This Act comes into effect as of the date of enforcement of the Registration and License Tax Act.

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

(Effective Date)

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

Supplementary Provisions [Act No. 66 of July 25, 1973 Extract] [Extract]

(Effective Date)

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

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

(Effective Date)

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

Supplementary Provisions [Act No. 55 of May 23, 1978 Extract] [Extract]

(Effective Date)

- (1) This Act comes into effect as of the date of promulgation; provided, however, that the provisions listed in the following items come into effect as of the dates prescribed in the respective items:
- (i) the provisions in Article 49 to revise Article 16-3, paragraph (3) and paragraph (4) of the Mental Health Act, and the provisions in Article 59 to revise Article 70 of the Forest Act: the day when a period of six months has passed from the date of promulgation; and
 - (ii) the provisions of Article 1 (excluding the part concerning the Council for Measures for Areas Susceptible to Typhoons) and Articles 6 through 9, the provisions in Article 10 to revise Article 7, paragraph (1) of the Act on Special Measures Concerning Promotion and Development of the Amami Islands, and the provisions of Article 11, Article 12, and Articles 14 through 32: the date specified by Cabinet Order within a period until March 31, 1979.

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

(Effective Date)

(1) This Act comes into effect as of the date of promulgation.

Supplementary Provisions [Act No. 78 of December 2, 1983]

(1) This Act (excluding Article 1) comes into effect as of July 1, 1984.

(2) Transitional measures necessary for organs, etc. existing under any Acts on the day preceding the date of enforcement of this Act, which, following the date of enforcement of this Act, are deemed to exist under the National Government Organizations Act or Cabinet Orders to be issued under relevant Acts revised by this Act (hereinafter referred to as "relevant Cabinet Orders"), and other transitional measures necessary for the enactment, revision or discontinuation of relevant Cabinet Orders upon the enforcement of this Act may be specified by Cabinet Order.

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

(Effective Date)

Article 1 This Act comes into effect as of the date of promulgation; provided, however, that the provisions listed in the following items come into effect as of the dates prescribed in the respective items:

(i) through (iii) omitted;

(iv) the provisions in Article 36 to revise Article 54 of the Electricity Business Act, the provisions of Article 38 (excluding the provisions to revise Article 8 of the Electrician Act), and the provisions of Article 8, paragraph (3) and Article 22 of the Supplementary Provisions: December 1, 1984; and

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

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

Article 8 (1) With regard to the designation of a period for the installation of electric facilities and the commencement of business with a license under Article 3, paragraph (1) of the Electricity Business Act or for a change with

permission under Article 8, paragraph (1) of the Act of the service area or the recipient of electricity supply and the service point or the matters concerning electric facilities, if an application for the license or permission has been filed prior to the enforcement of Article 36, the provisions previously in force remain applicable.

- (2) With regard to notification under Article 42, paragraph (1) or Article 71, paragraph (1) of the Electricity Business Act prior to the revision by Article 36 which has been made prior to the enforcement of Article 36, notification of the revision of the construction plan to which the notification pertained, and an order to revise or discontinue the construction plan to which these notifications pertained, the provisions previously in force remain applicable.
- (3) With regard to the grant of a certification and a chief engineer's license to a person who has applied for certification, prior to November 30, 1984, pursuant to Article 54, paragraph (4), item (ii) of the Electricity Business Act prior to the revision by of Article 36, and the grant of a chief engineer's license to a person who has obtained a certification pursuant to the item or passed a national examination for a chief electricity engineer's license prior to the date, the provisions previously in force remain applicable. In this case, the person who intends to obtain a certification or a chief engineer's license must pay the fee determined by Cabinet Order in light of the actual cost.
- (4) With regard to the application of the provisions of Article 112, paragraph (1) of the Electricity Business Act revised by Article 36 for the period from the date of enforcement of Article 36 until November 30, 1984, the phrase "person who intends to obtain a chief engineer's license pursuant to Article 54, paragraph (3), item (i) or item (ii), or by reason of having passed an examination for a chief electricity engineer's license the specific examination processes of which are administered by a designated examining body, a person who intends to take an examination for a chief electricity engineer's license" in Article 112, paragraph (1) is deemed to be replaced with "person who intends to obtain a certification pursuant to Article 54, paragraph (4), item (ii), a person who intends to take an examination for a chief electricity engineer's license, a person who intends to obtain a chief engineer's license".

(Transitional Measures Concerning Penal Provisions)

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

Supplementary Provisions [Act No. 56 of June 29, 1990 Extract] [Extract]

This Act comes into effect as of the date of enforcement of the Act for Partial Revision of the Commercial Code, etc.

(Transitional Measures Concerning Penal Provisions)

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

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

(Effective Date)

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

(Transitional Measures Concerning Penal Provisions)

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

Supplementary Provisions [Act No. 63 of June 4, 1993]

(1) This Act comes into effect as of the date of enforcement of the Act for Partial Revision of the Commercial Code, etc.

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

(Effective Date)

Article 1 This Act comes into effect as of the date of enforcement of the Administrative Procedure Act (Act No. 88 of 1993).

(Transitional Measures Concerning Adverse Rulings Following Appeals)

Article 2 If, prior to the enforcement of this Act, an appeal or other request has been filed or made under laws and regulations to a council or any other panel to require that procedures equivalent to the procedures to hold hearings or

grant the opportunity for explanation and other procedures to hear statements of opinions prescribed in Article 13 of the Administrative Procedure Act should be implemented, with regard to the procedures to make adverse rulings pertaining to the appeal or request, the provisions previously in force remain applicable notwithstanding the provisions of the relevant Acts revised by this Act.

(Transitional Measures Concerning Penal Provisions)

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

(Transitional Measures upon Arrangement of Provisions on Hearings)

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

(Delegation to Cabinet Order)

Article 15 Beyond what is provided for in Article 2 of the Supplementary Provisions to the preceding Article, any necessary transitional measures for the enforcement of this Act are specified by Cabinet Order.

Supplementary Provisions [Act No. 75 of April 21, 1995 Extract] [Extract]

(Effective Date)

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

(Wholesale Electricity Utilities)

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

(2) When a person has obtained, prior to the enforcement of this Act, a license for wholesale electricity business under Article 3, paragraph (1) of the Former Act (excluding a person deemed pursuant to the preceding paragraph to have obtained a license under Article 3, paragraph (1) of the New Act) and has promised to supply a general electricity utility with electricity to be used for its general electricity business, and the person has obtained a license or permission under Article 3, paragraph (1) or Article 8, paragraph (1) of the Former Act with respect to the electric facilities to be used for the electricity supply, business conducted by the person as promised to supply the general electricity utility with electricity to be used for its general electricity business is deemed to be wholesale electricity business set forth in Article 2, paragraph (1), item (iii) of the New Act, and the license that the person has obtained under Article 3, paragraph (1) of the Former Act (limited to the part concerning business deemed to be wholesale electricity business set forth in Article 2, paragraph (1), item (iii) of the New Act) is deemed to have been obtained under Article 3, paragraph (1) of the New Act; provided, however, that this does not apply with regard to the application of the provisions of Article 2, paragraph (3) and Article 29 of the New Act, and Article 24-4, paragraph (1) of the Electricity Business Act revised by Article 1 of the Act for Partial Revision of the Electricity Business Act and the Gas Business Act (Act No. 92 of 2003).

(Change of Electric Facilities)

Article 3 With regard to changes to the matters listed in Article 6, paragraph (2), item (iv) of the Former Act, for which permission has been obtained under Article 8, paragraph (1) of the Former Act, it is deemed that notification has been given pursuant to Article 9, paragraph (1) of the New Act.

(Supply Conditions of General Electricity Utility)

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

Article 5 (1) If rates and other supply conditions approved under the proviso to Article 21 of the Former Act are approved by the Minister of International Trade and Industry within six months from the date of enforcement of this Act (hereinafter referred to as the "date of enforcement") pursuant to provisions by Order of the Ministry of International Trade and Industry, the rates and supply conditions are deemed to have been approved under the proviso to Article 21 of the New Act.

(2) A general electricity utility may supply electricity under the rates and other

supply conditions approved under the proviso to Article 21 of the Former Act, within six months from the date of enforcement, without obtaining approval under the proviso to Article 21 of the New Act.

(Supply Conditions for Wholesale Supply)

- Article 6 (1) Rates and other supply conditions which have been approved under Article 22, paragraph (1) of the Former Act prior to the enforcement of this Act with respect to the electricity supply that falls under the category of wholesale supply set forth in Article 2, paragraph (1), item (ix) of the New Act are deemed to have been approved under Article 22, paragraph (1) of the New Act.
- (2) If a person other than an electricity utility set forth in Article 2, paragraph (6) of the Former Act has promised, prior to the date of enforcement, to provide an electricity supply that falls under the category of wholesale supply set forth in Article 2, paragraph (1), item (ix) of the New Act under particular rates and supply conditions, the person may, notwithstanding the provisions of Article 22, paragraph (1) of the New Act, provide the wholesale supply under those supply conditions.

(Facility Plans and Supply Plans)

- Article 7 A facility plan for electric facilities and an electricity supply plan for the business year that contains the date of enforcement, of which a general electricity utility or a wholesale electricity utility set forth in Article 2, paragraph (1), item (iv) of the New Act has given notification pursuant to Article 29, paragraph (1) of the Former Act, are deemed to be a supply plan of which notification was given pursuant to Article 29, paragraph (1) of the New Act.

(Examinations for Chief Electricity Engineer Licenses)

- Article 8 A person who has passed a national examination for a chief electricity engineer license conducted under Article 56 of the Former Act is deemed to have passed an examination for a chief electricity engineer license conducted under Article 45 of the New Act.

- Article 9 (1) Until April 1, 1997, the Ministry of International Trade and Industry has examiners for a chief electricity engineer license in order to have them take charge of the processes concerning an examination for the chief electricity engineer license under Article 45, paragraph (1) of the New Act (excluding the processes concerning an examination for a third-class chief electricity engineer license).
- (2) Examiners for a chief electricity engineer license may, beyond the processes set forth in the preceding paragraph, state their opinions on the matters

concerning the qualification of a chief electricity engineer when requested by the Ministry of International Trade and Industry.

- (3) Until April 1, 1997, the Ministry of International Trade and Industry may have expert advisers for the examination for a chief electricity engineer license in order to have them investigate technical matters concerning the examination for a chief electricity engineer license.
- (4) Examiners for a chief electricity engineer license and expert advisers for the examination for a chief electricity engineer license (hereinafter referred to as "examiners, etc.") are appointed by the Minister of International Trade and Industry from among personnel of relevant administrative organs and people with knowledge and experience in electric engineering.
- (5) Beyond what is provided for in the preceding paragraphs, any necessary matters on examiners, etc. are specified by Cabinet Order.

(Effect of Rulings)

Article 10 With regard to any rulings, procedures or other acts conducted prior to the date of enforcement pursuant to the provisions of the Former Act or any order issued thereunder, if the New Act or any order issued thereunder contains provisions corresponding to those provisions, the rulings, procedures, and acts are deemed to have been conducted under the relevant provisions of the New Act or the order issued thereunder, except those otherwise provided by the Supplementary Provisions.

(Application of Penal Provisions)

Article 11 With regard to the application of penal provisions to any acts committed prior to the date of enforcement, the provisions previously in force remain applicable.

(Delegation to Cabinet Order)

Article 12 Beyond what is provided for in Article 2 of the Supplementary Provisions to the preceding Article, any necessary transitional measures for the enforcement of this Act are specified by Cabinet Order.

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

(Effective Date)

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

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

Article 12 (1) With regard to the granting of a chief engineer's license to a person who has filed an application for a chief engineer's license, prior to the

enforcement of Article 11, pursuant to Article 44, paragraph (2), item (iii) of the Electricity Business Act prior to the revision by Article 11, the provisions previously in force remain applicable.

- (2) The provisions of Article 55-2 of the Electricity Business Act revised by Article 11 does not apply to the heir, the corporation surviving after the merger or the corporation newly established upon the merger when inheritance or a merger has taken place prior to the enforcement of Article 11.

(Transitional Measures Concerning Penal Provisions)

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

(Delegation to Cabinet Order)

Article 18 Beyond what is provided for in Article 2 of the Supplementary Provisions to the preceding Article, any necessary transitional measures for the enforcement of this Act are specified by Cabinet Order.

Supplementary Provisions [Act No.88 of June 8, 1997]

(Effective Date)

Article 1 This Act comes into effect as of the date of enforcement of the Environmental Impact Assessment Act.

(Transitional Measures)

Article 2 (1) With regard to electric facilities for business use pertaining to a Class 1 project or a Class 2 project that is excluded, pursuant to Article 3, paragraph (1) or paragraph (3) of the Supplementary Provisions of the Environmental Impact Assessment Act, from the application of the provisions of Chapters II through VII of the Act, the provisions of Chapter III, Section 2, Subsection 2-2 of the Electricity Business Act revised by this Act (hereinafter referred to as the "New Act") do not apply.

- (2) With regard to the application of the provisions of Article 47, paragraph (3) of the New Act to the approval of a change of a construction plan that has been approved, prior to the enforcement of this Act, pursuant to Article 47, paragraph (1) of the Electricity Business Act prior to the revision by this Act (hereinafter referred to as the "Former Act"), if the construction project falls under the category of Class 1 projects or Class 2 projects that are excluded, pursuant to Article 3, paragraph (1) or paragraph (3) of the Supplementary

Provisions of the Environmental Impact Assessment Act, from the application of the provisions of Chapters II through VII of the Act, the phrase "the following items" in Article 47, paragraph (3) of the New Act is deemed to be replaced with "the following items (excluding items (iii) and (iv))".

(3) With regard to the application of the provisions of Article 48, paragraph (3) and paragraph (4) of the New Act to the notification given under Article 48, paragraph (1) of the Former Act prior to the enforcement of this Act and the notification of the change of the construction plan to which that notification pertained, if the construction project falls under the category of Class 1 projects or Class 2 projects that are excluded, pursuant to Article 3, paragraph (1) or paragraph (3) of the Supplementary Provisions of the Environmental Impact Assessment Act, from the application of the provisions of Chapters II through VII of the Act, the phrase "the items of paragraph (3) of the preceding Article" in Article 48, paragraph (3), item (i) of the New Act is deemed to be replaced with "the items of paragraph (3) of the preceding Article (excluding item (iii) and item (iv))", and the phrase "the items of the preceding paragraph" in Article 48, paragraph (4) of the New Act is deemed to be replaced with "item (i) or item (ii) of paragraph (3) of the preceding Article or item (ii) of the preceding paragraph".

(Delegation to Cabinet Order)

Article 3 Beyond what is provided for in the preceding Article, any necessary transitional measures for the enforcement of this Act are specified by Cabinet Order.

(Review)

Article 4 When ten years have passed since the enforcement of this Act, the government is to review the status of enforcement of this Act, and take any necessary measures based on the review results.

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

(Effective Date)

Article 1 This Act comes into effect as of March 21, 2000; provided, however, that the provisions listed in the following items come into effect as of the dates prescribed in the respective items:

- (i) the provisions of Articles 3 through 6 and Article 11 of the Supplementary Provisions: the date of promulgation; and
- (ii) the provisions of Article 2, and the provisions of Articles 8 through 10, Article 19 (limited to the provisions to revise Article 20-6, paragraph (1), item (iii) and Article 57-8, paragraph (1), item (iii) of the Act on Special

Measures Concerning Taxation (Act No. 26 of 1957)), Article 25 (limited to the part revising Article 27, paragraph (2) of the Air Pollution Control Act (Act No. 97 of 1968) by revising "Article 2, paragraph (10)" to "Article 2, paragraph (12)"), Article 26 (limited to the part revising Article 21, paragraph (1) of the Noise Regulation Act (Act No. 98 of 1968) by revising "Article 2, paragraph (10)" to "Article 2, paragraph (12)"), Article 30, and Article 31 (limited to the part revising Article 18, paragraph (1) of the Vibration Regulation Act (Act No. 64 of 1976) by revising "Article 2, paragraph (10)" to "Article 2, paragraph (12)")) of the Supplementary Provisions: the date specified by Cabinet Order within a period not exceeding six months from the date of promulgation.

- (Transitional Measures upon Partial Revision of the Electricity Business Act)
- Article 2 (1) With regard to the transfer of facilities used for electricity business or making them subject to any rights other than ownership (hereinafter referred to as "transfer of facilities, etc." in the following paragraph) for which permission has been obtained under Article 13, paragraph (1) of the Electricity Business Act prior to the revision by Article 1 (hereinafter referred to as the "Former Electricity Act"), it is deemed that notification has been given pursuant to Article 13, paragraph (1) of the Electricity Business Act revised by Article 1 (hereinafter referred to as the "New Electricity Act").
- (2) An application for permission of Transfer of Facilities, etc. filed under Article 13, paragraph (1) of the Former Electricity Act prior to the enforcement of this Act is deemed to be notification given pursuant to Article 13, paragraph (1) of the New Electricity Act.
- (3) Supply provisions approved under Article 19, paragraph (1) of the Former Electricity Act prior to the enforcement of this Act (excluding the part exclusively pertaining to specified-scale demand prescribed in Article 2, paragraph (1), item (vii) of the New Electricity Act (hereinafter referred to as "Specified-Scale Demand")) are deemed to be general supply provisions approved under Article 19, paragraph (1) of the New Electricity Act.
- (4) Optional supply provisions of which notification was given under Article 19, paragraph (4) of the Former Electricity Act prior to the enforcement of this Act (excluding the part exclusively pertaining to specified-scale demand) are deemed to be optional supply provisions of which notification was given under Article 19, paragraph (7) of the New Electricity Act.
- (5) With regard to a general electricity utility that supplies electricity to meet specified-scale demand under general supply provisions approved under Article 19, paragraph (1) of the Former Electricity Act, optional supply provisions of which notification was given pursuant to paragraph (4) of the Article, or rates and other supply conditions approved under the proviso to Article 21 of the

Former Electricity Act, if the approval or notification has been granted or given prior to the enforcement of this Act, the utility may continue to supply electricity to meet the specified-scale demand as before on the date of enforcement of this Act (hereinafter referred to as the "date of enforcement") and thereafter, notwithstanding the provisions of Article 21, paragraph (2) of the New Electricity Act.

- (6) With regard to rates and other supply conditions approved under the proviso to Article 21 of the Former Electricity Act (excluding the part exclusively pertaining to specified-scale demand), if they are approved by the Minister of International Trade and Industry within one month from the date of enforcement pursuant to provisions by Order of the Ministry of International Trade and Industry, they are deemed to have been approved under the proviso to paragraph (1) of Article 21 of the New Electricity Act.
- (7) A general electricity utility may supply electricity under the rates and other supply conditions approved under the proviso to Article 21 of the Former Electricity Act (excluding the part exclusively pertaining to specified-scale demand), within one month from the date of enforcement, without obtaining approval under the proviso to paragraph (1) of Article 21 of the New Electricity Act.
- (8) With regard to rates and other supply conditions approved under Article 22, paragraph (1) of the Former Electricity Act prior to the enforcement of this Act, it is deemed that notification has been given pursuant to Article 22, paragraph (1) of the New Electricity Act.
- (9) An application for approval of supply conditions for wholesale supply filed under Article 22, paragraph (1) of the Former Electricity Act prior to the enforcement of this Act is deemed to be notification given under Article 22, paragraph (1) of the New Electricity Act.

Article 3 (1) A general electricity utility that has obtained a license under Article 3, paragraph (1) of the Former Electricity Act prior to the promulgation of this Act is to formulate provisions prescribed in Article 19-2, paragraph (1) of the New Electricity Act, by January 4, 2000, and notify the Minister of International Trade and Industry of the provisions pursuant to provisions by Order of the Ministry of International Trade and Industry. The same applies if the general electricity utility intends to revise the provisions (limited to when an order has been issued under paragraph (2) of the Article as applied mutatis mutandis pursuant to the following paragraph).

- (2) The provisions of Article 19-2, paragraph (2) of the New Electricity Act apply mutatis mutandis to provisions to which the notification given under the preceding paragraph pertained.
- (3) A general electricity utility that has given notification pursuant to paragraph

- (1) must display the provisions of which notification was given pursuant to the paragraph at a place accessible to the public in its business office or place of business pursuant to provisions by Order of the Ministry of International Trade and Industry.
- (4) Provisions of which notification was given pursuant to paragraph (1) become effective on the Date of Enforcement.
- (5) Provisions of which notification was given pursuant to paragraph (1) are deemed to be provisions of which notification was given pursuant to Article 19-2, paragraph (1) of the New Electricity Act.

Article 4 (1) A designated electricity utility that has received designation under Article 24-3, paragraph (1) of the Former Electricity Act prior to the promulgation of this Act is to formulate, by January 4, 2000, cross-area wheeling service provisions prescribed in Article 24-3, paragraph (1) of the New Electricity Act to set rates and other supply conditions for the cross-area wheeling service with respect to electricity to be used for specified-scale electricity business prescribed in Article 2, paragraph (1), item (vii) of the New Electricity Act, and notify the Minister of International Trade and Industry of the rates and conditions pursuant to the provisions of Order of the Ministry of International Trade and Industry. The same applies if the designated electricity utility intends to revise the rates and conditions (limited to when an order has been issued under Article 24-3, paragraph (3) of the New Electricity Act as applied *mutatis mutandis* pursuant to the following paragraph).

- (2) The provisions of Article 24-3, paragraph (3) of the New Electricity Act apply *mutatis mutandis* to Cross-Area Wheeling Service provisions to which the notification given under the preceding paragraph pertained.
- (3) A designated electricity utility that has given notification pursuant to paragraph (1) must publicize the cross-area wheeling service provisions of which notification was given pursuant to the paragraph, pursuant to provisions by Order of the Ministry of International Trade and Industry.
- (4) Cross-area wheeling service provisions of which notification was given pursuant to paragraph (1) become effective on the date of enforcement.
- (5) Cross-area wheeling service provisions of which notification was given pursuant to paragraph (1) are deemed to be cross-area wheeling service provisions of which notification was given pursuant to Article 24-3, paragraph (1) of the New Electricity Act.

Article 5 (1) Pursuant to provisions by Order of the Ministry of International Trade and Industry, a general electricity utility that has obtained a license under Article 3, paragraph (1) of the Former Electricity Act prior to the promulgation of this Act must formulate, by January 4, 2000, intra-area

wheeling service provisions prescribed in Article 24-4, paragraph (1) of the New Electricity Act, and notify the Minister of International Trade and Industry of the provisions pursuant to provisions by Order of the Ministry of International Trade and Industry. The same applies if the general electricity utility intends to revise the provisions (limited to when an order has been issued under paragraph (3) of the Article as applied mutatis mutandis pursuant to the following paragraph).

- (2) The provisions of Article 24-4, paragraph (3) of the New Electricity Act apply mutatis mutandis to intra-area wheeling service provisions to which the notification given under the preceding paragraph pertained.
- (3) A general electricity utility that has given notification pursuant to paragraph (1) must publicize the intra-area wheeling service provisions of which notification was given pursuant to the paragraph, pursuant to provisions by Order of the Ministry of International Trade and Industry.
- (4) Intra-area wheeling service provisions of which notification was given pursuant to paragraph (1) become effective on the date of enforcement.
- (5) Intra-area wheeling service provisions of which notification was given pursuant to paragraph (1) are deemed to be intra-area wheeling service provisions of which notification was given pursuant to Article 24-4, paragraph (1) of the New Electricity Act.

Article 6 (1) A person who violates an order issued under Article 19-2, paragraph (2) of the New Electricity Act as applied mutatis mutandis pursuant to Article 3, paragraph (2) of the Supplementary Provisions, Article 24-3, paragraph (3) of the New Electricity Act as applied mutatis mutandis pursuant to Article 4, paragraph (2) of the Supplementary Provisions, or Article 24-4, paragraph (3) of the New Electricity Act as applied mutatis mutandis pursuant to paragraph (2) of the preceding Article is subject to a fine of not more than three million yen.

- (2) A person who falls under any of the following items is subject to a fine of not more than 300,000 yen:
 - (i) a person who has failed to give notification under Article 3, paragraph (1) or Article 4, paragraph (1) of the Supplementary Provisions or paragraph (1) of the preceding Article, or given a false notification;
 - (ii) a person who has violated Article 3, paragraph (3) of the Supplementary Provisions; and
 - (iii) a person who has failed to publicize necessary matters, in violation of Article 4, paragraph (3) of the Supplementary Provisions or paragraph (3) of the preceding Article.
- (3) If the representative of a corporation or an agent, employee or other worker of a corporation or an individual commits the violations prescribed in the

preceding two paragraphs, with regard to the business of the corporation or individual, not only the offender but also the corporation or individual is subject to the fine prescribed in the respective paragraphs.

Article 7 With regard to any rulings, procedures or other acts conducted prior to the date of enforcement pursuant to the provisions of the Former Electricity Act or any order issued thereunder, if the New Electricity Act or any order issued thereunder contains provisions corresponding to those provisions, the rulings, procedures, and acts are deemed to have been conducted under the relevant provisions of the New Act or the order issued thereunder, except those otherwise provided by the Supplementary Provisions.

(Transitional Measures Concerning Penal Provisions)

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

(Delegation to Cabinet Order)

Article 11 Beyond what is provided for in Article 2 of the Supplementary Provisions to the preceding Article, any necessary transitional measures for the enforcement of this Act are specified by Cabinet Order.

(Review)

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

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

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2000; provided, however, that the provisions listed in the following items come into effect as of the dates prescribed in the respective items:

- (i) the provisions for revision in Article 1 to add five articles, a section title, and two subsections and the titles thereof following Article 250 of the Local Autonomy Act (limited to the part concerning Article 250-9, paragraph (1) of the Act (limited to the part concerning the requirement of consent of both Houses)), the provisions in Article 40 to revise paragraph (9) and paragraph (10) of the Supplementary Provisions of the Natural Parks Act (limited to the part concerning paragraph (10) of the Supplementary Provisions of the Act),

the provisions of Article 244 (excluding the part concerning the provisions to revise Article 14-3 of the Agricultural Improvement and Promotion Act), and the provisions of Article 472 (excluding the part concerning the provisions to revise Article 6, Article 8, and Article 17 of the Act on Special Provisions Concerning Merger of Municipalities), and the provisions of Article 7, Article 10, Article 12, proviso to Article 59, Article 60, paragraph (4) and paragraph (5), Article 73, Article 77, Article 157, paragraphs (4) through (6), Article 160, Article 163, Article 164, and Article 202 of the Supplementary Provisions: the date of promulgation.

(Processes of the State)

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

(Transitional Measures Concerning Rulings and Applications)

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

(2) With respect to matters for which reports, notification, submission or other procedures must be conducted before the organs of the State or local public entities, prior to the enforcement of this Act, pursuant to the respective Acts

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

(Transitional Measures Concerning Appeals)

Article 161 (1) With respect to rulings pertaining to processes of the State, etc. made prior to the date of enforcement by the administrative agencies (hereinafter referred to as the "administrative agencies having made the rulings" in this Article) that have been subordinated, prior to the date of enforcement, to higher administrative agencies prescribed under the Administrative Complaint Review Act (hereinafter referred to as the "higher administrative agencies" in this Article), the Administrative Complaint Review Act applies to appeals filed against the rulings pursuant to the Act, on the assumption that the administrative agencies having made the rulings are still subordinate to the higher administrative agencies on or after the date of enforcement. In this case, the administrative agencies that are deemed to be higher administrative agencies of the administrative agencies having made the rulings are the administrative agencies to which the administrative agencies having made the rulings have been subordinated prior to the date of enforcement.

(2) In the case referred to in the preceding paragraph, if the administrative agencies that are deemed to be higher administrative agencies are organs of local public entities, the processes to be handled by the organs pursuant to the provisions of the Administrative Complaint Review Act are Type-1 statutory entrusted functions prescribed in Article 2, paragraph (9), item (i) of the new Local Autonomy Act.

(Transitional Measures Concerning Fees)

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

(Transitional Measures Concerning Penal Provisions)

Article 163 With regard to the application of penal provisions to acts committed

prior to the enforcement of this Act, the provisions previously in force remain applicable.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 164 (1) Beyond what is provided for in the Supplementary Provisions, any necessary transitional measures for the enforcement of this Act (including transitional measures concerning penal provisions) are specified by Cabinet Order.

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

(Review)

Article 250 Type-1 statutory entrusted functions prescribed in Article 2, paragraph (9), item (i) of the new Local Autonomy Act are to be created to the minimum possible extent, and the processes listed in Appended Table I of the new Local Autonomy Act and those provided for by Cabinet Order enacted under the new Local Autonomy Act are to be examined from the perspective of promoting decentralization and reviewed as appropriate.

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

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

Supplementary Provisions [Act No.102 of July 16, 1999 Extract] [Extract]

(Effective Date)

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

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

(Succession to Status as an Employee)

Article 3 A person who is an employee (excluding the chairperson and members of the council, etc. under Article 8 of the National Government Organization Act (Act No. 120 of 1948), the members of the Central Disaster Prevention Council, the chairperson and members of the Japanese Industrial Standards Committee, and those specified by Cabinet Order as similar persons) of the former Prime Minister's Office, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Finance, Ministry of Education, Ministry of Health and Welfare, Ministry of Agriculture, Forestry and Fisheries, Ministry of International Trade and Industry, Ministry of Transport, Ministry of Posts and Telecommunications, Ministry of Labor, Ministry of Construction or Ministry of Home Affairs (hereinafter referred to as the "former office or ministry" in this Article) at the time of enforcement of this Act is, unless an appointment is announced separately, to become a corresponding employee of the Cabinet Office, Ministry of Internal Affairs and Communications, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Finance, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Health, Labour and Welfare, Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry, Ministry of Land, Infrastructure, Transport and Tourism, or Ministry of the Environment after the enforcement of this Act (hereinafter referred to as the "new office or ministry" in this Article) or a department or organization established thereunder which is specified by Cabinet Order as the new office or ministry or the department or organization established thereunder that corresponds to the former office or ministry or the department or organization established thereunder to which the employee belongs at the time of enforcement of this Act, with the same working conditions.

(Transitional Measures Otherwise Provided)

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

**Supplementary Provisions [Act No. 201 of August 6, 1999 Extract]
[Extract]**

(Effective Date)

Article 1 This Act comes into effect as of July 1, 2000; provided, however, that

the provisions listed in the following items come into effect as of the dates prescribed in the respective items:

- (i) the provisions of Article 8, Article 23, Article 51, Article 66 of the Supplementary Provisions: the date of promulgation; and
- (ii) the provisions of Article 2, Article 14, Article 27, Article 39, Article 44, and Article 52 of the Supplementary Provisions: April 1, 2000.

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

Article 39 A person who intends to receive designation under Article 50-2, paragraph (3), Article 52, paragraph (3), or Article 55, paragraph (2) of the Electricity Business Act revised by Article 9 (hereinafter referred to as the "New Electricity Business Act") may file an application for designation prior to the enforcement of Article 9. The same applies if the person intends to file an application for approval of operational rules under Article 72, paragraph (1) of the New Electricity Business Act as applied mutatis mutandis pursuant to Article 81-3 of the New Electricity Business Act.

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

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

Article 42 A person who has received designation under Article 55, paragraph (1) of the Former Electricity Business Act prior to the enforcement of Article 9 is deemed to have received designation under Article 49, paragraph (1) or Article 54 of the New Electricity Business Act on the date of enforcement of

Article 9.

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

(Effect of Rulings)

Article 68 With regard to any rulings, procedures or other acts conducted, prior to the enforcement of this Act (or the respective provisions listed in the items of Article 1 of the Supplementary Provisions), pursuant to the provisions of the respective Acts prior to the revision (including orders issued thereunder; hereinafter the same applies in this Article), if the respective revised Acts contain provisions corresponding to those provisions, the rulings, procedures, and acts are deemed to have been conducted under the relevant provisions of the respective revised Acts, except those otherwise provided by the Supplementary Provisions.

(Transitional Measures Concerning the Application of Penal Provisions)

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

(Delegation of Other Transitional Measures to Cabinet Order)

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

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

(Effective Date)

Article 1 This Act (excluding Article 2 and Article 3) comes into effect as of January 6, 2001.

Supplementary Provisions [Act No. 53 of April 28, 2000 Extract] [Extract]

(Effective Date)

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

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

(Effective Date)

(1) This Act comes into effect as of the date of enforcement of the Act for Partial Revision of the Commercial Code (Act No. 90 of 2000).

