The Electricity Utilities Industry Law
(Amended by Law No. 92 of June 18, 2003)
NOTE:

This is an English version of the Electricity Industry Law, Amended and Supplementary Provisions. It should be noted that the original Japanese text will prevail over the English in case of conflict.
The Electricity Utilities Industry Law

(Law No. 170 of July 11, 1964)

Amended by Law No. 92 of June 18, 2003 (Latest amendment)
CONTENTS+

CHAPTER I. GENERAL PROVISIONS (Article 1 and Article 2) ................................. 1

CHAPTER II. ELECTRICITY INDUSTRY .................................................................. 3

Section 1. Permission for Undertaking Electricity Industry (Article 3 - Article 17) ... 3

Section 2. Business................................................................................................... 12

Subsection 1. Supply (Article 18 - Article 27)........................................................... 12

Subsection 2. Wide-Area Operations (Article 28 and Article 29) ............................. 23

Subsection 3. Supervision (Article 30 - Article 33).................................................... 24

Section 3. Accounting and Financing (Article 34 - Article 37)................................. 25

CHAPTER III. POWER FACILITIES......................................................................... 28

Section 1. Definition (Article 38)............................................................................... 28

Section 2. Power Facilities for Business Use.............................................................. 29

Subsection 1. Conformity with Technological Standards (Article 39 - Article 41) .... 29

Subsection 2. Voluntary Preservation of Safety (Article 42 - Article 46)................. 30

Subsection 2-2. Special Cases Concerning Environmental Impact Assessment (Article 46-2 - Article 46-22) ................................................................. 33

Subsection 3. Plan for Construction Work and Inspection (Article 47 - Article 55) .... 38

Subsection 4. Succession (Article 55-2)...................................................................... 46

Section 3. Power Facilities for General Use (Article 56 - Article 57-2)..................... 47

CHAPTER IV. USE OF LAND AND OTHERS (Article 58 - Article 66) ................. 49

CHAPTER V. REGISTERED SAFETY MANAGEMENT EXAMINATION AGENCY, DESIGNATED EXAMINATION AGENCY, AND REGISTERED INVESTIGATION AGENCY ................................................................. 54

Section 1. Registered Safety Management Examination Agency (Article 67 - Article 80) ................................................................................................................. 54

Section 2. Designated Examination Agency (Article 81 - Article 88) .......................... 59

Section 3. Registered Investigation Agency (Article 89 - Article 92-5) ...................... 63

CHAPTER VI. SUPPORTING AGENCY FOR POWER TRANSMISSION, DISTRIBUTION AND OTHER UTILITY ACTIVITIES (Article 93 - Article 99-4) ......................................................................................................................... 66

CHAPTER VII. MISCELLANEOUS PROVISIONS (Article 100 - Article 104) ......... 70

CHAPTER VIII. PUNITIVE PROVISIONS (Article 115 - Article 123) ..................... 78
CHAPTER I. GENERAL PROVISIONS

(Purpose)

Article 1. The purpose of the Law is to protect the interests of electricity users and facilitate the sound development of the electricity industry by making the operation of the industry proper and reasonable and, in addition, to secure public safety and promote environment preservation by regulating the construction, maintenance and operation of power facilities.

(Definitions)

Article 2. In this Law, the meanings of the terms mentioned in the following Items shall be as set forth in the appropriate Items:

(1) the term “general electricity industry” means an industry which is intended to supply electricity to meet the general demand.

(2) the term “general power utility” means a firm which has obtained permission under Paragraph 1 of the following Article for conducting the general electricity industry.

(3) the term “wholesale electricity industry” means an industry which is intended to supply a general power utility with electricity to be used for its general electricity industry and in which power facilities to be used meet such requirements as are specified in the Ordinance of the Ministry of Economy, Trade and Industry.

(4) the term “wholesale electric utility” means a firm which has obtained permission under Paragraph 1 of the following Article for conducting the wholesale electricity industry.

(5) the term “special electricity industry” means an industry which is intended to supply electricity to meet demand at the specified point of supply.

(6) the term “specific electric utility” means a firm which has obtained permission under Paragraph 1 of the following Article for conducting the specific electricity industry.

(7) the term “specified-scale electricity supply industry” means an industry which is intended to supply electricity (excluding an industry intended to supply electricity as specified in Item (1) of Paragraph 1 of Article 17 and which is subject to permission under the same Paragraph) to meet electricity users’ specified-scale demand that meets such requirements as are specified in the Ordinance of the Ministry of Economy, Trade and Industry (this demand to be hereinafter referred to as the “specified-scale demand”) and which is conducted by the general power utility to meet the specified-scale demand in areas other than its service area through power lines being maintained and operated by other general electric utilities and which is conducted by firms other than the general electric utilities.

(8) the term “specified-scale electricity supplier” means a firm which has filed notification of conducting the specified-scale electricity supply industry as specified in Paragraph 1 of Article 16-2.

(9) the term “electricity industry” means the general electricity industry, wholesale electricity industry, specific electricity industry and specified-scale electricity supply
industry.

(10) the term “electricity industry utility” means the general power utility, wholesale electric utility, specific electric utility and specified-scale electricity supplier.

(11) the term “wholesale supply” means such an electricity supply (excluding cross-area wheeling service of electricity) as intended for a general power utility to be used for its general electricity industry and as specified in the Ordinance of the Ministry of Economy, Trade and Industry.

(12) the term “wholesale supplier” means a supplier who carries on an electricity supply of wholesale supply (excluding a general power utility and a wholesale electric utility).

(13) the term “cross-area wheeling service of electricity” means that a firm which has received electricity from another firm, at the same time, supplies such another firm with electricity in amount equal to the amount of electricity received at the place other than the place where it has received electricity.

(14) the term “wheeling service of electricity” means a service whereby a general power utility receives electricity from another firm which conducts a specified-scale electricity supply industry and at the same time supplies electricity to such another firm in proportion to changes in the amount of electricity to be used for its specified-scale electricity supply industry at any of the points of supply within its service area (excluding a point of supply where a specific electric utility has started a specific electricity industry with permission under Paragraph 1 of the ensuing Article or Paragraph 1 of Article 8; this point of supply to be referred to in Articles 18 and 25 as the “point of business commencement”) other than the point where it has received electricity.

(15) the term “wheeling service” means a cross-area wheeling service of electricity and a wheeling service of electricity.

(16) the term “power facilities” means such machines, apparatuses, dams, waterways, reservoirs, transmission and distribution lines and other facilities and structures (excluding those that are installed on ships, vehicles or aircraft, and are specified by the Government Ordinances) as are used for the purpose of either generating, transforming, transmitting, distributing or consuming electricity.

2. In case a general power utility conducts an industry of supplying another general power utility or a specific electric utility holding a point of supply within its service area with electricity to be used for the general electricity industry or specific electricity industry, or an industry of providing wheeling service of electricity specified in Paragraph 1 of Article 24-3 to supply another general power utility or a specified-scale electricity supplier with electricity to be used for the specified-scale electricity supply industry, such industry shall be regarded as the general electricity industry.

3. An industry which is carried on by a wholesale electric utility to supply a general power utility with electricity to be used for the general electricity industry shall be regarded as the wholesale electricity industry.
CHAPTER II. ELECTRICITY INDUSTRY

Section 1. Permission for Undertaking Electricity Industry

(Article 3. A firm which intends to undertake the electricity industry (excluding the specified-scale electricity supply industry; to be so understood in this section (except in Item (7) of Article 5 and in Paragraph 1 of Article 17)) shall obtain permission for the said undertaking from the Minister of Economy, Trade and Industry.

