

# **Ministerial Order on Certification of District Development Plans under the Act on Development of Specified Integrated Resort Districts (Tentative translation)**

(Order of the Ministry of Land, Infrastructure, Transport and Tourism No. 99 of December 23, 2020)

Pursuant to the provisions of Article 7, paragraph (1), Article 9, paragraph (2), Article 11, paragraphs (1) and (2), Article 13, paragraph (1), item (vii), and paragraphs (3) and (5), Article 16, paragraphs (1) and (3), Article 17, paragraph (1), and Article 19, paragraph (1) of the Act on Development of Specified Integrated Resort Districts (Act No. 80 of 2018), and for the purpose of implementing the same Act, a Ministerial Order on Certification of District Development Plans under the Act on Development of Specified Integrated Resort Districts is hereby established as follows.

(Documents to be Attached to Proposal on Formulation of Implementation Policies)

Article 1 The documents specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism that are referred to in Article 7, paragraph (1) of the Act on Development of Specified Integrated Resort Districts (hereinafter referred to as the "Act") are the documents containing the particulars set forth in Article 6, paragraph (2), items (v) through (vii) of the Act.

(Contents of District Development Plan)

Article 2 The particulars set forth in the following items and other particulars specified in public notice by the Minister of Land, Infrastructure, Transport and Tourism are to be stated clearly in a district development plan in accordance with basic policies and implementation policies:

- (i) the name, location, and outline of the specified integrated resort;
- (ii) the names and addresses of officers of the establishment and operation business operator, etc.;
- (iii) the names and addresses of the holders of the number of voting rights, etc., which is equal to or greater than the major shareholder threshold of the establishment and operation business operator, etc. (if the establishment and operation business operator, etc., is a subsidiary company of a holding company, including holders of the number of voting rights, etc., which is equal to or greater than the major shareholder threshold of the relevant

holding company; the same applies in Article 4, item (v)), and, if any of the holders of the number of voting rights, etc., which is equal to or greater than the major shareholder threshold is a corporation, etc., the names of its representatives or administrators and the names and addresses of its officers;

(iv) the total floor area of the specified integrated resort; and

(v) the process of the establishment and operation business, etc.

(Documents to be Attached to District Development Plan)

Article 3 A district development plan must be accompanied by the documents set forth in the following items and other documents specified in public notice by the Minister of Land, Infrastructure, Transport and Tourism:

(i) a document containing the outline of the design of the specified integrated resort; and

(ii) floor plans, elevation plans, and cross-sections that clarify the structure of the facilities constituting the specified integrated resort.

(Minor Changes to Certified District Development Plan)

Article 4 The minor changes specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism that are referred to in Article 11, paragraph (1) of the Act are those set forth in the following items:

(i) a change of the location of the specified integrated resort district (limited to a change resulting from a change of the name of an area or from a change of a parcel number);

(ii) a change of the name or address of a certified establishment and operation business operator, etc., or a change of the name of any of its representatives (including a change associated with the change of the representative);

(iii) a change of the name or location of a specified integrated resort (limited to a change resulting from a change of the name of an area or from a change of a parcel number);

(iv) a change of the name of an officer of a certified establishment and operation business operator, etc. (including a change associated with the change of the officer) or a change of the address of any of its officers;

(v) a change of the name or address of a holder of the number of voting rights, etc., which is equal to or greater than the major shareholder threshold of the certified establishment and operation business operator, etc., or, if the holder is a corporation, etc., a change of the name of any of its representatives or administrators (including a change associated with the change of the representative or administrator) or a change of the name of any of its officers (including a change associated with the change of the officer) or a change of the address of any of its officers; or

(vi) beyond what is set forth in the preceding items, changes that are set forth in the following items and are considered, by the Minister of Land, Infrastructure, Transport and Tourism, to be free from risk of posing obstacles to the proper implementation of the certified district development plan:

- (a) a change of the total floor area of the specified integrated resort or the size of the facilities constituting the specified integrated resort (limited to a change that is associated with concrete design of the specified integrated resort and is free from risk of leading to a result that the facilities no longer conform to the requirements provided for in Article 2, paragraph(1), items (i), (ii), (iv) and (v) of the Act, and the requirements set forth in Article 41, paragraph(1), item (vii) of the Act), or a minimum necessary change to the process of the establishment and operation business, etc.;
- (b) a temporary change of the total floor area of the specified integrated resort or the size of the facilities constituting the specified integrated resort resulting from repair or disaster recovery (limited to a change that is free from risk of leading to a result that the facilities no longer conform to the requirements set forth in Article 41, paragraph (1), item (vii) of the Act); or
- (c) other changes that are not accompanied by any substantial change of contents of the certified district development plan.

