

# Cabinet Office Order on Designation of Specified Essential Infrastructure Service Providers under the Act on the Promotion of Ensuring National Security Through Integrated Implementation of Economic Measures (Tentative translation)

(Cabinet Office Order No. 61 of 2023)

Based on the provisions of Article 50, paragraph (1) of the Act on the Promotion of Ensuring National Security Through Integrated Implementation of Economic Measures (Act No. 43 of 2022) and for the purpose of implementing that Act, the Cabinet Office Order on Designation of Specified Essential Infrastructure Service Providers under the Act on the Promotion of Ensuring National Security Through Integrated Implementation of Economic Measures is established as follows.

## (Specified Critical Facilities)

Article 1 Those provided by competent Ministerial Order as prescribed in Article 50, paragraph (1) of the Act on the Promotion of Ensuring National Security Through Integrated Implementation of Economic Measures (referred to below as the "Act") are, for the specified essential infrastructure businesses stated in the following items, information processing systems (meaning the information processing systems prescribed in Article 2, paragraph (3) of the Act on Facilitation of Information Processing (Act No. 90 of 1970), and limited to those that are particularly required for the management of the operations respectively specified in the following items (limited to those that are indispensable for providing specified essential infrastructure services); the same applies below in this Article) which are configured to perform all or part of the processing of data relating to those operations (limited to the case where major disruption is likely to be caused to those operations if that processing stops), and information processing systems for operating those information processing systems:

(i) banking (meaning the banking prescribed in Article 2, paragraph (2) of the Banking Act (Act No. 59 of 1981), and limited to that conducted based on the provisions of Article 10, paragraph (1) of that Act; the same applies in item (i) of the following Article): the following operations:

- (a) acceptance of deposits;
- (b) lending of funds and the discounting of negotiable instruments; and
- (c) funds transfer transactions;

(ii) businesses conducted based on the provisions of Article 54, paragraphs (1) and (2) of the Shinkin Bank Act (Act No. 238 of 1951): the following operations:

(a) acceptance of deposits of members;

(b) lending of funds to members (including the discounting of negotiable instruments; the same applies in (b) of the following item); and

(c) funds transfer transactions;

(iii) businesses conducted based on the provisions of Article 9-9, paragraph (1) (limited to the part relating to items (i) and (ii) (limited to the part relating to lending of funds to members); the same applies in item (iii) of the following Article) and paragraph (6) (limited to the part relating to item (i) (limited to the part relating to Article 9-8, paragraph (2), items (i), (ii), (iv), and (v) of the Act); the same applies in item (iii) of the following Article) of the Small and Medium-Sized Enterprise Cooperatives Act (Act No. 181 of 1949): operations relating to the following businesses:

(a) acceptance of deposits of members;

(b) lending of funds to members; and

(c) funds transfer transactions;

(iv) funds transfer services (meaning the funds transfer services prescribed in Article 2, paragraph (2) of the Payment Services Act (Act No. 59 of 2009); the same applies below in this item and item (iv) of the following Article): operations relating to funds transfer services;

(v) insurance business (meaning the insurance business prescribed in Article 2, paragraph (1) of the Insurance Business Act (Act No. 105 of 1995); the same applies below in item (v) of the following Article): operations relating to payment of insurance proceeds or compensation for damage;

(vi) business of operating a financial instruments exchange market (meaning the financial instruments exchange market prescribed in Article 2, paragraph (17) of the Financial Instruments and Exchange Act (Act No. 25 of 1948); the same applies below): from among operations of such business, those relating to the following:

(a) purchase and sales of securities (excluding those that fall under the category of derivatives transactions (meaning the derivatives transactions prescribed in Article 2, paragraph (20) of the Financial Instruments and Exchange Act; the same applies below) and those conducted outside the trading session specified in the operational rules; the same applies below in item (viii),

(a)) or market derivatives transactions (meaning the market derivatives transactions prescribed in paragraph (21) of that Article, and excluding those conducted through the off-floor trading specified in the operational rules; the same applies below in (a) of that item) on the financial instruments exchange market that is operated; or

(b) notice or disclosure under the provisions of Article 130 of the Financial Instruments and Exchange Act;

(vii) financial instruments obligation assumption services (meaning the financial instruments obligation assumption services prescribed in Article 2, paragraph (28) of the Financial Instruments and Exchange Act; the same applies below in this item and item (vii) of the following Article): operations relating to financial instruments obligation assumption services provided with regard to the following transactions:

(a) purchase and sales of securities listed on a financial instruments exchange (meaning the financial instruments exchange prescribed in Article 2, paragraph (16) of the Financial Instruments and Exchange Act) (excluding those that fall under the category of derivatives transactions; the same applies below in item (vi) of the following Article);

(b) derivatives transactions (excluding the foreign market derivatives transactions prescribed in Article 2, paragraph (23) of the Financial Instruments and Exchange Act); and

(c) purchase and sale of national government bond certificates (excluding those that fall under the categories of transactions stated in (a) and (b));

(viii) type I financial instruments business (meaning the type I financial instruments business prescribed in Article 28, paragraph (1) of the Financial Instruments and Exchange Act; the same applies below in this item and item (viii) of the following Article): from among operations relating to type I financial instruments business, those relating to the following acts:

(a) purchase and sales of securities or market derivatives transactions on a financial instruments exchange market or intermediation, brokerage, or agency services for them; and

(b) the act stated in Article 2, paragraph (8), item (xvi) or (xvii) of the Financial Instruments and Exchange Act conducted in relation to any of the acts stated in (a);

(ix) trust business (meaning the trust business prescribed in Article 2, paragraph (1) of the Trust Business Act (Act No. 154 of 2004); the same applies below in item (ix) of the following Article): management of trust property;

(x) clearing services for interbank funds transfer (meaning the clearing services for interbank funds transfer prescribed in Article 2, paragraph (20) of the Payment Services Act; the same applies below in this item and item (x) of the following Article): operations relating to clearing services for interbank funds transfer; and

(xi) business of issuing prepaid payment instruments for third-party business (meaning the prepaid payment instruments for third-party business prescribed in Article 3, paragraph (5) of the Payment Services Act, and excluding those

stated in the items of Article 4 of that Act; the same applies below in item (xi) of the following Article): operations of such business.