(Transitional Measures)

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

Supplementary Provisions [Act No. 75 of June 27, 2001 Extract] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2002 (hereinafter referred to as the "date of enforcement"), and applies to short-term bonds, etc. issued on the date of enforcement and thereafter.

(Transitional Measures Concerning the Application of Penal Provisions)

Article 7 With regard to the application of penal provisions to any acts committed prior to the date of enforcement as well as any acts committed on or after the date of enforcement when the provisions previously in force remain applicable pursuant to the Supplementary Provisions, the provisions previously in force remain applicable.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 8 Beyond what is provided for in the Supplementary Provisions, any

necessary transitional measures for the enforcement of this Act are specified by Cabinet Order.

(Reviews)

Article 9 When five years have passed since the enforcement of this Act, the government is to review the system concerning transfer agencies, while taking into account the status of enforcement of this Act and changes in socioeconomic circumstances, and take any necessary measures based on the review results as necessary to do so.

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

(Effective Date)

Article 1 This Act comes into effect as of January 6, 2003.

(Transitional Measures Concerning the Application of Penal Provisions)

Article 84 With regard to the application of penal provisions to any acts committed prior to the enforcement of this Act (or the respective provisions of the items of Article 1 of the Supplementary Provisions; hereinafter the same applies in this Article) as well as any acts committed after the enforcement of this Act when the provisions previously in force remain applicable pursuant to the Supplementary Provisions, the provisions previously in force remain applicable.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 85 Beyond what is provided for in the Supplementary Provisions, any necessary transitional measures for the enforcement of this Act are specified by Cabinet Order.

(Review)

Article 86 When five years have passed since the enforcement of this Act, the government is to review the systems concerning participant protection trusts prescribed in Article 2, paragraph (11) of the new Act on Transfer of Bonds, Securities Clearing Agencies prescribed in Article 2, paragraph (31) of the new Securities Exchange Act, and financial futures clearing agencies prescribed in Article 2, paragraph (15) of the new Financial Futures Exchange Act, while taking into account the status of enforcement of the new Act on Transfer of Bonds, the new Securities Exchange Act, and the Financial Futures Exchange Act as well as changes in the socioeconomic circumstances, and take measures as required based on the review results as necessary.

**Supplementary Provisions [Act No. 178 of December 18, 2002 Extract]
[Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding three months from the date of promulgation; provided, however, that the provisions listed in the following items come into effect as of the dates prescribed in the respective items:

- (i) the provisions for revision in Article 1 to add two articles following Article 107 of the Electricity Business Act, and the provisions for revision in Article 2 to add two articles following Article 72-2 of the Act on the Regulation of Nuclear Source Material, Nuclear Fuel Material and Reactors: April 1, 2003; and
- (ii) the provisions of Article 3: a date specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

**Supplementary Provisions [Act No. 79 of December 18, 2002 Extract]
[Extract]**

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2003; provided, however, that the provisions of Article 13, paragraph (2) and the provisions of Articles 8 through 13 of the Supplementary Provisions come into effect as of a date specified by Cabinet Order under Article 1, item (ii) of the Supplementary Provisions of the Act for Partial Revision of the Electricity Business Act and the Act on the Regulation of Nuclear Source Material, Nuclear Fuel Material and Reactors (Act No. 178 of 2002).

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

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

(Transitional Measures Concerning the Application of Penal Provisions)

Article 13 With regard to the application of penal provisions to any acts committed prior to the enforcement of the proviso to Article 1 of the Supplementary Provisions as well as any acts committed after the enforcement

of the proviso if the provisions previously in force remain applicable pursuant to the Supplementary Provisions, the provisions previously in force remain applicable.

(Delegation to Cabinet Order)

Article 14 Beyond what is provided for in Articles 2 through 7, Article 9, and Article 11 of the Supplementary Provisions and the preceding Article, any necessary transitional measures upon the establishment of JNES and any other necessary measures for the enforcement of this Act are specified by Cabinet Order.

Supplementary Provisions [Extract]

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2004.

(Transitional Measures Concerning the Application of Penal Provisions)

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

(Delegation of Other Transitional Measures to Cabinet Order)

Article 39 Beyond what is provided for in this Act, any necessary transitional measures for the enforcement of this Act are specified by Cabinet Order.

(Review)

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

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

(Effective Date)

Article 1 This Act comes into effect as of March 1, 2004; provided, however, that the provisions listed in the following items come into effect as of the dates prescribed in the respective items:

- (i) the provision of Article 13 of the Supplementary Provisions: the date of promulgation; and
- (ii) the provisions of Article 3, paragraph (1), Article 4, paragraph (1), Article 5,

paragraph (1), Article 6, paragraph (1), Article 7, paragraph (1), Article 8, paragraph (1), and Article 9, paragraph (1): October 1, 2003.

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

Article 9 (1) A person who intends to be registered under Article 50-2, paragraph (3), Article 52, paragraph (3), Article 55, paragraph (4), or Article 57-2, paragraph (1) of the Electricity Business Act revised by Article 8 (hereinafter referred to as the "New Electricity Business Act") may file an application for registration prior to the enforcement of this Act. The same applies if the person intends to give notification of the operational rules under Article 73, paragraph (1) or Article 92-3, paragraph (1) of the New Electricity Business Act.

(2) A person who has received designation, prior to the enforcement of this Act, under Article 50-2, paragraph (3), Article 52, paragraph (3), or Article 55, paragraph (4) of the Electricity Business Act prior to the revision by Article 8 (hereinafter referred to as the "Former Electricity Business Act") or under Article 57-2, paragraph (1) of the Former Electricity Business Act is deemed to have been registered under Article 50-2, paragraph (3), Article 52, paragraph (3), or Article 55, paragraph (4) of the New Electricity Business Act or under Article 57-2, paragraph (1) of the New Electricity Business Act. In this case, the registration is valid for the period during which the designation under Article 50-2, paragraph (3), Article 52, paragraph (3), or Article 55, paragraph (4) of the Former Electricity Business Act or under Article 57-2, paragraph (1) of the Former Electricity Business Act remains valid.

(3) With regard to a safety management examination for which an application has been filed with the Minister of Economy, Trade and Industry, prior to the enforcement of this Act, pursuant to Article 50-2, paragraph (3), Article 52, paragraph (3), or Article 55, paragraph (4) of the Former Electricity Business Act, the provisions previously in force remain applicable.

(Effect of Rulings)

Article 11 With regard to any rulings, procedures or other acts conducted, prior to the enforcement of this Act (or the respective provisions listed in the items of Article 1 of the Supplementary Provisions), pursuant to the provisions of the respective Acts prior to the revision (including orders issued thereunder; hereinafter the same applies in this Article), if the respective revised Acts contain provisions corresponding to those provisions, the rulings, procedures, and acts are deemed to have been conducted under the relevant provisions of the respective revised Acts, except those otherwise provided by the Supplementary Provisions.

(Transitional Measures Concerning the Application of Penal Provisions)

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

(Delegation to Cabinet Order)

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

Supplementary Provisions [Extract]

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2005; provided, however, that the provisions listed in the following items come into effect as of the dates prescribed in the respective items:

- (i) the provisions of Article 3 (excluding paragraph (5)) through Article 5, Article 9 (excluding paragraph (5)) through Article 11, Article 15, Article 16, and Article 39 of the Supplementary Provisions: the date of promulgation;
- (ii) the provisions in Article 1 to revise the table of contents of the Electricity Business Act, revise Chapter VI of the Electricity Business Act, revise Article 106, Article 107, Article 112-2, Article 117-3, Article 117-4, and Article 119-2 of the Electricity Business Act, the provisions of Article 3, and the provisions of Article 17, Article 18, Article 19, paragraph (1), Articles 20 through 38, Article 41, Article 43, Article 45, Article 46, Article 48, Article 51, and Articles 55 through 57 of the Supplementary Provisions: a date specified by Cabinet Order within a period not exceeding six months from the date of promulgation; and
- (iii) the provisions of Article 2, and the provisions of Article 7, Article 8, Article 9, paragraph (5), Articles 12 through 14, Article 44, Article 47, Article 49, Article 50 (limited to the part revising "Article 2, paragraph (12)" to "Article 2, paragraph (13)"), Article 52, and Article 53 of the Supplementary Provisions: April 1, 2004.

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

Article 2 (1) With regard to the change to which notification given prior to the enforcement of this Act, pursuant to Article 9, paragraph (1) of the Electricity Business Act prior to the revision by Article 1 (hereinafter referred to as the

"Former Electricity Business Act") pertained, the provisions previously in force remain applicable.

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

Article 3 (1) A general electricity utility that has obtained a license under Article 3, paragraph (1) of the Former Electricity Business Act prior to the promulgation of this Act must formulate, by January 4, 2005, wheeling service provisions prescribed in Article 24-3, paragraph (1) of the Electricity Business Act revised by Article 1 (hereinafter referred to as the "New Electricity Business Act") pursuant to provisions by Order of the Ministry of Economy, Trade and Industry, and notify the Minister of Economy, Trade and Industry of the provisions pursuant to provisions by Order of the Ministry of Economy, Trade and Industry. The same applies if the general electricity utility intends to revise the provisions (limited to when an order has been issued under paragraph (3) of the Article as applied mutatis mutandis pursuant to the following paragraph).

- (2) The provisions of Article 24-3, paragraph (3) of the New Electricity Business Act apply mutatis mutandis to wheeling service provisions of which notification was given pursuant to the preceding paragraph.
- (3) A general electricity utility that has given notification pursuant to paragraph (1) must publicize the wheeling service provisions of which notification was given pursuant to the paragraph, pursuant to provisions by Order of the Ministry of Economy, Trade and Industry.
- (4) Wheeling service provisions of which notification was given pursuant to paragraph (1) are effective on the date of enforcement of this Act.
- (5) Wheeling service provisions of which notification was given pursuant to paragraph (1) are deemed to be wheeling service provisions of which notification was given pursuant to Article 24-3, paragraph (1) of the New Electricity Business Act.

Article 4 (1) A person who violates an order issued under Article 24-3, paragraph (3) of the New Electricity Business Act as applied mutatis mutandis pursuant to paragraph (2) of the preceding Article is subject to a fine of not more than three million yen.

- (2) A person who falls under any of the following items is subject to a fine of not more than 300,000 yen:
 - (i) a person who has failed to give notification under paragraph (1) of the preceding Article or given a false notification; and

(ii) a person who has failed to publicize necessary matters, in violation of paragraph (3) of the preceding Article.

(3) If the representative of a corporation or an agent, employee or other worker of a corporation or an individual commits the violations prescribed in the preceding two paragraphs, with regard to the business of the corporation or individual, not only the offender but also the corporation or individual is subject to the fine prescribed in the respective paragraphs.

Article 5 The grant of approval under the proviso to paragraph (2) of Article 24-3 and the proviso to paragraph (1) of Article 24-4 of the New Electricity Business Act as well as procedures and other acts necessary for the grant may be conducted prior to the enforcement of this Act.

Article 6 With regard to any rulings, procedures or other acts conducted prior to the date of enforcement of this Act pursuant to the provisions of the Former Electricity Business Act or any order issued thereunder, if the New Electricity Business Act or any order issued thereunder contains provisions corresponding to those provisions, the rulings, procedures, and acts are deemed to have been conducted under the relevant provisions of the New Electricity Business Act or the order issued thereunder, except those otherwise provided by the Supplementary Provisions.

(Transitional Measures Concerning the Application of Penal Provisions)

Article 38 With regard to the application of penal provisions to any acts committed prior to the enforcement of this Act (or the respective provisions listed in Article 1, item (ii) and item (iii) of the Supplementary Provisions; hereinafter the same applies in this Article) as well as any acts committed after the enforcement of this Act when the provisions previously in force remain applicable pursuant to the Supplementary Provisions, the provisions previously in force remain applicable.

(Delegation to Cabinet Order)

Article 39 Beyond what is provided for in Article 2 of the Supplementary Provisions to the preceding Article, any necessary transitional measures for the enforcement of this Act are specified by Cabinet Order.

(Reviews)

Article 40 When three years have passed since the enforcement of this Act (or the respective provisions listed in Article 1, item (iii) of the Supplementary Provisions; hereinafter the same applies in this Article), the government is to review the provisions of this Act, while taking into account the status of

enforcement of the provisions of this Act, and take any necessary measures based on the review as necessary.

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

(Effective Date)

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

(Reviews)

Article 50 When five years have passed since the enforcement of this Act, the government is to review the status of enforcement of the new Act, and take measures as required based on the review results as necessary.

Supplementary Provisions [Act No. 88 of June 9, 2004 Extract] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding five years from the date of promulgation (hereinafter referred to as the "date of enforcement").

(Transitional Measures Concerning the Application of Penal Provisions)

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

(Delegation of Other Transitional Measures to Cabinet Order)

Article 136 Beyond what is provided for in the Supplementary Provisions, any necessary transitional measures for the enforcement of this Act are specified by Cabinet Order.

(Reviews)

Article 137 When five years have passed since the enforcement of this Act, the government is to review the settlement system concerning stock trading, etc. as revised by this Act, while taking into account the status of implementation of respective provisions revised by this Act and changes in socioeconomic circumstances, and take measures as required based on the review results as necessary.

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

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2005; provided, however, that the provisions of Article 7 and Article 28 of the Supplementary Provisions come into effect as of the date of promulgation, and the provisions of Article 4, paragraphs (1) through (5) and paragraphs (9) through (11), Article 5, and Article 6 of the Supplementary Provisions come into effect as of October 1, 2004.

(Transitional Measures Concerning Rulings)

Article 26 With regard to any rulings, procedures or other acts conducted, prior to the enforcement of this Act, pursuant to the provisions of the respective Acts prior to the revision (including orders issued thereunder; hereinafter the same applies in this Article), if the respective revised Acts contain provisions corresponding to the provisions, the rulings, procedures, and acts are deemed to have been conducted under the relevant provisions of the respective revised Acts, except those otherwise provided by the Supplementary Provisions.

(Transitional Measures Concerning the Application of Penal Provisions)

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

(Delegation to Cabinet Order)

Article 28 Beyond what is provided for in the Supplementary Provisions, any necessary transitional measures for the enforcement of this Act are specified by Cabinet Order.

(Reviews)

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

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

(1) This Act comes into effect as of the date of enforcement of the Companies Act.

Supplementary Provisions

This Act comes into effect as of the date of enforcement of the Act on General Incorporated Associations and General Incorporated Foundations.

Supplementary Provisions [Act No. 27 of April 27, 2011 Extract] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding two years from the date of promulgation; provided, however, that the provisions listed in the following items come into effect as of the dates prescribed in the respective items:

(ii) the provisions of Article 1 and the provisions for revision in Article 2 to add a new section and a section title before Article 4 in Chapter II of the Environmental Impact Assessment Act (limited to the part concerning Article 3-8 of the Act) and to add four articles following Article 38 in Chapter VI of the Act (limited to the part concerning Article 38-2, paragraph (3) of the Act), as well as the provisions of the following Article through Article 4 of the Supplementary Provisions, and the provisions of Article 11 of the Supplementary Provisions (excluding the provisions to revise the table of contents of the Electricity Business Act (Act No. 170 of 1964), the provisions to revise Article 46-4 and Article 46-22 of the Act, as well as the provisions for revision in Chapter III, Section 2, Subsection 2-2 of the Act to re-number Article 46-22 as Article 46-23, re-number Article 46-21 as Article 46-22, and add a new article following Article 46-20): a date specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

Supplementary Provisions [Act No. 74 of June 24, 2011 Extract] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the day on which 20 days have passed from the date of promulgation.

**Supplementary Provisions [Act No. 109 of August 30, 2011 Extract]
[Extract]**

(Effective Date)

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

(Transitional Measures Concerning Application for Permission for Change)

Article 2 An application for permission for change which was filed, prior to the date of enforcement of this Act (hereinafter referred to as the "date of

enforcement"), pursuant to Article 8, paragraph (1) of the Electricity Business Act prior to the revision by Article 1 (hereinafter referred to as the "Former Electricity Business Act") and for which a ruling to grant or not to grant permission has not been made by the time of enforcement of this Act, is deemed to be an application for permission filed pursuant to Article 8, paragraph (1) of the Electricity Business Act after the revision by Article 1 (hereinafter referred to as the "New Electricity Business Act") if the relevant change does not fall within the category of minor changes specified by Order of the Ministry of Economy, Trade and Industry under the proviso to paragraph (1) of Article 8 of the New Electricity Business Act, or is deemed to be notification of change given pursuant to paragraph (3) of the Article as of the date of enforcement if the relevant change falls within the category of minor changes specified by Order of the Ministry of Economy, Trade and Industry under the proviso to paragraph (1) of the Article.

(Transitional Measures Concerning the Designation of Organizations to Support Electricity Transmission and Distribution)

Article 3 A person who has received, prior to the enforcement of this Act, designation under Article 93, paragraph (1) of the Former Electricity Business Act is deemed to have received designation under Article 93, paragraph (1) of the New Electricity Business Act as of the date of enforcement.

(Delegation to Cabinet Order)

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

(Review)

Article 5 When three years have passed since the enforcement of this Act, the government is to review the provisions of, this Act, while taking into account the status of enforcement of this Act, and take any necessary measures based on the review results as necessary.

Supplementary Provisions [Act No. 35 of June 12, 2013 Extract] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding one month from the date of promulgation; provided, however, that the provisions of Article 2 (limited to the provisions to revise the table of contents of the River Act (limited to the part revising "Article 15" to "Article 15-2"), the provisions to revise Article 15 of the Act, the

provisions for revision in Chapter II, Section 1 of the Act to add an article following the Article, the provisions to revise Article 23 of the Act, the provisions for revision to add three articles following the Article, the provisions to revise Article 32 of the Act, the provisions to revise Article 33 (including the heading) of the Act, the provisions to revise Articles 34 through 36 and Article 38 of the Act, the provisions to revise Article 41 (including the heading) of the Act, the provisions to revise Article 75 of the Act (excluding the part adding ", tsunamis" following "floods" in paragraph (2), item (iii) of the Article), the provisions to revise Articles 76 through 79 and Article 87 of the Act, the provisions to revise Article 88 (including the heading) of the Act, the provisions to revise Articles 90 and 95 of the Act, the provisions to revise Articles 100-3, paragraph (1), item (i) of the Act (limited to the part adding ", Article 15-2, paragraph (1)" following "Article 15" and the part revising "to Article 25" to "to Article 23-3, Article 24, Article 25") and the provisions to revise Article 102 and Article 105 of the Act) and the provisions of Article 3, Article 7 (limited the part revising item (i) (a) of the section concerning the River Act (Act No. 167 of 1964) of Appended Table I of the Local Autonomy Act (Act No. 67 of 1947) by adding ", Article 15-2, paragraph (1)" following "Article 15" and the part revising "to Article 25" to "to Article 23-3, Article 24, Article 25"), Article 8, Article 9 and Articles 11 through 14 of the Supplementary Provisions come into effect as of a date specified by Cabinet Order within a period not exceeding six months from the date of promulgation.

Supplementary Provisions [Act No. 53 of June 21, 2013 Extract] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date of promulgation; provided, however, that the provisions listed in the following items come into effect as of the dates prescribed in the respective items:

(i) and (ii) omitted; and

(iii) the provisions of Article 9 of the Supplementary Provisions: the date of promulgation of this Act or the date of promulgation of the Act for Partial Revision of the Flood Prevention Act and the River Act (Act No. 35 of 2013), whichever comes later.

Supplementary Provisions [Act No. 74 of November 20, 2013]

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding two years and six months from the date of promulgation; provided, however, that the provisions listed in the following

items come into effect as of the dates prescribed in the respective items:

- (i) the provisions of the following Article (excluding paragraph (5)) and Article 3, Article 10 and Article 11 of the Supplementary Provisions: the date of promulgation;
- (ii) the provisions to revise Article 27, the provisions for revision to add a paragraph following the Article, the provisions to revise Article 103, paragraph (1) and Article 119, item (vii), and the provisions for revision to add an item following Article 120, item (v), and Article 8 and Article 9 of the Supplementary Provisions: a date specified by Cabinet Order within a period not exceeding three months from the date of promulgation; and
- (iii) the provisions to revise Article 2, paragraph (1), item (xiv) and paragraph (2), the provisions to revise Article 24-3, paragraph (1) and the proviso to Article 25, paragraph (1), and the provisions of paragraph (5) of the following Article and Article 5 of the Supplementary Provisions: April 1, 2014.

(Transitional Measures Concerning Notification of Wheeling Service Provisions)

- Article 2 (1) A general electricity utility that has obtained a license under Article 3, paragraph (1) of the Electricity Business Act prior to the revision by this Act (hereinafter referred to as the "Former Act" in this paragraph and Article 7 and Article 8 of the Supplementary Provisions) prior to the enforcement of this Act must formulate, by January 6, 2014, wheeling service provisions prescribed in Article 24-3, paragraph (1) of the Electricity Business Act revised by this Act (hereinafter referred to as the "New Act") to set rates and other supply conditions for cross-area wheeling service with respect to electricity relating to intra-area wheeling service listed in Article 2, paragraph (1), item (xiv) of the New Act (excluding intra-area wheeling service listed in Article 2, paragraph (1), item (xiv) of the Former Act; hereinafter the same applies in this paragraph) and rates and other supply conditions for intra-area wheeling service listed in Article 2, paragraph (1), item (xiv) of the New Act, and notify the Minister of Economy, Trade and Industry of the rates and conditions pursuant to provisions by Order of the Ministry of Economy, Trade and Industry. The same applies if the general electricity utility intends to revise the provisions (limited to when an order has been issued under Article 24-3, paragraph (3) of the New Act as applied mutatis mutandis pursuant to the following paragraph).
- (2) The provisions of Article 24-3, paragraph (3) of the New Act apply mutatis mutandis to wheeling service provisions of which notification was given pursuant to the preceding paragraph.
 - (3) A general electricity utility that has given notification pursuant to paragraph (1) must publicize the wheeling service provisions of which notification was

given pursuant to the paragraph, pursuant to provisions by Order of the Ministry of Economy, Trade and Industry.

- (4) Wheeling service provisions of which notification was given pursuant to paragraph (1) become effective on the date of enforcement of the provisions listed in item (iii) of the preceding Article.
- (5) Wheeling service provisions of which notification was given pursuant to paragraph (1) are deemed to be wheeling service provisions of which notification was given pursuant to Article 24-3, paragraph (1) of the New Act.

Article 3 (1) A person who violates an order issued under Article 24-3, paragraph (3) of the New Act as applied mutatis mutandis pursuant to paragraph (2) of the preceding Article is subject to a fine of not more than three million yen.

(2) A person who falls under any of the following items is subject to a fine of not more than 300,000 yen:

- (i) a person who has failed to give notification under paragraph (1) of the preceding Article or given a false notification; and
- (ii) a person who has failed to publicize necessary matters, in violation of paragraph (3) of the preceding Article.

(3) If the representative of a corporation or an agent, employee or other worker of a corporation or an individual commits the violations prescribed in the preceding two paragraphs, with regard to the business of the corporation or individual, not only the offender but also the corporation or individual is subject to the fine prescribed in the respective paragraphs.

(Transitional Measures Concerning the Notification of Wholesale Suppliers)

Article 4 (1) A person who provides a wholesale supply prior to the enforcement of this Act is not required to give notification of necessary matters set forth in Article 28-2, paragraph (1) of the New Act for three months from the date of enforcement of this Act (hereinafter referred to as the "date of enforcement"), notwithstanding the provisions of the paragraph.

(2) A person who installs electric facilities for private use for electricity generation that are electrically connected directly, or indirectly through electric lines maintained and operated by a person other than a general electricity utility, with electric lines maintained and operated by a general electricity utility and satisfy the requirements specified by Order of the Ministry of Economy, Trade and Industry under Article 28-3, paragraph (1) of the New Act prior to the enforcement of this Act is not required to give notification of necessary matters set forth in the paragraph for three months from the date of enforcement, notwithstanding the provisions of the paragraph.

(Transitional Measures Concerning Organizations for Cross-regional

Coordination of Transmission Operators)

Article 5 (1) Persons who intend to become the founders or members of the OCCTO (meaning the organization for cross-regional coordination of transmission operators prescribed in Article 28-4 of the New Act; hereinafter the same applies in this Article and Article 11, paragraph (2) and paragraph (5), item (iv) of the Supplementary Provisions) may, even prior to the date of enforcement, conduct any necessary actions for the establishment of the OCCTO including the preparation of the articles of incorporation and holding of an organizational meeting, any necessary actions for entry into the OCCTO, and any necessary acts for the operation of business in the fiscal year which includes the date of establishment of the OCCTO, pursuant to the provisions of Part II, Chapter II, Section 3 of the New Act (excluding Article 28-14 and Article 28-15).

(2) The founders of the OCCTO may apply for approval for establishment of the OCCTO and obtain approval from the Minister of Economy, Trade and Industry, pursuant to the provisions of Article 28-14 and Article 28-15 of the New Act, even prior to the date of enforcement. In this case, the approval becomes effective as of the date of enforcement.

Article 6 The provisions of Article 28-7, paragraph (2) of the New Act do not apply for six months after the enforcement of this Act to a person who uses the words "organization for cross-regional coordination of transmission operators" in its name prior to the enforcement of this Act.

(Transitional Measures Concerning Confidentiality)

Article 7 With regard to a person who was an officer or employee of an organization to support electricity transmission and distribution, etc., the obligation to refrain from disclosing to another person or misappropriating any confidential information learned during the course of duties as prescribed in Article 93, paragraph (1) of the Former Act which was applicable prior to the enforcement of this Act, remains applicable after the enforcement of this Act.

(Effect of Rulings)

Article 8 With regard to any rulings, procedures or other acts conducted pursuant to the provisions of the Former Act or any order issued thereunder, if the New Act or any order issued thereunder contains provisions corresponding to those provisions, the rulings, procedures, and acts are deemed to have been conducted under the relevant provisions of the New Act or the order issued thereunder, except those otherwise provided by the Supplementary Provisions.

(Transitional Measures Concerning the Application of Penal Provisions)

Article 9 With regard to the application of penal provisions to any acts committed prior to the enforcement of this Act (with regard to the provisions listed in Article 1, item (ii) and item (iii) of the Supplementary Provisions, those provisions; hereinafter the same applies in this Article) as well as any acts committed after the enforcement of this Act if the provisions previously in force remain applicable pursuant to the provisions of the Supplementary Provisions of this Act, the provisions previously in force remain applicable.

(Delegation to Cabinet Order)

Article 10 Beyond what is provided for in Article 2 of the Supplementary Provisions to the preceding Article, any necessary transitional measures for the enforcement of this Act (including transitional measures concerning penal provisions) are specified by Cabinet Order.

(Measures Pertaining to Fundamental Changes in Systems Concerning Electricity Business)

Article 11 (1) The government is to ensure smooth enforcement of this Act and continue to implement fundamental changes in the system concerning electricity business in stages based on the following policies, for the purposes of ensuring stable electricity supply, the maximum control of the electricity retail price and the expansion of opportunities of choice of electricity users, as well as the expansion of business opportunities for electricity business:

- (i) to implement the full liberalization of entry into electricity retail business in 2016, and submit necessary bills at the ordinary session of the Diet to be held in 2014;
- (ii) to implement measures to further strengthen the neutrality (meaning, with respect to the services for electricity transmission and distribution, etc. (as defined below), not to apply unreasonable preferential treatment or give benefit, or apply unreasonable disadvantageous treatment or cause disadvantage to any particular electric supplier; hereinafter the same applies in paragraph (3), item (i)) in the operation of services relating to the transformation, transmission, and distribution of electricity (hereinafter referred to as the "services for electricity transmission and distribution, etc." in this Article) (the measures are hereinafter referred to as the "measures to ensure neutrality" in the following paragraph and paragraph (3)) as well as the full liberalization of the electricity retail price during the period from 2018 through 2020, and aim to submit necessary bills at the ordinary session of the Diet to be held in 2015; and
- (iii) in each stage of fundamental changes in the system concerning electricity business, to fully examine the challenges in implementing changes, and implement the changes while taking necessary measures for mastering

- overcoming those challenges based on the results of the examination.
- (2) Fundamental changes in the system concerning electricity business under the preceding paragraph are to be implemented on the premise of implementing the measures to ensure neutrality by way of legal separation (meaning the measures prohibiting a person from conducting both the services for electricity transmission and distribution, etc. and electricity retail business, or from conducting both the services for electricity transmission and distribution, etc. and electricity wholesale business; hereinafter the same applies in this paragraph and the following paragraph); provided, however, that if new challenges that make it difficult to implement the legal separation have arisen during the course of consideration of implementation of the legal separation, implementation of the measures to ensure neutrality by way of functional dissociation (meaning the situation in which the OCCTO bears a part of the function relating to the services for electricity transmission and distribution, etc.) is to be considered when needed.
 - (3) The government is to take the following measures when implementing the measures to ensure neutrality by way of legal separation; in this case, the measures listed in item (ii) are to be taken based on developments in financial markets:
 - (i) regulations concerning the concurrent holding of positions by officers of the person who conducts services for electricity transmission and distribution, etc. and any other regulatory measures required to be taken in conjunction with legal separation for the purpose of further strengthening neutrality in the operation of services for electricity transmission and distribution, etc.;
 - (ii) transitional measures to grant bondholders for a company conducting electricity business the right to receive payment of their claims from the company's property in preference to other creditors, transitional measures concerning regulatory measures under the preceding item, and any other measures not to hinder the procurement of funds required for ensuring a stable supply of electricity; and
 - (iii) measures required for ensuring a stable supply of electricity to be made by persons who conduct services for electricity transmission and distribution, etc. and persons who conduct electricity wholesale business in mutual cooperation.
 - (4) If it is determined to implement the full liberalization of the electricity retail price during the period from 2018 to 2020 and it appears that the implementation during that period would harm the interest of electricity users due to fair competition not being ensured among persons who conduct electricity retail business or any other reason, the timing of the implementation is to be reviewed.
 - (5) The government is to review the following measures, upon submitting bills

prescribed in paragraph (1), items (i) and (ii) to the Diet, and take necessary measures based on the review results:

- (i) measures to have persons who conduct services for electricity transmission and distribution, etc. do the following items:
 - (a) to guarantee electricity supply from persons who conduct electricity retail business to those who cannot receive a supply of electricity; and
 - (b) to conduct services for electricity transmission and distribution, etc. in an integrated way in the area where they provide the services for electricity transmission and distribution, etc., and maintain the voltage value and frequency value of the electricity that they supply at a certain level;
- (ii) measures to enable persons who conduct services for electricity transmission and distribution, etc. to recover the costs of installation of electric facilities for the transmission of electricity and any other costs of the services for electricity transmission and distribution, etc. in an appropriate manner;
- (iii) measures to have persons who conduct electricity retail business ensure supply capabilities required for ensuring a stable supply of electricity in the business;
- (iv) measures to have the OCCTO provide services for promoting installation of electric facilities for the generation of electricity;
- (v) the full liberalization of entry into electricity wholesale business and the full liberalization of electricity wholesale prices;
- (vi) measures to improve and strengthen information provision relating to fundamental changes in the system concerning electricity business, measures to promote the introduction of smart meters (meaning electricity meters that have the function to contribute to efficient business operation of persons who conduct electricity retail business and establishment of various rates and other supply conditions relating to electricity retail, as well as to reduction of electricity use), measures to increase electricity trade volume at electric power exchanges (meaning persons who have established a market necessary for wholesale trading of electricity), and measures to secure development of the system relating to electricity derivatives trading and otherwise secure fair competition among persons who conduct electricity retail business or persons who conduct electricity wholesale business;
- (vii) measures to improve competitive conditions for a person who conducts electricity retail business or electricity wholesale business if the competitive conditions have significantly worsened or it is obvious that the conditions will significantly worsen along with changes in energy policy, including nuclear energy policy, and any other significant changes in situations relating to energy;
- (viii) measures to enable electricity users in isolated islands to receive a supply

of electricity at the same level of price as the price available in areas other than isolated islands and measures to secure stable electricity supply in isolated islands; and

- (ix) beyond what is listed in the preceding items, measures based on the particularities of electricity business in Okinawa.
- (6) The government is to further strengthen the functions of supervision of electricity business, as well as review a desirable structure of administrative organizations in charge of regulations of electricity business in order to take all possible measures to ensure ensuring a stable supply of electricity, and transfer the organizations to new administrative organizations with independence and a high level of expertise in 2015.