2. The permission mentioned in the preceding Paragraph shall be granted separately by the category of either the general electricity industry, the wholesale electricity industry or the specific electricity industry.

(Article 4. A firm which intends to undertake the electricity industry as stated below:

1) the applicant’s name or trade name, address and the name of a representative if the firm is a juridical person;

2) the applicant’s service area, or the general electric utilities as the party to whom the electricity is to be supplied, and the point of supply thereof;

3) particulars concerning the power facilities to be employed for the electricity industry as stated below:

(a) regarding the power facility to be used for generation of electricity, the place where it is to be installed, the kind of prime motive power, its frequency and output capacity;

(b) regarding the power facility to be used for transformation of electricity, the place where it is to be installed, its frequency and output capacity;

(c) regarding the power facility to be used for transmission of electricity, the place where it is to be installed, its electric system, its installation method, its number of circuits, frequency and voltage;

(d) regarding the power facility to be used for distribution of electricity, its electric system, frequency and voltage.

2. The written application specified in the preceding Paragraph shall be accompanied by a business plan, a statement of prospective revenues and expenditures and such other documents as are prescribed by the Ordinance of the Ministry of Economy, Trade and Industry.

3
Article 5. The Minister of Economy, Trade and Industry shall not grant the permission mentioned in Paragraph 1 of Article 3, unless the firm recognizes that the substance of the application for the permission mentioned in Paragraph 1 of Article 3 conforms to each Item of requirements stated below:

1. the commencement of the electricity industry under application falls in line with the general demand, the demand of a general electricity industry, or the demand at the point of supply;

2. the applying electricity industry shall have a sound financial and managerial foundation and shall have ample technological ability enough for appositely and infallibly carrying on the electricity industry;

3. the business plan of the applying electricity industry is sound and realistic;

4. in the case of a general electricity industry or specific electricity industry, the power facilities to be employed for conducting such business have a capacity commensurate with the size of the electricity demand in a service area or at the point of supply;

5. in the case of a general electricity industry, the commencement of such business does not result in a considerable excess of power facilities to be used for the general electricity industry in all or some of the service area;

6. in the case of a specific electricity industry whose point of supply exists within the service area of a general power utility, the commencement of such business is not likely to impair the interests of electricity users in the service area of such general power utility; and

7. apart from the cases enumerated in the preceding Items, in the case of a general electricity industry and a wholesale electricity industry, the commencement of such business is necessary and appropriate for the comprehensive and rational development of the electricity industry or otherwise for the promotion of the public interests, and in the case of a specific electricity industry, the commencement of such business is appropriate in view of the public interests.

Article 6. The Minister of Economy, Trade and Industry shall, on granting the permission mentioned in Paragraph 1 of Article 3, deliver the permit to the applicant.

2. The following particulars shall be expressly stated on the permit:

1. date of permission, serial number of the permittee;

2. name or trade name, and address of the permittee;

3. the service area, the general power utility as the party to whom the electricity is to be supplied or the point of supply;

4. the following particulars concerning the power facilities to be used for the electricity industry:

   a. regarding the power facility to be used for generation of electricity, the place where it is to be installed, the kind of prime motive power, its frequency and
output capacity;
(b) regarding the power facility to be used for transformation of electricity, the place where it is to be installed, its frequency and output capacity;
(c) regarding the power facility to be used for transmission of electricity, the place where it is to be installed, its electric system, its installation method, its number of circuits, frequency and voltage;
(d) regarding the power facility to be used for distribution of electricity, its electric system, frequency and voltage.

(Obligations concerning commencement of business)

Article 7. The electricity industry utility (excluding the specified-scale electricity supplier; to be so understood in this section) shall commence its business within the period specified by the Minister of Economy, Trade and Industry to be not longer than ten years from the date of granting the permission for undertaking its business (three years in the case of the specific electric utility).

2. In case the Minister of Economy, Trade and Industry considers it especially necessary, the Minister may separately specify the period stipulated in the preceding Paragraph by the service area, by the general power utility to whom the electricity is to be supplied or by the point of supply of electricity.

3. In case the electricity industry utility files an application for extension of the period mentioned in Paragraph 1 of this Article and the Minister of Economy, Trade and Industry finds that the application has been made on good and sufficient reason, the Minister may extend the said period.

4. When the electricity industry utility has commenced its business (in case the period mentioned in Paragraph 1 has been specified separately either by the category of service area or by the general electric utility to whom the electricity is to be supplied or by the point of supply of electricity in accordance with the provisions of Paragraph 2, the business subject thereto respectively), the firm shall without delay submit to the Minister of Economy, Trade and Industry a report to that effect.

(Change or alteration of service area, etc.)

Article 8. In case the electricity industry utility intends to change or alter the particulates of Item (3) of Paragraph 2 of Article 6, the firm shall obtain permission for such changes or alterations from the Ministry of Economy, Trade and Industry.

2. The provisions of Article 5 shall apply with necessary modifications in the case of obtaining the permission mentioned in the preceding Paragraph.

3. The provisions of the preceding Article shall apply with necessary modifications to the cases of Paragraph 1, excluding the cases of reducing the service area, reducing the number of the general electric utilities to whom the electricity is to be supplied, or reducing the number of points of supply of electricity.
Article 9. An electricity industry utility shall, when the firm intends to execute such major changes or alterations as are prescribed by the Ordinance of the Ministry of Economy, Trade and Industry as to any of the particulars under Item (4) of Paragraph 2 of Article 6, give notification to that effect to the Minister of Economy, Trade and Industry.

2. An electricity industry utility shall, when there is a change or alteration in any of the particulars under Item (2) of Paragraph 2 of Article 6, or when the firm has made such changes or alterations in any of the particulars under Item (4) of the same Paragraph (excluding those changes or alterations specified under the preceding Paragraph), give notification to that effect without delay to the Minister of Economy, Trade and Industry.

3. An electricity industry utility which has given notification as specified in Paragraph 1 shall not be permitted to make changes or alterations as to such notification unless twenty (20) days have passed since such notification was received.

4. If the Minister of Economy, Trade and Industry finds that the content of notification given in accordance with the provisions of Paragraph 1 does not disturb the appropriate operation of the business of an electricity industry by the electricity industry utility which gave such notification, the Minister may shorten the period of time specified in the preceding Paragraph.

5. If the Minister of Economy, Trade and Industry finds that the content of notification given in accordance with the provisions of Paragraph 1 disturbs the appropriate operation of the business of an electricity industry by the electricity industry utility which gave such notification, the Minister may order the electricity industry utility which gave such notification to change or suspend the content of the said notification only within a period of twenty (20) days of the receipt of the said notification.

Article 10. Transfer or receipt of the whole business of an electricity industry shall not be valid in the absence of the approval of the Minister of Economy, Trade and Industry.

2. An amalgamation and a split-off (including and limited to an amalgamation or a split-off involving succession of the whole business of an electricity industry; to be so understood in Paragraph 1 of the ensuing Article) involving a juridical person as the electricity industry utility shall not be valid in the absence of the approval of the Minister of Economy, Trade and Industry.

3. The provisions of Article 5 shall apply with necessary modifications in the case of approval mentioned in the preceding two Paragraphs.

Article 11. In case of an assignment of the whole business of an electricity industry or of succession to or of an amalgamation or a split-off of electricity industry utilities, the assignee of the whole business of an electricity industry or the successor or the juridical person who continues to exist after the amalgamation, the juridical person who has been created in consequence of the amalgamation, or the juridical person who has succeeded to the whole business of the said electricity industry in consequence of the split-off shall
succeed to the standing of the said electricity firm.