(Criteria for Designation of **Specified Essential Infrastructure Service Providers**)

Article 2 The criteria provided by competent Ministerial Order as prescribed in Article 50, paragraph (1) of the Act are as specified in the following items for the specified essential infrastructure businesses respectively stated in those items:

(i) banking: the person that conducts that business falls under any of the following categories:

(a) a person whose average balance of deposits as of the last days of the most recent three business years is 10 trillion yen or more;

(b) a person whose average number of deposit accounts (excluding those relating to separate deposits) as of the last days of the most recent three business years is 10 million or more; or

(c) a person whose average number of cash dispensers and automatic teller machines installed in Japan as of the last days of the most recent three business years is 10,000 or more;

(ii) business conducted based on the provisions of Article 54, paragraph (1) or (2) of the Shinkin Bank Act: the person conducts that business;

(iii) business conducted based on the provisions of Article 9-9, paragraph (1) or (6) of the Small and Medium-Sized Enterprise Cooperatives Act: the person conducts the business referred to in paragraph (1), item (i) of that Article;

(iv) funds transfer services: the person that provides those services falls under all of the following categories:

(a) a person whose average number of users as of the last days of the most recent three business years is 10 million persons or more; and

(b) a person whose average total amount of funds transferred in funds transfer transactions in the most recent three business years is 400 billion yen or more;

(v) insurance business: the person that conducts that business falls under any of the following categories:

(a) a person whose average amount obtained by deducting the total amount of cancellation refunds and other refunds and reinsurance fees which are to be recorded in the profit and loss statement from the amounts paid, including insurance proceeds, etc., which are to be recorded in the profit and loss statement in the most recent three business years is one trillion yen or more;

(b) a person whose average number of insurance contracts relating to life insurance business (meaning the life insurance business prescribed in Article 2, paragraph (29) of the Insurance Business Act) as of the last days of the most recent three business years is 20 million or more;

(c) a person whose average amount of direct net claims paid relating to non-life insurance business (meaning the non-life insurance business prescribed in Article 2, paragraph (30) of the Insurance Business Act; the same applies in (d)) in the most recent three business years is one trillion yen or more; or

(d) a person whose average number of insurance contracts relating to non-life insurance business as of the last days of the most recent three business years is 20 million or more;

(vi) business of operating a financial instruments exchange market: the person conducts that business (excluding a person whose average total trading value relating to purchase and sales of securities on the financial instruments exchange market that is operated in the most recent three business years is less than 75 trillion yen);

(vii) financial instruments obligation assumption services: the person provides those services by obtaining the license referred to in Article 156-2 of the Financial Instruments and Exchange Act or the approval referred to in Article 156-19, paragraph (1) of that Act;

(viii) type I financial instruments business: the person that conducts that business by obtaining the registration referred to in Article 29 of the Financial Instruments and Exchange Act falls under any of the following categories:

(a) a person whose average balance of the money, securities, or other property deposited from customers as of the last days of the most recent three business years is 30 trillion yen or more; or

(b) a person whose average number of accounts for customers to conduct transactions of securities or derivative transactions as of the last days of the most recent three business years is five million or more;

(ix) trust business: the person that conducts that business is a person whose average balance of trust property that has been placed in trust (excluding those of which management has been entrusted to a third party) as of the last days of the most recent three business years is 30 trillion yen or more;

(x) clearing services for interbank funds transfer: the person provides those services by obtaining the license referred to in Article 64, paragraph (1) of the Payment Services Act; and

(xi) business of issuing prepaid payment instruments for third-party business: the person that conducts that business falls under all of the following categories:

(a) a person whose average number of member shops (meaning the member shops prescribed in Article 10, paragraph (1), item (iv) of the Payment Services Act) where the prepaid payment instruments for third-party business issued can be used as of the last days of the most recent three business years is 10,000 or more; and

(b) a person whose average amount of prepaid payment instruments for third-party business issued in the most recent three business years is one trillion yen or more.

(Notice of Designation of a Specified Essential Infrastructure Service Provider)

Article 3 The notice of designation of a specified essential infrastructure service provider (limited to a person that conducts any of the specified essential infrastructure businesses stated in the items of the preceding Article; the same applies below) under the provisions of Article 50, paragraph (2) of the Act is to be given by means of a written notice of designation using Form 1.

(Method of Public Notice of the Designation, etc. of a Specified Essential Infrastructure Service Provider)

Article 4 (1) The public notice of designation of a specified essential infrastructure service provider under the provisions of Article 50, paragraph (2) of the Act (including as applied mutatis mutandis pursuant to Article 51 of the Act) (if applied mutatis mutandis pursuant to Article 51 of the Act, the public notice of cancellation of designation) is to be given through publication in the official gazette.