Supplementary Provisions [Act No. 72 of 2014 Extract] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of a date specified by Cabinet Order within a period not exceeding two years and six months from the date of promulgation; provided, however, that the provisions listed in the following items come into effect as of the dates prescribed in the respective items:

- (i) the provisions of Articles 9 through 11, Article 20, Article 22 (limited to the part concerning Article 20, paragraph (1) of the Supplementary Provisions), Article 27, Article 29 (limited to the part concerning item (i)), Article 30 (excluding items (iv) through (vi)), Article 31 (limited to the part concerning Article 29, item (i) and Article 30 (excluding items (iv) through (vi)) of the Supplementary Provisions), and Article 40 of the Supplementary Provisions: the date of promulgation;
- (ii) the provisions of Articles 6, 7, and 59 of the Supplementary Provisions: a date specified by Cabinet Order within a period not exceeding two years from the date of promulgation;
- (iii) the provisions of Article 63 of the Supplementary Provisions: the date of enforcement of the Act for Partial Revision of the Electricity Business Act (Act No. 74 of 2013);
- (iv) the provisions of Article 25-10, paragraph (4) of the Supplementary Provisions: the date of promulgation of the Act for Partial Revision of the Electricity Business Act. (Act No. 47 of 2015); and
- (v) the provisions of Article 25-4, Article 25-5 (limited to the part concerning Article 9, paragraphs (1) and (4), Article 10, paragraphs (2) and (4), Article 11, paragraphs (2) and (4), and Article 20, paragraphs (1) and (4) of the Supplementary Provisions), and Articles 25-8 and 25-9 of the Supplementary Provisions: the date of enforcement of the provisions set forth in Article 1, item (ii) of the Supplementary Provisions of the Act for Partial Revision of

the Electricity Business Act.

(Transitional Measures Concerning Registration of Electricity Retail)

Article 2 (1) A general electricity utility that has obtained a license under Article 3, paragraph (1) of the Electricity Business Act prior to the revision by Article 1 (hereinafter referred to as the "Former Electricity Business Act"), prior to the enforcement of this Act, (hereinafter referred to as a "former general electricity utility") is deemed to have obtained registration under Article 2-2 of the Electricity Business Act revised by Article 1 (hereinafter referred to as the "New Electricity Business Act") for electricity retail (meaning electricity retail prescribed in Article 2, paragraph (1), item (ii) of the New Electricity Business Act; the same applies in Article 6, paragraph (1) of the Supplementary Provisions) and a license under Article 3 of the New Electricity Business Act for General Electricity Transmission and Distribution (meaning general electricity transmission and distribution prescribed in Article 2, paragraph (1), item (viii) of the New Electricity Business Act; the same applies in Article 11, paragraph (1) of the Supplementary Provisions) as of the date of enforcement of this Act (hereinafter referred to as the "date of enforcement"), and a former general electricity utility that is required to give notification pursuant to Article 27-27, paragraph (1) of the New Electricity Business Act is deemed to have given the notification under Article 27-27, paragraph (1) of the New Electricity Business Act for electricity generation (meaning the electricity generation prescribed in Article 2, paragraph (1), item (xiv) of the New Electricity Business Act; the same applies in paragraph (1) of the following Article and Article 4, paragraph (1) and Article 8 of the Supplementary Provisions) as of the date of enforcement. In this case, the provisions of Article 2-4, paragraph (2) and Article 6 of the New Electricity Business Act do not apply.

(2) A person who is deemed to have obtained registration under Article 2-2 of the New Electricity Business Act pursuant to the provisions of the preceding paragraph (hereinafter referred to as an "equivalent electricity retailer") must submit a document stating the matters set forth in the items of Article 2-3, paragraph (1) of the New Electricity Business Act and the documents prescribed in paragraph (2) of the Article to the Minister of Economy, Trade and Industry within one month from the date of enforcement.

(3) When documents under the preceding paragraph have been submitted, the Minister of Economy, Trade and Industry is to register the matters set forth in the items (excluding item (v)) of Article 2-3, paragraph (1) of the New Electricity Business Act that are stated in the documents and the matter set forth in Article 2-4, paragraph (1), item (ii) of the New Electricity Business Act in the Registry of Electricity Retailers (meaning the registry of electricity

retailers prescribed in the paragraph).

- (4) An application for a license filed under Article 3, paragraph (1) of the Former Electricity Business Act for general electricity business (meaning general electricity business prescribed in Article 2, paragraph (1), item (i) of the Former Electricity Business Act; hereinafter the same applies in this Article and Article 11, paragraph (1) of the Supplementary Provisions) prior to the enforcement of this Act is deemed to be an application for registration filed under Article 2-2 of the New Electricity Business Act and an application for a license filed under Article 3 of the New Electricity Business Act, and an application for a license filed under Article 3, paragraph (1) of the Former Electricity Business Act for general electricity business prior to the enforcement of this Act which relates to a person who is required to give notification pursuant to Article 27-27, paragraph (1) of the New Electricity Business Act is deemed to be notification that has been given pursuant to the paragraph.
- (5) A person who has filed an application for a license under Article 3, paragraph (1) of the Former Electricity Business Act for general electricity business that is deemed to be an application for registration filed under Article 2-2 of the New Electricity Business Act pursuant to the provisions of the preceding paragraph must submit a document stating the matters set forth in the items of Article 2-3, paragraph (1) of the New Electricity Business Act and the documents prescribed in paragraph (2) of the Article to the Minister of Economy, Trade and Industry within one month from the date of enforcement.

Article 3 (1) A wholesale electricity utility that has obtained a license under Article 3, paragraph (1) of the Former Electricity Business Act (hereinafter referred to as a "former wholesale electricity utility") prior to the enforcement of this Act and is required to obtain a license pursuant to Article 27-4 of the New Electricity Business Act is deemed to have obtained a license under Article 27-4 of the New Electricity Business Act for electricity transmission (meaning electricity transmission prescribed in Article 2, paragraph (1), item (x) of the New Electricity Business Act; the same applies in Article 13 of the Supplementary Provisions) as of the date of enforcement, and a former wholesale electricity utility who is required to give notification pursuant to Article 27-27, paragraph (1) of the New Electricity Business Act is deemed to have given notification under the paragraph for electricity generation as of the date of enforcement. In this case, the provisions of Article 27-7 of the New Electricity Business Act do not apply.

- (2) An application for a license filed under Article 3, paragraph (1) of the Former Electricity Business Act for wholesale electricity business (meaning wholesale electricity business prescribed in Article 2, paragraph (1), item (iii) of the

Former Electricity Business Act; hereinafter the same applies in this paragraph) prior to the enforcement of this Act which relates to a person who is required to obtain a license pursuant to Article 27-4 of the New Electricity Business Act is deemed to be an application for a license filed under the Article, and an application for a license filed under Article 3, paragraph (1) of the Former Electricity Business Act for wholesale electricity business prior to the enforcement of this Act which relates to a person who is required to give notification pursuant to Article 27-27, paragraph (1) of the New Electricity Business Act is deemed to be notification that has been given pursuant to the paragraph.

Article 4 (1) A specified electricity utility that has obtained a license under Article 3, paragraph (1) of the Former Electricity Business Act prior to the enforcement of this Act (hereinafter referred to as a "former specified electricity utility") is deemed to have given notification under Article 27-13, paragraph (1) of the New Electricity Business Act for specified electricity transmission and distribution (meaning specified electricity transmission and distribution prescribed in Article 2, paragraph (1), item (xii) of the New Electricity Business Act; the same applies in the following Article) and have obtained registration under Article 27-15 of the New Electricity Business Act for providing retail service (meaning retail service prescribed in Article 2, paragraph (1), item (i) of the New Electricity Business Act; the same applies in Article 11, paragraph (2), item (i) and the items of Article 16, paragraph (1) of the Supplementary Provisions) as of the date of enforcement, and a former specified electricity utility who is required to give notification pursuant to Article 27-27, paragraph (1) of the New Electricity Business Act is deemed to have given notification under the paragraph for electricity generation as of the date of enforcement. In this case, the provisions of Article 27-13, paragraphs (3) through (6) and Article 27-17, paragraph (2) of the New Electricity Business Act do not apply.

(2) A person who is deemed to have given notification under Article 27-13, paragraph (1) of the New Electricity Business Act and have obtained registration under Article 27-15 of the New Electricity Business Act pursuant to provisions of the preceding paragraph (hereinafter referred to as a "deemed registered specified electricity transmission and distribution utility") must submit a document stating the matters set forth in the items of Article 27-16, paragraph (1) of the New Electricity Business Act and the documents prescribed in paragraph (2) of the Article to the Minister of Economy, Trade and Industry within one month from the date of enforcement.

(3) When documents under the preceding paragraph have been submitted, the Minister of Economy, Trade and Industry is to register the matters set forth in

the items (excluding item (vi)) of Article 27-16, paragraph (1) of the New Electricity Business Act that are stated in the documents and the matter set forth in Article 27-17, paragraph (1), item (ii) of the New Electricity Business Act in the registry of specified electricity transmission and distribution utilities providing retail services (meaning the registry of specified electricity transmission and distribution utilities providing retail services prescribed in the paragraph).

- (4) An application for a license filed under Article 3, paragraph (1) of the Former Electricity Business Act for specified electricity business (meaning specified electricity business prescribed in Article 2, paragraph (1), item (v) of the Former Electricity Business Act; hereinafter the same applies in this Article) prior to the enforcement of this Act is deemed to be notification that has been given pursuant to Article 27-13, paragraph (1) of the New Electricity Business Act and an application for registration filed under Article 27-15 of the New Electricity Business Act, and an application for a license filed under Article 3, paragraph (1) of the Former Electricity Business Act for specified electricity business prior to the enforcement of this Act which relates to a person who is required to give notification pursuant to Article 27-27, paragraph (1) of the New Electricity Business Act is deemed to be notification that has been given pursuant to the paragraph.
- (5) A person who has filed an application for a license under Article 3, paragraph (1) of the Former Electricity Business Act for specified electricity business that is deemed to be an application for registration filed under Article 27-15 of the New Electricity Business Act pursuant to the provisions of the preceding paragraph must submit a document stating the matters set forth in the items of Article 27-16, paragraph (1) of the New Electricity Business Act and the documents prescribed in paragraph (2) of the Article to the Minister of Economy, Trade and Industry within one month from the date of enforcement.

Article 5 (1) If notification under Article 16-3, paragraph (1) of the Former Electricity Business Act has been given prior to the enforcement of this Act, it is deemed that notification under Article 27-13, paragraph (1) of the New Electricity Business Act has been given.

- (2) A person who is deemed to have given notification under Article 27-13, paragraph (1) of the New Electricity Business Act pursuant to the provisions of the preceding paragraph must submit a document stating the matters set forth in the items of the paragraph and the documents prescribed in paragraph (2) of the Article to the Minister of Economy, Trade and Industry within one month from the date of enforcement.
- (3) If a person has received, pursuant to Article 16-3, paragraph (4) of the Former Electricity Business Act, measures to shorten the period of restricting

specified-scale electricity business (meaning specified-scale electricity business prescribed in Article 2, paragraph (1), item (vii) of the Former Electricity Business Act; the same applies in this Article and Article 7, paragraph (1) of the Supplementary Provisions) conducted via electric lines to which the notification under Article 16-3, paragraph (1) of the Former Electricity Business Act pertained, prior to the enforcement of this Act, it is deemed, after the enforcement of this Act, that the person has received, pursuant to Article 27-13, paragraph (4) of the New Electricity Business Act, measures to shorten the period of restricting use of the electric lines for specified electricity transmission and distribution.

- (4) If a person has been ordered, pursuant to Article 16-3, paragraph (5) of the Former Electricity Business Act, to change the content of notification under paragraph (1) of the Article or suspend its performance of the business to which the notification pertained prior to the enforcement of this Act, it is deemed, after the enforcement of this Act, that the person has been ordered, pursuant to Article 27-13, paragraph (5) of the New Electricity Business Act, to change the content of notification under paragraph (1) of the Article or suspend its performance of the business to which the notification pertained.
- (5) If a person has received, pursuant to Article 16-3, paragraph (6) of the Former Electricity Business Act, measures to extend the period of restricting specified-scale electricity business conducted via the electric lines to which the notification under paragraph (1) of the Article pertained, prior to the enforcement of this Act, it is deemed, after the enforcement of this Act, that the person has received, pursuant to Article 27-13, paragraph (6) of the New Electricity Business Act, measures to extend the period of restricting use of the electric lines for specified electricity transmission and distribution.
- (6) If a person has been notified, pursuant to Article 16-3, paragraph (6) of the Former Electricity Business Act, of the extended period and the reason for extension of the period of restricting specified-scale electricity business conducted via the electric lines to which the notification under paragraph (1) of the Article pertained, prior to the enforcement of this Act, it is deemed, after the enforcement of this Act, that the person has been notified, pursuant to Article 27-13, paragraph (6) of the New Electricity Business Act, of the extended period and the reason for extension of the period of restricting use of the electric lines for specified electricity transmission and distribution.

Article 6 (1) A person who intends to conduct electricity retail by being registered under Article 2-2 of the New Electricity Business Act may file an application for the registration pursuant to the provisions of Article 2-3 of the New Electricity Business Act, even prior to the date of enforcement.

- (2) If an application for registration has been filed pursuant to the provisions of

the preceding paragraph, the Minister of Economy, Trade and Industry may, even prior to the date of enforcement, make the registration pursuant to the provisions of Articles 2-2 to 2-5, Article 2-11, Article 66-10, and Article 114, paragraph (4) of the New Electricity Business Act. In this case, the registered person is deemed to have been registered under Article 2-2 of the New Electricity Business Act as of the date of enforcement.

- (3) A person who intends to file an application for registration under Article 2-2 of the New Electricity Business Act pursuant to paragraph (1) must undertake procedures to join the OCCTO (meaning the OCCTO prescribed in Article 28-4 of the New Electricity Business Act; the same applies in the following paragraph and Article 8, paragraphs (6) and (7) of the Supplementary Provisions) prior to its application for the registration; provided, however, that this does not apply when the person is a member of the OCCTO (meaning the OCCTO prescribed in Article 28-4 of the Former Electricity Business Act).
- (4) A person who has undertaken procedures to join the OCCTO pursuant to the provisions of the preceding paragraph becomes a member of the OCCTO when the registration under Article 2-2 of the New Electricity Business Act has been obtained.

Article 7 (1) A person who has conducted specified-scale electricity business via the electric lines that it independently maintains and operates by being registered under Article 16-3, paragraph (1) of the Former Electricity Business Act prior to the date of enforcement and who intends to be registered under Article 27-15 of the New Electricity Business Act may, even prior to the date of enforcement, file an application for the registration pursuant to the provisions of Article 27-16 of the New Electricity Business Act.

- (2) If an application for registration has been filed pursuant to the provisions of the preceding paragraph, the Minister of Economy, Trade and Industry may, even prior to the date of enforcement, make the registration pursuant to the provisions of Articles 27-15 through 27-18, Article 27-23, Article 66-10, and Article 114, paragraph (4) of the New Electricity Business Act. In this case, the registered person is deemed to have been registered under Article 27-15 of the New Electricity Business Act as of the date of enforcement.

Article 8 (1) A person who conducts business that is to newly become electricity generation pursuant to Article 2, paragraph (1), item (xiv) of the New Electricity Business Act (excluding a person who is a former general electricity utility, former wholesale electricity utility, or former specified electricity utility who is required to give notification pursuant to Article 27-27, paragraph (1) of the New Electricity Business Act; hereinafter referred to as a "provisional electricity generation utility") may continue to conduct the

- business for three months from the date of enforcement, notwithstanding the provisions of Article 27-27, paragraph (1) of the New Electricity Business Act.
- (2) In the case of continuing to conduct business that is to newly become electricity generation pursuant to the provisions of the preceding paragraph, the provisions of Article 27-28 of the New Electricity Business Act, Article 27, paragraph (1) of the New Electricity Business Act as applied mutatis mutandis pursuant to Article 27-29 of the New Electricity Business Act, and Article 31, paragraphs (1) and (5), Article 32, Article 33, Article 106, paragraph (3), and Article 107, paragraph (2) of the New Electricity Business Act (including penal provisions pertaining to these provisions) apply by deeming a provisional electricity generation utility to be an electricity generation utility (meaning the electricity generation utility prescribed in Article 2, paragraph (1), item (xv) of the New Electricity Business Act).
- (3) A provisional electricity generation utility must notify the Minister of Economy, Trade and Industry of the following matters pursuant to provisions by Order of the Ministry of Economy, Trade and Industry within three months from the date of enforcement:
- (i) the name and address of the provisional gas manufacturer, as well as the name of the representative if the provisional gas manufacturer is a corporation;
 - (ii) the names and locations of the principal business office and any other business office of the provisional gas manufacturer;
 - (iii) the site where electric facilities for generation of electricity used for electricity generation are installed, the type of motive power, frequency, and output capacity;
 - (iv) the date of commencement of business; and
 - (v) other matters specified by Order of the Ministry of Economy, Trade and Industry.
- (4) The provisions of Article 27-27, paragraph (2) of the New Electricity Business Act apply mutatis mutandis to notification under the preceding paragraph.
- (5) Notification given pursuant to paragraph (3) is deemed to be notification given pursuant to Article 27-27, paragraph (1) of the New Electricity Business Act.
- (6) A provisional electricity generation utility must undertake procedures to join the OCCTO prior to giving notification under paragraph (3); provided, however, that this does not apply when the person is a member of the OCCTO.
- (7) A provisional electricity generation utility who has undertaken procedures to join the OCCTO pursuant to the preceding paragraph becomes a member of the OCCTO when the notification under paragraph (3) has been accepted.

(Transitional Measures Concerning Application for Approval of General

Provisions for Wheeling Services)

- Article 9 (1) A general electricity utility that has obtained a license under Article 3, paragraph (1) of the Former Electricity Business Act prior to the promulgation of this Act (hereinafter simply referred to as a "general electricity utility" in this Article to Article 11 of the Supplementary Provisions and Article 20 of the Supplementary Provisions) must formulate general provisions for Wheeling Service, etc. (meaning the general provisions for wheeling service, etc. prescribed in Article 18, paragraph (1) of the New Electricity Business Act; hereinafter the same applies in this Article) pursuant to provisions by Order of the Ministry of Economy, Trade and Industry, and notify the Minister of Economy, Trade and Industry of the general provisions pursuant to provisions by Order of the Ministry of Economy, Trade and Industry by a date specified by Cabinet Order within a period not exceeding two years from the date of promulgation.
- (2) If the Minister of Economy, Trade and Industry finds that the application for the approval under the preceding paragraph conforms to all of the following items, the minister must grant approval under the paragraph:
- (i) the rates consist of fair costs incurred as a result of efficient management and fair profits;
 - (ii) it is unlikely that the recipients of electricity supply under the general provisions for wheeling service, etc. to which the application for approval under the preceding paragraph pertained would experience any serious difficulty in receiving the wheeling service, etc. (meaning the wheeling service, etc. prescribed in Article 18, paragraph (1) of the New Electricity Business Act; the same applies in paragraph (4));
 - (iii) the means of calculation of rates is specified appropriately and clearly;
 - (iv) the responsibilities of the general electricity utility and the recipients of electricity supply under the general provisions for wheeling service, etc. to which the application for approval under the preceding paragraph pertained, as well as the means of sharing expenses between them for electricity meters and works, are provided for appropriately and clearly;
 - (v) certain persons are not treated in an unfair and discriminatory manner; and
 - (vi) beyond what is listed in the preceding items, the rates and conditions do not hinder the promotion of public interest.
- (3) A general electricity utility that has obtained approval under paragraph (1) must publicize the general provisions for wheeling service, etc. that were approved under the paragraph, pursuant to provisions by Order of the Ministry of Economy, Trade and Industry.
- (4) If there are special circumstances that make it difficult for a general electricity utility that has obtained approval under paragraph (1) to provide a

wheeling service, etc. under the general provisions for wheeling service, etc. that were approved under the paragraph, and the general electricity utility intends to provide a wheeling service, etc. at rates and other supply conditions prescribed in the proviso to Article 18, paragraph (2) of the New Electricity Business Act, the general electricity utility may obtain the approval of the Minister of Economy, Trade and Industry with regard to the rates and other supply conditions, even prior to the date of enforcement.

- (5) General provisions for wheeling service, etc. that were approved under paragraph (1) and rates and other supply conditions that were approved under the preceding paragraph become effective on the date of enforcement.
- (6) General provisions for wheeling service, etc. that were approved under paragraph (1) are deemed to be general provisions for wheeling service, etc. that were approved under Article 18, paragraph (1) of the New Electricity Business Act, and rates and other supply conditions that were approved under paragraph (4) are deemed to be rates and other supply conditions that were approved under the proviso to paragraph (2) of the Article.

(Transitional Measures Concerning Notification of General Provisions
Pertaining to Last Resort Services)

Article 10 (1) A general electricity utility must formulate general provisions prescribed in Article 20, paragraph (1) of the New Electricity Business Act and notify the Minister of Economy, Trade and Industry of the general provisions pursuant to provisions by Order of the Ministry of Economy, Trade and Industry by a date specified by Cabinet Order within a period not exceeding two years from the date of promulgation. The same applies if the general electricity utility intends to revise the general provisions (limited to when an order has been issued under the following paragraph).

- (2) If the Minister of Economy, Trade and Industry finds that the general provisions of which notification was given under the preceding paragraph fail to fall under any of the following items, the minister may order the general electricity utility to revise the general provisions, within a reasonable time limit set by the minister:
- (i) the rates are clearly set as fixed rates or fixed amounts by type of supply;
 - (ii) the responsibilities of the general electricity utility and electricity users, as well as the means of sharing expenses between them for electricity meters and other instruments, and for wiring and other works, are provided for appropriately and clearly;
 - (iii) certain persons are not treated in an unfair and discriminatory manner;
and
 - (iv) the rates and conditions are not particularly inappropriate in light of social and economic circumstances or likely to be significantly harmful to the

- interest of recipients of electricity supply under the general provisions.
- (3) A general electricity utility that has given notification under paragraph (1) must publicize the general provisions of which notification was given under the paragraph, pursuant to provisions by Order of the Ministry of Economy, Trade and Industry.
- (4) If there are special circumstances that make it difficult for a general electricity utility that has given notification under paragraph (1) to provide a last resort service (meaning the last resort service prescribed in Article 2, paragraph (1), item (viii), (a) of the New Electricity Business Act) under the general provisions of which notification was given under paragraph (1), and the general electricity utility intends to provide a last resort service at rates and other supply conditions prescribed in the proviso to Article 20, paragraph (2) of the New Electricity Business Act, the general electricity utility may obtain the approval of the Minister of Economy, Trade and Industry with regard to the rates and other supply conditions, even prior to the date of enforcement.
- (5) General provisions of which notification was given under paragraph (1) and rates and other supply conditions that were approved under the preceding paragraph become effective on the date of enforcement.
- (6) General provisions of which notification was given under paragraph (1) are deemed to be general provisions of which notification was given under Article 20, paragraph (1) of the New Electricity Business Act, and rates and other supply conditions that were approved under paragraph (4) are deemed to be rates and other supply conditions that were approved under the proviso to paragraph (2) of the Article.

(Transitional Measures Concerning Notification of General Provisions
Pertaining to Isolated Island Services)

Article 11 (1) A general electricity utility that has an isolated island (meaning an island which falls under the category of the isolated island prescribed in Article 2, paragraph (1), item (viii), (a) of the New Electricity Business Act if general electricity business conducted by the general electricity utility is deemed to be general electricity transmission and distribution; the same applies in item (i) of the following paragraph) within its service area must formulate general provisions prescribed in Article 21, paragraph (1) of the New Electricity Business Act, and notify the Minister of Economy, Trade and Industry of the general provisions pursuant to provisions by Order of the Ministry of Economy, Trade and Industry by a date specified by Cabinet Order within a period not exceeding two years from the date of promulgation. The same applies if the general electricity utility intends to revise the general provisions (limited to when an order has been issued under the following paragraph).

- (2) If the Minister of Economy, Trade and Industry finds that the general provisions of which notification was given under the preceding paragraph fail to fall under any of the following items, the minister may order the general electricity utility to revise the general provisions, within a reasonable time limit set by the minister:
- (i) the standard of rates is around the same level as the standard of rates of the retail service expected to be provided by electricity retailers (meaning the electricity retailers prescribed in Article 2, paragraph (1), item (iii) of the New Electricity Business Act; the same applies in Article 23, paragraph (4) of the Supplementary Provisions) in the service area (excluding an isolated island);
 - (ii) the rates are clearly set as fixed rates or fixed amounts by type of supply;
 - (iii) the responsibilities of the general electricity utility and electricity users, as well as the means of sharing expenses between them for electricity meters and other instruments and for wiring and other works, are provided for appropriately and clearly;
 - (iv) certain persons are not treated in an unfair and discriminatory manner; and
 - (v) the supply conditions other than the rates are not particularly inappropriate in light of social and economic circumstances or likely to be significantly harmful to the interest of recipients of electricity supply under the general provisions.
- (3) A general electricity utility that has given notification under paragraph (1) must publicize the general provisions of which notification was given under the paragraph, pursuant to provisions by Order of the Ministry of Economy, Trade and Industry.
- (4) If there are special circumstances that make it difficult for a general electricity utility that has given notification under paragraph (1) to provide an isolated island service (meaning the isolated island service prescribed in Article 2, paragraph (1), item (viii), (b) of the New Electricity Business Act) under the general provisions of which notification was given under paragraph (1), and the general electricity utility intends to provide an isolated island service at rates and other supply conditions prescribed in the proviso to Article 21, paragraph (2) of the New Electricity Business Act, the general electricity utility may obtain the approval of the Minister of Economy, Trade and Industry with regard to the rates and other supply conditions, even prior to the date of enforcement.
- (5) General provisions of which notification was given under paragraph (1) and rates and other supply conditions that were approved under the preceding paragraph become effective on the date of enforcement.
- (6) General provisions of which notification was given under paragraph (1) are

deemed to be general provisions of which notification was given under Article 21, paragraph (1) of the New Electricity Business Act, and rates and other supply conditions that were approved under paragraph (4) are deemed to be rates and other supply conditions that were approved under the proviso to paragraph (2) of the Article.

(Transitional Measures Concerning Supplying Electricity via Electric Lines
Installed outside the Service Area of a Former General Electricity Utility)

Article 12 (1) The provisions of Article 24, paragraph (1) of the New Electricity Business Act do not apply to electricity supply which has been provided by a former general electricity utility via electric lines that the utility independently maintains and operates in an area outside the service area referred to in Article 6, paragraph (2), item (iii) of the Former Electricity Business Act pertaining to the former general electricity utility prior to the enforcement of this Act, and which falls under the category of electricity supply for which a license under Article 24, paragraph (1) of the New Electricity Business Act is required to be obtained.

(2) The business of providing electricity supply prescribed in the preceding paragraph is deemed to be the business prescribed in item (iii) of Article 2, paragraph (2) of the New Electricity Business Act, with regard to application of the provisions of the paragraph.

(Transitional Measures Concerning Rates and Other Supply Conditions

Relating to Notification under the main clause of Article 24-4, Paragraph (1)
of the Former Electricity Business Act)

Article 13 Rates and other supply conditions of which notification has been given pursuant to the main clause of Article 24-4, paragraph (1) of the Former Electricity Business Act (including when applied mutatis mutandis pursuant to paragraph (2) of the Article) prior to the enforcement of this Act and which relate to a person who is deemed to have obtained a license under Article 27-4 of the New Electricity Business Act for Electricity Transmission pursuant to Article 3, paragraph (1) of the Supplementary Provisions are deemed to be rates and other supply conditions of which notification has been given pursuant to the first sentence of Article 27-11 of the New Electricity Business Act.

(Transitional Measures Concerning Bondholders Who Hold Bonds Issued by a
Company Which Is a Former General Electricity Utility)

Article 14 With regard to bondholders who hold bonds (excluding the short-term bonds prescribed in Article 66, item (i) of the Act on Book-Entry Transfer of Corporate Bonds and Shares (Act No. 75 of 2001); hereinafter the same applies

in this Article) issued prior to the date of enforcement by a company which is a former general electricity utility, the provisions of Article 66 apply by deeming them as bondholders who hold bonds issued by a company conducting multiple businesses (meaning the company conducting multiple businesses prescribed in Article 27-30, paragraph (1) of the New Electricity Business Act).

(Transitional Measures Concerning Specified Services by a Former General Electricity Utility)

Article 15 The provisions of Article 27-31, paragraph (1) of the New Electricity Business Act do not apply to the business of providing a cross-area wheeling service (meaning the cross-area wheeling service prescribed in Article 2, paragraph (1), item (iv) of the New Electricity Business Act) to a person who maintains and operates electric facilities for generation of electricity which has been provided prior to the enforcement of this Act and for which a license under Article 27-31, paragraph (1) of the New Electricity Business Act is required to be obtained.

(Obligation to Supply Equivalent Electricity Retailers)

Article 16 (1) Until otherwise provided for by law, an equivalent electricity retailer must not refuse to supply electricity for guaranteeing electricity supply to meet general demand (excluding demand at former service points (meaning the former service points prescribed in Article 23, paragraph (1) of the Supplementary Provisions) where a deemed registered specified electricity transmission and distribution utility commenced a special retail service (meaning the special retail service prescribed in Article 23, paragraph (1) of the Supplementary Provisions) and specified-scale demand (meaning the specified-scale demand prescribed in Article 2, paragraph (1), item (vii) of the Former Electricity Business Act)) other than the following (referred to as "specified demand" in paragraph (2) of the following Article) (this supplying of electricity is hereinafter referred to as a "specified retail service") in the service area referred to in Article 6, paragraph (2), item (iii) of the Former Electricity Business Act (excluding an isolated island (meaning the isolated island prescribed in Article 2, paragraph (1), item (viii), (a) of the New Electricity Business Act); referred to as the "former service area" in the following Article and Article 22 and Article 26, paragraph (1) of the Supplementary Provisions) pertaining to the equivalent electricity retailer without justifiable grounds:

- (i) demand from users who receive a retail service from the equivalent electricity retailer under the following rates and other supply conditions:
 - (a) rates and other supply conditions negotiated and agreed upon with the equivalent electricity retailer;

- (b) rates and other supply conditions equivalent to those set under optional supply provisions of which notification has been given pursuant to Article 19, paragraph (12) of the Former Electricity Business Act prior to the enforcement of this Act; and
 - (c) rates and other supply conditions equivalent to those that have been approved under the proviso to Article 21, paragraph (1) of the Former Electricity Business Act (referred to as "former approved supply conditions" in Article 19 and Article 20, paragraph (7) of the Supplementary Provisions) prior to the enforcement of this Act and that have not been approved under Article 19 of the Supplementary Provisions;
 - (ii) demand from users who receive a retail service from a person other than the equivalent electricity retailer.
- (2) The provisions of Articles 2-13 and 2-14 of the New Electricity Business Act do not apply to a specified retail service provided by an equivalent electricity retailer.
- (3) With regard to an equivalent electricity retailer, the provisions of Articles 7, 10, 11, and 14, Article 15, paragraphs (1), (2), and (5), Article 16, paragraphs (1), (3), and (5), Article 19, paragraphs (3) through (10), Article 20, Article 21, paragraph (1), Article 23, paragraphs (1) and (3), Articles 34, 34-2, 36, 66-11, and 110, and Article 114, paragraph (4) of the Former Electricity Business Act (including penal provisions pertaining to these provisions) remain applicable while the equivalent electricity retailer bears the obligation under paragraph (1). In this case, the necessary technical replacement of terms is specified by Cabinet Order.
- (4) With regard to application of the provisions of Article 2, paragraph (1), item (viii), (a) of the New Electricity Business Act, the phrase "demand (excluding" in (a) of the item is deemed to be replaced with "demand (excluding specified demand (meaning the specified demand prescribed in Article 16, paragraph (1) of the Supplementary Provisions of the Act for Partial Revision of the Electricity Business Act (Act No. 72 of 2014)) and" while the equivalent electricity retailer bears the obligation under paragraph (1).