2. The successor who has succeeded to the standing of the electricity industry utility under the provisions of the preceding Paragraph shall without delay submit to the Minister of Economy, Trade and Industry a report to that effect.

**Article 12. (Deleted)**

(Assignment, etc., of power facility)

**Article 13.** In case the electricity industry utility (excluding specific electric utility and to be so understood in this Article) intends either to assign its facility employed for conducting its business of the electricity industry or to make the facility an object of a right other than the right of ownership, the firm shall file notification with the Minister of Economy, Trade and Industry; provided, however, that this shall not apply to the facility specified in the Ordinance of the Ministry of Economy, Trade and Industry.

2. The provisions of Paragraphs 3 to 5 of Article 9 shall apply with necessary modifications to notification specified under the preceding Paragraph. In this case, “to make changes or alterations” in Paragraph 3 of the same Article shall read “to assign the facility or to make the facility an object of a right other than the right of ownership”; “the content” in Paragraph 4 of the same Article shall read “assignment of its facility employed for, or making of the facility an object of a right other than the right of ownership (to be referred to in the ensuing Paragraph as “assignment, etc. of the facility”); and “the content” in Paragraph 5 of the same Article shall read “assignment, etc. of the facility employed for.”

(Suspension or discontinuance of business; dissolution of juridical person)

**Article 14.** The electricity industry utility shall, in the case it intends to suspend or discontinue the whole or a part of its business, obtain permission of the Minister of Economy, Trade and Industry.

2. Any resolution for dissolution of a juridical person as the electricity industry utility or any consent thereto by the members thereof shall not be valid in the absence of the approval of the Minister of Economy, Trade and Industry.

3. The Minister of Economy, Trade and Industry shall not grant the permission mentioned in Paragraph 1 nor give the approval mentioned in the preceding Paragraph of this Article unless the Minister recognizes that such suspension or discontinuance of the business of the electricity industry, or dissolution of a juridical person does not impair public interests.

(Revocation of permission for the undertaking, etc.)

**Article 15.** The Minister of Economy, Trade and Industry may, in cases where the electricity industry utility has not commenced its business within the period specified in accordance with the provisions of Paragraph 1 of Article 7 (in case the period has been extended in accordance with the provisions of Paragraph 3 of the same Article, the period thereby
extended; the same shall apply hereinafter), revoke the permission granted under the provisions of Paragraph 1 of Article 3.

2. The Minister of Economy, Trade and Industry may, apart from the cases specified under the preceding Paragraph, in the event of Minister’s finding that the electricity industry utility has impaired public interests in cases where the firm has contravened the provisions of this Law or of such ordinance or ordinances as are enforced in consequence of this Law, revoke the permission granted under Paragraph 1 of Article 3.

3. The Minister of Economy, Trade and Industry may, apart from the cases specified under the preceding two Paragraphs, in cases where the power facilities used for the wholesale electricity industry of a wholesale electric utility have ceased to meet such requirements as are specified in the Ordinance of the Ministry of Economy, Trade and Industry under Item (3) of Paragraph 1 of Article 2, if the Minister finds it impossible to anticipate that the said requirements will come to be met, revoke the permission under Paragraph 1 of Article 3.

4. The Minister of Economy, Trade and Industry may, apart from the cases specified under Paragraph 1 or 2, if the Minister finds that a specific electric utility falls under any of the cases described in the following Items, revoke the permission under Paragraph 1 of Article 3 or reduce the point of supply:

   (1) where the specific electric utility does no longer have a financial foundation and a technical ability sufficient to carry out the specific electricity industry properly;

   (2) where a capacity of the power facilities used for the specific electricity industry is no longer sufficient to meet the electricity demand at the point of supply; or

   (3) where, apart from the cases specified under the preceding two Items, the specific electricity industry has come to impair the public interests.

5. When the Minister of Economy, Trade and Industry has revoked the permission in conformity with the provisions of each of the preceding Paragraphs, the Minister shall forward and deliver to the said electricity industry utility the document in which the reason or reasons for such revocation are set forth.

**Article 16.** The Minister of Economy, Trade and Industry may, in case the electricity industry utility which has been granted the permission prescribed by Paragraph 1 of Article 8 does not commence its business of the general electricity industry in its additional service area for the general power utility to which the electricity is to be supplied or at the additional point of supply within the period specified by the provisions of Paragraph 1 of Article 7, which Paragraph being applied with necessary modifications in the case of Paragraph 3 of Article 8, revoke the said permission.

2. The Minister of Economy, Trade and Industry may, in case the general power utility is not conducting its business of supply of electricity in a certain part of its service area and where the Minister finds that public interests are being thereby hindered and/or impaired, reduce its service area with regard to the said certain part of its service area.

3. The Minister of Economy, Trade and Industry may, in cases where the specific electric utility is not making a specific electricity industry at some of the point of supply, if the Minister finds that it impairs the public interests, reduce such point of supply.
4. The provisions of Paragraph 5 of the preceding Article shall apply with necessary modifications in the case of the preceding three Paragraphs of this Article.

(Notification of the specified-scale electricity supply industry)

Article 16-2. Firms, excepting the general electric utilities, which intend to undertake the specified-scale electricity supply industry shall file with the Minister of Economy, Trade and Industry notification to that effect in accordance with the Ordinance of the Ministry of Economy, Trade and Industry, together with a document setting forth the name or trade name, address and other particulars required by the Ordinance of the Ministry of Economy, Trade and Industry.

2. The specified-scale electricity supplier which intends to change the particulars mentioned in the preceding Paragraph shall file notification to that effect with the Minister of Economy, Trade and Industry.

3. The specified-scale electricity supplier shall, when the firm has closed its business, forthwith file notification to that effect with the Minister of Economy, Trade and Industry.

(Notification by specified-scale electricity suppliers concerning power lines)

Article 16-3. A specified-scale electricity supplier shall, if it intends to conduct the business of a specified-scale electricity supply industry through power lines which it maintains and operates, file notification with the Minister of Economy, Trade and Industry setting forth such particulars as are prescribed by the Ordinance of the Ministry of Economy, Trade and Industry in regard to each one of the power lines and a place (referred to as the “place of supply” hereinafter in this Article) where electricity is supplied through power lines in accordance with the Ordinance of the Ministry of Economy, Trade and Industry.

2. Notification to be filed in accordance with the provisions of the preceding Paragraph shall be accompanied by such documents as are prescribed by the Ordinance of the Ministry of Economy, Trade and Industry.

3. The specified-scale electricity supplier which has filed notification in accordance with the provisions of Paragraph 1 shall not start the business of a specified-scale electricity supply industry through the power lines concerned with such notification unless twenty (20) days have passed since such notification was received.

4. If the Minister of Economy, Trade and Industry finds that the conduct of the business of a specified-scale electricity supply industry through the power lines concerned with the notification required by the provisions of Paragraph 1 is not likely to extremely hamper the interests of electricity users in the service area of a general power utility whose service area includes the place of supply related to the said notification, the Minister may shorten the period of time specified in the preceding Paragraph.

5. If the Minister of Economy, Trade and Industry finds that the conduct of the business of a specified-scale electricity supply industry through the power lines concerned with the notification required by the provisions of Paragraph 1 is likely to extremely hamper the interests of electricity users in the service area of a general power utility specified in the preceding Paragraph, the Minister may order the person who filed the said
notification to change or suspend the content of the said notification only within a period of twenty (20) days (or in the event that the period of time specified in Paragraph 3 has been extended in accordance with the provisions of the ensuing Paragraph, the extended period of time) of the receipt of the said notification.

