

# Order for Enforcement of the Act on Special Measures for the Promotion of New Energy Use, etc.

(Cabinet Order No. 208 of June 20, 1997)

The Cabinet hereby enacts this Cabinet Order pursuant to the provisions of Article 2, Article 12 and Article 13, paragraph (3), item (iii) and item (vi) of the Act on Special Measures for the Promotion of New Energy Use, etc. (Act No. 37 of 1997).

(New Energy Use)

Article 1 New energy use, etc. specified by Cabinet Order set forth in Article 2 of the Act on Special Measures for the Promotion of New Energy Use, etc.

(hereinafter referred to as the "Act") is to be as follows:

- (i) to produce fuel from organic substances derived from plants and animals which can be used as a source of energy (excluding crude oil, petroleum gas, combustible natural gas and coal and the products manufactured therefrom; referred to as "biomass" in the following item and item (vi));
- (ii) to use biomass or fuel made from biomass to generate heat (excluding those listed in item (vi));
- (iii) to use solar thermal energy for heating water, heating and cooling space or other purposes;
- (iv) to use heat from sea water, river water or other water sources utilizing a refrigeration facility;
- (v) to use heat from snow or ice (excluding those produced utilizing refrigeration equipment) for refrigeration, cooling space or other purposes;
- (vi) to use biomass or fuel made from biomass to generate electric power;
- (vii) to use geothermal energy to generate electric power (limited to electric power generation using ammonia-water, pentane or other liquids with a boiling point of below 100 degrees at atmospheric pressure);
- (viii) to use wind energy to generate electric power;
- (ix) to use hydraulic energy to generate electric power (limited to electric power generation using a power generation facility which is installed in a structure used for irrigation, water-utilization, sediment control or other purposes other than electric power generation, having output capacity of 1,000 kilowatts or less); and
- (x) to generate electricity utilizing a solar cell.

(Scope of Small and Medium Sized Enterprise Operator)

Article 2 (1) Business types, and the amount of stated capital or the total

amount of contribution and the number of employees for such respective business types, specified by Cabinet Order as prescribed in Article 13, paragraph (3), item (iii) of the Act are to be as in the following table.

	Business type	Amount of stated capital or total amount of contribution	Number of employees
(i) )	rubber products manufacturing industry (excluding automobile or aircraft tire and tube manufacturing industry and industrial belt manufacturing industry)	300,000,000 yen	900 employees
(i i)	software industry or information processing service industry	300,000,000 yen	300 employees
(i ii )	hotel business industry	50,000,000 yen	200 employees

(2) Partnerships and federations specified by Cabinet Order set forth in Article 13, paragraph (3), item (vi) of the Act are to be as follows:

- (i) business cooperatives, small business cooperatives and federations of cooperatives; and
- (ii) commercial and industrial partnerships and federations of commercial and industrial partnerships.

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

(Effective Date)

(1) This Cabinet Order comes into effect as of the date on which the Act comes into effect t (June 23, 1997).

#### **Supplementary Provisions [Cabinet Order No. 386 of December 3, 1999] [Extract]**

(Effective Date)

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

(Transitional Measures concerning Penal Provisions)

Article 6 With regard to the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order and acts committed after the enforcement of this Cabinet Order in the case where the provisions then in

force remain applicable pursuant to the Supplementary Provisions of this Cabinet Order, the provisions then in force remain applicable.

**Supplementary Provisions [Cabinet Order No. 132 of March 29, 2000]**

(Effective Date)

- (1) This Cabinet Order comes into effect as of April 1, 2000.