(Change of Former Service Area)

- Article 17 (1) If an equivalent electricity retailer intends to change its former service area, it must obtain permission from the Minister of Economy, Trade and Industry.
- (2) The Minister of Economy, Trade and Industry must not grant permission under the preceding paragraph unless the minister finds that the application for the permission under the paragraph conforms to all of the following items:
- (i) the commencement of the specified retail service corresponds to specified demand;

- (ii) the applicant has a sufficient financial basis to perform the specified retail service competently;
 - (iii) the specified retail service is based on a reliable plan; and
 - (iv) the applicant is able to ensure the supply capability required for meeting the specified demand.
- (3) An equivalent electricity retailer must commence the specified retail service to which the change pertained within a period designated by the Minister of Economy, Trade and Industry not exceeding ten years from the day when the equivalent electricity retailer obtained permission under paragraph (1) (excluding permission in relation to the reduction of the former service area; the same applies in paragraph (vi)).
- (4) If the Minister of Economy, Trade and Industry finds it particularly necessary, the minister may designate the period set forth in the preceding paragraph by category of former service area.
- (5) When the Minister of Economy, Trade and Industry receives an application from an equivalent electricity retailer, and finds justifiable grounds, the minister may extend the period designated under paragraph (3).
- (6) When an equivalent electricity retailer that has obtained permission under paragraph (1) commences a specified retail service (if the designation set forth in paragraph (3) has been made by category of former service area pursuant to paragraph (4), the specified retail service corresponding to the category), it must notify the Minister of Economy, Trade and Industry to that effect without delay.

(General Provisions for Specified Retail Service of an Equivalent Electricity Retailer)

- Article 18 (1) An equivalent electricity retailer must formulate general provisions for specified retail service to set rates and other supply conditions for a specified retail service and obtain approval of the general provisions from the Minister of Economy, Trade and Industry, pursuant to provisions by Order of the Ministry of Economy, Trade and Industry, while it bears the obligation under Article 16, paragraph (1) of the Supplementary Provisions. The same applies if an equivalent electricity retailer intends to revise the general provisions.
- (2) If the Minister of Economy, Trade and Industry finds that the application for the approval under the preceding paragraph conforms to all of the following items, the minister must grant approval under the paragraph:
- (i) the rates consist of fair costs incurred as a result of efficient management and fair profits;
 - (ii) the rates are clearly set as fixed rates or fixed amounts by type of supply;
 - (iii) the responsibilities of the equivalent electricity retailer and electricity

users, as well as the means of sharing expenses between them for electricity meters and other instruments and for wiring and other works, are provided for appropriately and clearly; and

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

(3) General supply provisions which have been approved under Article 19, paragraph (1) of the Former Electricity Business Act or of which notification has been given pursuant to paragraph (4) or (7) of the Article prior to the enforcement of this Act (referred to as "former general supply provisions" in Article 20, paragraph (7) of the Supplementary Provisions) are deemed to be general provisions for specified retail service which have been approved under paragraph (1).

(Transitional Measures Concerning Former Approved Supply Conditions)

Article 19 If former approved supply conditions are approved by the Minister of Economy, Trade and Industry within one month from the date of enforcement pursuant to provisions by Order of the Ministry of Economy, Trade and Industry, they are deemed to have been approved under the proviso to Article 21, paragraph (1) of the Former Electricity Business Act, which is deemed to remain in force pursuant to Article 16, paragraph (3) of the Supplementary Provisions.

(Transitional Measures Concerning Approval of General Provisions for Specified Retail Service)

Article 20 (1) A general electricity utility may formulate general provisions for specified retail service and obtain approval of the general provisions from the Minister of Economy, Trade and Industry pursuant to the provisions of Article 18, paragraph (1) of the Supplementary Provisions, even prior to the date of enforcement.

(2) If the Minister of Economy, Trade and Industry finds that the application for the approval under the preceding paragraph conforms to all of the following items, the minister must grant approval under the paragraph:

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

(ii) the rates are clearly set as fixed rates or fixed amounts by type of supply;

(iii) the responsibilities of the general electricity utility and electricity users, as well as the means of sharing expenses between them for electricity meters and other instruments and for wiring and other works, are provided for appropriately and clearly; and

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

(3) A general electricity utility that has obtained approval under paragraph (1) must publicize the general provisions for specified retail service that were

approved under the paragraph, pursuant to provisions by Order of the Ministry of Economy, Trade and Industry.

- (4) If there are special circumstances that make it difficult for a general electricity utility that has obtained approval under paragraph (1) to provide a specified retail service under the general provisions for specified retail service that were approved under the paragraph, and the general electricity utility intends to provide a specified retail service at rates and other supply conditions prescribed in the proviso to Article 21, paragraph (1) of the Former Electricity Business Act, which is deemed to remain in force pursuant to Article 16, paragraph (3) of the Supplementary Provisions, the general electricity utility may obtain the approval of the Minister of Economy, Trade and Industry with regard to the rates and other supply conditions, even prior to the date of enforcement.
- (5) General provisions for specified retail service that were approved under paragraph (1), and rates and other supply conditions that were approved under the preceding paragraph become effective on the date of enforcement.
- (6) General provisions for specified retail service that were approved under paragraph (1) are deemed to be general provisions for specified retail service that were approved under Article 18, paragraph (1) of the Supplementary Provisions, and rates and other supply conditions that were approved under paragraph (4) are deemed to be rates and other supply conditions that were approved under the proviso to Article 21, paragraph (1) of the Former Electricity Business Act, which is deemed to remain in force pursuant to Article 16, paragraph (3) of the Supplementary Provisions.
- (7) The provisions of Article 18, paragraph (3) do not apply to former general supply provisions pertaining to a general electricity utility that has obtained approval under paragraph (1), and the provisions of the preceding Article do not apply to former approved supply conditions pertaining to the general electricity utility.

(Audit)

Article 21 The Minister of Economy, Trade and Industry must audit the services and accounting of an equivalent electricity retailer every year while the equivalent electricity retailer bears the obligation under Article 16, paragraph (1) of the Supplementary Provisions.

(Public Hearing)

Article 22 If the Minister of Economy, Trade and Industry intends to make a ruling pursuant to Article 23, paragraph (3) (limited to the part relating to specified retail service) of the Former Electricity Business Act, which is deemed to remain in force pursuant to Article 16, paragraph (3) of the

Supplementary Provisions, or pursuant to Article 17, paragraph (1) (limited to the part relating to the expansion of the former service area), Article 18, paragraph (1), or Article 20, paragraph (1) of the Supplementary Provisions, the minister must hold a public hearing to hear opinions of the public.

(Deemed Registered Specified Electricity Transmission and Distribution Utility Obligations to Supply)

Article 23 (1) Until a date specified by Cabinet Order within a period not exceeding five years from the date of enforcement, a deemed registered specified electricity transmission and distribution utility must not refuse to supply electricity to meet demand at the service points referred to in Article 6, paragraph (2), item (iii) of the Former Electricity Business Act (referred to as "former service points" in paragraph (4), the following Article, and Article 26, paragraph (1) of the Supplementary Provisions) pertaining to the deemed registered specified electricity transmission and distribution utility (this supplying of electricity is hereinafter referred to as a "special retail service") without justifiable grounds.

(2) The provisions of Articles 2-13 and 2-14 of the New Electricity Business Act as applied mutatis mutandis pursuant to Article 27-26, paragraph (3) of the New Electricity Business Act do not apply to a special retail service provided by a deemed registered specified electricity transmission and distribution utility.

(3) With regard to a deemed registered specified electricity transmission and distribution utility, the provisions of Articles 7, 10, 11, and 14, Article 15 (excluding paragraph (3)), Article 16 (excluding paragraph (3)), Article 24, paragraphs (3) and (4), Article 34, Article 66-11, Article 110, and Article 114, paragraph (4) of the Former Electricity Business Act (including penal provisions pertaining to these provisions) remain applicable until the date specified by Cabinet Order as referred to in paragraph (1). In this case, the necessary technical replacement of terms is specified by Cabinet Order.

(4) An electricity retailer and a registered specified electricity transmission and distribution utility (meaning the registered specified electricity transmission and distribution utility prescribed in Article 27-19, paragraph (1) of the New Electricity Business Act) other than a deemed registered specified electricity transmission and distribution utility relating to former service points must not supply electricity to meet demand in the former service points where the deemed registered specified electricity transmission and distribution utility relating to the former service points has commenced a special retail service, until the date specified by Cabinet Order as referred to in paragraph (1).

(Change of Former Service Points)

- Article 24 (1) A deemed registered specified electricity transmission and distribution utility may not increase the number of former service points.
- (2) If a deemed registered specified electricity transmission and distribution utility intends to decrease the number of former service points, it must obtain permission from the Minister of Economy, Trade and Industry; provided, however, that this does not apply when intending to make a minor decrease specified by Order of the Competent Ministry.
- (3) The Minister of Economy, Trade and Industry must not grant permission under the preceding paragraph unless the minister finds that the application for the permission under the paragraph conforms to all of the following items:
- (i) the commencement of the special retail service corresponds to demand at the former service points;
 - (ii) the applicant has sufficient financial basis and technical capability to competently perform the special retail service;
 - (iii) the special retail service is based on a reliable plan; and
 - (iv) the applicant is able to ensure the supply capability required for meeting the demand at former service points.
- (4) If a deemed registered specified electricity transmission and distribution utility intends to make a minor decrease specified by Order of the Competent Ministry under the proviso to paragraph (2), it must notify the Minister of Economy, Trade and Industry to that effect pursuant to provisions by Order of the Ministry of Economy, Trade and Industry.
- (5) A deemed registered specified electricity transmission and distribution utility that has given notification pursuant to the preceding paragraph must not make the decrease to which the notification pertained until 20 days have passed from the day when the notification was accepted.
- (6) If the Minister of Economy, Trade and Industry finds that the content of notification given under paragraph (4) conforms to all of the items of paragraph (3), the minister may shorten the period prescribed in the preceding paragraph.
- (7) When the Minister of Economy, Trade and Industry finds that the content of the notification given under paragraph (4) fails to conform to any of the items of paragraph (3), the minister may order the deemed registered specified electricity transmission and distribution utility that has given the notification to change the content of the notification or suspend its performance of the special retail service to which the notification pertained, within 20 days from the day when the notification was accepted.

(Supply Conditions of a Deemed Registered Specified Electricity Transmission and Distribution Utility)

Article 25 (1) A deemed registered specified electricity transmission and

distribution utility must set rates and other supply conditions for a special retail service and notify the Minister of Economy, Trade and Industry thereof, pursuant to provisions by Order of the Ministry of Economy, Trade and Industry, until the date specified by Cabinet Order as referred to in Article 23, paragraph (1) of the Supplementary Provisions. The same applies if a deemed registered specified electricity transmission and distribution utility intends to revise the supply conditions.

- (2) If the Minister of Economy, Trade and Industry finds that the rates and other supply conditions to which the notification given under the preceding paragraph pertained fail to fall under any of the following items, the minister may order the deemed registered specified electricity transmission and distribution utility to revise the rates and other supply conditions, within a reasonable time limit set by the minister:
- (i) the rates are clearly set as fixed rates or fixed amounts;
 - (ii) the responsibilities of the deemed registered specified electricity transmission and distribution utility and electricity users, as well as the means of sharing expenses between them for electricity meters and other instruments and for wiring and other works, are provided for appropriately and clearly;
 - (iii) certain persons are not treated in an unfair and discriminatory manner; and
 - (iv) the rates and conditions are neither particularly inappropriate in light of social and economic circumstances nor significantly harmful to the interest of electricity users.
- (3) Rates and other supply conditions of which notification has been given pursuant to Article 24, paragraph (1) of the Former Electricity Act prior to the enforcement of this Act are deemed to be rates and other supply conditions of which notification was given pursuant to paragraph (1).

(Collection of Reports)

- Article 25-2 (1) The Minister of Economy, Trade and Industry may have an equivalent electricity retailer submit reports or materials on the status of the services or accounting, to the extent necessary for the enforcement of Articles 16 through 19 and Article 21 of the Supplementary Provisions, pursuant to Cabinet Order provisions.
- (2) The Minister of Economy, Trade and Industry may have a deemed registered specified electricity transmission and distribution utility submit reports or materials on the status of the services or accounting, to the extent necessary for the enforcement of Article 23 of the Supplementary Provisions to the preceding Article, pursuant to Cabinet Order provisions.

(On-site Inspections)

- Article 25-3 (1) The Minister of Economy, Trade and Industry may have employees of the Ministry of Economy, Trade and Industry enter the business office or other office or other workplace of an equivalent electricity retailer, and inspect the status of the services or accounting or the electric facilities, books, documents, and any other articles of the equivalent electricity retailer to the extent necessary for the enforcement of Articles 16 through 19 and Article 21 of the Supplementary Provisions.
- (2) The Minister of Economy, Trade and Industry may have employees of the Ministry of Economy, Trade and Industry enter the business office or other office or other workplace of a deemed registered specified electricity transmission and distribution utility, and inspect the status of the services or accounting or the electric facilities, books, documents, and any other articles of the deemed registered specified electricity transmission and distribution utility, to the extent necessary for the enforcement of Articles 23 through 25 of the Supplementary Provisions.
- (3) The employees who conduct an on-site inspection pursuant to the preceding two paragraphs must carry a certificate of identification and show it when requested by a person concerned.
- (4) The authority under paragraph (1) or (2) must not be construed as being vested for criminal investigation.

(Authority of the Electricity and Gas Market Surveillance Commission upon Partial Revision of the Electricity Business Act)

- Article 25-4 (1) The Electricity and Gas Market Surveillance Commission (hereinafter referred to as the "commission") processes matters within the scope of its authority pursuant to the provisions of these Supplementary Provisions, beyond those prescribed in Article 66-3 of the Electricity Business Act revised by the provisions set forth in Article 4 of the Act for Partial Revision of the Act on Special Measures Concerning Procurement of Electricity from Renewable Energy Sources by Electricity Utilities (Act No. 59 of 2016).
- (2) In the case referred to in the preceding paragraph, the term "Electricity Business Act (Act No. 170 of 1964)" in the row concerning the Electricity and Gas Market Surveillance Commission in the table of Article 6, paragraph (2) of the Act for Establishment of the Ministry of Economy, Trade and Industry (Act No. 99 of 1999) revised by Article 22 of the Supplementary Provisions of the Act for Partial Revision of the Act on Special Measures Concerning Procurement of Electricity from Renewable Energy Sources by Electricity Utilities is deemed to be replaced with "Electricity Business Act (Act No. 170 of 1964) and the Act for Partial Revision of the Electricity Business Act (Act No. 72 of 2014)" and the phrase "Article 66-3 of the Electricity Business Act" in

Article 17 of the Act is deemed to be replaced with "Article 66-3 of the Electricity Business Act and Article 25-4, paragraph (1) of the Supplementary Provisions of the Act for Partial Revision of the Electricity Business Act".

Article 25-5 (1) In any of the following cases, the Minister of Economy, Trade and Industry must hear the opinions of the commission in advance:

- (i) when intending to grant approval under Article 9, paragraph (1) or (4), Article 18, paragraph (1), or Article 20, paragraph (1) or (4) of the Supplementary Provisions;
 - (ii) when intending to issue an order under Article 10, paragraph (2), Article 11, paragraph (2), Article 24, paragraph (7), or Article 25, paragraph (2) of the Supplementary Provisions;
 - (iii) when intending to grant approval under Article 10, paragraph (4), Article 11, paragraph (4), or Article 19 of the Supplementary Provisions;
 - (iv) when intending to grant permission under Article 17, paragraph (1) or Article 24, paragraph (2) of the Supplementary Provisions.
- (2) When the commission has stated its opinions pursuant to the provisions of the preceding paragraph, it must publicize the contents of the opinions without delay.

Article 25-6 (1) When the commission has exercised the authority under Article 21, Article 25-2, or Article 25-3, paragraph (1) or (2) of the Supplementary Provisions which has been delegated thereto pursuant to Article 25-10, paragraph (1) or (2) of the Supplementary Provisions, and finds it necessary in order to ensure appropriate transactions of electricity, it may make a necessary recommendation to an equivalent electricity retailer or deemed registered specified electricity transmission and distribution utility; provided, however, that this does not apply if the commission has made a recommendation pursuant to paragraph (1) of the following Article.

- (2) If the commission has made a recommendation pursuant to the preceding paragraph, and the equivalent electricity retailer or deemed registered specified electricity transmission and distribution utility that has received the recommendation fails to follow the recommendation without justifiable grounds, it must report that fact to the Minister of Economy, Trade and Industry.
- (3) If the commission has made a report pursuant to the preceding paragraph, it may seek a report from the Minister of Economy, Trade and Industry with regard to the measures taken based on its report.

Article 25-7 (1) When the commission has exercised the authority under Article 21, Article 25-2, or Article 25-3, paragraph (1) or (2) of the Supplementary Provisions which has been delegated thereto pursuant to Article 25-10,

paragraph (1) or (2) of the Supplementary Provisions, and finds it particularly necessary in order to ensure appropriate transactions of electricity, it may make a necessary recommendation to the Minister of Economy, Trade and Industry; provided, however, that this does not apply when the commission has made a recommendation pursuant to paragraph (1) of the preceding Article.

- (2) If the commission makes a recommendation pursuant to the preceding paragraph, it must publicize the content thereof without delay.
- (3) If the commission has made a recommendation pursuant to paragraph (1), it may seek a report from the Minister of Economy, Trade and Industry with regard to the measures taken based on its recommendation.

Article 25-8 (1) If the commission finds it necessary in order to ensure appropriate transactions of electricity, in connection with the matters within the scope of its authority pursuant to these Supplementary Provisions, it may make a proposal to the Minister of Economy, Trade and Industry with regard to the measures that should be implemented in relation to electricity business.

- (2) If the commission makes a proposal pursuant to the preceding paragraph, it must publicize the content thereof without delay.
- (3) If the commission has made a proposal pursuant to paragraph (1), it may seek a report from the Minister of Economy, Trade and Industry with regard to the measures taken based on its proposal.

Article 25-9 If the commission finds it necessary in order to process the matters within the scope of its authority pursuant to these Supplementary Provisions, it may request the heads of the relevant administrative organs and other persons concerned to submit materials, express opinions, give explanations and provide other necessary cooperation.

(Delegation of Authority)

Article 25-10 (1) The Ministry of Economy, Trade and Industry delegates the minister's authority under Article 25-2 and Article 25-3, paragraphs (1) and (2) of the Supplementary Provisions (limited to the authority concerning the provisions specified by Cabinet Order as provisions for securing appropriate transactions of electricity) to the commission; provided, however, that this does not preclude the Minister of Economy, Trade and Industry from personally exercising the authority to order submission of reports or materials.

- (2) The Ministry of Economy, Trade and Industry may delegate the minister's authority under Article 21 of the Supplementary Provisions and authority under Article 25-2 and Article 25-3, paragraph (1) or (2) of the Supplementary Provisions (excluding the authority concerning the provisions specified by Cabinet Order referred to in the preceding paragraph) to the commission,

pursuant to Cabinet Order provisions.

- (3) If the commission has exercised the authority delegated thereto pursuant to the preceding paragraph, it is to report the result thereof to the Minister of Economy, Trade and Industry promptly.
- (4) The Minister of Economy, Trade and Industry may delegate part of the minister's authority under the provisions of these Supplementary Provisions (excluding the authority delegated to the commission pursuant to paragraph (1) or (2)) to the Director of a Regional Bureau of Economy, Trade and Industry, pursuant to Cabinet Order provisions.
- (5) The commission may delegate part of the authority delegated thereto pursuant to paragraph (1) or (2) to the Director of a Regional Bureau of Economy, Trade and Industry, pursuant to Cabinet Order provisions.
- (6) With regard to the processes under the authority delegated to the Director of a Regional Bureau of Economy, Trade and Industry pursuant to the preceding paragraph, the commission directs and supervises the Director of a Regional Bureau of Economy, Trade and Industry.

(Request for Review to the Commission)

Article 25-11 A request for review with regard to an order for the submission of reports or materials issued by the commission with the authority under Article 25-2 of the Supplementary Provisions which has been delegated thereto pursuant to paragraph (1) or (2) of the preceding Article (including when the order is issued by the Director of a Regional Bureau of Economy, Trade and Industry pursuant to paragraph (5) of the preceding Article) may be made only to the commission.

(Special Provisions for Hearings)

Article 26 (1) If the Minister of Economy, Trade and Industry intends to reduce a former service area pursuant to Article 16, paragraph (3) of the Former Electricity Business Act, which is deemed to remain in force pursuant to Article 16, paragraph (3) of the Supplementary Provisions, or to reduce the number of former service points pursuant to Article 15, paragraph (4) or Article 16, paragraph (2) or paragraph (4) of the Former Electricity Business Act, which is deemed to remain in force pursuant to Article 23, paragraph (3) of the Supplementary Provisions, the minister must hold a hearing irrespective of the categories of procedures for hearing statements of opinions prescribed in Article 13, paragraph (1) of the Administrative Procedure Act (Act No. 88 of 1993).

- (2) Proceedings on the date of a hearing with respect to a ruling under Article 15, paragraph (1) or (2) or Article 16, paragraph (1) or (3) of the Former Electricity Business Act, which is deemed to remain in force pursuant to Article 16,

paragraph (3) of the Supplementary Provisions, or a ruling under Article 15, paragraph (1), (2), or (4) or Article 16, paragraph (1), (2), or (4) of the Former Electricity Business Act, which is deemed to remain in force pursuant to Article 23, paragraph (3) of the Supplementary Provisions, must be open to the public.

(Conditions Attached to Registration)

Article 27 (1) Conditions may be attached to registration, approval, or license/permission under the provisions of these Supplementary Provisions or under the provisions of the Former Electricity Business Act which are deemed to remain in force pursuant to these Supplementary Provisions, and the conditions may be changed.

(2) The conditions set forth in the preceding paragraph are limited to the minimum required for promoting public interest or ensuring successful implementation of the matters concerning the registration, approval, or license/permission, and must not impose any unreasonable obligation on the person who is to obtain the registration, approval, or license/permission.

(Penal Provisions)

Article 28 A person who falls under any of the following items is subject to imprisonment for not more than two years or a fine of not more than three million yen, or both:

- (i) a person who has refused to supply electricity, in violation of Article 16, paragraph (1) of the Supplementary Provisions;
- (ii) a person who has refused to supply electricity, in violation of Article 23, paragraph (1) of the Supplementary Provisions; and
- (iii) a person who has supplied electricity, in violation of Article 23, paragraph (4) of the Supplementary Provisions.

Article 29 A person who falls under any of the following items is subject to a fine of not more than three million yen:

- (i) a person who has violated an order issued under Article 10, paragraph (2) or Article 11, paragraph (2) of the Supplementary Provisions; and
- (ii) a person who has violated an order issued under Article 24, paragraph (7) or Article 25, paragraph (2) of the Supplementary Provisions.

Article 30 A person who falls under any of the following items is subject to a fine of not more than 300,000 yen:

- (i) a person who has failed to file an application under Article 9, paragraph (1) of the Supplementary Provisions or filed a false application;
- (ii) a person who has failed to publicize necessary matters, in violation of

- Article 9, paragraph (3), Article 10, paragraph (3), Article 11, paragraph (3), or Article 20, paragraph (3) of the Supplementary Provisions;
- (iii) a person who has failed to give notification under Article 10, paragraph (1) or Article 11, paragraph (1) of the Supplementary Provisions, or given false notification;
 - (iv) a person who has failed to give notification under Article 17, paragraph (6) of the Supplementary Provisions, or given false notification;
 - (v) a person who has failed to submit reports or materials under Article 25-2, paragraph (1) or (2) of the Supplementary Provisions, or submitted false reports or materials; and
 - (vi) a person who has refused, obstructed or evaded inspection under Article 25-3, paragraph (1) or (2) of the Supplementary Provisions.

Article 31 If the representative of a corporation or an agent, employee or other worker of a corporation or an individual commits the violations prescribed in Article 28 of the Supplementary Provisions to the preceding Article, with regard to the business of the corporation or individual, not only the offender but also the corporation or individual is subject to the fine prescribed in the respective Articles.

(Transitional Measures upon Partial Revision of the Commodity Derivatives Act)

Article 32 (1) A person who has been conducting specified commodity derivatives business (meaning the business of engaging in the act set forth in Article 2, paragraph (22), item (v) of the Commodity Derivatives Act revised by Article 2 (hereinafter referred to as the "New Commodity Derivatives Act" in this Article and the following Article) with regard to the electricity prescribed in Article 2, paragraph (1), item (iv) of the New Commodity Derivatives Act (this electricity is simply referred to as "electricity" in paragraph (1) of the following Article); hereinafter the same applies in this Article) prior to the enforcement of this Act (the person is hereinafter referred to as a "provisional commodity derivatives business operator" in this Article and paragraph (1) of the following Article) may continue to conduct the specified commodity derivatives business for six months from the date of enforcement (if a ruling of non-permission has been reached with regard to an application for a license under Article 190, paragraph (1) of the New Commodity Derivatives Act, or discontinuance of the specified commodity derivatives business has been ordered pursuant to Article 236, paragraph (1) of the New Commodity Derivatives Act as applied mutatis mutandis pursuant to the preceding paragraph by replacing terms within the six-month period, the person may continue to conduct the specified commodity derivatives business until the day on which the ruling was reached or the day

on which the discontinuance was ordered), notwithstanding the provisions of Article 190, paragraph (1) of the New Commodity Derivatives Act. If a provisional commodity derivatives business operator (limited to a person who has not received a ruling of non-permission with regard to an application for a license under the paragraph and has not been ordered to discontinue specified commodity derivatives business pursuant to Article 236, paragraph (1) of the New Commodity Derivatives Act as applied mutatis mutandis pursuant to the following paragraph by replacing terms) has filed an application for a license under Article 190, paragraph (1) of the New Commodity Derivatives Act within six months from the date of enforcement, and if the period has elapsed, the same applies until a ruling of permission or non-permission is reached with regard to the application.

- (2) In the case of continuing to conduct specified commodity derivatives business pursuant to the provisions of the preceding paragraph, the provisions of Articles 213 and 213-2, Article 214 (excluding items (iii), (iv), and (viii)), Articles 214-2 through 215, Articles 217 and 218, Article 219, paragraph (2), Articles 220 through 220-3, Article 220-4, paragraph (2), Articles 222, 231, and 232, and Article 236 (excluding paragraph (1), items (ii) through (iv)) of the New Commodity Derivatives Act (including penal provisions pertaining to these provisions) apply by deeming a provisional commodity derivatives business operator as the commodity derivatives business operator prescribed in Article 2, paragraph (23) of the New Commodity Derivatives Act. In this case, the phrase "the fact that the commodity derivatives business operator is a commodity derivatives business operator" in Article 213-2, paragraph (1), item (ii) of the New Commodity Derivatives Act is deemed to be replaced with "the fact that the commodity derivatives business operator is a provisional commodity derivatives business operator (meaning the provisional commodity derivatives business operator prescribed in Article 32, paragraph (1) of the Supplementary Provisions of the Act for Partial Revision of the Electricity Business Act (Act No. 72 of 2014))", and the phrase "rescind the Article 190, paragraph (1) license" in Article 236, paragraph (1) of the New Commodity Derivatives Act is deemed to be replaced with "order the discontinuance of the Specified Commodity Derivatives Business (meaning the specified commodity derivatives business prescribed in Article 32, paragraph (1) of the Supplementary Provisions of the Act for Partial Revision of the Electricity Business Act).".
- (3) With regard to application of the provisions of Article 193, paragraph (1), item (iv) of the New Commodity Derivatives Act when a provisional commodity derivatives business operator has been ordered to discontinue its specified commodity derivatives business pursuant to Article 236, paragraph (1) of the New Commodity Derivatives Act as applied pursuant to the preceding

paragraph by replacing terms, the provisional commodity derivatives business operator who was ordered to conduct the discontinuance is deemed to be a person whose license under Article 190, paragraph (1) of the New Commodity Derivatives Act has been rescinded pursuant to Article 236, paragraph (1) of the New Commodity Derivatives Act, and the day on which the discontinuance was ordered is deemed to be the day on which the license was rescinded.

- Article 33 (1) A person who has been providing specified commodity derivatives intermediation services (meaning the business of being entrusted by a provisional commodity derivatives business operator to act as the intermediary prescribed in Article 2, paragraph (22), item (v) of the New Commodity Derivatives Act for the provisional commodity derivatives business operator; hereinafter the same applies in this Article) prior to the enforcement of this Act (the person is hereinafter referred to as a "provisional commodity derivatives intermediary" in this Article and paragraph (1) of the following Article) may continue to provide the specified commodity derivatives intermediation services for six months from the date of enforcement (if a ruling of refusal of registration under Article 240-2, paragraph (1) of the New Commodity Derivatives Act has been reached or discontinuance of the specified commodity derivatives intermediation services has been ordered pursuant to Article 240-23, paragraph (1) of the New Commodity Derivatives Act as applied mutatis mutandis pursuant to the following paragraph by replacing terms within the period, it is until the day on which the ruling was reached or the day on which the discontinuance was ordered), notwithstanding the provisions of Article 190, paragraph (1) and Article 240-2, paragraph (1) of the New Commodity Derivatives Act. If a provisional commodity derivatives intermediary (limited to a person who has not received a ruling of refusal of registration under the same paragraph and has not been ordered to discontinue the specified commodity derivatives intermediation services pursuant to Article 240-23, paragraph (1) of the New Commodity Derivatives Act as applied mutatis mutandis pursuant to the following paragraph by replacing terms) has filed an application for registration under Article 240-2, paragraph (1) of the New Commodity Derivatives Act within six months from the date of enforcement, and if the period has elapsed, the same applies until a ruling of registration or refusal of registration is reached with regard to the application.
- (2) In the case of continuing to provide specified commodity derivatives intermediation services pursuant to the provisions of the preceding paragraph, the provisions of Articles 240-12 to 240-20, Article 240-22, Article 240-23 (excluding paragraph (1), item (ii)), and Article 240-26 of the New Commodity Derivatives Act (including penal provisions pertaining to these provisions) apply by deeming a provisional commodity derivatives intermediary as the

commodity derivatives intermediary prescribed in Article 2, paragraph (29) of the New Commodity Derivatives Act. In this case, the phrase "an indication that it is a commodity derivatives Intermediary, and its registration number" in Article 240-13, paragraph (1), item (ii) of the New Commodity Derivatives Act is deemed to be replaced with "an indication that it is a provisional commodity derivatives intermediary (meaning the provisional commodity derivatives intermediary prescribed in Article 33, paragraph (1) of the Supplementary Provisions of the Act for Partial Revision of the Electricity Business Act (Act No. 72 of 2014))", and the phrase "rescind the commodity derivatives intermediary's Article 240-2, paragraph (1) registration" in Article 240-23, paragraph (1) of the New Commodity Derivatives Act is deemed to be replaced with "order the discontinuance of the specified commodity derivatives intermediation services (meaning the specified commodity derivatives intermediation services prescribed in Article 33, paragraph (1) of the Supplementary Provisions of the Act for Partial Revision of the Electricity Business Act)".

- (3) With regard to application of the provisions of Article 240-5, item (i) of the New Commodity Derivatives Act when a provisional commodity derivatives intermediary, that is an individual, has been ordered to discontinue its Specified commodity derivatives intermediation services pursuant to Article 240-23, paragraph (1) of the New Commodity Derivatives Act as applied pursuant to the preceding paragraph by replacing terms, the person is deemed to be a person who falls under Article 15, paragraph (2), item (i) of the New Commodity Derivatives Act until the day when five years have passed since the day on which the person was ordered to conduct the discontinuance.
- (4) With regard to application of the provisions of Article 240-5, item (ii) of the New Commodity Derivatives Act when a provisional commodity derivatives intermediary, that is a corporation, has been ordered to discontinue its specified commodity derivatives intermediation services pursuant to Article 240-23, paragraph (1) of the New Commodity Derivatives Act as applied pursuant to paragraph (2) by replacing terms, the provisional commodity derivatives intermediary that is a corporation and that was ordered to conduct the discontinuance is deemed to be a person whose registration under Article 240-2, paragraph (1) of the New Commodity Derivatives Act has been rescinded pursuant to Article 240-23, paragraph (1) of the New Commodity Derivatives Act, and the day on which the discontinuance was ordered is deemed to be the day on which the registration was rescinded.