6. If it takes a considerable period of time to examine whether or not the conduct of the business of a specified-scale electricity supply industry through the power lines concerned with the notification required by the provisions of Paragraph 1 is likely to extremely hamper the interests of electricity users in the service area of a general power utility specified in Paragraph 4, and there is good reason to believe that such examination will not be completed within the period of time specified in Paragraph 3, the Minister of Economy, Trade and Industry may extend the period of time under the same Paragraph within the limits of twenty (20) days. In this case, the Minister of Economy, Trade and Industry shall give notification of the said extended period of time and reasons for such extension to the person who filed the notification without delay.

7. A specified-scale electricity supplier shall, when it intends to change the particulars related to the notification required by the provisions of Paragraph 1, give notification to that effect to the Minister of Economy, Trade and Industry.

8. The provisions of Paragraphs 2 to 6 shall apply to the notification specified under the preceding Paragraph with necessary modifications. In this case, “shall not start the business of a specified-scale electricity supply industry through the power lines” in Paragraph 3 shall read “shall not make changes or alterations; provided, however, that this does not apply to minor changes or alterations prescribed by the Ordinance of the Ministry of Economy, Trade and Industry”; and “the conduct of the business of a specified-scale electricity supply industry through the power lines” in Paragraphs 4 to 6 shall read “change or alteration.”

(Succession of the specified-scale electricity supply industry)

Article 16-4. In case of an assignment of the whole business of a specified-scale electricity supply industry or of succession to or of an amalgamation or a split-off (including an amalgamation or a split-off involving succession of the whole business of such specified-scale electricity supply industry only) of specified-scale electricity suppliers, the assignee of the whole business of a specified-scale electricity supply industry or the successor or the juridical person who continues to exist after the amalgamation, the juridical person who has been created in consequence of the amalgamation, or the juridical person who has succeeded to the whole business of the said specified-scale electricity supply industry in consequence of the split-off shall succeed to the standing of the said specified-scale electricity supplier.

2. The successor who has succeeded to the standing of the specified-scale electricity supplier under the provisions of the preceding Paragraph shall without delay submit to the Minister of Economy, Trade and Industry a report to that effect.

(Special supply)

Article 17. A firm which intends to conduct a business of supplying electricity (excluding a general power utility) shall, except where the firm conducts an electricity industry and
excluding the cases described hereunder, obtain the permission of the Minister of Economy, Trade and Industry for each of the parties to which electricity is to be supplied and for each of the places at which electricity is to be delivered:

(1) where electricity is supplied with a power generation facility intended for supplying electricity to meet demand within one single building or in the premises specified in the Ordinance of the Ministry of Economy, Trade and Industry; and

(2) where electricity is supplied for the sake of a general electricity industry, a specific electricity industry or a specified-scale electricity supply industry.

2. A firm which intends to obtain the permission specified in the preceding Paragraph shall submit an application setting forth the following particulars, together with accompanying documents prescribed by the Ordinance of the Ministry of Economy, Trade and Industry, to the Minister of Economy, Trade and Industry:

(1) name or trade name, address and the name of a representative if the firm is a juridical person;

(2) names or trade names and addresses of the parties to which electricity is to be supplied;

(3) places of supply; and

(4) in addition to the particulars mentioned in the preceding three Paragraphs, particulars prescribed by the Ordinance of the Ministry of Economy, Trade and Industry.

3. The Minister of Economy, Trade and Industry shall be prohibited from granting the permission under Paragraph 1 unless the Minister finds that an application for the permission under the same Paragraph conforms to both of the following Items:

(1) a firm which conducts a business of supplying electricity has such close relations as are specified in the Ordinance of the Ministry of Economy, Trade and Industry with a party to supply; and

(2) where a place at which electricity is supplied is located within the service area of a general power utility or within the point of supply of a specific electric utility, there is no likelihood of the interests of electricity users within the service area of the general power utility or within the point of supply of the specific electric utility being impaired.

4. A firm which has obtained the permission specified in Paragraph 1 shall, if there is change as to any of the particulars set forth in Item (1), (2) or (4) of Paragraph 2, give notification of such change to the Minister of Economy, Trade and Industry without delay.

5. A firm which has obtained the permission specified in Paragraph 1 shall, when it has discontinued the business of supplying electricity for which it obtained the said permission, give notification of discontinuance of the business to the Minister of Economy, Trade and Industry without delay.
Section 2. Business
Subsection 1. Supply

(Obligation to supply, etc.)

Article 18. A general power utility shall be prohibited from refusing without good reason to supply electricity to meet the general demand in its service area (excluding the demand at the point of business commencement and specified-scale demand).

2. A general power utility shall be prohibited from refusing to supply electricity to meet the specified-scale demand in its service area (excluding the demand from customers who receive an electricity supply from those firms other than the general power utility or who receive an electricity supply in accordance with the rates of electricity and other related supply terms and conditions agreed upon with the general power utility through negotiations) unless there exists any justifiable reason to refuse, such as an electricity supply to meet the specified-scale demand may hamper the interests of those customers who receive an electricity supply in accordance with the rules for electricity supply or the optional rules for electricity supply.

3. A specific electric utility shall be prohibited from refusing without good reason to supply electricity to meet the demand at its point of supply.

4. A general electric utility and a wholesale electric utility shall be prohibited from refusing without good reason to supply electricity when electricity is supplied to general electric utilities under the contract for their general electricity industry. The same shall apply where the general electric utility has concluded a supplementary supply contract under Paragraph 1 of Article 24-2 with the specific electric utility which holds the point of supply within the service area of the general power utility.

5. A general power utility shall be prohibited from supplying electricity to meet the general demand in districts other than its service area or to meet the demand at a point of business commencement within its service area.

6. Neither general power utility nor wholesale electric utility shall supply a general power utility with the electricity that is to be used for the latter’s business of general electricity industry unless in accordance with the purport of the permission mentioned in Paragraph 1 of Article 3 or Paragraph 1 of Article 8.

7. A specific electric utility shall be prohibited from supplying electricity to meet the demand at points of supply other than the point of supply for which permission under Paragraph 1 of Article 3 or Paragraph 1 of Article 8 has been granted.

(Rules for electricity supply for general electric utilities, etc.)

Article 19. A general power utility shall establish the rules for electricity supply that set forth the rates of electricity and other related supply terms and conditions to meet the general demand (excluding the specified-scale demand) in accordance with the Ordinance of the Ministry of Economy, Trade and Industry, and obtain the approval of the Minister of Economy, Trade and Industry for such rules for electricity supply. The same shall apply when the said rules for electricity supply are revised or amended.
2. The Minister of Economy, Trade and Industry shall give the approval mentioned in the preceding Paragraph in case the Minister recognizes that the said application for the approval mentioned in the preceding Paragraph satisfies each Item of the requirements stated below:

(1) the rate of electricity shall be the sum of the fair and proper cost of electricity and the fair and proper profits under efficient management;

(2) the rates of electricity shall be explicitly established at a fix rate or a fixed amount according to the category of electricity supply;

(3) there shall be fairly, properly and definitely set forth the matters concerning responsibilities to be assumed by the supplying general power utility and by the electricity users and also the method for apportioning between them the expenses concerning electric meters, fittings and fixtures and the expenses for the wiring works and other work related thereto; and

(4) there shall be no unfair, discriminatory treatment against specified firms.

