

Export and Import Transaction Act (Act No. 299 of August 5, 1952)

(Act No. 299 of 1952)

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Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to prevent Unfair Export Transactions and establish order in export and import transactions, thereby promoting the sound development of foreign trade.

(Definitions)

Article 2 The term "Unfair Export Transaction" as used in this Act means the following:

- (i) export transactions of goods that are likely to infringe industrial property rights or copyrights protected under laws and regulations of the destination country;
- (ii) export transactions of goods carrying a false indication of the place of origin;
- (iii) export of goods that significantly fail to satisfy the requirements provided in export contracts; and
- (iv) beyond what is set forth in the preceding items, export transactions which are contrary to fair commercial customs in an international transaction and which are specified by Cabinet Order.

Chapter II Fair Export Transactions

(Prohibition of Unfair Export Transactions)

Article 3 Exporters must not engage in Unfair Export Transactions.

(Sanctions)

Article 4 (1) The Minister of Economy, Trade and Industry may issue an admonition to exporters who have violated the provisions of the preceding Article.

(2) If an exporter violates the provisions of the preceding Article and such

violation is found to seriously damage the international reputation of Japanese exporters, the Minister of Economy, Trade and Industry may order the exporter to suspend the export of goods for a period of not more than one year, while designating the item of goods or the destination, in lieu of issuing an admonition under the provisions of the preceding paragraph, unless the exporter proves that the violation was not committed intentionally or with negligence.

- (3) When the Minister of Economy, Trade and Industry has made the dispositions under the preceding two paragraphs, the Minister may make such fact public.

Chapter III Agreement on Export

(Agreement by Exporters on Export Transactions)

Article 5 (1) Exporters may enter into an agreement with regard to the price, quantity, quality, design and other matters in export transactions on the specific type of goods to be exported to a specific destination, by notifying the Minister of Economy, Trade and Industry of the agreement no later than ten days prior to the date of execution.

- (2) When the notification under the provisions of the preceding paragraph is made, and the Minister of Economy, Trade and Industry finds that the agreement reported in the notification fails to comply with the following items, before the execution of the agreement, the Minister must order the exporters to modify the agreement or prohibit them from entering into the agreement:

- (i) there is no risk that the agreement will violate any treaties or other arrangements concluded with foreign governments or international organizations;
- (ii) there is no risk that the agreement will harm the interests of the importers or related persons doing business at the destination or seriously damage the international reputation of Japanese exporters;
- (iii) beyond what is referred to in the preceding two items, there is no risk that the agreement will hinder the sound development of export trade;
- (iv) the content of the agreement is not unfairly discriminatory;
- (v) the agreement does not unfairly restrict the participation in or withdrawal from it; and
- (vi) there is no risk that the agreement will unduly harm the interests of related persons engaged in agriculture, forestry and fisheries, related persons running small and medium-sized enterprises or other related persons doing business, or of general consumers.

(Order of the Modification of Agreement)

Article 6 If the Minister of Economy, Trade and Industry finds that an agreement entered into by exporters by making the notification under the provisions of Article 5, paragraph (1) no longer complies with the items of

paragraph (2) of the relevant Article, the Minister must order the exporters to modify or repeal the agreement.

(Notification of the Repeal of Agreement)

Article 7 If exporters repeal the agreement entered into by making the notification under the provisions of Article 5, paragraph (1), they must notify the Minister of Economy, Trade and Industry of such fact without delay.

Chapter IV Exporters Partnerships

(Legal Personality)

Article 8 An exporters partnership is a corporation.

(Principles)

Article 9 An exporters partnership must satisfy the following requirements:

- (i) it is not a for-profit organization;
- (ii) it allows voluntary participation or withdrawal of its members; and
- (iii) its members have equal rights to vote and elect.

(Name)

(Activities)

Article 11 (1) An exporters partnership may engage in the following activities; provided, however, that if the exporters partnership is not an exporters partnership that requires its members to make contributions (hereinafter referred to as a "Contribution-based Exporters Partnership"), such exporters partnership (hereinafter referred to as a "Non-Contribution-based Exporters Partnership") may not engage in the activities referred to in items (vi) or (vii):

- (i) prevention of Unfair Export Transactions by the exporters partnership's affiliates (meaning persons who directly or indirectly constitute the exporters partnership; the same applies hereinafter);
 - (ii) maintenance and development of overseas markets concerning exports, including research, advertisement, and intermediation concerning exports;
 - (iii) improvement of the price, quality, design and other matters of the goods to be exported;
 - (iv) settlement of complaints and disputes concerning exports;
 - (v) activities incidental to those referred to in the preceding items;
 - (vi) beyond what is set forth in the preceding four items, facilities for promoting the common interests of the exporters partnership's affiliates; and
 - (vii) lending of funds to members (including the discounting of negotiable instruments) and borrowing of funds for the benefit of the members.
- (2) Beyond what is provided for in the preceding paragraph, an exporters partnership may establish rules to be observed by its members with regard to the price, quantity, quality, design and other matters in export transactions of specific type of goods to be exported to a specific destination, as provided for in the articles of incorporation, by notifying the Minister of Economy, Trade and

Industry of such rules no later than ten days prior to the date of establishment of the rules.

(3) The provisions of Article 5, paragraph (2), Article 6, and Article 7 apply mutatis mutandis to the rules to be observed by members as referred to in the preceding paragraph.

(Qualification for Membership)

Article 12 A person who is qualified to have membership with an exporters partnership is either of the following persons, and one who is specified by the articles of incorporation:

- (i) exporter; and
- (ii) exporters partnership.

(Contribution)

Article 12-2 An exporters partnership may require its members to make a contribution thereto, as provided for by the articles of incorporation

(Founders)

Article 13 In order to form an exporters partnership consisting of exporters, at least 30 exporters who intend to be its members need to be founders, and in order to form any other type of exporters partnership, at least two exporters partnerships, or at least ten exporters with at least one exporters partnership, all of whom intend to be its members, need to be founders.

(Approval for Formation)

Article 14 (1) The founders must apply to the Minister of Economy, Trade and Industry for approval of formation after the conclusion of the organizational meeting without delay, by submitting the articles of incorporation and a document containing an activity plan, the names and addresses of officers and other necessary information.

(2) When an application for approval is filed as referred to in the preceding paragraph, the Minister of Economy, Trade and Industry must grant approval if the Minister finds that the exporters partnership to be formed complies with the following items:

- (i) it satisfies the requirements referred to in the items of Article 9;
- (ii) the formation procedure and the contents of the articles of incorporation and the activity plan do not violate any laws or regulations; and
- (iii) its formation contributes to the establishment of order in export transactions.