(Transitional Measures upon Partial Revision of the Act on Special Measures Concerning Procurement of Electricity from Renewable Energy Sources by Electricity Utilities)

Article 34 (1) With regard to the application of Article 9 of the Act on Special Measures Concerning Procurement of Electricity from Renewable Energy Sources by Electricity Utilities revised by Article 3 (hereinafter referred to as the "New Act on Special Measures Concerning Electricity from Renewable Energy Sources") to a subsidy (meaning the subsidy prescribed in Article 8, paragraph (1) of the Act on Special Measures Concerning Procurement of Electricity from Renewable Energy Sources by Electricity Utilities prior to the revision by Article 3 (hereinafter referred to as the "Former Act on Special Measures Concerning Electricity from Renewable Energy Sources"); hereinafter the same applies in this Article) related to electricity from sources of renewable energy which the general electricity utility prescribed in Article 2, paragraph (1) of the Former Act on Special Measures Concerning Electricity from Renewable Energy Sources has procured based on a specified contract (meaning the specified contract prescribed in Article 4, paragraph (1) of the Former Act on Special Measures Concerning Electricity from Renewable Energy Sources; hereinafter the same applies in this Article) prior to the date of enforcement and which is to be granted to an equivalent electricity retailer on or after the date of enforcement, the phrase "the quantity of electricity from sources of renewable energy which the electricity utility has procured based on a specified contract (meaning the quantity expressed by kilowatt-hours)" in Article 9, item (i) of the New Act on Special Measures Concerning Electricity from Renewable Energy Sources is deemed to be replaced with "the quantity of electricity from sources of renewable energy which the electricity utility has procured based on a specified contract (meaning the quantity expressed by kilowatt-hours; hereinafter the same applies in this item) and the quantity of Electricity from Sources of Renewable Energy calculated by the means specified by Order of the Ministry of Economy, Trade and Industry based on the quantity of electricity from sources of renewable energy procured by the general electricity utility prescribed in Article 2, paragraph (1) prior to revision by Article 3 of the Act for Partial Revision of the Electricity Business Act (Act No. 72 of 2014) that is deemed to have been registered under Article 2-2 of the Electricity Business Act revised by Article 1 of the Act for Partial Revision of the Electricity Business Act pursuant to Article 2, paragraph (1) of the Supplementary Provisions of the Act based on a specified contract (meaning the specified contract prescribed in Article 4, paragraph (1) prior to the revision by Article 3 of the Act) prior to the enforcement of the Act".

(2) With regard to the application of Article 9 of the New Act on Special Measures Concerning Electricity from Renewable Energy Sources to a subsidy related to electricity from sources of renewable energy which the general electricity utility prescribed in Article 2, paragraph (1) of the Former Act on Special Measures Concerning Electricity from Renewable Energy Sources has

procured based on a specified contract prior to the date of enforcement and which is to be granted to a person who is deemed to have obtained a license under Article 3 of the New Electricity Business Act pursuant to Article 2, paragraph (1) of the Supplementary Provisions on or after the date of enforcement, the phrase "the quantity of electricity from sources of renewable energy which the electricity utility has procured based on a specified contract (meaning the quantity expressed by kilowatt-hours)" in Article 9, item (i) of the New Act on Special Measures Concerning Electricity from Renewable Energy Sources is deemed to be replaced with "the quantity of electricity from sources of renewable energy which the electricity utility has procured based on a specified contract (meaning the quantity expressed by kilowatt-hours; hereinafter the same applies in this item) and the quantity of electricity from sources of renewable energy calculated by the means specified by Order of the Ministry of Economy, Trade and Industry based on the quantity of electricity from sources of renewable energy procured by the general electricity utility prescribed in Article 2, paragraph (1) prior to revision by Article 3 of the Act for Partial Revision of the Electricity Business Act (Act No. 72 of 2014) that is deemed to have obtained a license under Article 3 of the Electricity Business Act revised by Article 1 of the Act for Partial Revision of the Electricity Business Act pursuant to Article 2, paragraph (1) of the Supplementary Provisions of the Act based on a specified contract (meaning the specified contract prescribed in Article 4, paragraph (1) prior to the revision by Article 3 of the Act) prior to the enforcement of the Act".

- (3) With regard to the application of Article 9 of the New Act on Special Measures Concerning Electricity from Renewable Energy Sources to a subsidy related to electricity from sources of renewable energy which the specified electricity utility prescribed in Article 2, paragraph (1) of the Former Act on Special Measures Concerning Electricity from Renewable Energy Sources has procured based on a specified contract prior to the date of enforcement and which is to be granted to a deemed registered specified electricity transmission and distribution utility on or after the date of enforcement, the phrase "the quantity of electricity from sources of renewable energy which the electricity utility has procured based on a specified contract (meaning the quantity expressed by kilowatt-hours)" in Article 9, item (i) of the New Act on Special Measures Concerning Electricity from Renewable Energy Sources is deemed to be replaced with "the quantity of electricity from sources of renewable energy which the electricity utility has procured based on a specified contract (meaning the quantity expressed by kilowatt-hours; hereinafter the same applies in this item) and the quantity of electricity from sources of renewable energy procured by the specified electricity utility prescribed in Article 2, paragraph (1) prior to revision by Article 3 of the Act for Partial Revision of the

Electricity Business Act (Act No. 72 of 2014) that is deemed to have given notification under Article 27-13, paragraph (1) of the Electricity Business Act revised by Article 1 of the Act for Partial Revision of the Electricity Business Act, etc. (hereinafter referred to as the "New Electricity Business Act") and to have been registered under Article 27-15 of the New Electricity Business Act pursuant to Article 4, paragraph (1) of the Supplementary Provisions of the Act for Partial Revision of the Electricity Business Act based on a specified contract (meaning the specified contract prescribed in Article 4, paragraph (1) prior to the revision by Article 3 of the Act) prior to the enforcement of the Act".

(4) With regard to the application of Article 9 of the New Act on Special Measures Concerning Electricity from Renewable Energy Sources to a subsidy related to electricity from sources of renewable energy which a specified-scale electricity utility prescribed in Article 2, paragraph (1) of the Former Act on Special Measures Concerning Electricity from Renewable Energy Sources has procured based on a specified contract prior to the date of enforcement and which is to be granted to a person who is deemed to have been registered under Article 2-2 of the New Electricity Business Act pursuant to Article 6, paragraph (2) of the Supplementary Provisions on or after the date of enforcement, the phrase "the quantity of electricity from sources of renewable energy which the electricity utility has procured based on a specified contract (meaning the quantity expressed by kilowatt-hours)" in Article 9, item (i) of the New Act on Special Measures Concerning Electricity from Renewable Energy Sources is deemed to be replaced with "the quantity of electricity from sources of renewable energy which the electricity utility has procured based on a specified contract (meaning the quantity expressed by kilowatt-hours; hereinafter the same applies in this item) and the quantity of electricity from sources of renewable energy procured by the specified-scale electricity utility prescribed in Article 2, paragraph (1) prior to revision by Article 3 of the Act for Partial Revision of the Electricity Business Act, etc. (Act No. 72 of 2014) that is deemed to have been registered under Article 2-2 of the Electricity Business Act revised by Article 1 of the Act for Partial Revision of the Electricity Business Act pursuant to Article 6, paragraph (2) of the Supplementary Provisions of the Act based on a specified contract (meaning the specified contract prescribed in Article 4, paragraph (1) prior to the revision by Article 3 of the Act) prior to the enforcement of the Act".

(5) With regard to the grant of a subsidy related to electricity from sources of renewable energy that has been procured by a specified-scale electricity utility prescribed in Article 2, paragraph (1) of the Former Act on Special Measures Concerning Electricity from Renewable Energy Sources based on a specified contract prior to the date of enforcement (excluding the subsidy prescribed in the preceding paragraph), the provisions previously in force remain applicable.

Article 35 (1) With regard to the application of Article 12, paragraph (1) of the New Act on Special Measures Concerning Electricity from Renewable Energy Sources to a Payment (meaning the payment prescribed in Article 11, paragraph (1) of the Former Act on Special Measures Concerning Electricity from Renewable Energy Sources; hereinafter the same applies in this Article) related to electricity which the general electricity utility prescribed in Article 2, paragraph (1) of the Act has supplied to electricity users prior to the date of enforcement and which the expense sharing coordinating body prescribed in Article 19, paragraph (1) of the New Act on Special Measures Concerning Electricity from Renewable Energy Sources (hereinafter simply referred to as an "expense sharing coordinating body" in this Article) is to collect from an equivalent electricity retailer on or after the date of enforcement, the phrase "the quantity of electricity which the electricity utility has supplied to electricity users (meaning the quantity expressed by kilowatt-hours; the same applies in the following paragraph and Article 16, paragraph (2))" in Article 12, paragraph (1) of the Act is deemed to be replaced with "the quantity of electricity which the electricity utility has supplied to electricity users (meaning the quantity expressed by kilowatt-hours; the same applies in this paragraph, the following paragraph, and Article 16, paragraph (2)) and the quantity of electricity calculated by the means specified by Order of the Ministry of Economy, Trade and Industry based on the quantity of electricity which the general electricity utility prescribed in Article 2, paragraph (1) prior to revision by Article 3 of the Act for Partial Revision of the Electricity Business Act (Act No. 72 of 2014) that is deemed to have been registered under Article 2-2 of the Electricity Business Act revised by Article 1 of the Act for Partial Revision of the Electricity Business Act has supplied to electricity users pursuant to Article 2, paragraph (1) of the Supplementary Provisions of the Act prior to the enforcement of the Act".

(2) With regard to the application of Article 12, paragraph (1) of the New Act on Special Measures Concerning Electricity from Renewable Energy Sources to a payment related to electricity which the general electricity utility prescribed in Article 2, paragraph (1) of the Former Act on Special Measures Concerning Electricity from Renewable Energy Sources has supplied to electricity users prior to the date of enforcement and which the expense sharing coordinating body is to collect from a person who is deemed to have obtained a license under Article 3 of the New Electricity Business Act pursuant to Article 2, paragraph (1) of the Supplementary Provisions on or after the date of enforcement, the phrase "the quantity of electricity which the electricity utility has supplied to electricity users (meaning the quantity expressed by kilowatt-hours; the same applies in the following paragraph and Article 16, paragraph (2))" in Article 12,

paragraph (1) of the Act is deemed to be replaced with "the quantity of electricity which the electricity utility has supplied to electricity users (meaning the quantity expressed by kilowatt-hours; the same applies in this paragraph, the following paragraph, and Article 16, paragraph (2)) and the quantity of electricity calculated by the means specified by Order of the Ministry of Economy, Trade and Industry based on the quantity of electricity which the general electricity utility prescribed in Article 2, paragraph (1) prior to revision by Article 3 of the Act for Partial Revision of the Electricity Business Act (Act No. 72 of 2014) that is deemed to have obtained a license under Article 3 of the Electricity Business Act revised by Article 1 of the Act for Partial Revision of the Electricity Business Act has supplied to electricity users pursuant to Article 2, paragraph (1) of the Supplementary Provisions of the Act prior to the enforcement of the Act".

(3) With regard to the application of Article 12, paragraph (1) of the New Act on Special Measures Concerning Electricity from Renewable Energy Sources to a payment related to electricity which the specified electricity utility prescribed in Article 2, paragraph (1) of the Former Act on Special Measures Concerning Electricity from Renewable Energy Sources has supplied to electricity users prior to the date of enforcement and which the expense sharing coordinating body is to collect from a deemed registered specified electricity transmission and distribution utility on or after the date of enforcement, the phrase "the quantity of electricity which the electricity utility has supplied to electricity users (meaning the quantity expressed by kilowatt-hours; the same applies in the following paragraph and Article 16, paragraph (2))" in Article 12, paragraph (1) of the Act is deemed to be replaced with "the quantity of electricity which the electricity utility has supplied to electricity users (meaning the quantity expressed by kilowatt-hours; the same applies in this paragraph, the following paragraph, and Article 16, paragraph (2)) and the quantity of electricity which the specified electricity utility prescribed in Article 2, paragraph (1) prior to revision by Article 3 of the Act for Partial Revision of the Electricity Business Act, etc. (Act No. 72 of 2014) that is deemed to have given notification under Article 27-13, paragraph (1) of the Electricity Business Act revised by Article 1 of the Act for Partial Revision of the Electricity Business Act (hereinafter referred to as the "New Electricity Business Act") and to have been registered under Article 27-15 of the New Electricity Business Act has supplied to electricity users pursuant to Article 4, paragraph (1) of the Supplementary Provisions of the Act prior to the enforcement of the Act".

(4) With regard to the application of Article 12, paragraph (1) of the New Act on Special Measures Concerning Electricity from Renewable Energy Sources to a payment related to electricity which a specified-scale electricity utility

prescribed in Article 2, paragraph (1) of the Former Act on Special Measures Concerning Electricity from Renewable Energy Sources has supplied to electricity users prior to the date of enforcement and which the expense sharing coordinating body is to collect from a person who is deemed to have been registered under Article 2-2 of the New Electricity Business Act pursuant to Article 6, paragraph (2) of the Supplementary Provisions on or after the date of enforcement, the phrase "the quantity of electricity which the electricity utility has supplied to electricity users (meaning the quantity expressed by kilowatt-hours; the same applies in the following paragraph and Article 16, paragraph (2))" in Article 12, paragraph (1) of the Act is deemed to be replaced with "the quantity of electricity which electricity utility has supplied to electricity users (meaning the quantity expressed by kilowatt-hours; the same applies in this paragraph, the following paragraph, and Article 16, paragraph (2)) and the quantity of electricity which a specified-scale electricity utility prescribed in Article 2, paragraph (1) prior to revision by Article 3 of the Act for Partial Revision of the Electricity Business Act (Act No. 72 of 2014) that is deemed to have been registered under Article 2-2 of the Electricity Business Act revised by Article 1 of the Act for Partial Revision of the Electricity Business Act has supplied to electricity users pursuant to Article 6, paragraph (2) of the Supplementary Provisions of the Act prior to the enforcement of the Act".

- (5) With regard to making a payment related to electricity which a specified-scale electricity utility prescribed in Article 2, paragraph (1) of the Former Act on Special Measures Concerning Electricity has supplied to electricity users prior to the date of enforcement (excluding the payment prescribed in the preceding paragraph), the provisions previously in force remain applicable.

Article 36 (1) With regard to the application of Article 16, paragraph (2) of the New Act on Special Measures Concerning Electricity from Renewable Energy Sources to a charge (meaning the charge prescribed in Article 16 of the Former Act on Special Measures Concerning Electricity from Renewable Energy Sources; hereinafter the same applies in this Article) related to electricity which the general electricity utility prescribed in Article 2, paragraph (1) of the Act has supplied to electricity users prior to the date of enforcement and which an equivalent electricity retailer may demand an electricity user to pay on or after the date of enforcement, the phrase "the quantity of electricity which the electricity utility has supplied to the electricity user" in Article 16, paragraph (2) of the Act is deemed to be replaced with "the quantity of electricity which the electricity utility has supplied to the electricity user and the quantity of electricity calculated by the means specified by Order of the Ministry of Economy, Trade and Industry based on the quantity of electricity which the

general electricity utility prescribed in Article 2, paragraph (1) prior to revision by Article 3 of the Act for Partial Revision of the Electricity Business Act (Act No. 72 of 2014) that is deemed to have been registered under Article 2-2 of the Electricity Business Act revised by Article 1 of the Act for Partial Revision of the Electricity Business Act has supplied to the electricity user pursuant to Article 2, paragraph (1) of the Supplementary Provisions of the Act prior to the enforcement of the Act".

(2) With regard to the application of Article 16, paragraph (2) of the New Act on Special Measures Concerning Electricity from Renewable Energy Sources to a charge related to electricity which the general electricity utility prescribed in Article 2, paragraph (1) of the Former Act on Special Measures Concerning Electricity from Renewable Energy Sources has supplied to electricity users prior to the date of enforcement and which a person who is deemed to have obtained a license under Article 3 of the New Electricity Business Act pursuant to Article 2, paragraph (1) of the Supplementary Provisions may demand an electricity user to pay on or after the date of enforcement, the phrase "the quantity of electricity which the electricity utility has supplied to the electricity user" in Article 16, paragraph (2) of the Act is deemed to be replaced with "the quantity of electricity which the electricity utility has supplied to the electricity user and the quantity of electricity calculated by the means specified by Order of the Ministry of Economy, Trade and Industry based on the quantity of electricity which the general electricity utility prescribed in Article 2, paragraph (1) prior to revision by Article 3 of the Act for Partial Revision of the Electricity Business Act (Act No. 72 of 2014) that is deemed to have obtained a license under Article 3 of the Electricity Business Act revised by Article 1 of the Act for Partial Revision of the Electricity Business Act has supplied to the electricity user pursuant to Article 2, paragraph (1) of the Supplementary Provisions of the Act prior to the enforcement of the Act".

(3) With regard to the application of Article 16, paragraph (2) of the New Act on Special Measures Concerning Electricity from Renewable Energy Sources to a charge related to electricity which the specified electricity utility prescribed in Article 2, paragraph (1) of the Former Act on Special Measures Concerning Electricity from Renewable Energy Sources has supplied to electricity users prior to the date of enforcement and which a deemed registered specified electricity transmission and distribution utility may demand an electricity user to pay on or after the date of enforcement, the phrase "the quantity of electricity which the electricity utility has supplied to the electricity user" in Article 16, paragraph (2) of the Act is deemed to be replaced with "the quantity of electricity which the electricity utility has supplied to the electricity user and the quantity of electricity which the specified electricity utility prescribed in Article 2, paragraph (1) prior to revision by Article 3 of the Act for Partial

Revision of the Electricity Business Act (Act No. 72 of 2014) that is deemed to have given notification under Article 27-13, paragraph (1) of the Electricity Business Act revised by Article 1 of the Act for Partial Revision of the Electricity Business Act (hereinafter referred to as the "New Electricity Business Act") and to have been registered under Article 27-15 of the New Electricity Business Act has supplied to the electricity user pursuant to Article 4, paragraph (1) of the Supplementary Provisions of the Act prior to the enforcement of the Act".

(4) With regard to the application of Article 16, paragraph (2) of the New Act on Special Measures Concerning Electricity from Renewable Energy Sources to a charge related to electricity which a specified-scale electricity utility prescribed in Article 2, paragraph (1) of the Former Act on Special Measures Concerning Electricity from Renewable Energy Sources has supplied to electricity users prior to the date of enforcement and which a person who is deemed to have been registered under Article 2-2 of the New Electricity Business Act pursuant to Article 6, paragraph (2) of the Supplementary Provisions may demand an electricity user to pay on or after the date of enforcement, the phrase "the quantity of electricity which the electricity utility has supplied to the electricity user" in Article 16, paragraph (2) of the Act is deemed to be replaced with "the quantity of electricity which the electricity utility has supplied to the electricity user and the quantity of electricity which a specified-scale electricity utility prescribed in Article 2, paragraph (1) prior to revision by Article 3 of the Act for Partial Revision of the Electricity Business Act (Act No. 72 of 2014) that is deemed to have been registered under Article 2-2 of the Electricity Business Act revised by Article 1 of the Act for Partial Revision of the Electricity Business Act has supplied to the electricity user pursuant to Article 6, paragraph (2) of the Supplementary Provisions of the Act prior to the enforcement of the Act".

(5) With regard to demanding the payment of a charge related to electricity which a specified-scale electricity utility prescribed in Article 2, paragraph (1) of the Former Act on Special Measures Concerning Electricity has supplied to electricity users prior to the date of enforcement (excluding the charge prescribed in the preceding paragraph), the provisions previously in force remain applicable.

Article 37 A person who has received designation under Article 19, paragraph (1) of the Former Electricity Business Act, prior to the enforcement of this Act, is deemed to have received designation under Article 19, paragraph (1) of the New Electricity Business Act as of the date of enforcement.

(Effect of Rulings)

Article 38 With regard to any rulings, procedures or other acts conducted, prior to the enforcement of this Act, pursuant to the provisions of the respective Acts prior to the revision by this Act (including orders issued thereunder; hereinafter the same applies in this Article), if the respective revised Acts contain provisions corresponding to those provisions, the rulings, procedures, and acts are deemed to have been conducted under the relevant provisions of the respective Acts revised by this Act, except those otherwise provided by the Supplementary Provisions.

(Transitional Measures Concerning Penal Provisions)

Article 39 With regard to the application of penal provisions to any acts committed prior to the date of enforcement as well as any acts committed on or after the date of enforcement if the provisions previously in force remain applicable pursuant to the Supplementary Provisions, the provisions previously in force remain applicable.

(Delegation to Cabinet Order)

Article 40 Beyond what is provided for in Article 2 of the Supplementary Provisions to the preceding Article and Articles 44, 47, 57, 59, 61, 68, and 70 of the Supplementary Provisions, any necessary transitional measures for the enforcement of this Act (including transitional measures concerning penal provisions) are specified by Cabinet Order.

(Review)

Article 41 (1) When the government implements measures to ensure neutrality (meaning the measures to ensure neutrality prescribed in Article 11, paragraph (1), item (ii) of the Supplementary Provisions of the Act for Partial Revision of the Electricity Business Act (Act No. 74 of 2013)) by way of legal separation (meaning the legal separation prescribed in paragraph (2) of the Article), it is to make a review on desirable measures for granting bondholders for a company conducting electricity business the right to receive payment of their claims from the company's property in preference to other creditors, from the viewpoint of achieving the sound development of electricity business through securing fair competition among those who conduct electricity business, while ensuring not to hinder the procurement of funds required for ensuring a stable supply of electricity, and take necessary measures based on the review results.

Articles 42 to 74 (Omitted)

Supplementary Provisions [Act No. 47 of 2015 Extract] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2020; provided, however, that the provisions listed in the following items come into effect as of the dates prescribed in the respective items:

- (i) the provisions of Article 10 and the provisions of Articles 18, 19, and 26, Article 27 (limited to the part concerning Article 26, paragraph (1) of the Supplementary Provisions), Article 32, Article 41, paragraph (4), Article 44, Article 45 (limited to the part concerning items (i) through (iii)), Article 46 (limited to the part concerning Article 44 and Article 45 (limited to the part concerning items (i) through (iii)) of the Supplementary Provisions), Article 50, paragraph (5), Article 54, Article 63, paragraph (4), and Articles 73, 74, and 98 of the Supplementary Provisions: the date of promulgation;
- (ii) the provisions of Articles 1 and 13 and the provisions of Articles 71 and 72 of the Supplementary Provisions: a date specified by Cabinet Order within a period not exceeding six months from the date of promulgation;
- (iii) the provisions in Article 2 to revise the table of contents of the Electricity Business Act, revise Article 35, paragraph (1), revise the chapter name of Chapter V of the Act, and revise Article 66-2 of the Act, the provisions of Articles 4, 7, 11, and 14, the following Article, and the provisions of Article 22, paragraph (6), Article 28, paragraph (5), Article 35, Article 36 (limited to the part concerning Article 18, paragraphs (1) and (4), Article 19, paragraphs (2) and (4), Article 26, paragraphs (1) and (4), and Article 32, paragraphs (1) and (4) of the Supplementary Provisions), Articles 39, 40, and 49, Article 50 (excluding paragraph (5)), Articles 51 through 53, Article 55 through 62, Article 63 (excluding paragraph (4)), Articles 64 through 68, and Article 76 of the Supplementary Provisions, the provisions of Article 77 (excluding the provisions for revision set forth in item (v)) of the Supplementary Provisions, the provisions of Article 78, paragraphs (7) through (10) of the Supplementary Provisions, the provisions of Article 83 (excluding the provisions for revision set forth in item (v)) of the Supplementary Provisions, the provisions of Article 84 of the Supplementary Provisions, and the provisions in Article 85 of the Supplementary Provisions to revise Appended Table 1, item (ciii) of the Registration and License Tax Act (Act No. 35 of 1967): a date specified by Cabinet Order within a period not exceeding one year and six months from the date of promulgation;
- (iv) the provisions of Articles 16 and 86 of the Supplementary Provisions: a date specified by Cabinet Order within a period not exceeding two years from the date of promulgation;
- (v) the provisions of Article 2 (excluding the provisions for revision set forth in item (iii)) and Article 5, the provisions of Articles 12 through 15, Articles 17, 20, and 21, Article 22 (excluding paragraph (6)), Articles 23 through 25,

Article 27 (limited to the part concerning Article 24, paragraph (1) of the Supplementary Provisions), Article 28 (excluding paragraph (5)), Articles 29 through 31, Articles 33 and 34, Article 36 (limited to the part concerning Article 22, paragraphs (1) and (2), Article 23, paragraph (1), Article 24, paragraph (1), Article 25, Article 28, paragraphs (1) and (2), Article 29, paragraph (1), Article 30, paragraph (1), and Article 31 of the Supplementary Provisions), Articles 37 and 38, Article 41 (excluding paragraph (4)), Articles 42 and 43, Article 45 (limited to the part concerning items (iv) through (vi)), Article 46 (limited to the part concerning Article 43 and Article 45 (limited to the part concerning items (iv) through (vi)) of the Supplementary Provisions), and Articles 47, 48, and 75 of the Supplementary Provisions, the provisions in Article 77 of the Supplementary Provisions to revise Article 349-3, paragraph (3) and Article 701-34, paragraph (3), item (xvii) of the Local Tax Act (Act No. 226 of 1950), the provisions of Article 78, paragraphs (1) through (6) and Articles 79 through 82 of the Supplementary Provisions, the provisions in Article 83 of the Supplementary Provisions to revise Article 45, paragraph (1) of the Corporation Tax Act (Act No. 34 of March 31, 1965) (limited to the part concerning item (ii) of the paragraph), the provisions in Article 85 of the Supplementary Provisions to revise Appended Table 1, item (ci) of the Registration and License Tax Act and to revise item (civ), (c) of the table, the provisions of Article 87 of the Supplementary Provisions, the provisions in Article 88 of the Supplementary Provisions to revise Article 2, item (iii), (a) of the Act on Tax for Promotion of Power-Resources Development (Act No. 79 of 1974) (limited to the part revising "power generation quantity adjustment service" to "electricity quantity adjustment service"), and the provisions of Articles 90 through 95 and Article 97 of the Supplementary Provisions: a date specified by Cabinet Order within a period not exceeding two years and six months from the date of promulgation;

(vi) the provisions for revision in Article 12 to add two paragraphs to Article 16 of the Supplementary Provisions of the Act for Partial Revision of the Electricity Business Act (hereinafter referred to as the "Revising Act of 2014") (limited to the part concerning paragraph (6)) and the provisions of Articles 7 and 8 of the Supplementary Provisions: April 1, 2019;

(vii) the provisions of Article 6: April 1, 2022; and

(viii) the provisions of Articles 3 through 5 and Articles 9 through 11 of the Supplementary Provisions, the provisions in Article 88 of the Supplementary Provisions to revise Article 2, item (ii) of the Act on Tax for Promotion of Power-Resources Development, revise Article 9, paragraph (2) of the Act (limited to the part revising "in Article 11" to "Article 11, paragraph (1)"), revise the title of Article 11 of the Act, and add one paragraph to the Article, and the provisions of Article 96 of the Supplementary Provisions: the date of

enforcement of the Revising Act of 2014.

(Transitional Measures Concerning the Chairperson and Members of the
Electricity Market Surveillance Commission)

- Article 2 (1) A person who has been the chairperson or a member of the Electricity Market Surveillance Commission appointed pursuant to Article 66-6 of the Electricity Business Act prior to the revision by the provisions set forth in item (iii) of the preceding Article (hereinafter referred to as the "Item (iii) Former Electricity Business Act" in this Article) prior to the enforcement of the provisions set forth in the item is deemed to have been appointed as the chairperson or a member, respectively, of the Electricity and Gas Market Surveillance Commission pursuant to Article 66-6 of the Electricity Business Act revised by the provisions set forth in the item (hereinafter referred to as the "Item (iii) New Electricity Business Act" in this Article) as of the date of enforcement of the provisions set forth in the item (hereinafter referred to as the "Item (iii) date of enforcement"). In this case, the term of office of a person who is deemed to have been appointed is the same period as the person's remaining term of office, as of the Item (iii) date of enforcement, as the chairperson or a member, respectively, of the Electricity Market Surveillance Commission having been appointed pursuant to Article 66-6 of the Item (iii) Former Electricity Business Act, notwithstanding the provisions of Article 66-7, paragraph (1) of the Item (iii) New Electricity Business Act.
- (2) A person who has been a member designated pursuant to Article 66-5, paragraph (2) of the Item (iii) Former Electricity Business Act prior to the enforcement of the provisions set forth in item (iii) of the preceding Article is deemed to have been designated as a member who is to perform the chairperson's duties on the chairperson's behalf pursuant to Article 66-5, paragraph (2) of the Item (iii) New Electricity Business Act as of the Item (iii) date of enforcement.

(Transitional Measures Concerning Application for Approval of General
Provisions for Wheeling Service Relating to Electricity Quantity Adjustment
Service by a General Electricity Transmission and Distribution Utility)

- Article 3 (1) A general electricity transmission and distribution utility that has obtained a license under Article 3 of the Electricity Business Act prior to the revision by the provisions set forth in Article 1, item (v) of the Supplementary Provisions (hereinafter referred to as the "Item (v) Former Electricity Business Act" in this paragraph) prior to the enforcement of the Revising Act of 2014 (the utility is hereinafter simply referred to as a "general electricity transmission and distribution utility" in this Article) must formulate, by a date specified by Cabinet Order within a period not exceeding one year and six

- months from the date of enforcement of the Revising Act of 2014, general provisions for wheeling service, etc. prescribed in Article 18, paragraph (1) of the Electricity Business Act revised by the provisions set forth in Article 1, item (v) of the Supplementary Provisions (hereinafter referred to as the "Item (v) New Electricity Business Act" in this Article) (the general provisions are hereinafter simply referred to as "general provisions for wheeling service, etc." in this Article) to set rates and other supply conditions for the electricity quantity adjustment service prescribed in Article 2, paragraph (1), item (vii) of the Item (v) New Electricity Business Act (excluding the power generation quantity adjustment service prescribed in Article 2, paragraph (1), item (vii) of the Item (v) Former Electricity Business Act; the same applies in item (ii) of the following paragraph and paragraph (4)), and file an application for approval of the Minister of Economy, Trade and Industry pursuant to provisions by Order of the Ministry of Economy, Trade and Industry.
- (2) If the Minister of Economy, Trade and Industry finds that the application for the approval under the preceding paragraph conforms to all of the following items, the minister must grant approval under the paragraph:
- (i) The rates consist of fair costs incurred as a result of efficient management and fair profits;
 - (ii) it is unlikely that the recipients of electricity supply under the general provisions for wheeling service, etc. to which the application for approval under the preceding paragraph pertained would experience any serious difficulty in receiving the electricity quantity adjustment service;
 - (iii) the means of calculation of rates is specified appropriately and clearly;
 - (iv) the responsibilities of the general electricity transmission and distribution utility and the recipients of electricity supply under the general provisions for wheeling service, etc. to which the application for approval under the preceding paragraph pertained, as well as the means of sharing expenses between them for electricity meters and works, are provided for appropriately and clearly;
 - (v) certain persons are not treated in an unfair and discriminatory manner; and
 - (vi) beyond what is listed in the preceding items, the rates and conditions do not hinder the promotion of public interest.
- (3) A general electricity transmission and distribution utility that has obtained approval under paragraph (1) must publicize the general provisions for wheeling service, etc. that were approved under the paragraph, pursuant to provisions by Order of the Ministry of Economy, Trade and Industry.
- (4) If there are special circumstances that make it difficult for a general electricity transmission and distribution utility that has obtained approval under paragraph (1) to provide an electricity quantity adjustment service

under the general provisions for wheeling service, etc. that were approved under the paragraph, and the general electricity transmission and distribution utility intends to provide an electricity quantity adjustment service at rates and other supply conditions prescribed in the proviso to Article 18, paragraph (2) of the Item (v) New Electricity Business Act, the general electricity transmission and distribution utility may obtain the approval of the Minister of Economy, Trade and Industry with regard to the rates and other supply conditions, prior to the date of enforcement of the provisions set forth in Article 1, item (v) of the Supplementary Provisions (hereinafter referred to as the "Item (v) date of enforcement").

- (5) If the Minister of Economy, Trade and Industry intends to grant approval under paragraph (1) or the preceding paragraph, the minister must hear the opinions of the Electricity and Gas Market Surveillance Commission (if prior to the Item (iii) date of enforcement, the Electricity Market Surveillance Commission) in advance.
- (6) General provisions for wheeling service, etc. that were approved under paragraph (1) and rates and other supply conditions that were approved under paragraph (4) become effective on the Item (v) date of enforcement.
- (7) General provisions for wheeling service, etc. that were approved under paragraph (1) are deemed to be general provisions for wheeling service, etc. that were approved under Article 18, paragraph (1) of the Item (v) New Electricity Business Act, and rates and other supply conditions that were approved under paragraph (4) are deemed to be rates and other supply conditions that were approved under the proviso to paragraph (2) of the Article.