(Application for Certification for Changes to Certified District Development Plan)

Article 5 (1) A certified prefecture, etc., that intends to obtain certification for a change to a certified district development plan pursuant to the provisions of Article 11, paragraph (1) of the Act must submit an application form containing the particulars set forth in the following items, jointly with the certified establishment and operation business operator, etc., to the Minister of Land, Infrastructure, Transport and Tourism:

- (i) the name of the certified prefecture, etc., and the name and address of the certified establishment and operation business operator, etc., and its representative's name;
  - (ii) the date of certification referred to in Article 9, paragraph (11) or Article 11, paragraph (1) of the Act;
  - (iii) the contents of the change;
  - (iv) the reasons for the change; and
  - (v) the date of the intended change.
- (2) The application form referred to in the preceding paragraph must be accompanied by the documents set forth in the following items:
- (i) a document containing the changed certified district development plan; and

- (ii) any of the documents provided for in Article 3 pertaining to the change.
- (3) If any of the contents of the documents provided for in Article 3 has been changed, a certified prefecture, etc., must submit a document that clarifies the contents of the relevant changes and is accompanied by any of the documents provided for in Article 3 pertaining to the change, jointly with the certified establishment and operation business operator, etc., to the Minister of Land, Infrastructure, Transport and Tourism without delay unless the certified prefecture, etc., submits an application form referred to in paragraph (1) or a written notice referred to in paragraph (1) of the following Article with respect to the change.

(Notification of Minor Changes to Certified District Development Plan)

Article 6 (1) A certified prefecture, etc., that intends to provide notification to the effect that it has made a minor change to a certified district development plan pursuant to the provisions of Article 11, paragraph (2) of the Act must submit a written notice containing the particulars set forth in the following items, jointly with the certified establishment and operation business operator, etc., to the Minister of Land, Infrastructure, Transport and Tourism without delay:

- (i) the name of the certified prefecture, etc., and the name and address of the certified establishment and operation business operator, etc., and its representative's name;
  - (ii) the date of certification referred to in Article 9, paragraph (11) or Article 11, paragraph (1) of the Act;
  - (iii) the contents of the change;
  - (iv) the reasons for the change; and
  - (v) the date of the change.
- (2) The documents specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism that are referred to in Article 11, paragraph (2) of the Act are those set forth in the following items:
- (i) a document containing the changed certified district development plan; and
  - (ii) any of the documents provided for in Article 3 pertaining to the change.

(Particulars to be Contained in Implementation Contract)

Article 7 The particulars specified by Order of the Minister of Land, Infrastructure, Transport and Tourism that are referred to in Article 13, paragraph (1), item (vii) of the Act are the particulars regarding changes to the implementation contract.

(Documents to be Attached to Implementation Contract)

Article 8 The documents specified by Order of the Ministry of Land,

Infrastructure, Transport and Tourism that are referred to in Article 13, paragraph (3) of the Act are those set forth in the following items:

- (i) the articles of incorporation and the certificate of registered information of the certified establishment and operation business operator, etc.;
- (ii) the certificate of registered information of the land of the specified integrated resort district;
- (iii) if land owned by a person other than the certified establishment and operation business operator (if facility provision business is conducted, the certified facility provision business operator; the same applies in item (v)) is planned to be used as the land of the specified integrated resort district, a copy of the contract under which the ownership of or land leasehold right over the land, or other rights to use or earn profit from the land are transferred or established, or other equivalent documents;
- (iv) if existing facilities are planned to be used as the facilities constituting the specified integrated resort, the certificate of registered information of the facilities;
- (v) if existing facilities owned by a person other than the certified establishment and operation business operator are planned to be used as the facilities constituting the specified integrated resort, a copy of the contract under which the ownership of the facilities is transferred or other equivalent documents; and
- (vi) beyond what is set forth in the preceding items, documents containing other particulars that will serve as a reference.

(Application for Authorization for Changes to Implementation Contract)

Article 9 (1) A certified prefecture, etc., and a certified establishment and operation business operator, etc., that intend to obtain authorization for a change to an implementation contract pursuant to the provisions of the second sentence of Article 13, paragraph (2) of the Act must submit an application form containing the particulars set forth in the following items to the Minister of Land, Infrastructure, Transport and Tourism:

- (i) the name of the certified prefecture, etc., and the name and address of the certified establishment and operation business operator, etc., and its representative's name;
  - (ii) the date of authorization referred to in Article 13, paragraph (2) of the Act;
  - (iii) the contents of the change;
  - (iv) the reasons for the change; and
  - (v) the date of the intended change.
- (2) The application form referred to in the preceding paragraph must be accompanied by the documents set forth in the following items:
- (i) a document containing the changed implementation contract; and

- (ii) any of the documents set forth in the items of the preceding Article pertaining to the change.
- (3) If any of the contents of the documents set forth in the items of the preceding Article has been changed, a certified prefecture, etc., and a certified establishment and operation business operator, etc., must submit a document that clarifies the contents of the relevant changes and is accompanied by any of the documents set forth in the items of the same Article pertaining to the change to the Minister of Land, Infrastructure, Transport and Tourism without delay unless they submit an application form referred to in paragraph (1) with respect to the change.