3. Notwithstanding the provisions of the latter part of Paragraph 1, when it is stipulated in the Ordinance of the Ministry of Economy, Trade and Industry that rate reductions and other revisions to the rules are unlikely to impair the interests of other electricity users, a r may revise the rates of electricity and other related supply terms and conditions set forth in the rules for electricity supply on which the approval under Paragraph 1 has been granted (or the revised rules for electricity supply if notification of revision is filed in accordance with the provisions of the ensuing Paragraph; hereinafter to be so understood in this Article) in accordance with the Ordinance of the Ministry of Economy, Trade and Industry.

4. A general power utility shall, when it had revised the rates of electricity and other related supply terms and conditions under the provisions of the preceding Paragraph, give notification of the revised rules for electricity supply to the Minister of Economy, Trade and Industry in accordance with the Ordinance of the Ministry of Economy, Trade and Industry.

5. The Minister of Economy, Trade and Industry may, if the Minister find that the rules for electricity supply under notification given in accordance with the provisions of the preceding Paragraph does not fall any of the cases described in the following Items, order the said general power utility to revise such rules for electricity supply within such a reasonable time as it fixes:

(1) the rates of electricity shall be explicitly established at a fix rate or a fixed amount according to the category of electricity supply;

(2) there shall be fairly, properly and definitely set forth the matters concerning responsibilities to be assumed by the supplying general power utility and by the electricity users and also the method for apportioning between them the expenses concerning electric meters, electrical power fittings and fixtures and the expenses for the wiring works and other electrical work related thereto; and

(3) there shall be no unfair, discriminatory treatment against specified firms.

6. A general power utility may, if it is expected to contribute to the efficient use of facilities used for the general electricity industry and efficient business management of
other facilities, lay down a rule that stipulates the conditions of supply different from those established in the rules for electricity supply on which the approval under Paragraph 1 has been granted with respect to the rates of electricity and other related supply terms and conditions necessary for applying these rates as one that can be chosen by electricity users in place of the said rules for electricity supply.

7. A general power utility shall, when it has laid down rules in accordance with the provisions of the preceding Paragraph, give notification of such rules (hereinafter referred to as the “optional rules”) to the Minister of Economy, Trade and Industry as prescribed by the Ordinance of the Ministry of Economy, Trade and Industry. The same shall apply when the rules have been changed, revised, modified or amended.

8. The Minister of Economy, Trade and Industry may, if the Minister finds that the optional rules under notification given in accordance with the provisions of the preceding Paragraph does not fall under any of the cases described in the following Items, order the said general power utility to revise such optional rules within such a reasonable time limit as the Minister fixes:

1) the optional rules contribute to the efficient use of facilities used for the general electricity industry and efficient business management of other facilities;

2) the interests of those firms taking an electricity supply pursuant to the rules for electricity supply on which the approval under Paragraph 1 has been granted are unlikely to be impaired;

3) the rates of electricity shall be explicitly established at a fix rate or a fixed amount;

4) there shall be no unfair, discriminatory treatment against specified firms.

(Last resort service rules of general electric utilities)

Article 19-2. A general power utility shall establish the rules governing the rates of electricity and other related supply terms and conditions designed to guarantee an electricity supply to meet the specified-scale demand in its service area (excluding the demand from customers who receive an electricity supply from those firms other than the general power utility or who receive an electricity supply in accordance with the rates of electricity and other related supply terms and conditions agreed upon with the general power utility through negotiations) in accordance with the Ordinance of the Ministry of Economy, Trade and Industry, and give notification of such rules to the Minister of Economy, Trade and Industry. The same shall apply when the said rules for electricity supply are revised and amended.

2. The Minister of Economy, Trade and Industry may, if the Minister find that the rules under notification given in accordance with the provisions of the preceding Paragraph does not fall under any of the cases described in the following Items, order the said general power utility to revise such rules (hereinafter referred to as the “last resort service rules”) within such a reasonable time limit as the Minister fixes:

1) the rates of electricity shall be explicitly established at a fix rate or a fixed amount according to the category of electricity supply;

2) there shall be fairly, properly and definitely set forth the matters concerning responsibilities to be assumed by the supplying general power utility and by the
electricity users and also the method for apportioning between them the expenses concerning electric meters and other supplies, and the wiring works and other electrical work related thereto;

(3) there shall be no unfair, discriminatory treatment against specified firms; and

(4) the rates of electricity and other related supply terms and conditions are not extremely improper in view of social and economic conditions and unlikely to impair the interests of those firms which receive an electricity supply in accordance with the last resort service rules.

(Obligation of general electric utilities to publicize rules for electricity supply, etc.)

**Article 20.** A general power utility shall, when it has obtained approval for the rules for electricity supply in accordance with the provisions of Paragraph 1 of Article 19, or when it has given notification of revisions to the rules for electricity supply in accordance with the provisions of Paragraph 4 of the same Article, or when the rules for electricity supply have been revised in accordance with the provisions of Paragraph 3 of Article 23, or when it has given notification of the optional rules in accordance with the provisions of Paragraph 7 of Article 19, or when it has given notification of the last resort service rules in accordance with the provisions of Paragraph 1 of the preceding Article, put up a notice of the said rules for electricity supply, or the said optional rules, or the last resort service rules at a conspicuous place for the general public in sales offices and business establishments from ten days before its enforcement.

(Obligation of a general power utility to supply according to rules for electricity supply, etc.)

**Article 21.** A general power utility shall be prohibited from supplying electricity to meet the general demand (excluding the specified-scale demand) under terms and conditions of supply other than those of the rules for electricity supply on which the approval under Paragraph 1 of Article 19 has been granted (in the event of revisions pursuant to the provisions of Paragraph 4 of Article 19, the revised rule) (or the revised rules for electricity supply if the rules have been revised in accordance with the provisions of Paragraph 3 of Article 23), or of the optional rules, of which notification has been given with respect to the terms and conditions of supply other than those under Paragraph 7 of Article 19. However, this does not apply where cross-area wheeling service of electricity is to be provided, and where special circumstances preclude the rules for electricity supply or the optional rules from being followed and supply is made under the rates of electricity and other related supply terms and conditions on which the approval of the Minister of Economy, Trade and Industry has been granted (in the event of revisions pursuant to the provisions of Paragraph 3 of Article 23, such revised conditions of supply).

2. A general power utility shall, except where its has agreed with a firm which receives an electricity supply on the rates of electricity and other related supply terms and conditions through negotiations, be prohibited from supply electricity to meet the specified-scale demand in its service area under terms and conditions of supply other than those of the last resort service rules of which notification has been given in accordance with the provisions of Paragraph 1 of Article 19-2. However, this does not apply where
cross-area wheeling service of electricity is to be provided.

(Terms and conditions of wholesale supply)

**Article 22.** A general power utility, a wholesale electric utility, or a wholesale supplier shall be prohibited from making wholesale supply except under the rates of electricity and other related supply terms and conditions notification of which have been filed with the Minister of Economy, Trade and Industry (in the event of revisions pursuant to the provisions of Paragraph 3 of Article 23, such revised conditions of supply). However, this does not apply in the following cases:

1. where wholesale supply is made under such terms and conditions of supply as are accepted in biddings invited by a general power utility (only those biddings publicly announced in accordance with the provisions of Paragraph 5);

2. where there exist special circumstances making it difficult to lay down terms and conditions of supply and approval has been granted by the Minister of Economy, Trade and Industry by setting a time limit.

2. A firm which has given notification in accordance with the provisions of the preceding Paragraph shall be prohibited from commencing wholesale supply under such notification unless and until a period of 20 days has passed after the acceptance of such notification.

3. The Minister of Economy, Trade and Industry may reduce a period of time specified in the preceding Paragraph if the Minister finds that the rates of electricity and other related supply terms and conditions under notification given in accordance with the provisions of Paragraph 1 meet any of the requirements set forth in the Items of Paragraph 2 of Article 19.

