

# About the Act on Corporation for Supporting Revitalization of Businesses Affected by the Great East Japan Earthquake

## Purpose (Article 1)

Extensive damage to the disaster-affected areas caused by the Great East Japan Earthquake

Supporting the revitalization of disaster-affected businesses while reducing their debt burden

Maintaining economic activity in the disaster-affected areas by preventing the outflow of industry and population from the disaster-affected areas to outside of the areas

**Reconstruction of disaster-affected areas**

Collaboration and cooperation with the Industrial Reconstruction Organizations, etc.

• To help affected businesses recover, the Corporation, the “Industrial Reconstruction Consultation Center”, and the “Industrial Reconstruction Corporation of Japan” will endeavor to collaborate and cooperate with each other (Article 59 and Article 64).

Cooperation from policy-based financial institutions

• Policy-based financial institutions will endeavor to lend the necessary funds to businesses when the funds necessary for business revitalization cannot be secured through loans, etc. provided by private financial institutions. (Article 62)

## The revitalization Support of disaster-affected businesses by the Corporation for Supporting Revitalization of businesses by the Great East Japan Earthquake

### “Target businesses”

Businesses that have incurred excessive debts due to damage caused by the Great East Japan Earthquake and are seeking to revitalize their businesses in cooperation with creditors and others in the affected areas (Article 19, paragraph (1))

\*The "disaster-affected areas" will be specifically prescribed by Cabinet Order.

\*It will include small enterprises, agriculture, forestry and fisheries businesses, medical and welfare businesses, etc. Large companies and third sector businesses, etc. are not included.

\*When applying for revitalization support, attach (1) a business revitalization plan (a rough outlook for business revitalization is sufficient) and (2) documentation certifying that creditors, etc. have agreed to provide loans, etc. after the decision to provide support has been made (Article 19, paragraph (2)).

### “Details of support provided by the Corporation”

○Functions of the Corporation (Article 16)

- Purchase, etc. of claims held by financial institutions against target businesses

\*“Financial institutions, etc.” includes leasing companies and credit guarantee associations. (Article 2, paragraph (2))

\*The "purchase price" is the fair market value considering the business revitalization plan, the outlook for reconstruction in the disaster-affected areas, the outlook for the business situation of the target businesses after revitalization support, the outlook for the value of collateral assets, etc. (Article 23, paragraph (1))

\*The Corporation may enter into agreements for collateralization of damage with relevant financial institutions, etc. (Article 23, paragraph (2)).

\* The government and the Corporation are obligated to make efforts to establish guidelines on methods for calculating promptly and appropriately purchase prices (including calculation by the simplified method). (Supplementary Provisions, Article 3)

-Providing loans (limited to bridge loans, etc.) to target businesses, debt guarantees, investments, dispatching of experts and providing advice, etc.

-Management, transfer and other disposition of claims related to purchase of claims, etc.

\*Deferral of repayment, interest reduction or waiver, release from obligation, debt equity swap, subordination of debt, etc.

\*Partial release and deferral of repayment for a certain period of time are possible for purchased claims. In addition, third-party guarantors are obligated to try to waive guarantee obligations, etc. (Article 27)

-Necessary advice to businesses before applying for assistance

○Support period, etc.

-Support decisions will be made by March 31, 2021 (a one-year extension is possible). (Article 19, paragraph (7))

-The support period is 15 years. (Article 27, paragraphs (5) through (7))

### “Standards for support” (Article 18)

-The competent minister will establish standards to be followed when making decisions, etc. regarding revitalization support.

-When creating it:

(1) Listening to the opinions of the Minister of State for Reconstruction Measures and the relevant prefectural governors.

(2) Consideration to providing as many businesses as possible with the opportunity for revitalization

(3) Consideration to consistency with the Basic Guidelines for the Reconstruction, etc.

### Structure and framework of the Corporation

-Only one stock company to be established nationwide (authorized by the competent minister) (Article 3 and Article 8)

-Capital composition by the State, etc. through deposit insurance and savings insurance (Article 4, Chapter VIII)

-Government guarantees for the Corporation's borrowings (Article 40)

# 株式会社東日本大震災事業者再生支援機構法について

## 目的（1条）

東日本大震災の発生により、被災地域に甚大なダメージ

被災事業者の債務の負担を軽減しつつその再生を支援

被災地域からの産業及び人口の被災地域以外の地域への流出を防止することにより、被災地域における経済活動の維持

被災地域の復興

## 産業復興機構等との連携・協力

- 被災した事業者の事業再生のために、機構と「産業復興相談センター」及び「産業復興機構」は、相互に連携を図りながら協力するよう努める。（59条、64条）

## 政策金融機関の協力

- 政策金融機関は、民間金融機関が対象事業者に対して行う資金の貸付け等では、事業の再生に必要な資金を確保できない場合に、当該必要な資金の貸付けを行うよう努める。（62条）

## 株式会社東日本大震災事業者再生支援機構による被災事業者の再生支援

### <対象事業者>

東日本大震災によって被害を受けたことにより過大な債務を負っている事業者であって、被災地域において債権者その他の者と協力してその事業の再生を図ろうとするもの（19条1項）

※「被災地域」については、具体的には政令で規定。

※小規模事業者、農林水産事業者、医療福祉事業者等を含む。大企業、第三セクター等は対象外。

※再生支援を申し込む際には、①事業再生計画（事業の再生のおおよその見通しで足りる）、②支援決定後に債権者等が貸付等を行う約束を証する書面を添付。（19条2項）

### <機構による支援の内容>

#### ○機構の業務（16条）

- 対象事業者に対して金融機関等が有する債権の買取り等

※「金融機関等」にはリース業者や信用保証協会を含む。（2条2項）

※「買取価格」は、事業再生計画、被災地域の復興の見通し、再生支援後の対象事業者の経営状況の見通し、担保財産の価格の見通し等を勘案した適正な時価。（23条1項）

※機構は、関係金融機関等と損害担保契約を締結することができる。（23条2項）

※政府及び機構に、迅速かつ適正な買取価格の算定方法（簡易な方法による算定を含む。）に関する指針の作成等の努力義務。（附則3条）

- 対象事業者に対する資金の貸付け（つなぎ融資等に限る。）、債務保証、出資、専門家の派遣及び助言等

- 債権買取り等に係る債権の管理及び譲渡その他の処分

※弁済猶予、利子減免、債務免除、債務株式化、劣後債権化等。

※買取債権について、一部免除及び一定期間の弁済猶予が可能。また、第三者保証人の保証債務等については、免除の努力義務。（27条）

- 支援申込み前の事業者に対しても必要な助言

#### ○支援期間等

- 支援決定は平成33年3月31日までにを行う（1年延長可）。（19条7項）

- 支援期間は15年。（27条5～7項）

### <支援基準>（18条）

- 主務大臣が、再生支援の決定等を行うに際して従うべき基準を作成
- 作成に際しては、
  - 復興対策担当大臣及び関係都道府県知事の意見を聴取
  - できる限り多くの事業者に再生の機会を与えることとなるよう配慮
  - 復興基本方針等との整合性に配慮

### <機構の組織・体制>

- 全国で一つに限り設立される株式会社（主務大臣認可）（3条、8条）
- 預保・貯保を通じた国等による資本金の組成（4条、8章）
- 機構の資金の借入に係る政府保証（40条）