(2) If the Commissioner of the Financial Services Agency gives public notice under the provisions of the preceding paragraph, the commissioner is to publicize the date and details of the public notice by using the internet or through other means.

(Notification of a Change to the Name, etc. of a Specified Essential Infrastructure Service Provider)

Article 5 The notification of a change to the name or address of a specified essential infrastructure service provider under the provisions of Article 50, paragraph (3) of the Act must be made by means of a written notification of change to the name, etc. using Form 2.

(Notification of Cancellation of Designation of a Specified Essential Infrastructure Service Provider)

Article 6 The notice of cancellation of designation of a specified essential infrastructure service provider under the provisions of Article 50, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 51 of the Act is to be given by means of a written notice of cancellation of designation using Form 3.

(Parent Corporation, etc.)

Article 7 That provided by competent Ministerial Order as prescribed in Article 10, paragraph (3) of the Order for Enforcement of the Act on the Promotion of Ensuring National Security Through Integrated Implementation of Economic Measures (Cabinet Order No. 394 of 2022; referred to as the "Order" in Article 20) is any of the following corporations, etc. (meaning a company or partnership, or any other business entity equivalent thereto; the same applies

below); **provided, however, that** this excludes a corporation, etc. that is clearly found as not having control over the decision-making body (meaning the decision-making body prescribed in that paragraph; the same applies in item (ii), (e)) of another corporation, etc. in terms of their financial, operational, or business relationship:

(i) a corporation, etc. which holds, on its own account, the majority of voting rights (in the case of a stock company, excluding voting rights of shares which may not be exercised for all matters that are subject to a resolution of a general meeting of shareholders, and including voting rights of shares regarding which the shareholder is deemed to have voting rights pursuant to the provisions of Article 879, paragraph (3) of the Companies Act (Act No. 86 of 2005); the same applies below) held by all shareholders, etc. (meaning all shareholders, all members, all association members, all partners, or all equity investors; the same applies below) in another corporation, etc. (excluding another corporation, etc. that has become subject to an order for commencement of bankruptcy proceedings, an order for commencement of rehabilitation proceedings, or an order for commencement of reorganization proceedings or a corporation, etc. equivalent thereto, which is found to have no effective parent-subsidary relationship; the same applies below in this Article);

(ii) a corporation, etc. which holds, on its own account, 40 percent or more but 50 or less of the voting rights of all shareholders, etc. in another corporation, etc. and satisfies any of the following requirements:

(a) the voting rights held by the relevant corporation, etc. on its own account, when combined with the voting rights held by any persons that are deemed to exercise voting rights in line with the intentions of the relevant corporation, etc. due to having a close relationship with the relevant corporation, etc. in terms of contribution, personnel affairs, funds, technology, transactions, etc., and the voting rights held by persons that have consented to exercising voting rights in line with the intentions of the relevant corporation, etc., constitute the majority of the voting rights of all shareholders, etc. in the other corporation, etc.;

(b) persons that are or were officers (meaning directors, executive officers, accounting advisors (including the member responsible for performing the duties thereof, if an accounting advisor is a corporation), company auditors, and persons holding positions similar thereto), members in charge of executing business, and employees of the relevant corporation, etc., on whom the relevant corporation, etc. is able to exert an influence in connection with their decisions on financial and operational or business policies of the other corporation, etc., constitute the majority of the members of the board of directors or any other equivalent body of the other corporation, etc.;

(c) there is a contract, etc. between the relevant corporation, etc. and the other corporation, etc. under which the relevant corporation, etc. controls

significant decisions on financial and operational or business policies of the other corporation, etc.;

(d) the relevant corporation, etc. finances (including guarantee of debts and provision of collateral; the same applies below in (d)) more than half of the total amount of the procured funds (limited to the amount recorded in the liabilities section of the balance sheet; the same applies below in (d)) of the other corporation, etc. (including cases where the amount financed by the relevant corporation, etc., when combined with the amount financed by any persons having a close relationship with the relevant corporation, etc. in terms of contribution, personnel affairs, funds, technology, transactions, etc., constitutes more than half of the total amount of the procured funds); or

(e) there is any other fact implying that the relevant corporation, etc. controls the decision-making body of the other corporation, etc.; and

(iii) a corporation, etc. in the case where the voting rights held by the relevant corporation, etc. on its own account, when combined with the voting rights held by any persons that are deemed to exercise voting rights in line with the intentions of the relevant corporation, etc. due to having a close relationship with the relevant corporation, etc. in terms of contribution, personnel affairs, funds, technology, transactions, etc., and the voting rights held by persons that have consented to exercising voting rights in line with the intentions of the relevant corporation, etc., constitute the majority of the voting rights of all shareholders, etc. in another corporation, etc. (including the case where the relevant corporation, etc. does not hold the voting rights on its own account), and where the relevant corporation, etc. satisfies any of the requirements stated in (b) through (e) of the preceding item.

**(Critical Maintenance and Management, etc.)**

Article 8 Those provided by competent Ministerial Order as critical for maintaining the function of the **specified critical facility** or the stable provision of specified essential infrastructure services related to the specified critical facility, and through which the relevant specified critical facility is likely to be used as a means for an action taken from outside Japan to interfere with the stable provision of specified essential infrastructure services, as prescribed in Article 52, paragraph (1) of the Act, are the following:

- (i) maintenance and management; and
- (ii) operation.

(Notification of a Plan of Introduction, etc.)