(Articles of Incorporation)

Article 15 (1) The articles of incorporation of an exporters partnership must contain at least the following particulars; provided, however, that the particulars referred to in items (v)-2 through (v)-4 need not be specified or recorded in the articles of incorporation of a Non-Contribution-based Exporters Partnership:

- (i) activities;
 - (ii) name;
 - (iii) location of the office;
 - (iv) provisions concerning the qualification for membership;
 - (v) provisions concerning participation and withdrawal of members;
 - (v)-2 unit amount of contribution and payment method thereof;
 - (v)-3 provisions concerning appropriation of surplus and disposition of loss;
 - (v)-4 amount of reserve fund and funding method thereof;
 - (vi) provisions concerning rights and obligations of members;
 - (vii) provisions concerning the execution of activities;
 - (viii) provisions concerning officers;
 - (ix) provisions concerning meetings;
 - (x) provisions concerning accounting; and
 - (xi) method of public notice (meaning a method by which an exporters partnership gives public notice (excluding the public notice that must be given by way of publication in the Official Gazette pursuant to the provisions of this Act or any other laws); the same applies hereinafter).
- (2) Beyond the particulars set forth in the items of the preceding paragraph, the duration of the exporters partnership or the grounds for its dissolution must be specified or recorded in the articles of incorporation of the exporters partnership if such duration or grounds have been specified; and the name of the person making a contribution in kind, the property to be contributed and the value thereof, and the number of units of contribution to be offered in exchange for the contribution in kind must be specified or recorded in the relevant articles of incorporation if such person has been designated.
- (3) An exporters partnership may designate in the articles of incorporation any of the following methods as a method of public notice, beyond the method of posting the notice at the office of the exporters partnership:
- (i) publication in the Official Gazette;
 - (ii) publication in a daily newspaper which publishes matters on current events; or
 - (iii) Electronic Public Notice (meaning a method of public notice, which is to implement measures which make the information that should be given in public notice available to the general public by an electronic or magnetic means (meaning the electronic or magnetic means provided in Article 2, item (xxxiv) of the Companies Act (Act No. 86 of 2005)), as specified by the relevant item: the same applies hereinafter).
- (4) If an exporters partnership provides in the articles of incorporation that it adopts the method set forth in item (iii) of the preceding paragraph as a method of public notice, it would be sufficient to stipulate in the relevant articles of incorporation that the method used is through an Electronic Public

Notice. In this case, the exporters partnership may designate either of the methods set forth in item (i) or item (ii) of the relevant paragraph as a method of public notice which is to be employed when it is unable to give an Electronic Public Notice due to an accident or any other unavoidable circumstances.

(5) When an exporters partnership gives an Electronic Public Notice, it must maintain the Electronic Public Notice until the dates specified in the following items according to the categories set forth respectively in these items:

(i) public notice to the effect that objections may be stated within the period specified therein: the day on which that period expires; or

(ii) public notice other than that set forth in the preceding item: the day on which one month has passed since the commencement of the public notice.

(6) When an exporters partnership gives public notice under the provisions of this Act or other laws and regulations by an Electronic Public Notice, the provisions of Article 940, paragraph (3) (Interruption of Electronic Public Notice), Article 941, Article 946, Article 947, Article 951, paragraph (2), Article 953 and Article 955 (Electronic Public Notice Investigations, etc.) of the Companies Act apply *mutatis mutandis*. In this case, the phrase

"Notwithstanding the provisions of the preceding two paragraphs, during the period in which public notice must be given by way of electronic public notice pursuant to these provisions" in Article 940, paragraph (3) of the relevant Act are deemed to be replaced with "Notwithstanding the provisions of Article 15, paragraph (5) of the Export and Import Transaction Act, during the period in which public notice must be given by way of Electronic Public Notice pursuant to the same paragraph," and other necessary technical replacement of terms is specified by Cabinet Order.

(7) Beyond the particulars set forth in the items of paragraph (1) and the particulars provided in paragraph (2), particulars that would not become effective unless provided in articles of incorporation pursuant to the provisions of this Act and any other particulars that do not violate this Act may be specified or recorded in the articles of incorporation of an exporters partnership.

(Change to a Contribution-based Exporters Partnership)

Article 16 (1) A Non-Contribution-based Exporters Partnership may change into a Contribution-based Exporters Partnership by modifying the articles of incorporation.

(2) The provisions of Article 29, paragraphs (1) through (3) (First Payment of Contribution) of the Small and Medium-Sized Enterprise Cooperatives Act (Act No. 181 of 1949) apply *mutatis mutandis* to the change to a Contribution-based Exporters Partnership under the provisions of the preceding paragraph. In this case, the phrase "after taking over the management of the cooperative pursuant to the provisions of the preceding Article" in paragraph (1) of the

relevant Article is deemed to be replaced with "after approval is granted as referred to in Article 51, paragraph (2) of the Small and Medium-Sized Enterprise Cooperatives Act as applied mutatis mutandis pursuant to Article 19, paragraph (1) of the Export and Import Transaction Act with regard to the modification to the articles of incorporation concerning the change to a Contribution-based Exporters Partnership," and the phrase "the cooperative has been established" in paragraph (3) of the relevant Article is deemed to be replaced with "registration under the provisions of Article 16, paragraph (3) of the Export and Import Transaction Act has been completed at the location of the principal office."

- (3) When an exporters partnership changes into a Contribution-based Exporters Partnership, the partnership must complete the registration of information that should be registered additionally upon the modification of the articles of incorporation at the location of its principal office, within two weeks from the day on which the first payment of contribution has been made.
- (4) The change to a Contribution-based Exporters Partnership under the provisions of paragraph (1) becomes effective when registration under the provisions of the preceding paragraph is completed at the location of the principal office.
- (5) An application form for registration under the provisions of paragraph (3) must be accompanied by a document proving the change to a Contribution-based Exporters Partnership and a document proving the total amount of units of contribution and the fact that the first payment of contribution has been made.
- (6) Notwithstanding the provisions of Article 55, paragraph (6) of the Small and Medium-Sized Enterprise Cooperatives Act as applied mutatis mutandis pursuant to Article 19, paragraph (1), the general meeting of representatives may not decide on a modification to the articles of incorporation concerning the change to a Contribution-based Exporters Partnership.
(Becoming a Non-Contribution-based Exporters Partnership)

Article 17 (1) A Contribution-based Exporters Partnership may change into a Non-Contribution-based Exporters Partnership by modifying the articles of incorporation.

- (2) The provisions of paragraphs (3) through (6) of the preceding Article and the provisions of Articles 20 through 22 (Refund of Equity Interest) and Articles 56 through 57 (Reduction of the Unit Amount of Contribution) of the Small and Medium-Sized Enterprise Cooperatives Act apply mutatis mutandis to the change to a Non-Contribution-based Exporters Partnership under the provisions of the preceding paragraph. In this case: in paragraph (3) of the preceding Article, the phrase "day on which the first payment of contribution has been made" is deemed to be replaced with "day on which approval has been

granted as referred to in Article 51, paragraph (2) of the Small and Medium-Sized Enterprise Cooperatives Act as applied mutatis mutandis pursuant to Article 19, paragraph (1) with regard to the modification to the articles of incorporation concerning the change to a Non-Contribution-based Exporters Partnership under the provisions of paragraph (1) of the following Article," and the phrase "it must complete the registration of information that should be registered additionally" is deemed to be replaced with "it must cancel the registration of information that no longer needs to be registered"; in paragraph (5) of the relevant Article, the phrase "document proving the total amount of units of contribution and the fact the first payment of contribution has been made" is deemed to be replaced with "document proving that the exporters partnership has given public notice and notice to known creditors under the provisions of Article 56-2, paragraph (2) of the Small and Medium-Sized Enterprise Cooperatives Act as applied mutatis mutandis pursuant to paragraph (2) of the following Article (in the case of an exporters partnership which has given public notice by way of publication in a daily newspaper which publishes matters on current events or Electronic Public Notice in addition to publication in the Official Gazette pursuant to the provisions of Article 56-2, paragraph (3) of the relevant Act, the public notice given by either of these methods), and, if any creditor has stated an objection, the fact that the exporters partnership has made payment or provided reasonable security to the relevant creditor or has entrusted equivalent property for the purpose of having the creditor receive payment, or the fact that there is no risk of harm to the creditor due to the change to the Non-Contribution-based Exporters Partnership"; in Article 20, paragraph (2) of the Small and Medium-Sized Enterprise Cooperatives Act, the phrase "at the end of the business year in which the member withdrew" is deemed to be replaced with "at the time of the change to a Non-Contribution-based Exporters Partnership"; and in Article 56, paragraph (2), item (ii) of the relevant Act, the term "order of the competent ministry" is replaced with "Order of the Ministry of Economy, Trade and Industry."