4. The Minister of Economy, Trade and Industry may, if the Minister finds that the rates of electricity and other related supply terms and conditions under notification given in accordance with the provisions of Paragraph 1 do not meet any of the requirements set forth in the Items of Paragraph 2 of Article 19, may order the firm which has filed such notification to change the said the rates of electricity and other related supply terms and conditions only within 20 days of the receipt of the said notification.

5. A general power utility which intends to receive wholesale supply may, when it intends to decide on a firm which makes such wholesale supply and on terms and conditions of supply by bidding, make a public announcement to that effect as prescribed by the Ordinance of the Ministry of Economy, Trade and Industry if a method of such bidding meets such requirements as are specified in the Ordinance of the Ministry of Economy, Trade and Industry.

6. A general power utility shall, when it has made a public announcement in accordance with the provisions of the preceding Paragraph, implement such bidding by the method that meets such requirements as are specified in the Ordinance of the Ministry of Economy, Trade and Industry.

7. In the case described under Item (1) of Paragraph 1, a general power utility, a wholesale electric utility, or a wholesale supplier, which is to make wholesale supply, shall give notification of the terms and conditions of wholesale supply to the Minister of Economy, Trade and Industry as prescribed by the Ordinance of the Ministry of Economy, Trade and Industry.
(Order and disposition concerning rules for electricity supply, etc.)

**Article 23.** The Minister of Economy, Trade and Industry may, if the Minister recognizes that in consequence of changes in the social and economic situations, the rates of electricity and other related supply terms and conditions have become considerably unfair and improper to such extent that advancement of public interests is thereby impeded, order the general power utility, wholesale electric utility or wholesale supplier to submit, specifying the appropriate time limit for such submission, its application for change or alteration of either the rules for electricity supply as approved under the provisions of Paragraph 1 of Article 19 (the revised rules for electricity supply if notification of the revision have been filed in accordance with the provisions of Paragraph 4 of the same Article) or of the rates of electricity and other related supply terms and conditions as approved under the proviso of Paragraph 1 of Article 21 (in the case of the revision under the provisions of Paragraph 3 of this Article, the revised rules and the rates of electricity and other related supply terms and conditions).

2. The Minister of Economy, Trade and Industry may, if the Minister finds that the rates of electricity and other related supply terms and conditions under notification given in accordance with the provisions of Paragraph 1 of the preceding Article (or the revised rates of electricity and other related supply terms and conditions if revisions are made in accordance with the provisions of the ensuing Paragraph) have become extremely improper in view of social and economic conditions to the point where they impair the promotion of the public interests, order the general power utility, wholesale electric utility or wholesale supplier to revise the said the rates of electricity and other related supply terms and conditions within such a reasonable time limit as the Minister fixes.

3. In cases where the Minister of Economy, Trade and Industry has issued the order prescribed by the preceding two Paragraphs and where the said application has not been submitted or the revised rules have not been notified, within the fixed date limit prescribed in the preceding two Paragraphs, the Minister may change or alter the said rule or the said the rates of electricity and other related supply terms and conditions.

(Terms and conditions of supply of a specific electric utility)

**Article 24.** A specific electric utility shall establish the rates of electricity and other related supply terms and conditions and give notification thereof to the Minister of Economy, Trade and Industry as prescribed by the Ordinance of the Ministry of Economy, Trade and Industry. The same shall apply when such rates of electricity and other related supply terms and conditions are to be revised.

2. The Minister of Economy, Trade and Industry may, if the Minister finds that the rates of electricity and other related supply terms and conditions under notification pursuant to the provisions of the preceding Paragraph do not fall under either of the following Items, order the specific electric utility to revise such rates of electricity and other related supply terms and conditions within such a reasonable time limit as the Minister fixes:

(1) the rates of electricity shall be explicitly established at a fix rate or a fixed amount;
(2) there shall be fairly, properly and definitely set forth the matters concerning
responsibilities to be assumed by the specific electric utility and by the electricity users and also the method for apportioning between them the expenses concerning electric meters and other supplies, and the wiring works and other electrical work related thereto;

(3) there shall be no unfair, discriminatory treatment against specified firms; and

(4) the rates of electricity and other related supply terms and conditions are not extremely improper in view of social and economic conditions and unlikely to impair the interests of electricity users.

3. A specific electric utility shall take measures to make the rates of electricity and other related supply terms and conditions with respect to which notification has been given pursuant to the provisions of Paragraph 1 commonly known at the point of supply no later than the enforcement date of such rates of electricity and other related supply terms and conditions.

4. A specific electric utility shall be prohibited from supplying electricity to meet the demand at the point of supply under the rules of supply other than the rates of electricity and other related supply terms and conditions with respect to which notification has been given pursuant to the provisions of Paragraph 1. However, this does not apply where cross-area wheeling service of electricity is made.

(Supplementary supply contract)

Article 24-2. A general power utility shall, when it intends to conclude a supplementary supply contract (which refers to a contract under which, in the event electricity used by the specific electric utility for its specific electricity industry shows a deficiency due to an accident or otherwise for such reasons as are specified in the Ordinance of the Ministry of Economy, Trade and Industry, it is pledged to make a supply (excluding cross-area wheeling service of electricity) of such deficiency to the specific electric utility; to be so understood hereinafter) with the specific electric utility which holds the point of supply within the service area of the general electric utility, obtain the approval of the Minister of Economy, Trade and Industry for the rates of electricity and other related supply terms and conditions for such supply. The same shall apply when such rates of electricity and other related supply terms and conditions are to be revised.

2. The provisions of Paragraph 2 of Article 19 shall apply with necessary modifications to approval under the preceding Paragraph.

3. The Minister of Economy, Trade and Industry may, if the Minister finds that with respect to a supplementary supply contract, because the general power utility and the specific electric utility which holds the point of supply within the service area of the general power utility are unable to hold a consultation with each other or unable to reach an agreement, the interests of electricity users at the point of supply are likely to be impaired, order the general power utility and the specific electric utility to conclude a supplementary supply contract by giving directions about the rates of electricity and other related supply terms and conditions.

4. In case an order has been given as provided for in the preceding Paragraph, the general power utility which has received such order shall be considered to have obtained approval under Paragraph 1 with respect to the rates of electricity and other related supply
5. The provisions of Paragraphs 1 and 3 of Article 23 shall apply with necessary modifications to the rates of electricity and other related supply terms and conditions for which approval under Paragraph 1 has been granted (including those for which approval under Paragraph 1 is considered to have been granted in accordance with the provisions of the preceding Paragraph).

(General electric utilities’ wheeling service)

Article 24-3. A general power utility shall lay down a rule for wheeling service (in the case of a cross-area wheeling service of electricity, including and limited to such cross-area wheeling service of electricity as pertains to electricity to be used for a general electricity industry, a special electricity industry or specified-scale electricity supply industry and as is specified in the Ordinance of the Ministry of Economy, Trade and Industry; to be so understood in this Article) with respect to the rates of electricity and other related supply terms and conditions pertaining to a wheeling service and give notification thereof to the Minister of Economy, Trade and Industry as prescribed by the Ordinance of the Ministry of Economy, Trade and Industry. The same shall apply when the rule is to be revised.

2. A general power utility shall be prohibited from providing the wheeling service under the terms and conditions of supply other than the rule for wheeling service with respect to which notification has been given in accordance with the provisions of the preceding Paragraph. However, this does not apply where there exist special circumstances making it difficult to follow the rule for wheeling service and approval for not following the rule for wheeling service has been granted by the Minister of Economy, Trade and Industry.