Article 9 (1) The plan of introduction, etc. as prescribed in Article 52, paragraph (1) of the Act is to use Form 4(1) in the case of introducing a specified critical facility, and is to use Form 4(2) in the case of entrusting another person with critical maintenance and management, etc. of a specified critical facility.

(2) The documents provided by competent Ministerial Order as prescribed in Article 52, paragraph (1) of the Act are the following documents; provided, however, that, for documents with a period of validity or an expiration date, they are limited to those that are valid as of the date of notification under the provisions of that paragraph, and for any other documents, they are limited to those that are prepared within three months prior to that date of notification:

(i) the certificates of registered information (including documents equivalent thereto) of the supplier of the specified critical facility and the suppliers of the constituent facilities (meaning the constituent facilities prescribed in Article 12) or the other party to the entrustment of critical maintenance and management, etc. of the specified critical facility and any person that has been further entrusted with critical maintenance and management, etc. by that other party to the entrustment (if the person that has been further entrusted further entrusts critical maintenance and management, etc. to another enterprise, this includes the other party to the further entrustment; referred to below as "the other party to the further entrustment, etc.") (these persons are referred to below as "suppliers, etc."); and

(ii) a copy of the passport (meaning the passport prescribed in Article 2, item (v) of the Immigration Control and Refugee Recognition Act (Cabinet Order No. 319 of 1951); the same applies below in this item), an extract of the family register or a certificate of family register description, or a copy of resident record bearing the registered domicile of the officers (meaning the persons specified below for the categories of corporations, etc. respectively stated below; the same applies below) of the suppliers, etc. (if any of the officers is a foreign national, a copy of the passport, a copy of the residence card prescribed in Article 19-3 of that Act, a copy of the special permanent resident certificate prescribed in Article 7, paragraph (1) of the Special Act on the Immigration Control of Inter Alia, Those Who Have Lost Japanese Nationality Pursuant to the Treaty of Peace with Japan (Act No. 71 of 1991), or any other document proving the officer's name, date of birth, and nationality, etc. (meaning the nationality, etc. prescribed in Article 30-45 of the Residential Basic Book Act (Act No. 81 of 1967); the same applies below)):

(a) a stock company: directors (directors and executive officers in the case of a company with nominating committee, etc.);

(b) a membership company (meaning the membership company prescribed in Article 575, paragraph (1) of the Companies Act): members in charge of executing business;

(c) a general incorporated association, a general incorporated foundation, or a small and medium-size enterprise cooperative: directors;

(d) a partnership (meaning a partnership established based on the partnership contract prescribed in Article 667, paragraph (1) of the Civil Code

(Act No. 89 of 1896): partners (in the case of a partnership of which business is executed by a person who executes business (meaning the person who executes business prescribed in Article 670, paragraph (3) of that Code; the same applies below in (d)) pursuant to the provisions of that paragraph, the person who executes business); and

(e) any other corporation, etc.: persons equivalent to those specified in (a) through (d).

(Cases Where the Introduction of a Specified Critical Facility Is of Urgent Necessity)

Article 10 (1) Cases provided by competent Ministerial Order as prescribed in the **proviso** to Article 52, paragraph (1) of the Act are cases where disruption arises or is likely to arise to the provision of specified essential infrastructure services (excluding cases where a specified essential infrastructure service provider has caused the risk of disruption to the stable provision of specified essential infrastructure services for the purpose of evading the application of the provisions of the **main clause** of that paragraph), and where, in order to eliminate or prevent the disruption, it is necessary to introduce a specified critical facility from another enterprise urgently or entrust another enterprise to conduct critical maintenance and management, etc. of a specified critical facility urgently, and there is no other appropriate method.

(2) The urgent notice of introduction, etc. as prescribed in Article 52, paragraph (11) of the Act is to use Form 5(1) in the case of having introduced a specified critical facility, and is to use Form 5(2) in the case of having entrusted another person with critical maintenance and management, etc. of a specified critical facility.

(Matters Provided by Competent Ministerial Order as Prescribed in Article 52, Paragraph (2), Item (ii), (b) of the Act)

Article 11 The matters provided by competent Ministerial Order as prescribed in Article 52, paragraph (2), item (ii), (b) of the Act are the following matters:

(i) the name and the name of the representative, address, and the name of the country or region that enacted the laws and regulations which governed the incorporation (referred to below as the "**country, etc. with jurisdiction over incorporation**") of the supplier of the specified critical facility (in the case of an individual, the name, address, and nationality, etc.);

(ii) with regard to any person that directly holds 5 percent or more of the voting rights of all shareholders, etc. of the supplier of the specified critical facility, that person's name and the country, etc. with jurisdiction over incorporation or nationality, etc., and the percentage of the number of voting rights they hold in the number of voting rights of all shareholders, etc. of the supplier;

(iii) the name, date of birth, and nationality, etc. of officers of the supplier of the specified critical facility;

(iv) if the total amount of sales relating to transactions with a foreign government or other bodies (meaning the government of a foreign country, a governmental organization of a foreign country, a local public entity of a foreign country, the central bank of a foreign country, or a political party or any other political group of a foreign country; the same applies below) that belong to the same country or region accounts for 25 percent or more of the total amount of sales of the supplier of the specified critical facility in any single business year in the most recent three business years that ended on or before the day two months prior to the date of notification, that business year, the names of the foreign government or other bodies, and the percentages of the sales relating to transactions with the foreign government or other bodies in the total amount of sales of the supplier of the specified critical facility in that business year; and

(v) the locations of the factories or places of business involved in the manufacture of the specified critical facility.