- (3) With regard to the application of the provisions of the Income Tax Act (Act No. 33 of 1965), and the Local Tax Act (Act No. 226 of 1950) when a Contribution-based Exporters Partnership changes into a Non-Contribution-based Exporters Partnership pursuant to the provisions of paragraph (1), the Contribution-based Exporters Partnership is deemed to be dissolved when it changes into the Non-Contribution-based Exporters Partnership.

(Dissolution)

Article 18 The Minister of Economy, Trade and Industry may order the dissolution of an exporters partnership when the Minister finds that the exporters partnership falls under any of the following items:

- (i) the exporters partnership no longer complies with the items of Article 14, paragraph (2); or
- (ii) the exporters partnership engages in an activity other than those provided in the articles of incorporation.

(Application Mutatis Mutandis)

Article 19 (1) The following provisions of the Small and Medium-Sized Enterprise Cooperatives Act apply mutatis mutandis to exporters partnerships: Article 4, paragraph (2) (Domicile), Article 9-2, paragraph (3) (Business Cooperatives and Minor Business Cooperatives), Articles 10-2 through 14, Article 19 (excluding paragraph (1), item (iv)) (Member), Article 27, Article 28, Article 30, Article 32 (Formation), Article 34 (Constitution), Article 34-2 (Keeping and Inspection of the Articles of Incorporation), Article 35 (excluding paragraph (5)), Articles 35-2 through 36-3, Articles 36-5 through 36-8, Article 37, paragraph (1), Articles 38 through 40, Articles 41 through 45 (Officers, etc.), Articles 46 through 52, Article 53 (excluding item (v)), Articles 53-2 through 55 (General Meeting and General Meeting of Representatives), Article 57-5 (Restriction on Investment of Surplus Funds), Article 57-6 (Accounting Principles), Article 62, paragraphs (1) and (2), Articles 63 through 63-3, Article 63-4, paragraph (3), the main clause of Article 63-5, paragraph (3), Article 63-6, paragraph (3), Article 64, paragraphs (1) through (5), Articles 65 through 67, Article 68, paragraph (1), Article 69 (Dissolution, Liquidation and Merger), Articles 83 through 92 (excluding Article 84, paragraph (2), items (iii) and (v), and paragraphs (3) and (4), Article 85, paragraph (2), Article 86, item (ii), Article 87, item (ii), and Article 92, item (ii)), Article 96 through 103 (excluding Article 96, paragraph (2), Article 98, paragraph (2), item (ii), and Article 99, paragraph (2)) (Registration), and Article 104, Article 105, Article 105-3, paragraph (2), Article 105-4, paragraphs (1), (6), and (7), and Article 106, paragraph (1) (Miscellaneous Provisions). In this case: in Article 10-2, paragraph (3), item (ii), Article 11, paragraph (3), Article 27, paragraph (7), Article 34-2, paragraph (2), item (ii) and paragraph (3), Article 36-3, paragraphs (2), (3), and (5), Article 36-7, paragraphs (1), (2), and (4), and paragraph (5), item (ii), Article 38-2, paragraphs (5) and (8), Article 38-6, Article 39, Article 40, paragraphs (1), (2), (5) (7), and (11), and paragraph (12), item (iii), Article 41, paragraph (1) and paragraph (3), item (ii), Article 47, paragraph (4), Article 51, paragraph (4), Article 53-2, Article 53-4, paragraphs (1) and (3), and paragraph (4), item (ii), Article 57-5, Article 63-2, item (vi), Article 63-3, item (v), and Article 69 of the relevant Act, the term "order of the competent ministry" is deemed to be replaced with "Order of the Ministry of Economy, Trade and Industry"; in Article 28 of the relevant Act, the phrase "paragraph (1) of the preceding Article" is deemed to be replaced with "Article 14, paragraph (1) of the Export and Import Transaction Act"; in Article 35-2, Article 48, Article 51, paragraph

(2), Article 57-5, Article 62, paragraph (2), Article 65, paragraph (1), Article 66, paragraph (1), Article 96, paragraph (5), Article 104, Article 105, Article 105-3, paragraph (2), Article 105-4, paragraph (1), and Article 106, paragraph (1) of the relevant Act, the term "administrative agency" is deemed to be replaced with "Minister of Economy, Trade and Industry"; in Article 51, paragraph (1) of the relevant Act, the phrase "(ii) Establishment of, a change to, or repeal of the constitution, mutual aid rules or fire mutual aid rules" is deemed to be replaced with "(ii) Establishment of, a change to, or repeal of the constitution; (ii)-2 Establishment or repeal of the rules to be observed by members referred to in Article 11, paragraph (2) of the Export and Import Transaction Act"; in Article 53, item (iv) of the relevant Act, the phrase "Transfer of all activities of the cooperative" is deemed to be replaced with "Establishment or repeal of the rules to be observed by members referred to in Article 11, paragraph (2) of the Export and Import Transaction Act"; in Article 55, paragraph (1) of the relevant Act, the number "200" is replaced with "100"; in paragraph (3) of the relevant Article, the number "one-tenth" is deemed to be replaced with "one-fifth" and the number "1,000" is deemed to be replaced with "500"; in paragraph (7) of the relevant Article, the phrase "item (ii) or item (iv)" is deemed to be replaced with "item (ii)"; in Article 62, paragraph (1), item (v) and Article 96, paragraph (5) of the Act, the phrase "Article 106, paragraph (2)" is deemed to be replaced with "Article 18 of the Export and Import Transaction Act"; in Article 84, paragraph (1) of the relevant Act, the phrase "payment of a contribution under the provisions of Article 29" is deemed to be replaced with "approval referred to in Article 14, paragraph (1) of the Export and Import Transaction Act" with regard to a Non-Contribution-based Exporters Partnership; in Article 97, paragraph (2) of the relevant Act, the phrase "business cooperative registry, a minor business cooperative registry, a fire mutual aid cooperative registry, a credit cooperative registry, a registry of federations of cooperatives, a joint enterprise cooperative registry, and a registry of federations of small business associations" is deemed to be replaced with "exporters partnership registry; in Article 98, paragraph (2), item (i) of the relevant Act, the phrase ", and a document proving the total number of units of contribution and the fact that there has been the payment of a contribution under the provisions of Article 29" is deemed to be deleted with regard to a Non-Contribution-based Exporters Partnership; and other necessary technical replacement of terms is specified by Cabinet Order.