(Penal Provisions)

Article 4 A person who falls under any of the following items is subject to a fine of not more than 300,000 yen:

- (i) a person who has failed to file an application under paragraph (1) of the preceding Article or filed a false application; and
- (ii) a person who has failed to publicize necessary matters, in violation of paragraph (3) of the preceding Article.

Article 5 If the representative of a corporation or an agent, employee or other worker of a corporation or an individual has committed the violations prescribed in the preceding Article, with regard to the business of the corporation or individual, not only the offender but also the corporation or individual is subject to the fine prescribed in the Article.

(Transitional Measures Concerning General Security Relating to Electricity Business)

Article 6 With regard to bondholders who hold bonds under Article 27-30, paragraphs (1) through (3) of the Electricity Business Act prior to the revision by Article 3 (hereinafter referred to as the "Former Electricity Business Act" in the following Article to Article 10 of the Supplementary Provisions) that have been issued prior to the date of enforcement of this Act (hereinafter referred to as the "date of enforcement"), the provisions of Article 27-30 of the Former Electricity Business Act remain applicable after the enforcement of this Act.

(Preparatory Actions upon Partial Revision of the Electricity Business Act)

Article 7 (1) A general electricity transmission and distribution utility (meaning the general electricity transmission and distribution utility prescribed in Article 2, paragraph (1), item (ix) of the Former Electricity Business Act; the same applies in paragraph (3) and paragraph (1), item (i) of the following Article) may obtain the approval of the Minister of Economy, Trade and Industry pursuant to the provisions of the proviso to Article 22-2, paragraph (1), Article 22-2, paragraph (2), and Article 66-11 of the Electricity Business Act revised by Article 3 (hereinafter referred to as the "New Electricity Business Act" in this Article and the following Article), even prior to the date of enforcement.

(2) An electricity transmission utility (meaning the electricity transmission utility prescribed in Article 2, paragraph (1), item (xi) of the Former Electricity Business Act; the same applies in the following paragraph and paragraph (1), item (ii) of the following Article) may obtain the approval of the Minister of Economy, Trade and Industry pursuant to the provisions of the proviso to Article 27-11-2, paragraph (1), Article 27-11-2, paragraph (2), and Article 66-11 of the New Electricity Business Act, even prior to the date of enforcement.

(3) A general electricity transmission and distribution utility or an electricity transmission utility that has obtained the approval of the Minister of Economy, Trade and Industry under either of the preceding two paragraphs is deemed to have obtained approval under the proviso to Article 22-2, paragraph (1) or the proviso to Article 27-11-2, paragraph (1) of the New Electricity Business Act as of the date of enforcement.

Article 8 (1) The following companies may obtain certification from the Minister of Economy, Trade and Industry pursuant to the provisions of Articles 10 through 12 and Articles 15 and 16 of the Supplementary Provisions of the New Electricity Business Act, even prior to the date of enforcement:

- (i) a company which is a general electricity transmission and distribution utility;
- (ii) a company which is an electricity transmission utility;
- (iii) a company which is an electricity generation utility (meaning the

- electricity generation utility prescribed in Article 2, paragraph (1), item (xv) of the Former Electricity Business Act); and
- (iv) a company whose Subsidiary Company (meaning the subsidiary company prescribed in Article 2, item (iii) of the Companies Act (Act No. 86 of 2005)) is any of the companies set forth in the preceding three items.
- (2) A company that has obtained certification under the preceding paragraph is deemed to have obtained certification under Article 12 of the Supplementary Provisions of the New Electricity Business Act as of the date of enforcement.

(Special Provisions on Split of a Corporation Which Is a Person Conducting Multiple Business Relating to Electricity Business)

Article 9 In the event of a transfer of general electricity transmission and distribution (meaning general electricity transmission and distribution prescribed in Article 2, paragraph (1), item (viii) of the Former Electricity Business Act; hereinafter the same applies in this Article and the following Article) or electricity generation (meaning electricity generation prescribed in item (xiv) of the paragraph; hereinafter the same applies in this Article through Article 11 of the Supplementary Provisions) conducted by a person conducting multiple business operations (meaning a person who conducts both general electricity transmission and distribution and electricity generation; hereinafter the same applies in this Article) or a split of a corporation which is a person conducting multiple business operations during the period from the date of enforcement of the Revising Act of 2014 to the date of enforcement, the provisions of Article 16, paragraphs (1) and (2) and Article 18 of the Measurement Act (Act No. 51 of May 20, 1992) do not apply to electric meters used for Measurement (meaning the measurement prescribed in Article 2, paragraph (1) of the Measurement Act) in statutory measurement units (meaning the statutory measurement units prescribed in Article 8, paragraph (1) of the Measurement Act) in electricity transactions (meaning the transactions prescribed in Article 2, paragraph (2) of the Measurement Act) between the person set forth in item (i) and the person set forth in item (ii) below, which the person conducting multiple business operations has installed prior to the date of the transfer or the split, until a date specified by Cabinet Order within a period not exceeding five years from the date of enforcement:

- (i) a person who has received or has taken over, or has transferred or has split, the whole or part of a general electricity transmission and distribution upon the transfer or split, and who continues to conduct the general electricity transmission and distribution after the transfer or split; and
- (ii) a person who has received or has taken over, or has transferred or has split, the whole or part of an electricity generation upon the transfer or split, and who continues to conduct the electricity generation after the transfer or split.

Article 10 (1) In the event of a split of a corporation which is a person conducting multiple business operations (meaning a person who conducts electricity retail (meaning electricity retail prescribed in Article 2, paragraph (1), item (ii) of the Former Electricity Business Act; hereinafter the same applies in this Article and the following Article), general electricity transmission and distribution, as well as electricity generation; the same applies in the following Article) during the period from the date of enforcement of the Revising Act of 2014 to the date of enforcement, if the corporation which has taken over the general electricity transmission and distribution upon the split or which has conducted the split and which continues to conduct the general electricity transmission and distribution conducts neither the electricity retail nor the electricity generation (limited to the business of generating electricity to be used for a electricity retail) after the split, and the corporation which has taken over the all or part of the electricity retail, general electricity transmission and distribution, or electricity generation upon the split (hereinafter referred to as the "takeover corporation" in this Article and the following Article) has requested the provision of information proving that fact (hereinafter referred to as "information certifying the split" in this Article), the Minister of Economy, Trade and Industry is to provide the takeover corporation with the information certifying the split, pursuant to provisions by Order of the Ministry of Economy, Trade and Industry.

(2) When a takeover corporation to whom information certifying the split has been provided pursuant to the provisions of the preceding paragraph provides a registry office with the information certifying the split together with Application Information (meaning the application information prescribed in Article 18 of the Real Property Registration Act (Act No. 123 of 2004); the same applies in Article 47, paragraph (2) of the Supplementary Provisions), the takeover corporation may file an application for registration of preservation of ownership with regard to the real property (excluding a condominium unit (meaning the condominium unit prescribed in Article 2, item (xxii) of the Real Property Registration Act; the same applies in Article 47, paragraph (2) of the Supplementary Provisions)) of which ownership it has acquired from the heading-section owner (meaning the heading-section owner prescribed in Article 2, item (x) of the Real Property Registration Act; the same applies in Article 47, paragraph (2) of the Supplementary Provisions) upon the split to which the information certifying the split pertained, notwithstanding the provisions of Article 74, paragraph (1) of the Act.

(3) The provisions of the preceding two paragraphs apply mutatis mutandis to a split of a corporation that conducts both electricity transmission (meaning electricity transmission prescribed in Article 2, paragraph (1), item (x) of the

Former Electricity Business Act; the same applies in the following Article) and electricity retail or electricity generation. In this case, the phrase "which has taken over the general electricity transmission and distribution" in paragraph (1) is deemed to be replaced with "which has taken over the electricity transmission (meaning electricity transmission prescribed in Article 2, paragraph (1), item (x) of the Former Electricity Business Act; hereinafter the same applies in this paragraph)".

(Exemption of Registration and License Tax Concerning Split of a Corporation Which Is a Person Conducting Multiple Business Operations Relating to Electricity Business)

Article 11 In the event of a split of a corporation which is a person conducting multiple business operations (including a person conducting both electricity transmission and electricity retail or electricity generation) during the period from the date of enforcement of the Revising Act of 2014 to the date of enforcement, if the takeover corporation (including the takeover corporation prescribed in paragraph (1) of the preceding Article as applied mutatis mutandis pursuant to paragraph (3) of the Article by replacing terms) takes over the rights of the corporation which is a person conducting multiple business operations upon the split, the registration and license tax is not imposed for the registration relating to the takeover, limited to registration made within three years from the takeover pursuant to provisions by Order of the Ministry of Finance and an Order of the Ministry of Economy, Trade and Industry.

(Transitional Measures Concerning Registration of Gas Retail Business)

Article 12 (1) A person set forth in any of the following items is deemed to have been registered under Article 3 of the Gas Business Act revised by Article 5 (hereinafter referred to as the "Item (v) New Gas Business Act") for conducting a gas retail business (meaning the gas retail business prescribed in Article 2, paragraph (2) of the Item (v) New Gas Business Act; the same applies in Article 16, paragraph (1) and Article 78, paragraphs (2) and (3) of the Supplementary Provisions) as of the Item (v) date of enforcement. In this case, the provisions of Article 5, paragraph (2) of the Item (v) New Gas Business Act do not apply:

- (i) a person who has been conducting both general gas utility services (meaning general gas utility services prescribed in Article 2, paragraph (1) of the Gas Business Act prior to the revision by Article 5 (hereinafter referred to as the "Item (v) Former Gas Business Act"); hereinafter the same applies in this Article and paragraph (3) of the following Article) and community gas utility business (meaning community gas utility business prescribed in Article 2,

- paragraph (3) of the Item (v) Former Gas Business Act; hereinafter the same applies in this Article) by obtaining licenses under Articles 3 and 37-2 prior to the enforcement of Article 5;
- (ii) a person who has been conducting general gas utility services by obtaining a license under Article 3 of the Item (v) Former Gas Business Act prior to the enforcement of Article 5 (excluding the person set forth in the preceding item); and
 - (iii) a person who has been conducting community gas utility business by obtaining a license under Article 37-2 of the Item (v) Former Gas Business Act prior to the enforcement of Article 5 (excluding the person set forth in item (i)).
- (2) A person who is deemed to have been registered under Article 3 of the Item (v) New Gas Business Act pursuant to the provisions of the preceding paragraph (hereinafter referred to as a "deemed gas retailer") must submit a document stating the matters set forth in the items of Article 4, paragraph (1) of the Item (v) New Gas Business Act and the documents prescribed in paragraph (2) of the Article to the Minister of Economy, Trade and Industry within one month from the Item (v) date of enforcement.
- (3) When documents under the preceding paragraph have been submitted, the Minister of Economy, Trade and Industry is to register the matters set forth in the items (excluding item (vii)) of Article 4, paragraph (1) of the Item (v) New Gas Business Act that are stated in the documents and the matter set forth in Article 5, paragraph (1), item (ii) of the Item (v) New Gas Business Act in the registry of gas retailers (meaning the registry of gas retailers prescribed in the paragraph).
- (4) An application for a license filed under Article 3 of the Item (v) Former Gas Business Act for general gas utility services and an application for a license filed under Article 37-2 of the Item (v) Former Gas Business Act for community gas utility business prior to the enforcement of Article 5 is deemed to be an application for registration under Article 3 of the Item (v) New Gas Business Act.
- (5) A person who has filed an application for a license under Article 3 of the Item (v) Former Gas Business Act for general gas utility services or an application for a license under Article 37-2 of the Item (v) Former Gas Business Act for community gas utility business that is deemed to be an application for registration filed under Article 3 of the Item (v) New Gas Business Act pursuant to the provisions of the preceding paragraph must submit a document stating the matters set forth in the items of Article 4, paragraph (1) of the Item (v) New Gas Business Act and the documents prescribed in paragraph (2) of the Article to the Minister of Economy, Trade and Industry within one month from the Item (v) date of enforcement.

Article 13 (1) A general gas utility that has obtained a license under Article 3 of the Item (v) Former Gas Business Act (hereinafter referred to as a "former general gas utility" in this Article) prior to the enforcement of Article 5 who is required to obtain a license pursuant to Article 35 of the Item (v) New Gas Business Act is deemed to have obtained a license under Article 35 of the Item (v) New Gas Business Act for general gas pipeline services (meaning the general gas pipeline services prescribed in Article 2, paragraph (5) of the Item (v) New Gas Business Act) as of the Item (v) date of enforcement, and a former general gas utility who is required to give notification pursuant to Article 86, paragraph (1) of the Item (v) New Gas Business Act is deemed to have given notification under the paragraph for Gas Manufacturing Business (meaning gas manufacturing business prescribed in Article 2, paragraph (9) of the Item (v) New Gas Business Act; the same applies in Article 17 of the Supplementary Provisions) as of the Item (v) date of enforcement. In this case, the provisions of Article 38 of the Item (v) New Gas Business Act do not apply.

(2) A former general gas utility services who is deemed to have given notification under Article 86, paragraph (1) of the Item (v) New Gas Business Act pursuant to the provisions of the preceding paragraph must submit a document stating the matters set forth in the items of the paragraph and the documents prescribed in paragraph (2) of the Article to the Minister of Economy, Trade and Industry within one month from the Item (v) date of enforcement.

(3) An application for a license filed under Article 3 of the Item (v) Former Gas Business Act for general gas utility services prior to the enforcement of Article 5 which relates to a person who is required to obtain a license pursuant to Article 35 of the Item (v) New Gas Business Act is deemed to be an application for a license under the Article, and an application for a license filed under Article 3 of the Item (v) Former Gas Business Act for general gas utility services prior to the enforcement of Article 5 which relates to a person who is required to give notification pursuant to Article 86, paragraph (1) of the Item (v) New Gas Business Act is deemed to be notification that has been given pursuant to the paragraph.

Article 14 (1) If notification under Article 22-5, paragraph (1) of the Item (v) Former Gas Business Act (limited to when gas pipeline service business (meaning gas pipeline service business prescribed in Article 2, paragraph (5) of the Item (v) Former Gas Business Act; the same applies in paragraph (1) of the following Article) relating to the notification is equivalent to specified gas pipeline service business prescribed in Article 55, paragraph (1) of the Item (v) New Gas Business Act) has been given prior to the enforcement of Article 5, it is deemed that notification under Article 55, paragraph (1) of the Item (v) New

Gas Business Act has been given.

- (2) A person who is deemed to have given notification under Article 55, paragraph (1) of the Item (v) New Gas Business Act pursuant to the provisions of the preceding paragraph must submit a document stating the matters set forth in the items of the paragraph and the documents prescribed in paragraph (2) of the Article to the Minister of Economy, Trade and Industry within one month from the Item (v) date of enforcement.
- (3) In the case referred to in paragraph (1), if a person has received measures to shorten the period prescribed in Article 22-5, paragraph (3) of the Item (v) Former Gas Business Act, pursuant to paragraph (4) of the Article, prior to the enforcement of Article 5, it is deemed that the person has received measures to shorten the period prescribed in Article 55, paragraph (3) of the Item (v) New Gas Business Act, pursuant to paragraph (4) of the Article.
- (4) In the case referred to in paragraph (1), if a person has been ordered to change the content of notification under Article 22-5, paragraph (1) of the Item (v) Former Gas Business Act or suspend its performance of the business to which the notification pertained, pursuant to paragraph (5) of the Article, prior to the enforcement of Article 5, it is deemed that the person has been ordered to change the content of notification under Article 55, paragraph (1) of the Item (v) New Gas Business Act or suspend its performance of the business to which the notification pertained, pursuant to paragraph (5) of the Article.
- (5) In the case referred to in paragraph (1), if a person has received measures to extend the period prescribed in Article 22-5, paragraph (3) of the Item (v) Former Gas Business Act, pursuant to paragraph (6) of the Article, prior to the enforcement of Article 5, it is deemed that the person has received measures to extend the period prescribed in Article 55, paragraph (3) of the Item (v) New Gas Business Act, pursuant to paragraph (6) of the Article.
- (6) In the case referred to in paragraph (1), if a person has been notified of the extended period and the reason for extension of the period prescribed in Article 22-5, paragraph (3) of the Item (v) Former Gas Business Act, pursuant to paragraph (6) of the Article, prior to the enforcement of Article 5, it is deemed that the person has been notified of the extended period and the reason for extension of the period prescribed in Article 55, paragraph (3) of the Item (v) New Gas Business Act, pursuant to paragraph (6) of the Article.

Article 15 (1) If notification under Article 22-5, paragraph (1) or Article 37-7-2, paragraph (1) of the Item (v) Former Gas Business Act (limited to when the gas pipeline service business relating to the notification is equivalent to specified gas pipeline service business prescribed in Article 72, paragraph (1) of the Item (v) New Gas Business Act) has been given prior to the enforcement of Article 5, it is deemed that notification under Article 72, paragraph (1) of the Item (v)

New Gas Business Act has been given.

- (2) A person who is deemed to have given notification under Article 72, paragraph (1) of the Item (v) New Gas Business Act pursuant to the provisions of the preceding paragraph must submit a document stating the matters set forth in the items of the paragraph and the documents prescribed in paragraph (2) of the Article to the Minister of Economy, Trade and Industry within one month from the Item (v) date of enforcement.
- (3) In the case referred to in paragraph (1), if a person has received measures to shorten the period prescribed in Article 22-5, paragraph (3) or Article 37-7-2, paragraph (3) of the Item (v) Former Gas Business Act, pursuant to Article 22-5, paragraph (4) or Article 37-7-2, paragraph (4) of the Item (v) Former Gas Business Act, prior to the enforcement of Article 5, it is deemed that the person has received measures to shorten the period prescribed in Article 72, paragraph (3) of the Item (v) New Gas Business Act, pursuant to paragraph (4) of the Article.
- (4) In the case referred to in paragraph (1), if a person has been ordered to change the content of notification under Article 22-5, paragraph (1) or Article 37-7-2, paragraph (1) of the Item (v) Former Gas Business Act or suspend its performance of the business to which the notification pertained, pursuant to Article 22-5, paragraph (5) or Article 37-7-2, paragraph (5) of the Item (v) Former Gas Business Act, prior to the enforcement of Article 5, it is deemed that the person has been ordered to change the content of notification under Article 72, paragraph (1) of the Item (v) New Gas Business Act or suspend its performance of the business to which the notification pertained, pursuant to paragraph (5) of the Article.
- (5) In the case referred to in paragraph (1), if a person has received measures to extend the period prescribed in Article 22-5, paragraph (3) or Article 37-7-2, paragraph (3) of the Item (v) Former Gas Business Act, pursuant to Article 22-5, paragraph (6) or Article 37-7-2, paragraph (6) of the Item (v) Former Gas Business Act, prior to the enforcement of Article 5, it is deemed that the person has received measures to extend the period prescribed in Article 72, paragraph (3) of the Item (v) New Gas Business Act, pursuant to paragraph (6) of the Article.
- (6) In the case referred to in paragraph (1), if a person has been notified of the extended period and the reason for extension of the period prescribed in Article 22-5, paragraph (3) or Article 37-7-2, paragraph (3) of the Item (v) Former Gas Business Act, pursuant to Article 22-5, paragraph (6) or Article 37-7-2, paragraph (6) of the Item (v) Former Gas Business Act, prior to the enforcement of Article 5, it is deemed that the person has been notified of the extended period and the reason for extension of the period prescribed in Article 72, paragraph (3) of the Item (v) New Gas Business Act, pursuant to paragraph

(6) of the Article.

Article 16 (1) A person who intends to conduct gas retail business by being registered under Article 3 of the Item (v) New Gas Business Act may file an application for registration pursuant to the provisions of Article 4 of the Item (v) New Gas Business Act, even prior to the Item (v) date of enforcement.

(2) If an application for registration has been filed pursuant to the provisions of the preceding paragraph, the Minister of Economy, Trade and Industry may make the registration pursuant to the provisions of Articles 3 through 6, Articles 12 and 177, and Article 189, paragraph (4) of the Item (v) New Gas Business Act, even prior to the Item (v) date of enforcement. In this case, the registered person is deemed to have been registered under Article 3 of the Item (v) New Gas Business Act as of the Item (v) date of enforcement.

Article 17 (1) A person who has been conducting business equivalent to gas manufacturing business (excluding a person who is deemed to have given notification under Article 86, paragraph (1) of the Item (v) New Gas Business Act pursuant to Article 13, paragraph (1) of the Supplementary Provisions) prior to the enforcement of Article 5 may continue to conduct the business for three months from the Item (v) date of enforcement, notwithstanding the provisions of Article 86, paragraph (1) of the Item (v) New Gas Business Act.

(2) With regard to a person who may continue to conduct business equivalent to gas manufacturing business pursuant to the provisions of the preceding paragraph (referred to as a "provisional gas manufacturer" in the following paragraph), the provisions of Chapter IV, Section 2, Article 171, paragraph (1), Article 172, paragraph (1), Articles 177 through 181, and Articles 184, 189, and 190 of the Item (v) New Gas Business Act (including penal provisions pertaining to these provisions) apply by deeming the person to be a gas manufacturer (meaning the gas manufacturer prescribed in Article 2, paragraph (10) of the Item (v) New Gas Business Act).

(3) A provisional gas manufacturer must notify the Minister of Economy, Trade and Industry of the following matters pursuant to provisions by Order of the Ministry of Economy, Trade and Industry within three months from the Item (v) date of enforcement:

- (i) the name and address of the provisional gas manufacturer, as well as the name of the representative if the provisional gas manufacturer is a corporation;
- (ii) the names and locations of the principal business office and any other business office of the provisional gas manufacturer;
- (iii) the following matters concerning the gas facilities to be used for business equivalent to a gas manufacturing business:

- (a) with regard to liquefied gas storage facilities (meaning storage facilities of liquefied gas), the site where they are to be installed, the type, and capacity; and
 - (b) with regard to gas generating facilities and gas holders, the site where they are to be installed, the type, and number of them by capacity;
 - (iv) the date of commencement of business; and
 - (v) other matters specified by Order of the Ministry of Economy, Trade and Industry.
- (4) The provisions of Article 86, paragraph (2) of the Item (v) New Gas Business Act apply mutatis mutandis to notification under the preceding paragraph.
- (5) Notification given pursuant to paragraph (3) is deemed to be notification given pursuant to Article 86, paragraph (1) of the Item (v) New Gas Business Act.

(Transitional Measures Concerning Application for Approval of General Provisions for Transportation Service Relating to General Gas Pipeline Services)

- Article 18 (1) A general gas utility that has obtained a license under Article 3 of the Item (v) Former Gas Business Act prior to the promulgation of this Act who is required to obtain a license pursuant to Article 35 of the Item (v) New Gas Business Act (hereinafter simply referred to as a "general gas utility" in this Article and the following Article) must formulate general provisions for transportation service (meaning the general provisions for transportation service prescribed in Article 48, paragraph (1) of the Item (v) New Gas Business Act; hereinafter the same applies in this Article) and file an application for approval of the Minister of Economy, Trade and Industry pursuant to provisions by Order of the Ministry of Economy, Trade and Industry, by a date specified by Cabinet Order within a period not exceeding two years from the date of promulgation; provided, however, that this does not apply if the Minister of Economy, Trade and Industry has granted approval based on the recognition that it is not necessary to formulate general provisions for transportation service in light of the possibility of the general gas utility receiving any application for a transportation service (meaning the transportation service prescribed in Article 2, paragraph (4) of the Item (v) New Gas Business Act; the same applies in item (ii) of the following paragraph and paragraph (4)) and other circumstances.
- (2) If the Minister of Economy, Trade and Industry finds that the application for the approval under the main clause of the preceding paragraph conforms to all of the following items, the minister must grant approval under the main clause of the paragraph:
- (i) the rates consist of fair costs incurred as a result of efficient management

- and fair profits;
- (ii) it is unlikely that the recipients of gas supply under the general provisions for transportation service to which the application for approval under the main clause of the preceding paragraph pertained would experience any serious difficulty in receiving the transportation service;
 - (iii) the rates are clearly set as fixed rates or fixed amounts;
 - (iv) the responsibilities of the general gas utility and the recipients of gas supply under the general provisions for transportation service to which the application for approval under the main clause of the preceding paragraph pertained, as well as the means of sharing expenses between them for pipelines, gas meters and other facilities, are provided for appropriately and clearly;
 - (v) certain persons are not treated in an unfair and discriminatory manner;
and
 - (vi) beyond what is listed in the preceding items, the rates and conditions do not hinder the promotion of public interest.
- (3) A general gas utility that has obtained approval under the main clause of paragraph (1) must publicize the general provisions for transportation service that were approved under the main clause of the paragraph, pursuant to provisions by Order of the Ministry of Economy, Trade and Industry.
- (4) If there are special circumstances that make it difficult for a general gas utility that has obtained approval under the main clause of paragraph (1) to provide a transportation service under the general provisions for transportation service that were approved under the main clause of the paragraph, and the general gas utility intends to provide a transportation service at rates and other supply conditions prescribed in the proviso to Article 48, paragraph (3) of the Item (v) New Gas Business Act, the general gas utility may obtain the approval of the Minister of Economy, Trade and Industry with regard to the rates and other supply conditions, even prior to the Item (v) date of enforcement.
- (5) General provisions for transportation service that were approved under the main clause of paragraph (1) and rates and other supply conditions that were approved under the preceding paragraph become effective on the Item (v) date of enforcement.
- (6) General provisions for transportation service that were approved under the main clause of paragraph (1) are deemed to be general provisions for transportation service that were approved under the main clause of Article 48, paragraph (1) of the Item (v) New Gas Business Act, and rates and other supply conditions that were approved under paragraph (4) are deemed to be rates and other supply conditions that were approved under the proviso to paragraph (3) of the Article.

- (7) A general gas utility that has obtained approval under the proviso to paragraph (1) is deemed to have obtained approval under the proviso to Article 48, paragraph (1) of the Item (v) New Gas Business Act as of the Item (v) date of enforcement.
- (8) Rates and other supply conditions of which notification has been given pursuant to Article 22-2, paragraph (1) of the Item (v) Former Gas Business Act prior to the enforcement of Article 5 which relate to a person who is deemed to have obtained approval under the proviso to Article 48, paragraph (1) of the Item (v) New Gas Business Act pursuant to the provisions of the preceding paragraph are deemed to be rates and other supply conditions of which notification has been given pursuant to Article 49, paragraph (1) of the Item (v) New Gas Business Act.

(Transitional Measures Concerning Notification of General Provisions

Pertaining to Last-Resort Service Relating to General Gas Pipeline Services)

Article 19 (1) A general gas utility must formulate general provisions prescribed in Article 51, paragraph (1) of the Item (v) New Gas Business Act, and notify the Minister of Economy, Trade and Industry of the general provisions pursuant to provisions by Order of the Ministry of Economy, Trade and Industry, by a date specified by Cabinet Order within a period not exceeding two years from the date of promulgation. The same applies when the general gas utility intends to revise the general provisions.

- (2) If the Minister of Economy, Trade and Industry finds that the general provisions of which notification was given under the preceding paragraph fail to fall under any of the following items, the minister may order the general gas utility to revise the general provisions, within a reasonable time limit set by the minister:
- (i) the rates are clearly set as fixed rates or fixed amounts;
 - (ii) the responsibilities of the general gas utility and gas users, as well as the means of sharing expenses between them for pipelines, gas meters and other facilities, are provided for appropriately and clearly;
 - (iii) certain persons are not treated in an unfair and discriminatory manner;
- and
- (iv) the rates and conditions are not particularly inappropriate in light of social and economic circumstances or significantly harmful to the interest of recipients of gas supply under the general provisions.
- (3) A general gas utility that has given notification under paragraph (1) must publicize the general provisions of which notification was given under the paragraph, pursuant to provisions by Order of the Ministry of Economy, Trade and Industry.
- (4) If there are special circumstances that make it difficult for a general gas

utility that has given notification under paragraph (1) to provide a last resort service (meaning the last resort service prescribed in Article 2, paragraph (5) of the Item (v) New Gas Business Act) under the general provisions of which notification was given under paragraph (1), and the general gas utility intends to provide a last resort service at rates and other supply conditions prescribed in the proviso to Article 51, paragraph (2) of the Item (v) New Gas Business Act, the general gas utility may obtain the approval of the Minister of Economy, Trade and Industry with regard to the rates and other supply conditions, even prior to the Item (v) date of enforcement.

- (5) General provisions of which notification was given under paragraph (1) and rates and other supply conditions that were approved under the preceding paragraph become effective on the Item (v) date of enforcement.
- (6) General provisions of which notification was given under paragraph (1) are deemed to be general provisions of which notification was given under Article 51, paragraph (1) of the Item (v) New Gas Business Act, and rates and other supply conditions that were approved under paragraph (4) are deemed to be rates and other supply conditions that were approved under the proviso to paragraph (2) of the Article.

(Transitional Measures Concerning General Provisions for Transportation Services of a Gas Pipeline Service Provider)

Article 20 (1) General provisions for transportation services of which notification has been given pursuant to the main clause of Article 22, paragraph (1) of the Item (v) Former Gas Business Act as applied mutatis mutandis pursuant to Article 37-8 of the Item (v) Former Gas Business Act prior to the enforcement of Article 5 which relate to a person who is deemed to have given notification under Article 72, paragraph (1) of the Item (v) New Gas Business Act pursuant to Article 15, paragraph (1) of the Supplementary Provisions are deemed to be general provisions for transportation service of which notification has been given pursuant to the main clause of Article 76, paragraph (1) of the Item (v) New Gas Business Act.

- (2) A Gas pipeline service provider (meaning the gas pipeline service provider prescribed in Article 2, paragraph (6) of the Item (v) Former Gas Business Act) that has obtained approval under the proviso to Article 22, paragraph (1) of the Item (v) Former Gas Business Act as applied mutatis mutandis pursuant to Article 37-8 of the Item (v) Former Gas Business Act prior to the enforcement of Article 5 and that is deemed to have given notification under Article 72, paragraph (1) of the Item (v) New Gas Business Act pursuant to Article 15, paragraph (1) of the Supplementary Provisions is deemed to have obtained approval under the proviso to Article 76, paragraph (1) of the Item (v) New Gas Business Act as of the Item (v) date of enforcement.

(3) Rates and other supply conditions of which notification has been given pursuant to Article 22-2, paragraph (1) of the Item (v) Former Gas Business Act as applied mutatis mutandis pursuant to Article 37-8 of the Item (v) Former Gas Business Act prior to the enforcement of Article 5 which relate to a person who is deemed to have obtained approval under the proviso to Article 76, paragraph (1) of the Item (v) New Gas Business Act pursuant to the provisions of the preceding paragraph are deemed to be rates and other supply conditions of which notification has been given pursuant to Article 77, paragraph (1) of the Item (v) New Gas Business Act.

(Transitional Measures Concerning Registered Gas Facilities Inspection Bodies)

Article 21 A person who has been registered under Article 36-2-2, paragraph (1) of the Item (v) Former Gas Business Act prior to the enforcement of Article 5 is deemed to have been registered under Article 33, paragraph (1), Article 69, paragraph (1) (including when applied mutatis mutandis pursuant to Article 84, paragraph (1)), and Article 102, paragraph (1) of the Item (v) New Gas Business Act. In this case, the registration is valid for the period during which the registration under Article 36-2-2, paragraph (1) of the Item (v) Former Gas Business Act remains valid.