3. If the Minister of Economy, Trade and Industry finds that the rule for wheeling service related to notification given in accordance with the provisions of Paragraph 1 does not fall under any of the following Items, the Minister may order the general power utility to revise the rule for wheeling service within such a reasonable time limit as the Minister fixes:

(1) the rule for wheeling service is unlikely to impair the interests of those firms which receive an electricity supply in accordance with the rules for electricity supply or the optional rules;

(2) the rule for wheeling service is unlikely to make it extremely difficult for a firm which receives an electricity supply under the rule for wheeling service with respect to which notification has been given in accordance with the provisions of Paragraph 1 to receive the wheeling service;

(3) the rates of electricity shall be explicitly established at a fix rate or a fixed amount;

(4) the particulars pertaining to the responsibilities of the general power utility and a firm which receives an electricity supply under the rule for wheeling service with respect to which notification has been given in accordance with the provisions of Paragraph 1 and a method for payment of expenses for electrical meters and works, are properly and explicitly established;

(5) there shall be no unfair, discriminatory treatment against specified firms; and
(6) besides the conditions mentioned in the preceding Items, the rates of electricity and other related supply terms and conditions do not hamper the advancement of public interests.

4. A general power utility shall, when it has given notification in accordance with the provisions of Paragraph 1, make a public announcement of the rule for wheeling service as prescribed by the Ordinance of the Ministry of Economy, Trade and Industry.

5. The Minister of Economy, Trade and Industry may, if a general power utility has refused wheeling service without good reason, order the general power utility to make wheeling service.

(Cross-area wheeling service of electricity by wholesale electric utilities)

Article 24-4. A wholesale electric utility shall submit notification of the rates of electricity and other related supply terms and conditions for cross-area wheeling service of electricity (including and limited to a cross-area wheeling service of electricity to be used for a general electricity industry and prescribed by the Ordinance of the Ministry of Economy, Trade and Industry; to be so understood in this Article and Article 24-7) to the Minister of Economy, Trade and Industry in accordance with the provisions of the Ordinance of the Ministry of Economy, Trade and Industry. However, this does not apply where the Minister of Economy, Trade and Industry has approved that the power lines being maintained and operated by the wholesale electric utility are not intended to provide a cross-area wheeling service of electricity.

2. The provisions of the preceding Paragraph apply with necessary modifications to change as to the rates of electricity and other related supply terms and conditions with respect to which notification has been given in accordance with the provisions of the same Paragraph.

3. A wholesale electric utility (excluding those who have been granted approval under the proviso of Paragraph 1; to be so understood in this Article and Article 24-7) shall be prohibited from providing the cross-area wheeling service of electricity under the terms and conditions of supply other than the rates of electricity and other related supply terms and conditions under the rules for cross-area wheeling service of electricity with respect to which notification has been given in accordance with the provisions of Paragraph 1 (including cases where the said provisions apply with necessary modifications as specified in the preceding Paragraph).

4. If the Minister of Economy, Trade and Industry finds that the rates of electricity and other related supply terms and conditions pertaining to notification which has been given in accordance with the provisions of Paragraph 1 (including cases where the said provisions apply with necessary modifications as specified in Paragraph 2; to be so understood in this Article) do not fall under any of the following Items, the Minister may order the wholesale electric utility to revise the rates of electricity and other related supply terms and conditions within such a reasonable time limit as the Minister fixes:

(1) the rates of electricity and other related supply terms and conditions are unlikely to make it extremely difficult for a firm which receives an electricity supply under the rates of electricity and other related supply terms and conditions pertaining to notification given in accordance with the provisions of Paragraph 1 to receive the
cross-area wheeling service of electricity;

(2) the rates of electricity shall be explicitly established at a fix rate or a fixed amount;

(3) the particulars pertaining to the responsibilities of the wholesale electric utility and a firm which receives an electricity supply under the rates of electricity and other related supply terms and conditions pertaining to notification given in accordance with the provisions of Paragraph 1 and a method for payment of expenses for electrical meters and works, are properly and explicitly established;

(4) there shall be no unfair, discriminatory treatment against specified firms; or

(5) besides the conditions mentioned in the preceding Items, the rates of electricity and other related supply terms and conditions do not hamper the advancement of public interests.

5. If a wholesale electric utility refuses to provide a cross-area wheeling service of electricity without good reason, the Minister of Economy, Trade and Industry may order the wholesale electricity utility to provide the service.

(Accounting, etc. concerning wheeling service of general electric utilities and other operations)

Article 24-5. A general power utility shall keep accounts for a wheeling service and other operations related to transformation, transmission and distribution of electricity in accordance with the Ordinance of the Ministry of Economy, Trade and Industry.

2. A general power utility shall make public a record of accounts which it has kept under the preceding Paragraph in accordance with the Ordinance of the Ministry of Economy, Trade and Industry.

(Prohibited acts associated with wheeling service of general electric utilities)

Article 24-6. A general power utility shall be prohibited from performing the following acts:

(1) using or furnishing, for purposes other than for a wheeling service, information which has come to the utility’s knowledge in association with such service concerning other firms which conduct a business of supplying electricity (to be referred in the ensuing Item as “electricity supply firms”) and electricity users; and

(2) treating specific electricity supply firms unfairly favorably, or bestowing benefits unfairly on them, or treating them unfairly unfavorably, or conferring disbenefits on them in the wheeling service.

2. If the Minister of Economy, Trade and Industry finds that a general power utility has performed an act contrary to the provisions of the preceding Paragraph, the Ministry may order the general power utility to stop or rectify such act.

(Application with necessary modifications)

Article 24-7. The provisions of the preceding two Articles shall apply to wholesale electric
utilities with necessary modifications. In this case, “wheeling service” in these provisions shall read “cross-area wheeling service of electricity” and “transmission and distribution” in Paragraph 1 of Article 24-5 shall read “and transmission.”

(Supply of general electric utilities outside service area)

**Article 25.** The general power utility shall, when it intends to supply electricity to meet the demand in a certain area outside its own service area obtain a permission of the Minister of Economy, Trade and Industry for each of the parties who are to receive such supply of electricity and for each of the places of supply of the electricity. However, this shall not apply in the case where such supply is to be effected as specified-scale electricity supply industry, or for the general electricity industry, specific electricity industry or specified-scale electricity supply industry and for the cross-area wheeling service of electricity (such supply is limited to electricity to be made available for the general electricity industry, specific electricity industry or specified-scale electricity supply industry).

2. The Minister of Economy, Trade and Industry shall not grant the permission mentioned in the preceding Paragraph unless the Minister recognizes that the application mentioned in the preceding Paragraph conforms to each Item of requirements stated below:

(1) in case such supply of electricity is to be undertaken to meet the demand in a service area belonging to other general power utility, such supply would prove to be not easy to accomplish and not appropriate to undertake if to be undertaken by the said other general power utility.

(2) such supply of electricity is not to be undertaken to meet the demand at the point of business commencement of a specific electric utility.

(Voltage and frequency)

**Article 26.** The electricity industry utility (excluding the wholesale electric utility and specified-scale electricity supplier, and this shall apply in this Article in the whole) shall endeavor to maintain the voltage and the frequency of the electricity it supplies at such values as are respectively prescribed by the Ordinance of the Ministry of Economy, Trade and Industry.