(2) The following provisions of the Small and Medium-Sized Enterprise Cooperatives Act apply mutatis mutandis to Contribution-based Exporters Partnerships: Article 9-2, paragraph (10) (Business Cooperatives and Minor Business Cooperatives), Article 10, paragraph (1), paragraph (2), paragraph (3) (excluding the proviso), and paragraphs (4) through (6) (Contribution), Articles

15 through 18 (Membership and Withdrawal, etc.), Articles 20 through 23 (Equity Interest, etc.), Articles 29, paragraphs (1) through (3) (First Payment of Contribution), Articles 56 through 57 (Reduction of the Unit Amount of Contribution), Articles 58, paragraphs (1) through (3) (Reserve Fund), Article 59, paragraphs (1) and (2), Article 60, Article 61 (Dividend of Surplus), Article 63-4 (excluding paragraph (3)), Article 63-5 (excluding the main clause of paragraph (3)), Article 63-3 (excluding paragraph (3)), Article 64, paragraphs (6) through (8) (Procedure for Merger), and Article 84, paragraph (2), item (v), Article 85, paragraph (2), Article 96, paragraph (2), and Article 96, paragraph (2) (Registration). In this case: in Article 10, paragraph (3) of the relevant Act, the phrase "25 percent (ten percent in the case of a credit cooperative) of the total number of units of contribution" is deemed to be replaced with "ten percent of the total number of units of contribution"; in paragraph (4) of the relevant Article, the number "three" is deemed to be replaced with "nine"; in Article 18, paragraph (1) of the relevant Act, the clause is deemed to be followed by "provided, however, that if a Contribution-based Exporters Partnership changes into a Non-Contribution-based Exporters Partnership pursuant to the provisions of Article 17, paragraph (1) of the Export and Import Transaction Act, a member may withdraw at the time of the change by giving notice by the day preceding the date of the change"; in Article 20, paragraph (2) of the relevant Act, the clause is deemed to be followed by "provided, however, that if a Contribution-based Exporters Partnership changes into a Non-Contribution-based Exporters Partnership pursuant to the provisions of Article 17, paragraph (1) of the Export and Import Transaction Act, the equity interest is decided based on the exporters partnership's property at the time of the change"; in Article 56, paragraph (2), item (ii), Article 63-4, paragraph (1) and paragraph (2), items (iii) and (iv), Article 63-5, paragraph (1), paragraph (2), item (iii), paragraph (8), and paragraph (10), item (iii), Article 63-6, paragraph (1) and paragraph (2), item (iii), and Article 64, paragraph (6), and paragraph (8), item (iii), the term "order of the competent ministry" is deemed to be replaced with "Order of the Ministry of Economy, Trade and Industry."

Chapter V Importers Partnerships

(Legal Personality)

Article 19-2 An importers partnership is a company.

Article 19-3 Deleted

(Activities)

Article 19-4 An importers partnership may engage in the following activities;

provided, however, that the importers partnership is not an importers partnership that requires its members to make contributions (hereinafter referred to as a "Contribution-based Importers Partnership"), such importers

partnership (hereinafter referred to as a "Non-Contribution-based Importers Partnership") may not engage in the activities referred to in item (v):

- (i) maintenance and development of overseas markets concerning imports, including research and intermediation concerning imports;
- (ii) improvement of the price, quality, and other matters of the goods to be imported;
- (iii) settlement of complaints and disputes concerning imports;
- (iv) activities incidental to those referred to in the preceding items; and
- (v) beyond what is set forth in the preceding four items, facilities for promoting the common interests of the members of the importers partnership.

(Qualification for Membership)

Article 19-5 A person who is qualified to have membership with an importers partnership is an importer who is specified by the articles of incorporation.

(Application Mutatis Mutandis)

Article 19-6 The provisions of Chapter IV (excluding Articles 8, 11, and 12) apply mutatis mutandis to an importers partnership. In this case, the number "30" in Article 13 is deemed to be replaced with "10," and the term "exporters partnership registry" in Article 19, paragraph (1) is deemed to be replaced with "importers partnership registry."

Articles 20 through 27 Deleted

Chapter VI Orders Concerning Export

(Order Concerning Export)

Article 28 (1) When the export value of goods to a destination by exporters who have entered into an agreement by making the notification under the provisions of Article 5, paragraph (1) or who are subject to the rules to be observed by members established by making the notification under the provisions of Article 11, paragraph (2) accounts for a considerable percentage of the total export value of the relevant goods to the relevant destination, and if the Minister of Economy, Trade and Industry finds it to be difficult to eliminate the significant hindrance affecting the establishment of order in export transactions or sound development of export trade only by way of the agreement or the rules to be observed by members, the Minister may, by Order of the Ministry of Economy, Trade and Industry, establish rules to be observed by exporters with regard to the price, quality, design and other terms of transaction or the quantity in export transactions of the relevant goods to be exported to the relevant destination, pursuant to the provisions of Cabinet Order.

- (2) In cases falling under the provisions of the preceding paragraph, if the Minister of Economy, Trade and Industry finds it to be inappropriate to enact the Order of the Ministry of Economy, Trade and Industry which is to specify the price, quality, design and other terms of transaction or the quantity in

export transactions of the relevant goods to be exported to the relevant destination as a measure to eliminate the circumstances provided in the relevant paragraph, the Minister may, by Order of the Ministry of Economy, Trade and Industry, require exporters who intend to export the relevant goods to the relevant destination to obtain approval from the Minister of Economy, Trade and Industry for the price, quality, design and other terms of transaction or the quantity in the export transactions, pursuant to the provisions of Cabinet Order; provided, however, that this does not apply to specific types of goods or goods to be exported to specific regions for which approval for export is required to be obtained from the Minister of Economy, Trade and Industry under the provisions of Article 48, paragraph (3) of the Foreign Exchange and Foreign Trade Act (Act No. 228 of 1949).

- (3) The restrictions to be imposed by Order of the Ministry of Economy, Trade and Industry referred to in the preceding two paragraphs must be limited to the minimum extent necessary for eliminating the circumstances provided for in paragraph (1).
- (4) The Minister of Economy, Trade and Industry may order a person who has violated the Order of the Ministry of Economy, Trade and Industry referred to in paragraph (1) or paragraph (2) to suspend the export of goods for a period of not more than one year, while designating the item of goods or the destination.
- (5) When the Minister of Economy, Trade and Industry enacts the Order of the Ministry of Economy, Trade and Industry referred to in paragraph (1) or paragraph (2), and finds this to be particularly necessary for facilitating the implementation of the Order of the Ministry of Economy, Trade and Industry, the Minister may have part of the affairs concerning the relevant Order of the Ministry of Economy, Trade and Industry dealt with by an exporters partnership, pursuant to the provisions of Cabinet Order.
- (6) The Minister of Economy, Trade and Industry may have affairs concerning the Order of the Ministry of Economy, Trade and Industry referred to in paragraph (1) or paragraph (2) dealt with by an exporters partnership pursuant to the provisions of the preceding paragraph, only on condition that the number of members of an exporters partnership which has established the rules to be observed by members by making the notification under the provisions of Article 11, paragraph (2), who export the relevant goods to the relevant destination, accounts for one half or more of the total number of exporters who export the goods to the relevant destination, and that such exporters partnership makes an offer.

Article 28-2 (1) An exporters partnership which deals with the affairs concerning the Order of the Ministry of Economy, Trade and Industry referred to in paragraph (1) or paragraph (2) of the preceding Article pursuant to the provisions of paragraph (5) of the relevant Article may collect charges from

exporters who export the relevant goods to the relevant destination, within the limits specified by Cabinet Order, in order to cover the necessary expenses for dealing with the relevant affairs.

