

Enforcement Order of the Companies Act

(Cabinet Order No. 364 of December 14, 2005)

The Cabinet hereby enacts this Cabinet Order pursuant to the provisions of the Companies Act (Act No. 86 of 2005).

(Consent to the Provision of Matters to Be Stated in Documents by Electronic or Magnetic Means)

Article 1 (1) A person (referred to as the "provider" in the following paragraph) who seeks to provide the matters listed in the following provisions by electronic or magnetic means (meaning the electronic or magnetic means prescribed in Article 2, item (xxxiv) of the Companies Act (hereinafter referred to as the "Act"); the same applies hereinafter) must, as provided by Order of the Ministry of Justice, indicate to the recipient of the matters the type and details of the electronic or magnetic means used, and obtain their consent in writing or by electronic or magnetic means in advance:

- (i) Article 59, paragraph (4) of the Act;
- (ii) Article 74, paragraph (3) of the Act (including as applied mutatis mutandis pursuant to Article 86 of the Act);
- (iii) Article 76, paragraph (1) of the Act (including as applied mutatis mutandis pursuant to Article 86 of the Act);
- (iv) Article 203, paragraph (3) of the Act;
- (v) Article 242, paragraph (3) of the Act;
- (vi) Article 310, paragraph (3) of the Act (including as applied mutatis mutandis pursuant to Article 325 of the Act);
- (vii) Article 312, paragraph (1) of the Act (including as applied mutatis mutandis pursuant to Article 325 of the Act);
- (viii) Article 555, paragraph (3) of the Act (including as applied mutatis mutandis pursuant to Article 822, paragraph (3) of the Act);
- (ix) Article 557, paragraph (1) of the Act (including as applied mutatis mutandis pursuant to Article 822, paragraph (3) of the Act);
- (x) Article 677, paragraph (3) of the Act;
- (xi) Article 721, paragraph (4) of the Act;
- (xii) Article 725, paragraph (3) of the Act;
- (xiii) Article 727, paragraph (1) of the Act; and
- (xiv) Article 739, paragraph (2) of the Act.

(2) The provider who has obtained consent pursuant to the provisions of the preceding paragraph may not provide the relevant matters to the recipient set forth in the same paragraph by electronic or magnetic means if the recipient

has indicated in writing or by electronic or magnetic means to the effect that they are not to be provided with the matters by electronic or magnetic means; provided, however, that this does not apply in the case where the recipient gives consent pursuant to the provisions of that paragraph again.

(Consent to the Notice by Electronic or Magnetic Means)

Article 2 (1) A person who seeks to issue a notice by electronic or magnetic means pursuant to the following provisions (referred to as the "notice issuer" in the following paragraph), as provided by Order of the Ministry of Justice, must indicate to the recipient of the notice the type and details of electronic or magnetic means used, and obtain their consent in writing or by electronic or magnetic means in advance:

- (i) Article 68, paragraph (3) of the Act (including as applied mutatis mutandis pursuant to Article 86 of the Act);
- (ii) Article 299, paragraph (3) of the Act (including as applied mutatis mutandis pursuant to Article 325 of the Act);
- (iii) Article 549, paragraph (2) of the Act (including as applied mutatis mutandis pursuant to paragraph (4) of the same Article (including as applied mutatis mutandis pursuant to Article 822, paragraph (3) of the Act) and Article 822, paragraph (3) of the Act); and
- (iv) Article 720, paragraph (2) of the Act.

(2) The notice issuer who has obtained consent pursuant to the provisions of the preceding paragraph may not issue a notice to the recipient set forth in the same paragraph by electronic or magnetic means if the recipient has indicated in writing or by electronic or magnetic means to the effect that they are not to receive the notice by electronic or magnetic means; provided however, that this does not apply in the case where the recipient gives consent pursuant to the provisions of that paragraph again.

(Amount of Fees Pertaining to Registration of Electronic Public Notice Investigation Body and Application for Its Renewal)

Article 3 The amount of fees specified by Cabinet Order, set forth in Article 942, paragraph (2) of the Act (including as applied mutatis mutandis pursuant to Article 945, paragraph (2) of the Act), is 420,600 yen.

(The Valid Period of Registration of Electronic Public Notice Investigation Body)

Article 4 The period specified by Cabinet Order under Article 945, paragraph (1) of the Act is three years.