(Constituent Facility)

Article 12 The facility, equipment, device, or program that constitutes a part of a specified critical facility that is likely to be used as a means for a specified interference action as prescribed in Article 52, paragraph (2), item (ii), (c) of the Act (referred to below as a "**constituent facility**") is a facility, equipment, device, or program such as the following, which is particularly required for the management of operations prescribed in Article 1:

- (i) a business application;
- (ii) an operating system;
- (iii) middleware; and
- (iv) a server.

(Matters Provided by Competent Ministerial Order as Prescribed in Article 52, Paragraph (2), Item (ii), (c) of the Act)

Article 13 The matters provided by competent Ministerial Order as prescribed in Article 52, paragraph (2), item (ii), (c) of the Act are the following matters:

- (i) the type, name, and function of each constituent facility;
- (ii) the name and the name of the representative, address, and the country, etc. with jurisdiction over incorporation of the supplier of each constituent facility (in the case of an individual, the name, address, and nationality, etc.);
- (iii) with regard to any person that directly holds 5 percent or more of the voting rights of all shareholders, etc. of the supplier of any constituent facility, that person's name and the country, etc. with jurisdiction over incorporation or nationality, etc., and the percentage of the number of voting rights they hold in the number of voting rights of all shareholders, etc. of the supplier;

(iv) the name, date of birth, and nationality, etc. of officers of the supplier of each constituent facility;

(v) if the total amount of sales relating to transactions with a foreign government or other bodies that belong to the same country or region accounts for 25 percent or more of the total amount of sales of the supplier of any constituent facility in any single business year in the most recent three business years that ended on or before the day two months prior to the date of notification, that business year, the names of the foreign government or other bodies, and the percentages of the sales relating to transactions with the foreign government or other bodies in the total amount of sales of the supplier of the constituent facility in that business year; and

(vi) the locations of the factories or places of business involved in the manufacture of the constituent facilities.

(Matters Provided by Competent Ministerial Order as Prescribed in Article 52, Paragraph (2), Item (iii), (b) of the Act)

Article 14 The matters provided by competent Ministerial Order as prescribed in Article 52, paragraph (2), item (iii), (b) of the Act are the following matters:

(i) the name and the name of the representative, address, and the country, etc. with jurisdiction over incorporation of the other party to the entrustment of critical maintenance and management, etc. (in the case of an individual, the name, address, and nationality, etc.);

(ii) with regard to any person that directly holds 5 percent or more of the voting rights of all shareholders, etc. of the other party to the entrustment of critical maintenance and management, etc., that person's name and the country, etc. with jurisdiction over incorporation or nationality, etc., and the percentage of the number of voting rights they hold in the number of voting rights of all shareholders, etc. of the other party to the entrustment;

(iii) the name, date of birth, and nationality, etc. of officers of the other party to the entrustment of critical maintenance and management, etc.; and

(iv) if the total amount of sales relating to transactions with a foreign government or other bodies that belong to the same country or region accounts for 25 percent or more of the total amount of sales of the other party to the entrustment of critical maintenance and management, etc. in any single business year in the most recent three business years that ended on or before the day two months prior to the date of notification, that business year, the names of the foreign government or other bodies, and the percentages of the sales relating to transactions with the foreign government or other bodies in the total amount of sales of the other party to the entrustment of critical maintenance and management, etc. in that business year.

(Matters Provided by Competent Ministerial Order as Prescribed in Article 52, Paragraph (2), Item (iii), (c) of the Act)

Article 15 The matters provided by competent Ministerial Order as prescribed in Article 52, paragraph (2), item (iii), (c) of the Act are the following matters:

(i) the details and the timing or period of the critical maintenance and management, etc. which the other party to the entrustment of critical maintenance and management, etc. further entrusts to another enterprise;

(ii) if the other party to the further entrustment of critical maintenance and management, etc. further entrusts the critical maintenance and management, etc. to another enterprise, the details and the timing or period of the critical maintenance and management, etc. thus further entrusted;

(iii) the name and the name of the representative, address, and the country, etc. with jurisdiction over incorporation of the other party to the further entrustment, etc. (in the case of an individual, the name, address, and nationality, etc.);

(iv) with regard to any person that directly holds 5 percent or more of the voting rights of all shareholders, etc. of the other party to the further entrustment, etc., that person's name and the country, etc. with jurisdiction over incorporation or nationality, etc., and the percentage of the number of voting rights they hold in the number of voting rights of all shareholders, etc. of the other party to the further entrustment, etc.;

(v) the name, date of birth, and nationality, etc. of officers of the other party to the further entrustment, etc.; and

(vi) if the total amount of sales relating to transactions with a foreign government or other bodies that belong to the same country or region accounts for 25 percent or more of the total amount of sales of the other party to the further entrustment, etc. in any single business year in the most recent three business years that ended on or before the day two months prior to the date of notification, that business year, the names of the foreign government or other bodies, and the percentages of the sales relating to transactions with the foreign government or other bodies in the total amount of sales of the other party to the further entrustment, etc. in that business year.

(Matters Provided by Competent Ministerial Order as Prescribed in Article 52, Paragraph (2), Item (iv) of the Act)

Article 16 The matters provided by competent Ministerial Order as prescribed in Article 52, paragraph (2), item (iv) of the Act are the following matters:

(i) the measures to prevent specified interference actions, to be taken by the specified essential infrastructure service provider in introducing the specified critical facility; and

(ii) the measures to prevent specified interference actions, to be taken by the specified essential infrastructure service provider in entrusting another person with critical maintenance and management, etc. of the specified critical facility.