- (2) When an exporters partnership intends to collect charges pursuant to the provisions of the preceding paragraph, it must specify the amount of charges and the collection method and obtain approval therefor from the Minister of Economy, Trade and Industry, by reporting these matters along with a plan and an income and expenditure budget for dealing with the relevant affairs, pursuant to the provisions of Cabinet Order. The same applies when an exporters partnership intends to change any of these matters.
- (3) An exporters partnership must conduct the accounting of the charges referred to in paragraph (1) and any interest accrued from the management thereof separately from its other accounting by setting up a special account therefor, pursuant to the provisions of Cabinet Order.
- (4) The provisions of Article 105 of the Small and Medium-Sized Enterprise Cooperatives Act apply mutatis mutandis to exporters who have paid charges pursuant to the provisions of paragraph (1). In this case, the term "administrative agency" in the relevant Article is deemed to be replaced with "Minister of Economy, Trade and Industry."
- (5) Beyond what is provided for in the preceding four paragraphs, the necessary matters concerning the charges referred to in paragraph (1) are specified by Cabinet Order.

Articles 29 through 31 Deleted

(Duty of Confidentiality)

Article 32 An officer or employee of an exporters partnership which deals with the affairs concerning the Order of the Ministry of Economy, Trade and Industry referred to in Article 28, paragraph (1) or paragraph (2) (hereinafter referred to as the "Regulatory Order") pursuant to the provisions of paragraph (5) of the relevant Article who engages in performing these affairs or a person who formerly held such office must not disclose or misappropriate any secret that the relevant person has come to know in the course of their duties.

(Recommendation of Dismissal of Officer)

Article 32-2 (1) When the Minister of Economy, Trade and Industry finds that an officer of an exporters partnership which deals with the affairs concerning the Regulatory Order pursuant to the provisions of Article 28, paragraph (5) who engages in performing these affairs has dealt with the affairs improperly or has committed misconduct as to render the person unfit to serve as an officer, the Minister may recommend the exporters partnership to dismiss such officer.

- (2) When the recommendation referred to in the preceding paragraph is issued, the exporters partnership must dismiss the officer named in the relevant recommendation by a resolution from the general meeting unless there are

reasonable grounds not to do so.

Chapter VII Miscellaneous Provisions

(Exclusion from Application of the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade)

Article 33 (1) The provisions of the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade (Act No. 54 of 1947) do not apply to any agreement entered into by making the notification under the provisions of Article 5, paragraph (1) or rules to be observed by members established by making the notification under the provisions of Article 11, paragraph (2), or any act performed in accordance with such agreement or rules, except in the following cases:

- (i) when an exporter or exporters partnership employs unfair trade practice or causes any person doing business to perform an act that constitutes unfair trade practice; and
 - (ii) when one month has passed since public notice was given pursuant to the provisions of paragraph (6) of the following Article (excluding the cases where the Minister of Economy, Trade and Industry makes a disposition under the provisions of Article 5, paragraph (2) or Article 6 (including the cases where these provisions are applied mutatis mutandis pursuant to Article 11, paragraph (3); hereinafter the same applies in this Chapter) in response to a request under the provisions of paragraph (4) or paragraph (5) of the following Article).
- (2) When a request under the provisions of paragraph (4) or paragraph (5) of the following Article is made with regard to part of the agreement or the rules to be observed by members which are provided in the preceding paragraph, the provisions of the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade do not apply to any parts of the relevant agreement or rules to be observed by members other than the part subject to the relevant request or to any acts performed under such parts of the agreement or rules, notwithstanding the provisions of item (ii) of the preceding paragraph.

(Relationship with the Fair Trade Commission)

- Article 34 (1) When the Minister of Economy, Trade and Industry has accepted the notification under the provisions of Article 5, paragraph (1) or Article 11, paragraph (2) or has made a disposition under the provisions of Article 5, paragraph (2) or Article 6, the Minister must notify the Fair Trade Commission of such fact without delay.
- (2) When the Minister of Economy, Trade and Industry intends to enact, revise or abolish the Order of the Ministry of Economy, Trade and Industry referred to in Article 28, paragraph (1) or paragraph (2), the Minister must notify the Fair Trade Commission of such intension in advance.
 - (3) When the Fair Trade Commission finds that any exporter or exporters

partnership falls under paragraph (1), item (i) of the preceding Article, intends to give notice under the provisions of Article 50, paragraph (1) of the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade, it must consult with the Minister of Economy, Trade and Industry in advance.

- (4) When the Fair Trade Commission finds that the agreement reported in the notification made by exporters under the provisions of Article 5, paragraph (1) or the rules to be observed by members reported in the notification made by an exporters partnership under the provisions of Article 11, paragraph (2) fail to comply with all of items (iv) through (vi) of Article 5, paragraph (2), the Commission may request the Minister of Economy, Trade and Industry to make a disposition under the provisions of Article 5, paragraph (2).
- (5) When the Fair Trade Commission finds that the agreement entered into by exporters by making the notification under the provisions of Article 5, paragraph (1) or the rules to be observed by members established by an exporters partnership by making the notification under the provisions of Article 11, paragraph (2) no longer comply with all of items (iv) through (vi) of Article 5, paragraph (2), it may request the Minister of Economy, Trade and Industry to make a disposition under the provisions of Article 6.
- (6) When the Fair Trade Commission has made the request under the provisions of the preceding two paragraphs, it must make the fact public in the Official Gazette without delay.

(Relationship with the Minister with Jurisdiction over Production or Distribution of Goods)

Article 35 (1) When the Minister of Economy, Trade and Industry intends to grant approval referred to in Article 14, paragraph (1) (including the cases where applied mutatis mutandis pursuant to Article 19-6; the same applies hereinafter) or in Article 51, paragraph (2) or Article 66, paragraph (1) of the Small and Medium-Sized Enterprise Cooperatives Act as applied mutatis mutandis pursuant to Article 19, paragraph (1) (including the cases where applied mutatis mutandis pursuant to Article 19-6; the same applies hereinafter), make a disposition under the provisions of Article 18 (including the cases where applied mutatis mutandis pursuant to Article 19-6; hereinafter the same applies in this paragraph), or enact, revise or abolish the Order of the Ministry of Economy, Trade and Industry referred to in Article 28, paragraph (1) or paragraph (2), the Minister of Economy, Trade and Industry must obtain consent from the minister who has jurisdiction over the production or distribution of the goods subject to the relevant approval, disposition or Order of the Ministry of Economy, Trade and Industry (in the case of approval referred to in Article 14, paragraph (1), or in Article 51, paragraph (2) or Article 66, paragraph (1) of the Small and Medium-Sized Enterprise Cooperatives Act as applied mutatis mutandis pursuant to Article 19,

paragraph (1), or disposition under the provisions of Article 18, the goods handled by exporters who are affiliates of the exporters partnership to which the approval has been granted or the disposition has been made or those handled by importers who are members of the importers partnership to which the approval has been granted or the disposition has been made).

(2) When the Minister of Economy, Trade and Industry has accepted the notification under the provisions of Article 5, paragraph (1) or Article 11, paragraph (2), the Minister of Economy, Trade and Industry must notify the minister who has jurisdiction over the production or distribution of the goods subject to the relevant agreement or the relevant rules to be observed by members of such fact without delay.