(Public Announcement of Outline of Implementation Contract)

Article 10 (1) The public announcement of the outline of an implementation contract under the provisions of the first sentence of Article 13, paragraph (5) of the Act is to be made regarding the particulars set forth in the following items:

- (i) the names of the certified prefecture, etc., and the certified establishment and operation business operator, etc.;
  - (ii) the date of conclusion of the implementation contract; and
  - (iii) the outline of the implementation contract.
- (2) The public announcement referred to in the preceding paragraph must be kept posted at places that are easily visible to the public and on the Internet until the expiration date of the validity period of the implementation contract subject to the public announcement.

(Public Announcement of Outline of Changes to Implementation Contract)

Article 11 (1) The public announcement of the outline of a change to an implementation contract under the provisions of the second sentence of Article 13, paragraph (5) of the Act is to be made regarding the particulars set forth in the following items:

- (i) the names of the certified prefecture, etc., and the certified establishment and operation business operator, etc.;
  - (ii) the outline of the change;
  - (iii) the outline of the changed implementation contract; and
  - (iv) the date of the change.
- (2) The provisions of paragraph (2) of the preceding Article apply mutatis mutandis to the public announcement referred to in the preceding paragraph.

(Notification of Business Plan)

Article 12 (1) A certified establishment and operation business operator, etc., that intends to provide notification of a business plan pursuant to the

provisions of the first sentence of Article 16, paragraph (1) of the Act must submit a business plan containing particulars to be implemented in the business year pertaining to the business plan in relation to particulars described in the basic business plan, to the Minister of Land, Infrastructure, Transport and Tourism.

- (2) The business plan referred to in the preceding paragraph must be accompanied by a document evidencing that the consent referred to in Article 16, paragraph (1) of the Act has been obtained and other documents specified in public notice by the Minister of Land, Infrastructure, Transport and Tourism.

(Notification of Changes to Business Plan)

Article 13 (1) A certified establishment and operation business operator, etc., that intends to provide notification of changes to its business plan pursuant to the provisions of the second sentence of Article 16, paragraph (1) of the Act must submit a written notice containing the particulars set forth in the following items to the Minister of Land, Infrastructure, Transport and Tourism:

- (i) the name and address of the certified establishment and operation business operator, etc., and its representative's name;
  - (ii) the contents of the change;
  - (iii) the reasons for the change; and
  - (iv) the date of the change.
- (2) The written notice referred to in the preceding paragraph must be accompanied by the documents set forth in the following items:
- (i) a document containing the changed business plan; and
  - (ii) any of the documents provided for in paragraph (2) of the preceding Article pertaining to the change.

(Public Announcement of Business Plan)

Article 14 The public announcement of a business plan under the provisions of Article 16, paragraph (3) of the Act must be kept posted at places that are easily visible to the public and on the Internet until the last day of the business year pertaining to the business plan.

(Notification of Commencement of Business Operations of Specified Integrated Resort)

Article 15 (1) A certified establishment and operation business operator that intends to provide notification of commencement of business operations of a specified integrated resort pursuant to the provisions of Article 17, paragraph (1) of the Act must submit a written notice containing the commencement date

of the business operations to the Minister of Land, Infrastructure, Transport and Tourism no later than thirty days prior to the date on which the business operations are planned to commence.

- (2) The written notice referred to in the preceding paragraph must be accompanied by a document evidencing that the consent referred to in Article 17, paragraph (1) of the Act has been obtained.

(Particulars Required to be Stated Clearly at the Time of Abolition of the Establishment and Operation Business)

Article 16 The particulars specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism that are referred to in Article 19, paragraph (1) of the Act are those set forth in the following items:

- (i) details of measures that have been taken by the certified establishment and operation business operator, etc., in order to continue operating its establishment and operation business, etc.;
- (ii) details of measures taken by the certified establishment and operation business operator, etc., in order to avoid or reduce negative effect on neighboring areas of the specified integrated resort district caused by the abolition of the establishment and operation business, etc. (including details of measures concerning the use or disposition of the land of the specified integrated resort district and the specified integrated resort after the abolition, and details of measures taken in order to prevent those who have been employed by the certified establishment and operation business operator, etc., from losing employment or otherwise ensure stability of employment); and
- (iii) beyond what is set forth in the preceding two items, other particulars that will serve as a reference.

(Identification Cards Required at the Time of On-site Inspection)

Article 17 The identification card referred to in Article 29, paragraph (3) of the Act is to conform to the appended form.

### **Supplementary Provisions**

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

Appended Form (In Re: Article 17)