(Exceptions to Notification of a Plan of Introduction, etc.)

Article 17 If the other party to the entrustment of critical maintenance and management, etc. or the other party to the further entrustment, etc. further entrusts the critical maintenance and management, etc. to another enterprise, and if all of the following cases apply, the specified essential infrastructure service provider may, by stating to that effect in and attaching a document proving the applicability to the plan of introduction, etc., omit statement of the matters stated in Article 15, items (i), (ii), and (iv) through (vi) and attachment of the documents stated in Article 9, paragraph (2), item (ii) relating to that further entrustment:

(i) the specified essential infrastructure service provider is taking measures for identifying the matters stated in Article 15, items (i) and (ii) relating to that further entrustment; and

(ii) the specified essential infrastructure service provider or the person that has further entrusted the critical maintenance and management, etc. to the other party to that further entrustment is taking necessary measures for confirming that the following measures are taken by the other party to that further entrustment:

(a) the other party to that further entrustment specifies the zone for conducting the further entrusted critical maintenance and management, etc. and restricts entries into the zone thus specified, and any other measures for preventing unauthorized access to that zone; and

(b) the other party to that further entrustment specifies the procedure for the storage of records concerning the critical maintenance and management, etc. of the specified critical facility and the procedure for the checking of these records by employees engaged in operations relating to the further entrusted critical maintenance and management, etc., and ensures that the employees observe these procedures, and implements any other methods to inspect, periodically or when necessary, whether there is any wrongful operation of or wrongful act against the specified critical facility under critical maintenance and management, etc.

(Notice of Shortening of the Period)

Article 18 If the Commissioner of the Financial Services Agency shortens the period during which the specified critical facility must not be introduced or its critical maintenance and management, etc. must not be entrusted pursuant to the provisions of the proviso to Article 52, paragraph (3) of the Act and paragraph (5) of that Article (including the case where these provisions are applied mutatis mutandis pursuant to Article 54, paragraph (2) of the Act (including as applied mutatis mutandis pursuant to paragraph (5) of that Article; the same applies below)), the commissioner is to do so by way of delivering a written notice stating the shortened period to the specified

essential infrastructure service provider that has made notification of the plan of introduction, etc.

(Notice of Extension of the Period)

Article 19 If the Commissioner of the Financial Services Agency extends the period during which the specified critical facility must not be introduced or its critical maintenance and management, etc. must not be entrusted pursuant to the provisions of Article 52, paragraph (4) of the Act (including as applied mutatis mutandis pursuant to Article 54, paragraph (2)), the commissioner is to do so by way of delivering a written notice stating the extended period to the specified essential infrastructure service provider that has made notification of the plan of introduction, etc.

(Procedure for the Notice as Prescribed in Article 52, Paragraph (7) of the Act)

Article 20 The notice based on the provisions of Article 11 of the Order is to be given using Form 6.

(Notification of a Plan of Introduction, etc. Amended in Relation to a Recommendation)

Article 21 The notification under the provisions of Article 52, paragraph (8) of the Act (including as applied mutatis mutandis pursuant to Article 55, paragraph (3) of the Act) is to be made by using Form 4(1) in the case of introducing a specified critical facility and by using Form 4(2) in the case of entrusting another person with critical maintenance and management, etc. of a specified critical facility, while attaching the documents stated in the items of Article 9, paragraph (2) (for documents with a period of validity or an expiration date, they are limited to those that are valid as of the date of notification, and for any other documents, they are limited to those that are prepared within three months prior to that date of notification).

(Order Against a Specified Essential Infrastructure Service Provider That Has Received a Recommendation)

Article 22 If the Commissioner of the Financial Services Agency issues an order against a specified essential infrastructure service provider that has received a recommendation under the provisions of Article 52, paragraph (6) of the Act (including as applied mutatis mutandis pursuant to Article 54, paragraph (2) of the Act) and Article 55, paragraphs (1) and (2) of the Act pursuant to the provisions of Article 52, paragraph (10) of the Act (including as applied mutatis mutandis pursuant to Article 54, paragraph (2) of the Act and Article 55, paragraph (3) of the Act), the commissioner is to do so by way of issuing a document stating the details of the order against the specified essential infrastructure service provider.

(Notification of a Material Modification)

Article 23 The material modifications provided by competent Ministerial Order as prescribed in Article 54, paragraph (1) of the Act are as follows:

(i) a modification to the matter stated in Article 52, paragraph (2), item (i) of the Act;

(ii) a modification to the matter stated in Article 52, paragraph (2), item (ii), (a) of the Act (limited to that in the case of modifying the details of introduction of a specified critical facility);

(iii) a modification to the matter stated in Article 52, paragraph (2), item (ii), (b) of the Act, which is any of the following:

(a) a modification to the name, address, or the country, etc. with jurisdiction over incorporation of the supplier of the specified critical facility (in the case of an individual, the name, address, or nationality, etc.) (in the case of a modification to the address, this is limited to that in the case of changing the name of the country; the same applies below in this paragraph);

(b) a modification to the matter stated in Article 11, item (v) (limited to that in the case of changing the name of the country in which a factory or a place of business is located);

(iv) a modification to the matter stated in Article 52, paragraph (2), item (ii), (c) of the Act, which is any of the following:

(a) a modification to the matter stated in Article 13, item (i);

(b) a modification to the name, address, or the country, etc. with jurisdiction over incorporation of the supplier of a constituent facility (in the case of an individual, the name, address, or nationality, etc.); and