(Obligation to Supply of a Deemed Gas Retailer Formerly Conducting General Gas Utility Services)

Article 22 (1) Until otherwise provided for by law, a deemed gas retailer (limited to the person set forth in Article 12, paragraph (1), item (i) or (ii) of the Supplementary Provisions; hereinafter referred to as a "deemed gas retailer formerly conducting general gas utility services") must not refuse to supply gas for guaranteeing gas supply to meet general demand other than the following in the service area or at service points set forth in Article 6, paragraph (2), item (iii) of the Item (v) Former Gas Business Act pertaining to the deemed gas retailer formerly conducting general gas utility services which are designated by the Minister of Economy, Trade and Industry as those where a particularly high necessity is found to protect the interests of gas users in the service area or service points due to absence of the ensuring of fair competition among gas retailers (meaning the gas retailers prescribed in Article 2, paragraph (3) of the Item (v) New Gas Business Act; the same applies in Article 28, paragraph (1) of the Supplementary Provisions) or any other reason (the area or service points are hereinafter referred to as "designated former service area, etc.;" the demand is referred to as "demand in designated service former area, etc." in paragraph (2) of the following Article; and the supply of gas is hereinafter referred to as "retail service in designated former service area, etc.") without

justifiable grounds:

- (i) demand from users who receive a retail service (meaning the retail service prescribed in Article 2, paragraph (1) of the Item (v) New Gas Business Act; hereinafter the same applies in this paragraph and Article 28, paragraph (1) of the Supplementary Provisions) from the deemed gas retailer formerly conducting general gas utility services under the following rates and other supply conditions:
 - (a) demand under rates and other supply conditions negotiated and agreed upon with the deemed gas retailer formerly conducting general gas utility services;
 - (b) demand under rates and other supply conditions equivalent to those set under optional supply provisions of which notification has been given pursuant to Article 17, paragraph (12) of the Item (v) Former Gas Business Act prior to the enforcement of Article 5; and
 - (c) demand under rates and other supply conditions equivalent to those that have been approved under the proviso to Article 20, paragraph (1) of the Item (v) Former Gas Business Act (referred to as "former approved supply conditions" in Article 25 and Article 26, paragraph (7) of the Supplementary Provisions) prior to the enforcement of Article 5 and that have not been approved under Article 25 of the Supplementary Provisions;
 - (ii) demand from users who receive a retail service from a person other than the deemed gas retailer formerly conducting general gas utility services.
- (2) If the Minister of Economy, Trade and Industry finds that the grounds for the designation prescribed in the preceding paragraph have ceased to exist for a designated former service area, etc., the minister is to cancel the designation under the paragraph with regard to the designated former service area, etc.
 - (3) The provisions of Articles 14 and 15 of the Item (v) New Gas Business Act do not apply to a retail service in designated former service area, etc. provided by a deemed gas retailer formerly conducting general gas utility services.
 - (4) With regard to a deemed gas retailer formerly conducting general gas utility services, the provisions of Articles 7, 10, and 11, Articles 13 through 15, Article 17, paragraphs (3) through (10), Articles 18 through 20, Articles 26, 26-2, 45-2, 47-6, 48, 49, and 50, and Article 52-2, paragraph (4) of the Item (v) Former Gas Business Act (including penal provisions pertaining to these provisions) remain applicable while the deemed gas retailer formerly conducting general gas utility services bears the obligation under paragraph (1). In this case, the necessary technical replacement of terms is specified by Cabinet Order.
 - (5) With regard to the application of the provisions of Article 2, paragraph (5) of the Item (v) New Gas Business Act, the phrase "demand (excluding" in Article 2, paragraph (5) of the Item (v) New Gas Business Act is deemed to be replaced with "demand (excluding demand in designated former service area, etc.

(meaning the demand in a designated former service area, etc. prescribed in Article 22, paragraph (1) of the Supplementary Provisions of the Act for Partial Revision of the Electricity Business Act (Act No. 47 of 2015)) and" while the deemed gas retailer formerly conducting general gas utility services bears the obligation under paragraph (1).

- (6) The Minister of Economy, Trade and Industry may designate a designated former service area pursuant to the provisions of paragraph (1) and Article 36 and Article 41, paragraph (4) of the Supplementary Provisions, even prior to the Item (v) date of enforcement.
- (7) A designated former service area, etc. designated pursuant to the provisions of the preceding paragraph is deemed to have been designated under paragraph (1) as of the Item (v) date of enforcement.

(Change of Designated Former Service Area of a Deemed Gas Retailer
Formerly Conducting General Gas Utility Services)

- Article 23 (1) If a deemed gas retailer formerly conducting general gas utility services intends to change its designated former service area, etc., it must obtain permission from the Minister of Economy, Trade and Industry.
- (2) The Minister of Economy, Trade and Industry must not grant permission under the preceding paragraph unless the minister finds that the application for the permission under the paragraph conforms to all of the following items:
- (i) the commencement of the retail service in a designated former service area, etc. corresponds to demand in designated former service area, etc.;
 - (ii) the applicant has a sufficient financial basis to perform the retail service in designated former service area, etc. competently;
 - (iii) the retail service in designated former service area, etc. is based on a reliable plan; and
 - (iv) the applicant is able to ensure the supply capability required for meeting the demand in designated former service area, etc.
- (3) A deemed gas retailer formerly conducting general gas utility services must commence the retail service in designated former service area, etc. to which the change pertained within a period designated by the Minister of Economy, Trade and Industry not exceeding three years from the day when the deemed gas retailer formerly conducting general gas utility services has obtained permission under paragraph (1) (excluding permission in relation to the reduction of the designated former service area, etc.; the same applies in paragraph (vi)) (if it is determined that a particularly long period of time will be required to commence business as a result of the implementation of a new housing and urban development project under the New Housing and Urban Development Act (Act No. 134 of 1963), within a period designated by the Minister of Economy, Trade and Industry).

- (4) If the Minister of Economy, Trade and Industry finds it particularly necessary, the minister may designate the period set forth in the preceding paragraph by category of designated former service area, etc.
- (5) If the Minister of Economy, Trade and Industry receives an application from a deemed gas retailer formerly conducting general gas utility services and finds justifiable grounds, the minister may extend the period designated under paragraph (3).
- (6) When a deemed gas retailer formerly conducting general gas utility services that has obtained permission under paragraph (1) commences a retail service in designated former service area, etc. (if the designation set forth in paragraph (3) has been made by category of designated former service area, etc. pursuant to paragraph (4), the retail service in designated former service area, etc. corresponding to the category), it must notify the Minister of Economy, Trade and Industry to that effect without delay.

(General Provisions for Retail Service in a Designated Former Service Area of a Deemed Gas Retailer Formerly Conducting General Gas Utility Services)

- Article 24 (1) A deemed gas retailer formerly conducting general gas utility services must formulate general provisions for retail service in designated former service area, etc. to set rates and other supply conditions for a retail service in designated former service area, etc. and obtain approval of the general provisions from the Minister of Economy, Trade and Industry, pursuant to provisions by Order of the Ministry of Economy, Trade and Industry, while it bears the obligation under Article 22, paragraph (1) of the Supplementary Provisions. The same applies if a deemed gas retailer formerly conducting general gas utility services intends to revise the general provisions.
- (2) If the Minister of Economy, Trade and Industry finds that the application for approval under the preceding paragraph conforms to all of the following items, the minister must grant approval under the paragraph:
 - (i) the rates consist of fair costs incurred as a result of efficient management and fair profits;
 - (ii) the rates are clearly set as fixed rates or fixed amounts;
 - (iii) the responsibilities of the deemed gas retailer formerly conducting general gas utility services and gas users, as well as the means of sharing expenses between them for pipelines, gas meters and other facilities, are provided for appropriately and clearly; and
 - (iv) certain persons are not treated in an unfair and discriminatory manner.
 - (3) General supply provisions which have been approved under Article 17, paragraph (1) of the Item (v) Former Gas Business Act or of which notification has been given pursuant to paragraph (4) or (7) of the Article prior to the enforcement of Article 5 (referred to as "former general supply provisions" in

Article 26, paragraph (7) of the Supplementary Provisions) are deemed to be general provisions for retail service in designated former service area, etc. which have been approved under paragraph (1).

(Transitional Measures Concerning Former Approved Supply Conditions of a Deemed Gas Retailer Formerly Conducting General Gas Utility Services)

Article 25 If former approved supply conditions are approved by the Minister of Economy, Trade and Industry within one month from the Item (v) date of enforcement pursuant to provisions by Order of the Ministry of Economy, Trade and Industry, they are deemed to have been approved under the proviso to Article 20 of the Item (v) Former Gas Business Act, which is deemed to remain in force pursuant to Article 22, paragraph (4) of the Supplementary Provisions.

(Preparatory Actions Concerning General Provisions for Retail Service in Designated Former Service Areas of a Deemed Gas Retailer Formerly Conducting General Gas Utility Services)

Article 26 (1) A general gas utility that has obtained a license under Article 3 of the Item (v) Former Gas Business Act prior to the promulgation of this Act (hereinafter simply referred to as a "general gas utility" in this Article) may formulate general provisions for retail service in designated former service area, etc. and obtain approval of the general provisions from the Minister of Economy, Trade and Industry pursuant to the provisions of Article 24, paragraph (1) of the Supplementary Provisions, even prior to the Item (v) date of enforcement.

(2) If the Minister of Economy, Trade and Industry finds that the application for approval under the preceding paragraph conforms to all of the following items, the minister must grant approval under the paragraph:

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

(ii) the rates are clearly set as fixed rates or fixed amounts;

(iii) the responsibilities of the general gas utility and gas users, as well as the means of sharing expenses between them for pipelines, gas meters and other facilities, are provided for appropriately and clearly; and

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

(3) A general gas utility that has obtained approval under paragraph (1) must publicize the general provisions for retail service in designated former service area, etc. that were approved under the paragraph, pursuant to provisions by Order of the Ministry of Economy, Trade and Industry.

(4) If there are special circumstances that make it difficult for a general gas utility that has obtained approval under paragraph (1) to provide a retail

service in designated former service area, etc. under the general provisions for retail service in designated former service area, etc. that were approved under the paragraph, and the general gas utility intends to provide a retail service in designated former service area, etc. at rates and other supply conditions prescribed in the proviso to Article 20 of the Item (v) Former Gas Business Act, which is deemed to remain in force pursuant to Article 22, paragraph (4) of the Supplementary Provisions, the general gas utility may obtain the approval of the Minister of Economy, Trade and Industry with regard to the rates and other supply conditions, even prior to the Item (v) date of enforcement.

- (5) General provisions for retail service in designated former service area, etc. that were approved under paragraph (1) and rates and other supply conditions that were approved under the preceding paragraph become effective on the Item (v) date of enforcement.
- (6) General provisions for retail service in designated former service area, etc. that were approved under paragraph (1) are deemed to be general provisions for retail service in designated former service area, etc. that were approved under Article 24, paragraph (1) of the Supplementary Provisions, and rates and other supply conditions that were approved under paragraph (4) are deemed to be rates and other supply conditions that were approved under the proviso to Article 20 of the Item (v) Former Gas Business Act, which is deemed to remain in force pursuant to Article 22, paragraph (4) of the Supplementary Provisions.
- (7) The provisions of Article 24, paragraph (3) of the Supplementary Provisions do not apply to former general supply provisions pertaining to a general gas utility that has obtained approval under paragraph (1), and the provisions of the preceding Article do not apply to former approved supply conditions pertaining to the general gas utility.

(Public Hearing)

Article 27 When the Minister of Economy, Trade and Industry intends to grant approval under Article 24, paragraph (1) of the Supplementary Provisions or paragraph (1) of the preceding Article, the minister must hold a public hearing to hear opinions of the public.

(Obligation to Supply of a Deemed Gas Retailer Formerly Conducting Community Gas Utility Business)

Article 28 (1) Until otherwise provided for by law, a deemed gas retailer (limited to the person set forth in Article 12, paragraph (1), item (i) or (iii) of the Supplementary Provisions; hereinafter referred to as a "deemed gas retailer formerly conducting community gas utility business") must not refuse to supply gas for guaranteeing gas supply to meet general demand other than the following at service points set forth in Article 37-5, paragraph (2), item (iii) of

the Item (v) Former Gas Business Act pertaining to the deemed gas retailer formerly conducting community gas utility business which are designated by the Minister of Economy, Trade and Industry as those where a particularly high necessity is found to protect the interests of gas users at the service points due to absence of the ensuring of fair competition among gas retailers or any other reason (the service points are hereinafter referred to as "designated former service points", the demand is referred to as "demand at designated former service points" in paragraph (2) of the following Article, and the supply of gas is hereinafter referred to as "retail service at designated former service points") without justifiable grounds:

- (i) demand from users who receive a retail service from the deemed gas retailer formerly conducting community gas utility business under the following rates and other supply conditions:
 - (a) demand under rates and other supply conditions negotiated and agreed upon with the deemed gas retailer formerly conducting community gas utility business;
 - (b) demand under rates and other supply conditions equivalent to those set under optional supply provisions of which notification has been given pursuant to Article 17, paragraph (12) of the Item (v) Former Gas Business Act as applied mutatis mutandis pursuant to Article 37-7, paragraph (1) of the Item (v) Former Gas Business Act prior to the enforcement of Article 5; and
 - (c) demand under rates and other supply conditions equivalent to those that have been approved under the proviso to Article 37-6-2 of the Item (v) Former Gas Business Act (referred to as "former approved supply conditions" in Article 31 and Article 32, paragraph (7) of the Supplementary Provisions) prior to the enforcement of Article 5 and that have not been approved under Article 31 of the Supplementary Provisions;
 - (ii) demand from users who receive a retail service from a person other than the deemed gas retailer formerly conducting community gas utility business.
- (2) If the Minister of Economy, Trade and Industry finds that the grounds for the designation prescribed in the preceding paragraph have ceased to exist for designated former service points, the minister is to cancel the designation under the paragraph with regard to the designated former service points.
- (3) The provisions of Articles 14 and 15 of the Item (v) New Gas Business Act do not apply to a retail service at designated former service points provided by a deemed gas retailer formerly conducting community gas utility business.
- (4) With regard to a deemed gas retailer formerly conducting community gas utility business, the provisions of Articles 37-6-2 of the Item (v) Former Gas Business Act, the provisions of Articles 7, 10, and 11, Articles 13 through 15, Article 17, paragraphs (3) through (10), Articles 18 and 19, and Article 26,

paragraph (1) of the Item (v) Former Gas Business Act as applied mutatis mutandis pursuant to Article 37-7, paragraph (1) of the Item (v) Former Gas Business Act, and the provisions of Articles 47-6, 49, and 50, and Article 52-2, paragraph (4) of the Item (v) Former Gas Business Act (including penal provisions pertaining to these provisions) remain applicable while the deemed gas retailer formerly conducting community gas utility business bears the obligation under paragraph (1). In this case, the necessary technical replacement of terms is specified by Cabinet Order.

- (5) The Minister of Economy, Trade and Industry may designate designated former service points pursuant to the provisions of paragraph (1) and Article 36 and Article 41, paragraph (4) of the Supplementary Provisions, even prior to the Item (v) date of enforcement.
- (6) Designated former service points designated pursuant to the provisions of the preceding paragraph are deemed to have been designated under paragraph (1) as of the Item (v) date of enforcement.

(Change of Designated Former Service Points of a Deemed Gas Retailer
Formerly Conducting Community Gas Utility Business)

Article 29 (1) If a deemed gas retailer formerly conducting community gas utility business intends to change its designated former service points, it must obtain permission from the Minister of Economy, Trade and Industry.

- (2) The Minister of Economy, Trade and Industry must not grant permission under the preceding paragraph unless the minister finds that the application for permission under the paragraph conforms to all of the following items:
 - (i) the commencement of the retail service at designated former service points corresponds to demand at designated former service points;
 - (ii) the applicant has a sufficient financial basis to perform the retail service at designated former service points competently;
 - (iii) the retail service at designated former service points is based on a reliable plan; and
 - (iv) the applicant is able to ensure the supply capability required for meeting the demand at designated former service points.
- (3) A deemed gas retailer formerly conducting community gas utility business must commence the retail service at designated former service points to which the change pertained within a period designated by the Minister of Economy, Trade and Industry not exceeding three years from the day when the deemed gas retailer formerly conducting community gas utility business has obtained permission under paragraph (1) (excluding permission in relation to the reduction of the designated former service points; the same applies in paragraph (vi)) (if it is determined that a particularly long period of time will be required to commence the business as a result of the implementation of a

new housing and urban development project under the New Housing and Urban Development Act, within the period designated by the Minister of Economy, Trade and Industry).

- (4) If the Minister of Economy, Trade and Industry finds it particularly necessary, the minister may designate the period set forth in the preceding paragraph by category of designated former service points.
- (5) If the Minister of Economy, Trade and Industry has received an application from a deemed gas retailer formerly conducting community gas utility business, and finds justifiable grounds, the minister may extend the period designated under paragraph (3).
- (6) If a deemed gas retailer formerly conducting community gas utility business that has obtained permission under paragraph (1) commences a retail service at designated former service points (if the designation set forth in paragraph (3) has been made by category of designated former service points pursuant to paragraph (4), the retail service at designated former service points corresponding to the category), it must notify the Minister of Economy, Trade and Industry to that effect without delay.

(General Provisions for Retail Service at Designated Former Service Points of a Deemed Gas Retailer Formerly Conducting Community Gas Utility Business)

- Article 30 (1) A deemed gas retailer formerly conducting community gas utility business must formulate general provisions for retail service at designated former service points to set rates and other supply conditions for a retail service at designated former service points and obtain approval of the general provisions from the Minister of Economy, Trade and Industry, pursuant to provisions by Order of the Ministry of Economy, Trade and Industry, while it bears the obligation under Article 28, paragraph (1) of the Supplementary Provisions. The same applies if a deemed gas retailer formerly conducting community gas utility business intends to revise the general provisions.
- (2) If the Minister of Economy, Trade and Industry finds that the application for approval under the preceding paragraph conforms to all of the following items, the minister must grant approval under the paragraph:
 - (i) the rates consist of fair costs incurred as a result of efficient management and fair profits;
 - (ii) the rates are clearly set as fixed rates or fixed amounts;
 - (iii) the responsibilities of the deemed gas retailer formerly conducting community gas utility business and gas users, as well as the means of sharing expenses between them for pipelines, gas meters and other facilities, are provided for appropriately and clearly; and
 - (iv) certain persons are not treated in an unfair and discriminatory manner.
 - (3) General supply provisions which have been approved under Article 17,

paragraph (1) of the Item (v) Former Gas Business Act as applied mutatis mutandis pursuant to Article 37-7, paragraph (1) of the Item (v) Former Gas Business Act or of which notification has been given pursuant to Article 17, paragraph (4) or (7) of the Item (v) Former Gas Business Act as applied mutatis mutandis pursuant to Article 37-7, paragraph (1) of the Item (v) Former Gas Business Act prior to the enforcement of this Act (referred to as "former general supply provisions" in Article 32, paragraph (7) of the Supplementary Provisions) are deemed to be general provisions for retail service at designated former service points which have been approved under paragraph (1).

(Transitional Measures Concerning Former Approved Supply Conditions of a Deemed Gas Retailer Formerly Conducting Community Gas Utility Business)
Article 31 If former approved supply conditions are approved by the Minister of Economy, Trade and Industry within one month from the Item (v) date of enforcement pursuant to provisions by Order of the Ministry of Economy, Trade and Industry, they are deemed to have been approved under the proviso to Article 37-6-2 of the Item (v) Former Gas Business Act, which is deemed to remain in force pursuant to Article 28, paragraph (4) of the Supplementary Provisions.

(Preparatory Actions Concerning General Provisions for Retail Service at Designated Former Service Points of a Deemed Gas Retailer Formerly Conducting Community Gas Utility Business)
Article 32 (1) A community gas utility that has obtained a license under Article 37-2 of the Item (v) Former Gas Business Act prior to the promulgation of this Act (hereinafter simply referred to as a "community gas utility" in this Article) may formulate general provisions for retail service at designated former service points and obtain approval of the general provisions from the Minister of Economy, Trade and Industry pursuant to the provisions of Article 30, paragraph (1) of the Supplementary Provisions, even prior to the Item (v) date of enforcement.
(2) If the Minister of Economy, Trade and Industry finds that the application for the approval under the preceding paragraph conforms to all of the following items, the minister must grant approval under the paragraph:
(i) the rates consist of fair costs incurred as a result of efficient management and fair profits;
(ii) the rates are clearly set as fixed rates or fixed amounts;
(iii) the responsibilities of the community gas utility and gas users, as well as the means of sharing expenses between them for pipelines, gas meters and other facilities, are provided for appropriately and clearly; and

- (iv) certain persons are not treated in an unfair and discriminatory manner.
- (3) A community gas utility that has obtained approval under paragraph (1) must publicize the general provisions for retail service at designated former service points that were approved under the paragraph, pursuant to provisions by Order of the Ministry of Economy, Trade and Industry.
- (4) If there are special circumstances that make it difficult for a community gas utility that has obtained approval under paragraph (1) to provide a retail service at designated former service points under the general provisions for retail service at designated former service points that were approved under the paragraph, and the community gas utility intends to provide a retail service at designated former service points at rates and other supply conditions prescribed in the proviso to Article 37-6-2 of the Item (v) Former Gas Business Act, which is deemed to remain in force pursuant to Article 28, paragraph (4) of the Supplementary Provisions, the community gas utility may obtain the approval of the Minister of Economy, Trade and Industry with regard to the rates and other supply conditions, even prior to the Item (v) date of enforcement.
- (5) General provisions for retail service at designated former service points that were approved under paragraph (1) and rates and other supply conditions that were approved under the preceding paragraph become effective on the Item (v) date of enforcement.
- (6) General provisions for retail service at designated former service points that were approved under paragraph (1) are deemed to be general provisions for retail service at designated former service points that were approved under Article 30, paragraph (1) of the Supplementary Provisions, and rates and other supply conditions that were approved under paragraph (4) are deemed to be rates and other supply conditions that were approved under the proviso to Article 37-6-2 of the Item (v) Former Gas Business Act, which is deemed to remain in force pursuant to Article 28, paragraph (4) of the Supplementary Provisions.
- (7) The provisions of Article 30, paragraph (3) of the Supplementary Provisions do not apply to former general supply provisions pertaining to a community gas utility that has obtained approval under paragraph (1), and the provisions of the preceding Article do not apply to former approved supply conditions pertaining to the community gas utility.

(Collection of Reports from a Deemed Gas Retailer)

Article 33 (1) The Minister of Economy, Trade and Industry may have a deemed gas retailer formerly conducting general gas utility services submit reports on its business, to the extent necessary for the enforcement of Articles 22 through 25 of the Supplementary Provisions, pursuant to Cabinet Order provisions.

(2) The Minister of Economy, Trade and Industry may pursuant to Cabinet Order provisions, have a deemed gas retailer formerly conducting community gas utility business submit reports on its business, to the extent necessary for the enforcement of Articles 28 through 31 of the Supplementary Provisions.

(On-site Inspections of a Deemed Gas Retailer)

Article 34 (1) The Minister of Economy, Trade and Industry may have employees of the Ministry of Economy, Trade and Industry enter the business office or other office or other workplace of a deemed gas retailer formerly conducting general gas utility services, and inspect books, documents, and any other articles of the deemed gas retailer formerly conducting general gas utility services, to the extent necessary for the enforcement of Articles 22 through 25 of the Supplementary Provisions.

(2) The Minister of Economy, Trade and Industry may have employees of the Ministry of Economy, Trade and Industry enter the business office or other office or other workplace of a deemed gas retailer formerly conducting community gas utility business, and inspect books, documents, and any other articles of the deemed gas retailer formerly conducting community gas utility business, to the extent necessary for the enforcement of Articles 28 through 31 of the Supplementary Provisions.

(3) The employees who conduct an on-site inspection pursuant to the preceding two paragraphs must carry a certificate of identification and show it when requested by a person concerned.

(4) The authority to conduct an on-site inspection under paragraph (1) or (2) must not be construed as being vested for criminal investigation.

(Authority of the Electricity and Gas Market Surveillance Commission upon Partial Revision of the Gas Business Act)

Article 35 (1) The Electricity and Gas Market Surveillance Commission (referred to as the "commission" in the following Article to Article 42 of the Supplementary Provisions) processes matters within the scope of its authority pursuant to the provisions of the following Article to Article 40, and Article 41, paragraphs (1) and (2) of the Supplementary Provisions, beyond those prescribed in Article 66-3 of the Electricity Business Act revised by the provisions set forth in Article 4 of the Act for Partial Revision of the Act on Special Measures Concerning Procurement of Electricity from Renewable Energy Sources by Electricity Utilities (Act No. 59 of 2016) .

(2) In the case referred to in the preceding paragraph, the term "Electricity Business Act (Act No. 170 of 1964)" in the row concerning the Electricity and Gas Market Surveillance Commission in the table of Article 6, paragraph (2) of the Act for Establishment of the Ministry of Economy, Trade and Industry

revised by Article 14 (hereinafter referred to as the "New Act for Establishment of the Ministry of Economy, Trade and Industry" in this paragraph and Article 57, paragraph (2) of the Supplementary Provisions) is deemed to be replaced with "Electricity Business Act (Act No. 170 of 1964) and the Act for Partial Revision of the Electricity Business Act (Act No. 47 of 2015)" and the phrase "Article 66-3 of the Electricity Business Act" in Article 17 of the New Act for Establishment of the Ministry of Economy, Trade and Industry is deemed to be replaced with "Article 66-3 of the Electricity Business Act and Article 35, paragraph (1) of the Supplementary Provisions of the Act for Partial Revision of the Electricity Business Act".

Article 36 (1) In any of the following cases, the Minister of Economy, Trade and Industry must hear the opinions of the commission in advance:

- (i) when intending to grant approval under the main clause of Article 18, paragraph (1), Article 18, paragraph (4), Article 24, paragraph (1), Article 26, paragraph (1) or (4), Article 30, paragraph (1), or Article 32, paragraph (1) or (4) of the Supplementary Provisions;
 - (ii) when intending to grant approval under the proviso to Article 18, paragraph (1), Article 19, paragraph (4), or Article 25 or 31 of the Supplementary Provisions;
 - (iii) when intending to issue an order under Article 29, paragraph (2) of the Supplementary Provisions;
 - (iv) when intending to make a designation under Article 22, paragraph (1) or Article 28, paragraph (1) of the Supplementary Provisions;
 - (v) when intending to rescind designation under Article 22, paragraph (2) or Article 28, paragraph (2) of the Supplementary Provisions; and
 - (vi) when intending to grant permission under Article 23, paragraph (1) or Article 29, paragraph (1) of the Supplementary Provisions.
- (2) When the commission has stated its opinions pursuant to the provisions of the preceding paragraph, it must publicize the contents of the opinions without delay.

Article 37 (1) When the commission has exercised the authority under Article 33 or Article 34, paragraph (1) or (2) of the Supplementary Provisions which has been delegated thereto pursuant to Article 41, paragraph (1) or (2) of the Supplementary Provisions, and finds it necessary in order to ensure appropriate transactions of gas, it may make a necessary recommendation to a deemed gas retailer; provided, however, that this does not apply when the commission has made a recommendation pursuant to paragraph (1) of the following Article.

- (2) If the commission has made a recommendation pursuant to the preceding

paragraph, and the deemed gas retailer that has received the recommendation fails to follow the recommendation without justifiable grounds, the commission is to report that fact to the Minister of Economy, Trade and Industry.

- (3) If the commission makes a report pursuant to the preceding paragraph, it may seek a report from the Minister of Economy, Trade and Industry with regard to the measures taken based on its report.

Article 38 (1) When the commission has exercised the authority under Article 33 or Article 34, paragraph (1) or (2) of the Supplementary Provisions which has been delegated thereto pursuant to Article 41, paragraph (1) or (2) of the Supplementary Provisions, and finds it particularly necessary in order to ensure appropriate transactions of gas, it may make a necessary recommendation to the Minister of Economy, Trade and Industry; provided, however, that this does not apply when the commission has made a recommendation pursuant to paragraph (1) of the preceding Article.

- (2) If the commission makes a recommendation pursuant to the preceding paragraph, it must publicize the content thereof without delay.
- (3) If the commission has made a recommendation pursuant to paragraph (1), it may seek a report from the Minister of Economy, Trade and Industry with regard to the measures taken based on its recommendation.

Article 39 (1) When the commission finds it necessary in order to ensure appropriate transactions of gas, in connection with the matters within the scope of its authority pursuant to Article 36, paragraph (1) of the Supplementary Provisions, the following Article, and Article 41, paragraphs (1) and (2) of the Supplementary Provisions, it may make a proposal to the Minister of Economy, Trade and Industry with regard to the measures that should be implemented in relation to gas business.

- (2) If the commission makes a proposal pursuant to the preceding paragraph, it must publicize the content thereof without delay.
- (3) If the commission has made a proposal pursuant to paragraph (1), it may seek a report from the Minister of Economy, Trade and Industry with regard to the measures taken based on its proposal.

Article 40 If the commission finds it necessary in order to process the matters within the scope of its authority pursuant to Article 36, paragraph (1), Article 37, paragraph (1), and Article 38, paragraph (1) of the Supplementary Provisions, paragraph (1) of the preceding Article, and paragraphs (1) and (2) of the following Article, it may request the heads of the relevant administrative organs and other persons concerned to submit materials, express opinions, give explanations and provide other necessary cooperation.

(Delegation of Authority)

- Article 41 (1) The Ministry of Economy, Trade and Industry delegates the minister's authority under Article 33 and Article 34, paragraphs (1) and (2) of the Supplementary Provisions (limited to the authority concerning the provisions specified by Cabinet Order as provisions for securing appropriate transactions of gas) to the commission; provided, however, that this does not preclude the Minister of Economy, Trade and Industry from personally exercising the authority to order the submission of reports.
- (2) The Ministry of Economy, Trade and Industry may delegate the minister's authority under Article 33 and Article 34, paragraphs (1) and (2) of the Supplementary Provisions (excluding the authority concerning the provisions specified by Cabinet Order referred to in the preceding paragraph) to the commission, pursuant to Cabinet Order provisions.
- (3) When the commission has exercised the authority delegated thereto pursuant to the preceding paragraph, it is to report the result thereof to the Minister of Economy, Trade and Industry promptly.
- (4) The Minister of Economy, Trade and Industry may delegate part of the minister's authority under the provisions of Articles 12 through 15, Articles 17 through 19, Article 22, paragraphs (1) and (2), Articles 23 through 27, Article 28, paragraphs (1) and (2), Articles 29 through 34, and Article 36, paragraph (1) of the Supplementary Provisions (excluding the authority delegated to the commission pursuant to paragraph (1) or (2)) to the Director of a Regional Bureau of Economy, Trade and Industry, pursuant to Cabinet Order provisions.
- (5) The commission may delegate part of the authority delegated thereto pursuant to paragraph (1) or (2) to the Director of a Regional Bureau of Economy, Trade and Industry, pursuant to Cabinet Order provisions.
- (6) With regard to the processes under the authority delegated to the Director of a Regional Bureau of Economy, Trade and Industry pursuant to the preceding paragraph, the commission directs and supervises the Director of a Regional Bureau of Economy, Trade and Industry.

(Request for Review to the Commission)

Article 42 A request for review with regard to an order for submission of reports issued by the commission with the authority under Article 33 of the Supplementary Provisions which has been delegated thereto pursuant to paragraph (1) or (2) of the preceding Article (including when the order is issued by the Director of a Regional Bureau of Economy, Trade and Industry pursuant to paragraph (5) of the preceding Article) may be made only to the commission.

(Penal Provisions)

Article 43 A person who refuses to supply gas, in violation of Article 22, paragraph (1) or Article 28, paragraph (1) of the Supplementary Provisions, is subject to imprisonment for not more than two years or a fine of not more than three million yen, or both.

Article 44 A person who violates an order issued under Article 19, paragraph (2) of the Supplementary Provisions is subject to a fine of not more than three million yen.

Article 45 A person who falls under any of the following items is subject to a fine of not more than 300,000 yen:

- (i) a person who has failed to file an application under Article 18, paragraph (1) of the Supplementary Provisions or filed a false application;
- (ii) a person who has failed to publicize necessary matters, in violation of Article 18, paragraph (3), Article 19, paragraph (3), Article 26, paragraph (3), or Article 32, paragraph (3) of the Supplementary Provisions;
- (iii) a person who has failed to give notification under Article 19, paragraph (1) of the Supplementary Provisions, or given false notification;
- (iv) a person who has failed to give notification under Article 23, paragraph (6) or Article 29, paragraph (6) of the Supplementary Provisions, or given false notification;
- (v) a person who has failed to make reports under Article 33, paragraph (1) or (2) of the Supplementary Provisions, or made false reports; and
- (vi) a person who has refused, obstructed or evaded inspection under Article 34, paragraph (1) or (2) of the Supplementary Provisions.

Article 46 If the representative of a corporation or an agent, employee or other worker of a corporation or an individual has committed the violations prescribed in the preceding three Articles with regard to the business of the corporation or individual, not only the offender but also the corporation or individual is subject to the fine prescribed in the respective Articles.