(Delegation of Authority to Director-General of Customs)

Article 36 The Minister of Economy, Trade and Industry may delegate part of their authority under this Act to the Director-General of Customs, pursuant to the provisions of Cabinet Order.

(Consultation to Council)

Article 37 When the Minister of Economy, Trade and Industry intends to prepare a draft for the enactment, revision or abolition of the Cabinet Order referred to in Article 2, item (iv) or Article 28, paragraph (5), or to enact, revise or abolish the Order of the Ministry of Economy, Trade and Industry referred to in Article 28, paragraph (1) or paragraph (2), the Minister must consult with a Council, etc. (meaning the organ provided in Article 8 of the National Government Organization Act (Act No. 120 of 1948)) which is specified by Cabinet Order.

(Special Provisions for Hearing)

Article 38 (1) When the Minister of Economy, Trade and Industry intends to issue an order under the provisions of Article 4, paragraph (2) or Article 6, the Minister must hold a hearing, irrespective of the categories of procedures for hearing statements of opinions under the provisions of Article 13, paragraph (1) of the Administrative Procedure Act (Act No. 88 of 1993).

(2) Proceedings on the date of hearing held with regard to a disposition under the provisions of Article 4, paragraph (2), Article 6 or Article 18 (including the cases where applied mutatis mutandis pursuant to Article 19-6) must be open to the public.

(3) The presiding official of the hearing referred to in the preceding paragraph must permit any interested person of the relevant disposition to participate in the procedure for the hearing if such person so requests pursuant to the provisions of Article 17, paragraph (1) of the Administrative Procedure Act.

(Request for Administrative Review of Act of Exporters Partnership)

Article 39 A person who is dissatisfied with an action or inaction of an exporters partnership, which deals with the affairs concerning the Regulatory

Order pursuant to the provisions of Article 28, paragraph (5), in relation to dealing with such affairs may file a request for administrative review with the Minister of Economy, Trade and Industry. In this case, with regard to the application of the provisions of Article 25, paragraphs (2) and (3), Article 46, paragraphs (1) and (2), and Article 49, paragraph (3) of the Administrative Appeal Act (Act No. 68 of 2014), the Minister of Economy, Trade and Industry is deemed to be the higher administrative agency of the exporters partnership.

(Hearing of Opinions During Procedure for Request for Administrative Review)

Article 39-2 (1) An administrative disposition on appeal in response to a request for administrative review of a disposition under the provisions of this Act or omission thereof (including an action or inaction of an exporters partnership in relation to dealing with the affairs concerning the Regulatory Order as provided in the preceding Article) must be made after the review officer provided in Article 11, paragraph (2) of the Administrative Appeal Act has heard opinions from the requester of administrative review in public, following advance notice of a reasonable period to the requester, except when the request for administrative review is dismissed pursuant to the provisions of Article 24 of the relevant Act.

(2) When hearing opinions as referred to in the preceding paragraph, the review officer must provide the requester of administrative review and any interested person with an opportunity to present evidence and state their opinions on the case.

(3) The provisions of Article 31 of the Administrative Appeal Act do not apply to the request for administrative review provided in paragraph (1), and the provisions of paragraphs (2) through (5) of the relevant Article apply mutatis mutandis to the hearing of opinions referred to in paragraph (1).

(Report)

Article 40 The Minister of Economy, Trade and Industry may collect reports from exporters, importers, exporters partnerships or importers partnerships pursuant to the provisions of Cabinet Order, to the extent necessary for the enforcement of this Act.

(Transitional Measures)

Article 40-2 In the case of enactment, revision or abolition of an order in accordance with the provisions of this Act, the required transitional measures (including transitional measures concerning penal provisions) may be specified by such order, to the extent considered reasonably necessary for the enactment, revision or abolition.

Chapter VIII Penal Provisions

Article 41 If an officer of an exporters partnership or importers partnership, in whatever name, provides a loan or discounts negotiable instruments, or disposes of the exporters partnership's or importers partnership's property for a

speculative transaction, outside the scope of the exporters partnership's or importers partnership's activities, such officer is punished by imprisonment for not more than three years or a fine of not more than one million yen, or both; provided, however, that the Penal Code (Act No. 45 of 1907) applies if the applicable provisions exist in the relevant Code.

Article 41-2 (1) If an officer or employee of an exporters partnership which deals with the affairs concerning the Regulatory Order pursuant to the provisions of Article 28, paragraph (5) who engages in performing these affairs accepts, solicits or promises to accept a bribe in connection with their duties, such officer or employee is punished by imprisonment for not more than three years. If the relevant officer or employee commits an improper act or omits to perform a proper act due to a bribe, the officer or employee is punished by imprisonment for not more than five years.

(2) In the case referred to in the preceding paragraph, the bribe accepted is confiscated. If the whole or part of the bribe cannot be confiscated, an equivalent value thereof is collected.

Article 41-3 (1) A person who has given, offered or promised to give a bribe provided for in paragraph (1) of the preceding Article is punished by imprisonment for not more than three years or a fine of not more than one million yen.

(2) If the person who has committed the crime referred to in the preceding paragraph surrenders themselves, the punishment may be reduced or be exculpated.

Article 42 A person who has violated an order or disposition under the provisions of Article 4, paragraph (2) or Article 28, paragraph (1), paragraph (2) or paragraph (4) is punished by imprisonment for not more than two years or a fine of not more than one million yen.

Article 43 A person who falls under any of the following items is punished by imprisonment for not more than one year or a fine of not more than 500,000 yen:

- (i) a person who has entered into an agreement provided in Article 5, paragraph (1) without making the notification under the provisions of the relevant paragraph or by making a false notification;
- (ii) a person who has violated an order or disposition under the provisions of Article 5, paragraph (2) or Article 6; or
- (iii) a person who has disclosed or misappropriated any secret that the person has come to know in the course of their duties in violation of the provisions of Article 32.

Article 44 In the following cases, the director of an exporters partnership who has committed the act in question is punished by imprisonment for not more than one year or a fine of not more than 500,000 yen:

- (i) if the exporters partnership establishes the rules to be observed by its members as provided in Article 11, paragraph (2) without making the notification under the provisions of the relevant paragraph or by making a false notification; or
- (ii) if the exporters partnership violates an order or disposition under the provisions of Article 5, paragraph (2) or Article 6 as applied mutatis mutandis pursuant to Article 11, paragraph (3).

Article 45 A person who falls under any of the following items is punished by a fine of not more than 300,000 yen:

- (i) a person who has failed to make the notification under the provisions of Article 7 (including the cases where applied mutatis mutandis pursuant to Article 11, paragraph (3)) or has made a false notification;
- (ii) a person who has violated the provisions of Article 10, paragraph (2) (including the cases where applied mutatis mutandis pursuant to Article 19-6);
- (iii) a person who has refused, obstructed or avoided an inspection under the provisions of Article 105, paragraph (2) or Article 105-4, paragraph (1) of the Small and Medium-Sized Enterprise Cooperatives Act as applied mutatis mutandis pursuant to Article 19, paragraph (1) (including the cases where applied mutatis mutandis pursuant to Article 19-6), or the provisions of Article 105, paragraph (2) of the relevant Act as applied mutatis mutandis pursuant to Article 28-2, paragraph (4) of this Act; or
- (iv) a person who has failed to make a report under the provisions of Article 40 or has made a false report.