(c) a modification to the matter stated in Article 13, item (vi) (limited to that in the case of changing the name of the country in which a factory or a place of business is located);

(v) a modification to the matter stated in Article 52, paragraph (2), item (iii), (a) of the Act (excluding that which shortens the period of entrustment of critical maintenance and management, etc.);

(vi) from among the matters stated in Article 52, paragraph (2), item (iii), (b) of the Act, a modification to the name, address, or the country, etc. with jurisdiction over incorporation of the other party to the entrustment of critical maintenance and management, etc. (in the case of an individual, the name, address, and nationality, etc.) (excluding the case of making the modification after entrusting the critical maintenance and management, etc. (excluding a modification to the name of the other party to the entrustment of critical maintenance and management, etc. (in the case of an individual, the name)));

(vii) a modification to the matter stated in Article 52, paragraph (2), item (iii), (c) of the Act, which is any of the following:

(a) a modification to the matter stated in Article 15, item (i) or (ii) (excluding that which shortens the period of entrustment of critical maintenance and management, etc.);

(b) a modification to the name, address, or the country, etc. with jurisdiction over incorporation of the other party to the further entrustment, etc. (in the case of an individual, the name, address, and nationality, etc.) (excluding the case of making the modification after entrusting the critical maintenance and management, etc. (excluding a modification to the name of the other party to the further entrustment, etc. (in the case of an individual, the name of the individual))))); and

(viii) a modification to the matter stated in the items of Article 16.

(2) The draft modification to a plan of introduction, etc. as prescribed in Article 54, paragraph (1) of the Act (including as applied *mutatis mutandis* pursuant to paragraph (5) of that Article; the same applies in the following paragraph and paragraph (4)) is to use Form 7(1) in the case of introducing a specified critical facility, and is to use Form 7(2) in the case of entrusting another person with critical maintenance and management, etc. of a specified critical facility.

(3) The documents provided by competent Ministerial Order as prescribed in Article 54, paragraph (1) of the Act are the documents stated in the items of Article 9, paragraph (2) (for documents with a period of validity or an expiration date, they are limited to those that are valid as of the date of notification under the provisions of Article 54, paragraph (1) of the Act, and for any other documents, they are limited to those that are prepared within three months prior to that date of notification); provided, however, that if there is no modification to the name and the name of the representative, address, and the country, etc. with jurisdiction over incorporation of the suppliers, etc., attachment of the documents stated in Article 9, paragraph (2), item (i) may be omitted, and if there is no modification to the name, date of birth, and nationality, etc. of officers of the suppliers, etc., attachment of the documents stated in item (ii) of that paragraph may be omitted.

(4) Cases provided by competent Ministerial Order as prescribed in the proviso to Article 54, paragraph (1) of the Act are cases where disruption arises or is likely to arise to the provision of specified essential infrastructure services (excluding cases where a specified essential infrastructure service provider has caused the risk of disruption to the stable provision of specified essential infrastructure services for the purpose of evading the application of the provisions of the main clause of that paragraph), and where, in order to eliminate or prevent the disruption, it is necessary to introduce a specified critical facility from another enterprise urgently or entrust another enterprise to conduct critical maintenance and management, etc. of a specified critical facility urgently by modifying the plan of introduction, etc., and there is no other appropriate method.

(5) The notification under the provisions of Article 52, paragraph (8) of the Act as applied mutatis mutandis pursuant to Article 54, paragraph (2) of the Act is to be made by using Form 7(1) if modifying the plan of introduction, etc. in the case of introducing a specified critical facility and by using Form 7(2) if modifying the plan of introduction, etc. in the case of entrusting another person with critical maintenance and management, etc. of a specified critical facility, while attaching the documents stated in the items of Article 9, paragraph (2) (for documents with a period of validity or an expiration date, they are limited to those that are valid as of the date of notification, and for any other documents, they are limited to those that are prepared within three months prior to that date of notification); provided, however, that if there is no modification to the name and the name of the representative, address, and the country, etc. with jurisdiction over incorporation of the suppliers, etc., attachment of the documents stated in item (i) of that paragraph may be omitted, and if there is no modification to the name, date of birth, and nationality, etc. of officers of the suppliers, etc., attachment of the documents stated in item (ii) of that paragraph may be omitted.

(6) The notification under the provisions of Article 54, paragraph (3) of the Act (including as applied mutatis mutandis pursuant to paragraph (5) of that Article) is to use Form 8(1) if having modified the plan of introduction, etc. in the case of introducing a specified critical facility, and is to use Form 8(2) if having modified the plan of introduction, etc. in the case of entrusting another person with critical maintenance and management, etc. of a specified critical facility.

(Minor Modification)

Article 24 The minor modifications provided by competent Ministerial Order as prescribed in Article 54, paragraph (4) of the Act are as follows:

(i) a modification to the matter stated in Article 52, paragraph (2), item (ii), (b) of the Act, which is any of the following:

(a) a modification to the address of the supplier of the specified critical facility (excluding that in the case of changing the name of the country; the same applies below in this Article);

(b) from among the matters stated in Article 11, item (ii), a modification to the percentage of the number of voting rights held by any person that directly holds 5 percent or more of the voting rights of all shareholders, etc. of the supplier of the specified critical facility in the number of voting rights of all shareholders, etc. of the supplier (excluding that in the following cases):

1. due to an increase in that percentage, there is a person that newly constitutes a person that directly holds 25 percent or more but less than one-third of the voting rights of all shareholders, etc. of the supplier of the specified critical facility;