(Special Provisions on Split of a Corporation Which Is a Person Conducting Multiple Business Operations Relating to Gas Business)

Article 47 (1) In the event of a split of a corporation which is a person conducting multiple business operations (meaning a person who conducts gas retail business (meaning gas retail business prescribed in Article 2, paragraph (2) of the Gas Business Act prior to the revision by Article 6 (hereinafter referred to as the "Former Gas Business Act" in this Article); hereinafter the same applies in this Article and the following Article), general gas pipeline services (meaning general gas pipeline services prescribed in Article 2, paragraph (5) of

the Former Gas Business Act; hereinafter the same applies in this Article and the following Article), as well as gas manufacturing business (meaning gas manufacturing business prescribed in Article 2, paragraph (9) of the Former Gas Business Act; hereinafter the same applies in this Article and the following Article); the same applies in the following Article) during the period from the Item (v) date of enforcement to the date of enforcement of the provisions set forth in Article 1, item (vii) of the Supplementary Provisions, if the corporation which has taken over the general gas pipeline services upon the split or which has conducted the split and which continues to conduct the general gas pipeline services conducts neither the gas retail business nor the gas manufacturing business (limited to the business of manufacturing gas to be used for a gas retail business) after the split, and the corporation which has taken over the all or part of the gas retail business, general gas pipeline services, or gas manufacturing business upon the split (hereinafter referred to as the "takeover corporation" in this Article and the following Article) has requested provision of information proving that fact (hereinafter referred to as "information certifying the split" in this Article), the Minister of Economy, Trade and Industry is to provide the takeover corporation with the information certifying the split, pursuant to provisions by Order of the Ministry of Economy, Trade and Industry.

- (2) When a takeover corporation to whom information certifying the split has been provided pursuant to the provisions of the preceding paragraph provides a registry office with the information certifying the split together with application information, the takeover corporation may file an application for registration of preservation of ownership with regard to the real property (excluding a condominium unit) of which ownership it has acquired from the heading-section owner upon the split to which the information certifying the split pertained, notwithstanding the provisions of Article 74, paragraph (1) of the Act.
- (3) The provisions of the preceding two paragraphs apply mutatis mutandis to a split of a corporation that conducts both specified gas pipeline service business (meaning specified gas pipeline service business prescribed in Article 2, paragraph (7) of the Former Gas Business Act; the same applies in the following Article) and gas retail business or gas manufacturing business. In this case, the phrase "which has taken over the general gas pipeline service business" in paragraph (1) is deemed to be replaced with "which has taken over the specified gas pipeline services (meaning specified gas pipeline service business prescribed in Article 2, paragraph (7) of the Former Gas Business Act; the same applies in this paragraph)".

(Exemption of Registration and License Tax Concerning the Splitting of a

Corporation Which Is a Person Conducting Multiple Business Operations
Relating to Gas Business)

Article 48 In the event of a split of a corporation which is a person conducting multiple business operations (including a person conducting both specified gas pipeline service business and gas retail business or gas manufacturing business, and limited to a person whose pipelines used for the general gas pipeline services or specified gas pipeline service business have an overall supply capacity equal to or larger than the level specified by Cabinet Order and who satisfies other requirements specified by Cabinet Order; hereinafter the same applies in this Article) during the period from the Item (v) date of enforcement to the date of enforcement of the provisions set forth in Article 1, item (vii) of the Supplementary Provisions, if the takeover corporation (including the takeover corporation prescribed in paragraph (1) of the preceding Article as applied mutatis mutandis pursuant to paragraph (3) of the Article by replacing terms) takes over the rights of the corporation which is a person conducting multiple business operations upon the split, the registration and license tax is not imposed for the registration relating to the takeover, limited to registration made within three years from the takeover pursuant to provisions by Order of the Ministry of Finance and an Order of the Ministry of Economy, Trade and Industry.

(Transitional Measures Concerning the Registration of Heat Supply Business)

Article 49 (1) A heat supply operator that has obtained a license under Article 3 of the Heat Supply Business Act prior to the revision by Article 7 prior to the enforcement of the Article (hereinafter referred to as the "Former Heat Supply Business Act") is deemed to have been registered under Article 3 of the Heat Supply Business Act revised by Article 7 (hereinafter referred to as the "New Heat Supply Business Act") for conducting heat supply business (meaning heat supply business prescribed in Article 2, paragraph (2) of the New Heat Supply Business Act; the same applies in Article 78, paragraph (8) of the Supplementary Provisions) as of the Item (iii) date of enforcement. In this case, the provisions of Article 5, paragraph (2) of the New Heat Supply Business Act do not apply.

(2) A person who is deemed to have been registered under Article 3 of the New Heat Supply Business Act pursuant to the provisions of the preceding paragraph (hereinafter referred to as a "equivalent heat supply operator") must submit a document stating the matters set forth in the items of Article 4, paragraph (1) of the New Heat Supply Business Act and the documents prescribed in paragraph (2) of the Article to the Minister of Economy, Trade and Industry within one month from the Item (iii) date of enforcement.

(3) When documents under the preceding paragraph have been submitted, the

Minister of Economy, Trade and Industry is to register the matters set forth in the items (excluding item (vii)) of Article 4, paragraph (1) of the New Heat Supply Business Act that are stated in the documents and the matter set forth in Article 5, paragraph (1), item (ii) of the New Heat Supply Business Act in the registry of heat supply operators (meaning the registry of heat supply operators prescribed in the paragraph).

- (4) An application for a license filed under Article 3 of the Former Heat Supply Business Act for heat supply business (meaning heat supply business prescribed in Article 2, paragraph (2) of the Former Heat Supply Business Act; the same applies in the following paragraph) prior to the enforcement of Article 7 is deemed to be an application for registration under Article 3 of the New Heat Supply Business Act.
- (5) A person who has filed an application for a license under Article 3 of the Former Heat Supply Business Act for heat supply business that is deemed to be an application for registration filed under Article 3 of the New Heat Supply Business Act pursuant to the provisions of the preceding paragraph must submit a document stating the matters set forth in the items of Article 4, paragraph (1) of the New Heat Supply Business Act and the documents prescribed in paragraph (2) of the Article to the Minister of Economy, Trade and Industry within one month from the Item (iii) date of enforcement.

(Obligation to Supply Equivalent Heat Supply Operators)

Article 50 (1) Until otherwise provided for by law, an equivalent heat supply operator (excluding a local public entity; the same applies hereinafter) must not refuse to supply heat for guaranteeing heat supply to meet general demand other than the following in the service area set forth in Article 4, paragraph (1), item (ii) of the Former Heat Supply Business Act pertaining to the equivalent heat supply operator which is designated by the Minister of Economy, Trade and Industry as that where a particularly high necessity is found to protect the interests of persons who receive heat supply (meaning the heat supply prescribed in Article 2, paragraph (1) of the New Heat Supply Business Act; hereinafter the same applies in this paragraph) in the service area due to difficulty for the persons to select heat source equipment in lieu of the heat supply provided by the equivalent heat supply operator or any other reason (the area is hereinafter referred to as "designated former service area", the demand is referred to as "demand in designated former service area" in paragraph (2) of the following Article, and the heat supply is hereinafter referred to as "heat supply in designated former service area") without justifiable grounds:

- (i) demand from users who receive heat supply from the equivalent heat supply operator under the following rates and other supply conditions:

- (a) demand under rates and other supply conditions negotiated and agreed upon with the equivalent heat supply operator; and
 - (b) demand under rates and other supply conditions equivalent to those that have been approved under the proviso to Article 15, paragraph (1) of the Former Heat Supply Business Act (referred to as "former approved supply conditions" in Article 53 and Article 54, paragraph (7) of the Supplementary Provisions) prior to the enforcement of Article 7 and that have not been approved under Article 53 of the Supplementary Provisions;
 - (ii) demand from users who have selected heat source equipment in lieu of the heat supply provided by the equivalent heat supply operator; and
 - (iii) demand from users who receive heat supply from a person other than the equivalent heat supply operator.
- (2) If the Minister of Economy, Trade and Industry finds that the grounds for the designation prescribed in the preceding paragraph have ceased to exist for a designated former service area, the minister is to cancel the designation under the paragraph with regard to the designated former service area.
- (3) The provisions of Articles 14 and 15 of the New Heat Supply Business Act do not apply to heat supply in designated former service area provided by an equivalent heat supply operator.
- (4) With regard to an equivalent heat supply operator, the provisions of Article 6, Articles 9 through 12, Article 15, paragraph (1), and Articles 16, 29, 30, and 33-2 of the Former Heat Supply Business Act (including penal provisions pertaining to these provisions) remain applicable while the equivalent heat supply operator bears the obligation under paragraph (1). In this case, the necessary technical replacement of terms is specified by Cabinet Order.
- (5) The Minister of Economy, Trade and Industry may designate a designated former service area pursuant to the provisions of paragraph (1) and Article 63, paragraph (4) of the Supplementary Provisions, even prior to the Item (iii) date of enforcement.
- (6) A designated former service area designated pursuant to the provisions of the preceding paragraph is deemed to have been designated under paragraph (1) as of the Item (iii) date of enforcement.

(Change of Designated Former Service Area of an Equivalent Heat Supply Operator)

- Article 51 (1) If an equivalent heat supply operator intends to change its designated former service area, it must obtain permission from the Minister of Economy, Trade and Industry.
- (2) The Minister of Economy, Trade and Industry must not grant permission under the preceding paragraph unless the minister finds that the application for the permission under the paragraph conforms to all of the following items:

- (i) the commencement of the heat supply in designated former service area corresponds to demand in a designated former service area;
 - (ii) the applicant has sufficient financial basis and technical capability to perform the heat supply in a designated former service area competently;
 - (iii) the heat supply in a designated former service area is based on a reliable plan; and
 - (iv) the applicant is able to ensure the supply capability required for meeting the demand in a designated former service area.
- (3) A equivalent heat supply operator must commence the heat supply in a designated former service area to which the change pertained within a period designated by the Minister of Economy, Trade and Industry not exceeding three years from the day when the equivalent heat supply operator has obtained permission under paragraph (1) (excluding permission in relation to the reduction of the designated former service area; the same applies in paragraph (vi)) (if it is determined that a particularly long period of time will be required to install heat supply facilities as a result of the implementation of a new housing and urban development project under the New Housing and Urban Development Act, within the period designated by the Minister of Economy, Trade and Industry).
- (4) If the Minister of Economy, Trade and Industry finds it particularly necessary, the minister may designate the period set forth in the preceding paragraph by category of designated former service area.
- (5) If the Minister of Economy, Trade and Industry receives an application from an equivalent heat supply operator and finds justifiable grounds, the minister may extend the period designated under paragraph (3).
- (6) When an equivalent heat supply operator that has obtained permission under paragraph (1) commences heat supply in designated former service area (if the designation set forth in paragraph (3) has been made by category of designated former service area pursuant to paragraph (4), the heat supply in designated former service area corresponding to the category), it must notify the Minister of Economy, Trade and Industry to that effect without delay.

(General Provisions for Heat Supply in a Designated Former Service Area of an Equivalent Heat Supply Operator)

Article 52 (1) An equivalent heat supply operator must formulate general provisions for heat supply in designated former service area to set rates and other supply conditions for heat supply in designated former service area and obtain approval of the general provisions from the Minister of Economy, Trade and Industry, pursuant to provisions by Order of the Ministry of Economy, Trade and Industry, while it bears the obligation under Article 50, paragraph (1) of the Supplementary Provisions. The same applies when an equivalent

- heat supply operator intends to revise the general provisions.
- (2) If the Minister of Economy, Trade and Industry finds that the application for approval under the preceding paragraph conforms to all of the following items, the minister must grant approval under the paragraph:
 - (i) the rates are equitable and reasonable in light of fair costs incurred as a result of efficient management;
 - (ii) the means of calculation of rates is specified appropriately and clearly;
 - (iii) the responsibilities of the equivalent heat supply operator and persons who receive heat supply in designated former service area, as well as the means of sharing expenses between them for pipelines, calorimeters and other facilities, are provided for appropriately and clearly; and
 - (iv) certain persons are not treated in an unfair and discriminatory manner.
 - (3) Notwithstanding the provisions of the second sentence of paragraph (1), if the rates will be lowered or there will be no risk of harm to the interests of persons who receive heat supply in designated former service area, as specified by Order of the Ministry of Economy, Trade and Industry, an equivalent heat supply operator may revise the rates and other supply conditions set under general provisions for heat supply in designated former service area that have been approved under the paragraph (if notification of revision under the following paragraph has been given, the revised general provisions), pursuant to provisions by Order of the Ministry of Economy, Trade and Industry.
 - (4) If an equivalent heat supply operator revises the rates and other supply conditions pursuant to the preceding paragraph, it must notify the Minister of Economy, Trade and Industry of the revised general provisions for heat supply in designated former service area, pursuant to provisions by Order of the Ministry of Economy, Trade and Industry.
 - (5) If the Minister of Economy, Trade and Industry finds that the general provisions for heat supply in designated former service area to which the notification of revision given under the preceding paragraph pertained fails to fall under any of the following items, the minister may order the equivalent heat supply operator to revise the general provisions for heat supply in designated former service area, within a reasonable time limit set by the minister:
 - (i) the means of calculation of rates is specified appropriately and clearly;
 - (ii) the responsibilities of the equivalent heat supply operator and persons who receive heat supply in designated former service area, as well as the means of sharing expenses between them for pipelines, calorimeters and other facilities, are provided for appropriately and clearly; and
 - (iii) certain persons are not treated in an unfair and discriminatory manner.
 - (6) A equivalent heat supply operator must take measures to make general provisions for heat supply in a designated former service area that were

approved under paragraph (1) (if notification of revision under paragraph (4) has been given or if revision under Article 16, paragraph (2) of the Former Heat Supply Business Act, which is deemed to remain in force pursuant to Article 50, paragraph (4) of the Supplementary Provisions, has been made, the revised general provisions) known to persons who receive the heat supply in designated former service area no later than the date of implementation of the general provisions.

(7) General supply provisions which have been approved under Article 14, paragraph (1) of the Former Heat Supply Business Act (referred to as "former general supply provisions" in Article 54, paragraph (7) of the Supplementary Provisions) prior to the enforcement of Article 7 and which pertain to a designated former service area are deemed to be general provisions for heat supply in designated former service area which have been approved under paragraph (1).

(Transitional Measures Concerning Former Approved Supply Conditions of an Equivalent Heat Supply Operator)

Article 53 If former approved supply conditions are approved by the Minister of Economy, Trade and Industry within one month from the Item (iii) date of enforcement pursuant to provisions by Order of the Ministry of Economy, Trade and Industry, they are deemed to have been approved under the proviso to Article 15, paragraph (1) of the Former Heat Supply Business Act, which is deemed to remain in force pursuant to Article 50, paragraph (4) of the Supplementary Provisions.

(Preparatory Actions Concerning General Provisions for Heat Supply in a Designated Former Service Area of an Equivalent Heat Supply Operator)

Article 54 (1) A heat supply operator that has obtained a license under Article 3 of the Former Heat Supply Business Act prior to the promulgation of this Act (hereinafter simply referred to as a "heat supply operator" in this Article) may formulate general provisions for heat supply in designated former service area and obtain approval of the general provisions from the Minister of Economy, Trade and Industry, even prior to the Item (iii) date of enforcement, pursuant to the provisions of Article 52, paragraph (1) of the Supplementary Provisions.

(2) If the Minister of Economy, Trade and Industry finds that the application for the approval under the preceding paragraph conforms to all of the following items, the minister must grant approval under the paragraph:

- (i) the rates are equitable and reasonable in light of fair costs incurred as a result of efficient management;
- (ii) the means of calculation of rates is specified appropriately and clearly;
- (iii) the responsibilities of the heat supply operator and persons who receive

- heat supply in designated former service area, as well as the means of sharing expenses between them for pipelines, calorimeters and other facilities, are provided for appropriately and clearly; and
- (iv) certain persons are not treated in an unfair and discriminatory manner.
- (3) A heat supply operator that has obtained approval under paragraph (1) must take measures to make the general provisions for heat supply in designated former service area that were approved under the paragraph known to persons who receive the heat supply in designated former service area no later than the date of implementation of the general provisions.
- (4) If there are special circumstances that make it difficult for a heat supply operator that has obtained approval under paragraph (1) to provide heat supply in designated former service area under the general provisions for heat supply in designated former service area that were approved under the paragraph, and the heat supply operator intends to provide heat supply in designated former service area at rates and other supply conditions prescribed in the proviso to Article 15, paragraph (1) of the Former Heat Supply Business Act, which is deemed to remain in force pursuant to Article 50, paragraph (4) of the Supplementary Provisions, the heat supply operator may obtain the approval of the Minister of Economy, Trade and Industry with regard to the rates and other supply conditions, even prior to the Item (iii) date of enforcement.
- (5) General provisions for heat supply in designated former service area that were approved under paragraph (1) and rates and other supply conditions that were approved under the preceding paragraph become effective on the Item (iii) date of enforcement.
- (6) General provisions for heat supply in designated former service area that were approved under paragraph (1) are deemed to be general provisions for heat supply in designated former service area that were approved under Article 52, paragraph (1) of the Supplementary Provisions, and rates and other supply conditions that were approved under paragraph (4) are deemed to be rates and other supply conditions that were approved under the proviso to Article 15, paragraph (1) of the Former Heat Supply Business Act, which is deemed to remain in force pursuant to Article 50, paragraph (4) of the Supplementary Provisions.
- (7) The provisions of Article 52, paragraph (7) of the Supplementary Provisions do not apply to former general supply provisions pertaining to a heat supply operator that has obtained approval under paragraph (1), and the provisions of the preceding Article do not apply to former approved supply conditions pertaining to the heat supply operator.

(Collection of Reports from Equivalent Heat Supply Operator)

Article 55 The Minister of Economy, Trade and Industry may have an equivalent heat supply operator submit reports on its business, to the extent necessary for the enforcement of Articles 50 through 53 of the Supplementary Provisions, pursuant to Cabinet Order provisions.

(On-site Inspection of an Equivalent Heat Supply Operator)

Article 56 (1) The Minister of Economy, Trade and Industry may have employees of the Ministry of Economy, Trade and Industry enter the business office or other office or other workplace of an equivalent heat supply operator, and inspect heat supply facilities, books, documents, and any other articles of the equivalent heat supply operator, to the extent necessary for the enforcement of Articles 50 through 53 of the Supplementary Provisions.

(2) The employees who conduct an on-site inspection pursuant to the preceding paragraph must carry a certificate of identification and show it when requested by a person concerned.

(3) The authority to conduct an on-site inspection under paragraph (1) must not be construed as being vested for criminal investigation.

(Authority of the Electricity and Gas Market Surveillance Commission upon Partial Revision of the Heat Supply Business Act)

Article 57 (1) The Electricity and Gas Market Surveillance Commission (referred to as the "commission" in the following Article to Article 64 of the Supplementary Provisions) processes matters within the scope of its authority pursuant to the provisions of the following Article to Article 62, and Article 63, paragraphs (1) and (2) of the Supplementary Provisions, beyond those prescribed in Article 66-3 of the Electricity Business Act revised by the provisions set forth in Article 4 of the Act for Partial Revision of the Act on Special Measures Concerning Procurement of Electricity from Renewable Energy Sources by Electricity Utilities.

(2) In the case referred to in the preceding paragraph, the term "Electricity Business Act (Act No. 170 of 1964)" in the row concerning the Electricity and Gas Market Surveillance Commission in the table of Article 6, paragraph (2) of the New Act for Establishment of the Ministry of Economy, Trade and Industry is deemed to be replaced with "Electricity Business Act (Act No. 170 of 1964) and the Act for Partial Revision of the Electricity Business Act (Act No. 47 of 2015)" and the phrase "Article 66-3 of the Electricity Business Act" in Article 17 of the New Act for Establishment of the Ministry of Economy, Trade and Industry is deemed to be replaced with "Article 66-3 of the Electricity Business Act and Article 57, paragraph (1) of the Supplementary Provisions of the Act for Partial Revision of the Electricity Business Act".

Article 58 (1) In any of the following cases, the Minister of Economy, Trade and Industry must hear the opinions of the commission in advance:

- (i) when intending to make designation under Article 50, paragraph (1) of the Supplementary Provisions;
 - (ii) when intending to rescind designation under Article 50, paragraph (2) of the Supplementary Provisions;
 - (iii) when intending to grant approval under Article 9, paragraph (1) or (2), Article 11, paragraph (2), or the proviso to Article 15, paragraph (1) of the Former Heat Supply Business Act, which is deemed to remain in force pursuant to Article 50, paragraph (4) of the Supplementary Provisions or approval under Article 52, paragraph (1) of the Supplementary Provisions;
 - (iv) when intending to grant permission under Article 11, paragraph (1) of the Former Heat Supply Business Act, which is deemed to remain in force pursuant to Article 50, paragraph (4) of the Supplementary Provisions or permission under Article 51, paragraph (1) of the Supplementary Provisions;
 - (v) when intending to issue an order under Article 16, paragraph (1) of the Former Heat Supply Business Act, which is deemed to remain in force pursuant to Article 50, paragraph (4) of the Supplementary Provisions, or an order under Article 52, paragraph (5) of the Supplementary Provisions;
 - (vi) when intending to make a ruling of revision under Article 16, paragraph (2) of the former heat supply business Act, which is deemed to remain in force pursuant to Article 50, paragraph (4) of the Supplementary Provisions; and
 - (vii) when intending to grant approval under Article 53 of the Supplementary Provisions.
- (2) When the commission has stated its opinions pursuant to the provisions of the preceding paragraph, it must publicize the contents of the opinions without delay.

Article 59 (1) When the commission has exercised the authority under Article 55 or Article 56, paragraph (1) of the Supplementary Provisions which has been delegated thereto pursuant to Article 63, paragraph (1) or (2) of the Supplementary Provisions, and finds it necessary, it may make a necessary recommendation to an equivalent heat supply operator; provided, however, that this does not apply when the commission has made a recommendation pursuant to paragraph (1) of the following Article.

- (2) If the commission has made a recommendation pursuant to the preceding paragraph, and the equivalent heat supply operator that has received the recommendation fails to follow the recommendation without justifiable grounds, the commission is to report that fact to the Minister of Economy, Trade and Industry.

- (3) If the commission has made a report pursuant to the preceding paragraph, it may seek a report from the Minister of Economy, Trade and Industry with regard to the measures taken based on its report.

Article 60 (1) When the commission has exercised the authority under Article 55 or Article 56, paragraph (1) of the Supplementary Provisions which has been delegated thereto pursuant to Article 63, paragraph (1) or (2) of the Supplementary Provisions, and finds it particularly necessary, it may make a necessary recommendation to the Minister of Economy, Trade and Industry; provided, however, that this does not apply when the commission has made a recommendation pursuant to paragraph (1) of the preceding Article.

- (2) If the commission has made a recommendation pursuant to the preceding paragraph, it must publicize the content thereof without delay.

- (3) If the commission has made a recommendation pursuant to paragraph (1), it may seek a report from the Minister of Economy, Trade and Industry with regard to the measures taken based on its recommendation.

Article 61 (1) If the commission finds it necessary, in connection with the matters within the scope of its authority pursuant to Article 58, paragraph (1) of the Supplementary Provisions, the following Article, and Article 63, paragraphs (1) and (2) of the Supplementary Provisions, it may make a proposal to the Minister of Economy, Trade and Industry with regard to the measures that should be implemented in relation to heat supply business.

- (2) If the commission has made a proposal pursuant to the preceding paragraph, it must publicize the content thereof without delay.

- (3) If the commission has made a proposal pursuant to paragraph (1), it may seek a report from the Minister of Economy, Trade and Industry with regard to the measures taken based on its proposal.

Article 62 If the commission finds it necessary in order to process the matters within the scope of its authority pursuant to Article 58, paragraph (1), Article 59, paragraph (1), and Article 60, paragraph (1) of the Supplementary Provisions, paragraph (1) of the preceding Article, and paragraphs (1) and (2) of the following Article, it may request the heads of the relevant administrative organs and other persons concerned to submit materials, express opinions, give explanations and provide other necessary cooperation.

(Delegation of Authority)

Article 63 (1) The Ministry of Economy, Trade and Industry delegates the minister's authority under Article 55 and Article 56, paragraph (1) of the Supplementary Provisions (limited to the authority concerning the provisions

of Article 15, paragraph (1) of the Former Heat Supply Business Act, which is deemed to remain in force pursuant to Article 50, paragraph (4) of the Supplementary Provisions, and the provisions of Article 52, paragraphs (1), (2), (5), and (6) and Article 53 of the Supplementary Provisions) to the commission; provided, however, that this does not preclude the Minister of Economy, Trade and Industry from personally exercising the authority to order submission of reports.

- (2) The Minister of Economy, Trade and Industry may delegate the minister's authority under the provisions of Article 55 and Article 56, paragraph (1) of the Supplementary Provisions (limited to the authority concerning the provisions of Article 50, paragraphs (1) and (2) of the Supplementary Provisions, the provisions of Articles 9, 11, 12, and 16 of the Former Heat Supply Business Act, which is deemed to remain in force pursuant to Article 50, paragraph (4) of the Supplementary Provisions, and the provisions of Article 51, paragraphs (1) and (2) of the Supplementary Provisions) to the commission, pursuant to Cabinet Order provisions.
- (3) If the commission has exercised the authority delegated thereto pursuant to the preceding paragraph, it is to report the result thereof to the Minister of Economy, Trade and Industry promptly.
- (4) The Minister of Economy, Trade and Industry may delegate part of the minister's authority under the provisions of Article 49, Article 50, paragraphs (1) and (2), Articles 51 through 56, and Article 58, paragraph (1) of the Supplementary Provisions (excluding the authority delegated to the commission pursuant to paragraph (1) or (2)) to the Director of a Regional Bureau of Economy, Trade and Industry, pursuant to Cabinet Order provisions.
- (5) The commission may delegate part of the authority delegated thereto pursuant to paragraph (1) or (2) to the Director of a Regional Bureau of Economy, Trade and Industry, pursuant to Cabinet Order provisions.
- (6) With regard to the processes under the authority delegated to the Director of a Regional Bureau of Economy, Trade and Industry pursuant to the preceding paragraph, the commission directs and supervises the director.

(Request for Review to the Commission)

Article 64 A request for review with regard to an order for submission of reports issued by the commission with the authority under Article 55 of the Supplementary Provisions which has been delegated thereto pursuant to paragraph (1) or (2) of the preceding Article (including when the order is issued by the Director of a Regional Bureau of Economy, Trade and Industry pursuant to paragraph (5) of the preceding Article) may be made only to the commission.

(Penal Provisions)

Article 65 A person who has refused to provide heat supply, in violation of Article 50, paragraph (1) of the Supplementary Provisions, is subject to imprisonment for not more than two years or a fine of not more than three million yen, or both.

Article 66 A person who has violated an order issued under Article 52, paragraph (5) of the Supplementary Provisions is subject to a fine of not more than three million yen.

Article 67 A person who falls under any of the following items is subject to a fine of not more than 300,000 yen:

- (i) a person who has failed to give notification under Article 51, paragraph (6) of the Supplementary Provisions, or given false notification;
- (ii) a person who has failed to make reports under Article 55 of the Supplementary Provisions, or made false reports; and
- (iii) a person who has refused, obstructed or evaded inspection under Article 56, paragraph (1) of the Supplementary Provisions.

Article 68 If the representative of a corporation or an agent, employee or other worker of a corporation or an individual commits the violations prescribed in the preceding three Articles, with regard to the business of the corporation or individual, not only the offender but also the corporation or individual is subject to the fine prescribed in the respective Articles.

(Transitional Measures upon Repeal of the Act on Security for Loans from the Development Bank of Japan to Electric Utility Corporations)

Article 69 With regard to the loans prescribed in Article 1, paragraph (1) of the Act on Security for Loans from the Development Bank of Japan to electric utility corporations prior to the repeal by Article 8 (hereinafter referred to as the "Former Act on Security for DBJ Loans" in this Article) that have been provided by the Development Bank of Japan prior to the date of enforcement, the provisions of the Former Act on Security for DBJ Loans remain applicable after the enforcement of this Act.

(Transitional Measures upon Partial Revision of the Act on Special Measures for the Promotion and Development of Okinawa)

Article 70 With regard to the loans prescribed in Article 64, paragraphs (1) and (2) of the Act on Special Measures for the Promotion and Development of Okinawa prior to the revision by Article 9 (hereinafter referred to as the "Former Act on Special Measures for the Promotion and Development of Okinawa" in this Article) that have been provided by the Okinawa

Development Finance Corporation prior to the date of enforcement, the provisions of Articles 64 and 119 of the Former Act on Special Measures for the Promotion and Development of Okinawa remain applicable after the enforcement of this Act.

(Effect of Rulings)

Article 71 With regard to any rulings, procedures or other acts conducted, prior to the enforcement of this Act (or the respective provisions listed in the items of Article 1 of the Supplementary Provisions; hereinafter the same applies in this Article and the following Article), pursuant to the provisions of the respective Acts prior to the revision by this Act (including orders issued thereunder; hereinafter the same applies in this Article), if the respective Acts revised by this Act contain provisions corresponding to those provisions, the rulings, procedures, and acts are deemed to have been conducted under the relevant provisions of the respective Acts revised by this Act, except those otherwise provided by the Supplementary Provisions.

(Transitional Measures Concerning Penal Provisions)

Article 72 With regard to the application of penal provisions to any acts committed prior to the enforcement of this Act, provisions previously in force remain applicable.

(Delegation to Cabinet Order)

Article 73 Beyond what is provided for in the Supplementary Provisions, any necessary transitional measures for the enforcement of this Act (including transitional measures concerning penal provisions) are specified by Cabinet Order.

(Examination Relating to Implementation of Fundamental Changes in the System Concerning Electricity Business)

Article 74 (1) Based on the implementation of fundamental changes in the system concerning electricity business in stages for the purposes of ensuring a stable supply of electricity, the maximum control of the electricity retail price and the expansion of opportunities of choice for electricity users as well as the expansion of business opportunities for electricity business, the government is to examine, at an appropriate time during the periods set forth in the following items, the status as specified respectively in those items, the status of the implementation of measures under the Basic Energy Plan (meaning the basic energy plan prescribed in Article 12, paragraph (1) of the Basic Act on Energy Policy (Act No. 71 of 2002); the same applies in paragraph (1) of the following Article) relating to the changes, the status of supply of and demand for

electricity, the level of the electricity retail price, and any other situations surrounding electricity business:

- (i) the period from the date of promulgation of this Act to the day immediately preceding the date of enforcement of the Revising Act of 2014: the status of enforcement of the Electricity Business Act prior to the revision by Article 1 of the Revising Act of 2014;
 - (ii) the period from the date of enforcement of the Revising Act of 2014 to the day immediately preceding the date of enforcement: the status of enforcement of the Electricity Business Act prior to the revision by Article 3; and
 - (iii) the period from the enforcement of this Act until the day when five years have passed since then: the status of enforcement of the Electricity Business Act revised by Article 3.
- (2) If competitive conditions for a person who conducts electricity retail business or electricity wholesale business have significantly worsened or it is obvious that the conditions will significantly worsen along with changes in energy policy including nuclear energy policy and any other significant changes in situations relating to energy, and the government finds it necessary based on the results of examination under the preceding paragraph, the government is to make a review on measures to improve competitive conditions for the person who conducts electricity retail business or electricity wholesale business, measures to secure fair competition among persons who conduct electricity retail business or persons who conduct electricity wholesale business, and measures not to hinder the procurement of funds required for ensuring a stable supply of electricity, among other matters, and take any necessary measures based on the review results.

Article 75 (1) The government is to review the status of enforcement of the Gas Business Act revised by Articles 5 and 6, the status of the implementation of measures under the Basic Energy Plan relating to fundamental changes in the system concerning gas business, the status of supply of and demand for gas, the level of the gas retail price, and any other situations surrounding gas business, and as necessary in light of the review results, it is to take any necessary measures based on the review results.

- (2) Upon enforcement of the Gas Business Act revised by Article 6, the government is to promote necessary measures so as not to hinder the procurement of liquefied natural gas and the securing of safety concerning the construction, maintenance and operation of gas facilities.

Article 76 (1) The government is to examine the status of enforcement of the Heat Supply Business Act revised by Article 7, and as necessary in light of the

examination results, it is to take any necessary measures based on the examination results.

Articles 77 through 98 (Omitted)