Article 46 If an exporters partnership or importers partnership violates an order under the provisions of Article 106, paragraph (1) of the Small and Medium-Sized Enterprise Cooperatives Act as applied mutatis mutandis pursuant to Article 19, paragraph (1) (including the cases where applied mutatis mutandis pursuant to Article 19-6), the directors of the exporters partnership or importers partnership are punished by a fine of not more than 300,000 yen.

Article 47 A person who, in violation of the provisions of Article 955, paragraph (1) of the Companies Act as applied mutatis mutandis pursuant to Article 15, paragraph (6) (including the cases where applied mutatis mutandis pursuant to Article 19-6), has failed to specify or record in an investigation record book, etc. provided in Article 955, paragraph (1) of the relevant Act the matters specified by Ministry of Justice Order concerning an electronic public notice investigation provided in Article 955, paragraph (1) of the relevant Act, or has specified or recorded false information therein, or has failed to keep an investigation record book, etc. is punished by a fine of not more than 300,000 yen.

Article 48 If the representative of a corporation or an agent, employee or any other worker of a corporation or individual commits any of the violations referred

to in Article 42, Article 43, item (i) or item (ii), Article 45 or the preceding Article in relation to the business of the corporation or individual, not only is the offender punished but also the corporation or individual is punished by the fine prescribed in the respective Articles.

(Non-Criminal Fine)

Article 49 A person who falls under any of the following items are punished by a non-criminal fine of one million yen:

- (i) a person who has failed to make a report or has made a false report in violation of the provisions of Article 946, paragraph (3) of the Companies Act as applied mutatis mutandis pursuant to Article 15, paragraph (6) (including the cases where applied mutatis mutandis pursuant to Article 19-6; the same applies in the following item); or
- (ii) a person who has refused any of the requests set forth in the items of Article 951, paragraph (2) or the items of Article 955, paragraph (2) of the Companies Act as applied mutatis mutandis pursuant to Article 15, paragraph (6), without reasonable grounds.

Article 50 (1) In the following cases, the founders, officers or liquidators of an exporters partnership or importers partnership are punished by a non-criminal fine of not more than 200,000 yen:

- (i) when having failed to complete registration under the provisions of this Act;
- (ii) when having failed to request the investigation referred to in Article 941 of the Companies Act as applied mutatis mutandis pursuant to Article 15, paragraph (6) (including the cases where applied mutatis mutandis pursuant to Article 19-6), in violation of the provisions of Article 941 of the relevant Act;
- (iii) when having violated the provisions of Article 9-2, paragraph (3) of the Small and Medium-Sized Enterprise Cooperatives Act as applied mutatis mutandis pursuant to Article 19, paragraph (1) (including the cases where applied mutatis mutandis pursuant to Article 19-6; hereinafter the same applies in this Article);
- (iv) when having failed to keep documents, electronic or magnetic records, having failed to specify or record the necessary information in documents, electronic or magnetic records or having specified or recorded false information therein, or having refused to allow, without reasonable grounds, the inspection or copying of any information recorded in documents, electronic or magnetic records and displayed by a method specified by Order of the Ministry of Economy, Trade and Industry, deliver a transcript or extract of documents, provide any information recorded in electronic or magnetic records by an electronic or magnetic means or deliver documents that contain such information, in violation of the provisions of Article 10-2, Article 34-2 or Article 40 of the Small and Medium-Sized Enterprise

- Cooperatives Act as applied mutatis mutandis pursuant to Article 19, paragraph (1) (including the case where Article 40 of the relevant Act (excluding paragraphs (1), (11) and (13)) is applied mutatis mutandis pursuant to Article 69 of the relevant Act as applied mutatis mutandis pursuant to Article 19, paragraph (1));
- (v) when having violated the provisions of Article 14 of the Small and Medium-Sized Enterprise Cooperatives Act as applied mutatis mutandis pursuant to Article 19, paragraph (1);
 - (vi) when having violated the provisions of Article 19, paragraph (2), Article 42, paragraph (5) or paragraph (6), or Article 45, paragraph (5) or paragraph (6) of the Small and Medium-Sized Enterprise Cooperatives Act as applied mutatis mutandis pursuant to Article 19, paragraph (1);
 - (vii) when having failed to prepare minutes, an inventory of property or a balance sheet, having failed to detail or record the necessary information in these documents, electronic or magnetic records or having specified or recorded false information therein, in violation of the provisions of Article 27, paragraph (7), Article 36-7, paragraph (1) or Article 53-4, paragraph (1) of the Small and Medium-Sized Enterprise Cooperatives Act as applied mutatis mutandis pursuant to Article 19, paragraph (1) (including the cases where Article 36-7, paragraph (1) of the relevant Act is applied pursuant to Article 69 of the relevant Act as applied mutatis mutandis pursuant to Article 19, paragraph (1)), or the provisions of Article 492, paragraph (1) of the Companies Act as applied mutatis mutandis pursuant to Article 69 of the Small and Medium-Sized Enterprise Cooperatives Act as applied mutatis mutandis pursuant to Article 19, paragraph (1);
 - (viii) when having failed to appoint, as an auditor, a person who falls within the category of persons provided in Article 35, paragraph (6) of the Small and Medium-Sized Enterprise Cooperatives Act, in violation of the provisions of the relevant paragraph as applied mutatis mutandis pursuant to Article 19, paragraph (1);
 - (ix) when having violated the provisions of Article 35, paragraph (7) of the Small and Medium-Sized Enterprise Cooperatives Act as applied mutatis mutandis pursuant to Article 19, paragraph (1);
 - (x) when having violated the provisions of Article 35-2 or Article 62, paragraph (2) of the Small and Medium-Sized Enterprise Cooperatives Act as applied mutatis mutandis pursuant to Article 19, paragraph (1);
 - (xi) when, upon a request having been filed under the provisions of Article 343, paragraph (2) of the Companies Act as applied mutatis mutandis pursuant to Article 36-3, paragraph (3) of the Small and Medium-Sized Enterprise Cooperatives Act as applied mutatis mutandis pursuant to Article 19, paragraph (1), having failed to include the matters contained in the relevant