2. due to an increase in that percentage, there is a person that newly constitutes a person that directly holds one-third or more but less than 50 percent of the voting rights of all shareholders, etc. of the supplier of the specified critical facility; or

3. due to an increase in that percentage, there is a person that newly constitutes a person that directly holds 50 percent or more of the voting rights of all shareholders, etc. of the supplier of the specified critical facility; and

(c) a modification to the matter stated in Article 11, item (v) (excluding a modification that falls under paragraph (1), item (iii), (b) of the preceding Article);

(ii) a modification to the matter stated in Article 52, paragraph (2), item (ii), (c) of the Act, which is any of the following:

(a) a modification to the address of the supplier of any constituent facility;

(b) from among the matters stated in Article 13, item (iii), a modification to the percentage of the number of voting rights held by any person that directly holds 5 percent or more of the voting rights of all shareholders, etc. of the supplier of any constituent facility in the number of voting rights of all shareholders, etc. of the supplier (excluding that in the following cases):

1. due to an increase in that percentage, there is a person that newly constitutes a person that directly holds 25 percent or more but less than one-third of the voting rights of all shareholders, etc. of the supplier of the constituent facility;

2. due to an increase in that percentage, there is a person that newly constitutes a person that directly holds one-third or more but less than 50 percent of the voting rights of all shareholders, etc. of the supplier of the constituent facility; or

3. due to an increase in that percentage, there is a person that newly constitutes a person that directly holds 50 percent or more of the voting rights of all shareholders, etc. of the supplier of the constituent facility; and

(c) a modification to the matter stated in Article 13, item (vi) (excluding a modification that falls under paragraph (1), item (iv), (c) of the preceding Article);

(iii) a modification to the matter stated in Article 52, paragraph (2), item (iii), (b) of the Act, which is any of the following:

(a) a modification to the address of the other party to the entrustment of critical maintenance and management, etc.;

(b) from among the matters stated in Article 14, item (ii), a modification to the percentage of the number of voting rights held by any person that directly holds 5 percent or more of the voting rights of all shareholders, etc. of the other party to the entrustment of critical maintenance and management, etc. in the

number of voting rights of all shareholders, etc. of the other party to the entrustment (excluding that in the following cases):

1. due to an increase in that percentage, there is a person that newly constitutes a person that directly holds 25 percent or more but less than one-third of the voting rights of all shareholders, etc. of the other party to the entrustment of critical maintenance and management, etc.;

2. due to an increase in that percentage, there is a person that newly constitutes a person that directly holds one-third or more but less than 50 percent of the voting rights of all shareholders, etc. of the other party to the entrustment of critical maintenance and management, etc.; or

3. due to an increase in that percentage, there is a person that newly constitutes a person that directly holds 50 percent or more of the voting rights of all shareholders, etc. of the other party to the entrustment of critical maintenance and management, etc.; and

(iv) a modification to the matter stated in Article 52, paragraph (2), item (iii), (c) of the Act, which is any of the following:

(a) a modification to the address of the other party to the further entrustment, etc.;

(b) from among the matters stated in Article 15, item (iv), a modification to the percentage of the number of voting rights held by any person that directly holds 5 percent or more of the voting rights of all shareholders, etc. of the other party to the further entrustment, etc. in the number of voting rights of all shareholders, etc. of the other party to the further entrustment, etc. (excluding that in the following cases):

1. due to an increase in that percentage, there is a person that newly constitutes a person that directly holds 25 percent or more but less than one-third of the voting rights of all shareholders, etc. of the other party to the further entrustment, etc.;

2. due to an increase in that percentage, there is a person that newly constitutes a person that directly holds one-third or more but less than 50 percent of the voting rights of all shareholders, etc. of the other party to the further entrustment, etc.; or

3. due to an increase in that percentage, there is a person that newly constitutes a person that directly holds 50 percent or more of the voting rights of all shareholders, etc. of the other party to the further entrustment, etc..

(Report of a Modification)

Article 25 (1) The report under the provisions of Article 54, paragraph (4) of the Act (including as applied mutatis mutandis pursuant to paragraph (5) of that Article; the same applies below in this Article) (excluding the report of matters relating to a modification under the provisions of the following paragraph; the same applies below in this paragraph) is to be made by using

Form 9(1) if having modified the plan of introduction, etc. in the case of introducing a specified critical facility and by using Form 9(2) if having modified the plan of introduction, etc. in the case of entrusting another person with critical maintenance and management, etc. of a specified critical facility, while attaching the documents stated in the items of Article 9, paragraph (2) (for documents with a period of validity or an expiration date, they are limited to those that are valid as of the date of report under the provisions of Article 54, paragraph (4) of the Act, and for any other documents, they are limited to those that are prepared within three months prior to that date of report); provided, however, that if there is no modification to the name and the name of the representative, address, and the country, etc. with jurisdiction over incorporation of the suppliers, etc., attachment of the documents stated in Article 9, paragraph (2), item (i) may be omitted, and if there is no modification to the name, date of birth, and nationality, etc. of officers of the suppliers, etc., attachment of the documents stated in item (ii) of that paragraph may be omitted.

(2) The modification provided by competent Ministerial Order as prescribed in Article 54, paragraph (4) of the Act is a modification to the type, name, or function of a constituent facility.

(3) The report of a modification under the provisions of the preceding paragraph is to be made using Form 10.

(Identification Card for an On-Site Inspection)

Article 26 The identification card of an employee who conducts an on-site inspection of a specified essential infrastructure service provider under the provisions of Article 58, paragraph (2) of the Act is to use Form 11.