(Transitional Measures)

- (2) With regard to the application of the provisions of Article 4, paragraph (1) of the Order for Enforcement of the Act on Financial Aid for Introduction of Facilities by Small Sized Enterprise Operators, etc. amended by the provisions of Article 1 for the period from fiscal year 2000 until fiscal year 2003, the term "prefectural special accounting" in the same paragraph is deemed to be replaced with "the amount of loans of the fund for the modernization of equipment of small and medium sized enterprises prescribed in Article 2, paragraph (2) of the Act on Financial and Other Assistance for Modernization of Small and Medium Sized Enterprises prior to the amendment by the provisions of Article 4 of the Act Partially Amending the Acts Related to Small and Medium Sized Enterprises for the Purpose of Vitalization, etc. of Business Activities of Small and Medium Sized Enterprises (Act No. 222 of 1999) on the settlement of the prefectural special accounting prescribed in Article 10, paragraph (2) of the Act on Financial and Other Assistance for Modernization of Small and Medium Sized Enterprises prior to the amendmen by the provisions of Article 4 of the Act Partially Amending the Acts Related to Small and Medium Sized Enterprises for the Purpose of Vitalization, etc. of Business Activities of Small and Medium Sized Enterprises, and the prefectural special accounting."

**Supplementary Provisions [Cabinet Order No. 56 of March 22, 2001]**

**[Extract]**

(Effective Date)

- Article 1 This Cabinet Order comes into effect as of April 1, 2001.

**Supplementary Provisions [Cabinet Order No. 15 of January 25, 2002]**

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

**Supplementary Provisions [Cabinet Order No. 180 of April 26, 2006]**

**[Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of the date on which the Companies Act comes into effect (May 1, 2006).

### **Supplementary Provisions [Cabinet Order No. 16 of February 1, 2008]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of April 1, 2008.

(Transitional Measures concerning Application for Certification for Use Plan)

- Article 2 (1) With regard to the use plan prescribed in the provisions of Article 8, paragraph (1) of the Act on the Promotion of New Energy Usage (hereinafter referred to as the "Act") which pertains to the new energy use, etc. listed in Article 1, item (i), item (iii), item (viii) to item (x), item (xii) or item (xv) of the Order for Enforcement of the Act on Special Measures for the Promotion of New Energy Use, etc. prior to the amendment by this Cabinet Order (hereinafter referred to as the "Former Order"), for which an application was filed pursuant to the provisions of Article 8, paragraph (1) of the Act prior to the day of the enforcement of this Cabinet Order and a disposition of certification or non-certification had not been made at the time of the enforcement of this Cabinet Order, the provisions then in force remain applicable to the competent minister's disposition concerning said application.
- (2) With regard to the application of the provisions of paragraph (1) of the following Article, the use plan set forth in Article 8, paragraph (1) of the Act certified in accordance with the provisions then in force pursuant to the provisions of the preceding paragraph is deemed to be the certified use plan prescribed in Article 9, paragraph (2) of the Act.
- (3) With regard to the application of the provisions of paragraph (2) of the following Article, an entity who implements the use plan set forth in the preceding paragraph is deemed to be the certified business operator prescribed in Article 9, paragraph (2) of the Act.

(Transitional Measures concerning Entity who has Received Certification for its Use Plan)

- Article 3 (1) With regard to the certification for change and rescission of the certified use plan prescribed in Article 9, paragraph (2) of the Act which pertains to the new energy use, etc. listed in Article 1, item (i), item (iii), item (viii) to item (x), item (xii) or item (xv) of the Former Order, the provisions then in force remain applicable.
- (2) With regard to the business of the Incorporated Administrative Agency, New

Energy and Industrial Technology Development concerning a guarantee for the debt under Article 10, item (i) of the Act with respect to the certified business operator set forth in Article 9, paragraph (2) of the Act who implements the use plan pertaining to the new energy use, etc. listed in Article 1, item (i), item (iii), item (viii) to item (x), item (xii) or item (xv) of the Former Order, special provisions for the Small and Medium-sized Enterprise Investment Business Corporation Act (Act No. 101 of 1963) as prescribed in Article 13 of the Act and the collection of reports prescribed in Article 14 of the Act, the provisions then in force remain applicable.

(Transitional Measures concerning Penal Provisions)

Article 4 With regard to the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order and acts committed after the enforcement of this Cabinet Order in the case where the provisions then in force remain applicable pursuant to the Supplementary Provisions of this Cabinet Order, the provisions then in force remain applicable.