- request in the purpose of the general meeting or having failed to submit the proposal contained in the relevant request to the general meeting;
- (xii) when having obstructed the investigation under the provisions of Article 381, paragraph (2) or Article 384 of the Companies Act as applied mutatis mutandis pursuant to Article 36-3, paragraph (3) of the Small and Medium-Sized Enterprise Cooperatives Act as applied mutatis mutandis pursuant to Article 19, paragraph (1), the provisions of Article 389, paragraph (5) of the Companies Act as applied mutatis mutandis pursuant to Article 36-3, paragraph (5) of the Small and Medium-Sized Enterprise Cooperatives Act as applied mutatis mutandis pursuant to Article 19, paragraph (1), or the provisions of Article 381, paragraph (2), Article 384 or Article 492, paragraph (1) of the Companies Act as applied mutatis mutandis pursuant to Article 69 of the Small and Medium-Sized Enterprise Cooperatives Act as applied mutatis mutandis pursuant to Article 19, paragraph (1);
 - (xiii) when having refused, without reasonable grounds, to allow inspection or copying of any information recorded in documents, electronic or magnetic records and displayed by a method specified by Order of the Ministry of Economy, Trade and Industry, in violation of the provisions of Article 389, paragraph (4) of the Companies Act as applied mutatis mutandis pursuant to Article 36-3, paragraph (5) of the Small and Medium-Sized Enterprise Cooperatives Act as applied mutatis mutandis pursuant to Article 19, paragraph (1), or the provisions of Article 36-7, paragraph (5), Article 41, paragraph (3) or Article 53-4, paragraph (4) of the Small and Medium-Sized Enterprise Cooperatives Act as applied mutatis mutandis pursuant to Article 19, paragraph (1) (including the cases where Article 36-7, paragraph (5) of the relevant Act is applied mutatis mutandis pursuant to Article 69 of the Act as applied mutatis mutandis pursuant to Article 19, paragraph (1));
 - (xiv) when having violated the provisions of Article 37, paragraph (1) of the Small and Medium-Sized Enterprise Cooperatives Act as applied mutatis mutandis pursuant to Article 19, paragraph (1) (including the cases where Article 37, paragraph (1) of the relevant Act is applied mutatis mutandis pursuant to Article 69 of the relevant Act as applied mutatis mutandis pursuant to Article 19, paragraph (1));
 - (xv) when having failed to disclose the necessary information under the provisions of Article 38, paragraph (1) or Article 38-2, paragraph (6) of the Small and Medium-Sized Enterprise Cooperatives Act as applied mutatis mutandis pursuant to Article 19, paragraph (1) (including the cases where Article 38, paragraph (1) of the relevant Act is applied mutatis mutandis pursuant to Article 69 of the Act as applied mutatis mutandis pursuant to Article 19, paragraph (1));
 - (xvi) when having failed to report the necessary information to the council or

- having reported false information in violation of the provisions of Article 38, paragraph (3) of the Small and Medium-Sized Enterprise Cooperatives Act as applied mutatis mutandis pursuant to Article 19, paragraph (1) (including the cases where Article 38, paragraph (3) of the relevant Act is applied mutatis mutandis pursuant to Article 69 of the Act as applied mutatis mutandis pursuant to Article 19, paragraph (1)) or Article 38-5, paragraph (4);
- (xvii) when having violated the provisions of Article 46 of the Small and Medium-Sized Enterprise Cooperatives Act as applied mutatis mutandis pursuant to Article 19, paragraph (1);
 - (xviii) when having violated the provisions of Article 57-5 of the Small and Medium-Sized Enterprise Cooperatives Act as applied mutatis mutandis pursuant to Article 19, paragraph (1);
 - (xix) when having failed to file a petition for commencement of bankruptcy proceedings in violation of the provisions of Article 484, paragraph (1) of the Companies Act as applied mutatis mutandis pursuant to Article 69 of the Small and Medium-Sized Enterprise Cooperatives Act as applied mutatis mutandis pursuant to Article 19, paragraph (1);
 - (xx) when having failed to give public notice under the provisions of Article 499, paragraph (1) of the Companies Act as applied mutatis mutandis pursuant to Article 69 of the Small and Medium-Sized Enterprise Cooperatives Act as applied mutatis mutandis pursuant to Article 19, paragraph (1) or having given false public notice;
 - (xxi) when having inappropriately specified the period referred to in Article 499, paragraph (1) of the Companies Act as applied mutatis mutandis pursuant to Article 69 of the Small and Medium-Sized Enterprise Cooperatives Act as applied mutatis mutandis pursuant to Article 19, paragraph (1), for the purpose of delaying the completion of liquidation;
 - (xxii) when having performed obligations in violation of Article 500, paragraph (1) of the Companies Act as applied mutatis mutandis pursuant to Article 69 of the Small and Medium-Sized Enterprise Cooperatives Act as applied mutatis mutandis pursuant to Article 19, paragraph (1); or
 - (xxiii) when having distributed property of the exporters partnership or importers partnership in violation of the provisions of Article 502 of the Companies Act as applied mutatis mutandis pursuant to Article 69 of the Small and Medium-Sized Enterprise Cooperatives Act as applied mutatis mutandis pursuant to Article 19, paragraph (1).
- (2) The preceding paragraph also applies when any of the persons provided in Article 976 of the Companies Act has obstructed the investigation under the provisions of Article 381, paragraph (3) of the Companies Act as applied mutatis mutandis pursuant to Article 36-3, paragraph (3) of the Small and

Medium-Sized Enterprise Cooperatives Act as applied mutatis mutandis pursuant to Article 19, paragraph (1), or the provisions of Article 389, paragraph (5) of the Companies Act as applied mutatis mutandis pursuant to Article 36-3, paragraph (5) of the Small and Medium-Sized Enterprise Cooperatives Act as applied mutatis mutandis pursuant to Article 19, paragraph (1).

Article 51 In the following cases, the founders, officers or liquidators of a Contribution-based Exporters Partnership or Contribution-based Importers Partnership are punished by a non-criminal fine of not more than 200,000 yen:

- (i) when the person has reduced the unit amount of contribution in violation of the provisions of Article 56, paragraph (1) or Article 56-2, paragraph (5) of the Small and Medium-Sized Enterprise Cooperatives Act as applied mutatis mutandis pursuant to Article 19, paragraph (2) (including the cases where applied mutatis mutandis pursuant to Article 19-6; hereinafter the same applies in this Article), or having carried out a merger of the Contribution-based Exporters Partnership or Contribution-based Importers Partnership in violation of the provisions of Article 56-2, paragraph (5) of the relevant Act as applied mutatis mutandis pursuant to Article 63-4, paragraph (5), Article 63-5, paragraph (7) or Article 63-6, paragraph (5) of the relevant Act as applied mutatis mutandis pursuant to Article 19, paragraph (2);
- (ii) when the person has violated the provisions of Article 58, paragraphs (1) through (3) or Article 59, paragraph (1) or paragraph (2) of the Small and Medium-Sized Enterprise Cooperatives Act as applied mutatis mutandis pursuant to Article 19, paragraph (2);
- (iii) when the person has acquired equity interest held by a member or received such equity interest as the subject of a pledge in violation of the provisions of Article 61 of the Small and Medium-Sized Enterprise Cooperatives Act as applied mutatis mutandis pursuant to Article 19, paragraph (2);
- (iv) when the person failed to keep documents, electronic or magnetic records, failed to specify or record the necessary information in documents, electronic or magnetic records or has specified or recorded false information therein, or has refused, without reasonable grounds, to allow inspection or copying of any information recorded in documents, electronic or magnetic records and displayed by a method specified by Order of the Ministry of Economy, Trade and Industry, in violation of the provisions of Article 63-4, paragraph (1) or paragraph (2), Article 63-5, paragraph (1), paragraph (2) or paragraphs (8) through (10), Article 63-6, paragraph (1) or paragraph (2) or Article 64, paragraphs (6) through (8) of the Small and Medium-Sized Enterprise Cooperatives Act as applied mutatis mutandis pursuant to Article 19, paragraph (2); or

(v) when having failed to give public notice under the provisions of Article 56-2, paragraph (2) of the Small and Medium-Sized Enterprise Cooperatives Act as applied mutatis mutandis pursuant to Article 63-4, paragraph (5), Article 63-5, paragraph (7) or Article 63-6, paragraph (5) of the relevant Act as applied mutatis mutandis pursuant to Article 19, paragraph (2) or having given false public notice.