2. The Minister of Economy, Trade and Industry may, if the Minister finds that the interests of electricity users are impaired because the value of voltage or frequency of electricity being supplied by an electricity industry utility is not maintained at such a value as is prescribed by the Ordinance of the Ministry of Economy, Trade and Industry as provided for in the preceding Paragraph, order the electricity industry utility to repair or remodel power facilities, improve the method of operating power facilities and take other necessary measures to maintain such value.

3. The electricity industry utility shall take measurements of the voltage and frequency of the electricity which it supplies and shall keep a record of the results of such measurements in accordance with the Ordinance of the Ministry of Economy, Trade and Industry.
Article 27. The Minister of Economy, Trade and Industry may, if the Minister recognizes that the shortage in the electric supply capability will adversely affect the nation’s economy and daily living life and will impair public interest unless some adjustment is made on the demand and supply of electricity, impose restriction on the consumption of electricity supplied by the general electric utility, specific electric utility or specified-scale electricity supplier by specifying the limit of energy consumption and of peak demand and also by specifying the categories of use of the electricity and the date or time of imposing such restriction, or impose restriction on the amount of receiving electricity from the general power utility, specific electric utility or specified-scale electricity supplier by specifying the limit capacity in receiving the electricity, within the limits necessary for tiding over the impending adverse conditions and in accordance with the provisions of the Government Ordinance.

Subsection 2. Wide-Area Operations

(Article 28. An electricity industry utility shall, in implementing electric power development projects, supplying electricity, operating power facilities, and executing other businesses, cooperate with one another, while making proper use of the capacities of wholesale suppliers, to contribute to the comprehensive and rational development of the electricity industry through wide-area operations.

(Supply plan)

Article 29. An electricity industry utility (excluding a specific electric utility and specified-scale electricity supplier; to be so understood in this Article) shall prepare each business year a plan for the supply of electricity, the installation and operation of power facilities for such a period of time as is specified in the Ministerial Ordinance of the Ministry of Economy, Trade and Industry from the business year onward (hereinafter referred to as the “supply plan”) and give notification thereof to the Minister of Economy, Trade and Industry prior to the beginning of the said business year.

2. An electricity industry utility shall, when the firm has revised a supply plan, give notification of the revised particulars without delay to the Minister of Economy, Trade and Industry.

3. The Minister of Economy, Trade and Industry may, if the Minister recognizes that the plan for supplying electricity is not proper and appropriate for promoting overall and rational development of the electricity industry through the wide-area operations, recommend the electricity industry utility to change or alter the plan.

4. The Minister of Economy, Trade and Industry may, when the Minister has recommended as provided for in the preceding Paragraph, if the Minister finds it
exemptionally necessary and proper, give orders to an electricity industry utility to take actions described hereunder; provided, however, that the Minister cannot order a wholesale electric utility to take action under Item (3):

1) to supply a general power utility with electricity;
2) to make cross-area wheeling service of electricity;
3) to receive supply of electricity; and
4) to lend or borrow power facilities to or from an electricity industry utility, or use power facilities commonly with the electricity industry utility.

**Subsection 3. Supervision**

(Order concerning betterment of business procedures)

**Article 30.** The Minister of Economy, Trade and Industry may order the general power utility or the specific electric utility to improve the manner of its electricity supply business if the Minister recognizes that the general power utility or specific electric utility is impairing the benefits of the consumers of electricity owing to the fact that in cases of interruption of its electricity supply service due to an accident the supplier does not quickly complete the repair work or does not take other measures necessary for removing the cause of such service interruption, or else that other procedure or method for furnishing the electricity is not proper and apposite.

(Supply order, etc.)

**Article 31.** The Minister of Economy, Trade and Industry may give an order to implement the following Items to the electricity industry utility in case the Minister considers it necessary and appropriate for securing public interests in an event of calamities or emergencies; provided, however, that Item (3) shall not apply to the wholesale electric utility:

1) to supply electricity to a general power utility, specific electric utility or specified-scale electricity supplier;
2) to make cross-area wheeling service of electricity to an electricity industry utility;
3) to receive electricity from an electricity industry utility; and
4) to lend or borrow power facilities to or from an electricity industry utility, or use power facilities commonly with the electricity industry utility.

2. In cases where the order has been given under the provisions of the preceding Paragraph, the details concerning the amount of money to be paid to or received by the parties concerned and other matters necessary for the execution of the said order shall be determined through negotiation between or among the parties concerned.

**Article 32.** In case the negotiation mentioned in Paragraph 2 of the preceding Article cannot be conducted or has failed to be concluded to the mutual agreement, the parties concerned...
may apply to the Minister of Economy, Trade and Industry for the Minister’s ruling.

2. The Minister of Economy, Trade and Industry shall, upon receipt of the said application for the ruling under the provisions of the preceding Paragraph, notify other concerned party of the purport of the said ruling and shall give the said other party an opportunity for presenting a written reply with a time limit fixed for such presentation.

3. The Minister of Economy, Trade and Industry shall, upon effecting the ruling under the provisions of Paragraph 1 of this Article, without delay notify the other concerned party or parties of the purport of the ruling.

4. When the ruling under the provisions of Paragraph 1 of this Article has been effected, the said negotiation shall be considered as having reached the agreement between or among the parties concerned in conformity with the prescriptions of the said ruling.

Article 33. In the case of the ruling under the provisions of Paragraph 1 of the preceding Article, any of the parties concerned who is dissatisfied with the amount of money that the concerned party is to pay or to receive in consequence of the said ruling may demand an increase or decrease of the said amount of money by instituting a lawsuit within the period of three months from the day of the receipt of the notification of the said ruling.

2. In the case of the lawsuit mentioned in the preceding Paragraph, the other concerned party shall be the defendant.

3. In raising an objection against the ruling mentioned in Paragraph 1 of the preceding Article, a dissatisfaction with the amount of money to be paid or to be received by the concerned party shall be prohibited from constituting the ground for raising the said objection against the ruling.

Section 3. Accounting and Financing

(Keeping of accounts)

Article 34. The electricity industry utility (excluding specified-scale electricity supplier; to be so understood in the following Paragraph, Article 35 and Paragraph 1 of Article 36) shall, in conformity with the provisions of the Ministerial Ordinance of the Ministry of Economy, Trade and Industry, lay down the accounting system by establishing its business year, classification of items of accounts and forms of financial schedules concerning balance sheet, profit and loss statement and the like.

2. Electricity industry utilities shall submit statements of financial accounting specified under the preceding Paragraph to the Minister of Economy, Trade and Industry at the end of each business year in accordance with the Ministerial Ordinance of the Ministry of Economy, Trade and Industry.

(Keeping of accounts, etc. according to categories of business operations of general power utilities)

Article 34-2. A general power utility shall keep accounts according to the following
categories of business operations in accordance with the Ministerial Ordinance of the Ministry of Economy, Trade and Industry:

(1) business operations related to an electricity supply to meet the specified-scale demand;

(2) business operations related to an electricity supply to meet the general demand (excluding those business operations mentioned in the preceding Item); and

(3) business operations other than those enumerated in the preceding two Items.

2. A general power utility shall submit documents setting forth the revenues and expenditure by categories of business operations specified in the preceding Paragraph to the Minister of Economy, Trade and Industry at the end of each business year in accordance with the Ministerial Ordinance of the Ministry of Economy, Trade and Industry.

(Depreciation, etc.)

Article 35. The Minister of Economy, Trade and Industry may, if the Minister recognizes a special necessity for appropriate and infallible execution of the business of the electricity industry (excluding specified-scale electricity supply industry; and to be so understood hereinafter in this and following Articles), order the electricity industry utility that, in effecting the depreciation in a substantial amount on the fixed assets employed for conducting the business of the said electricity industry, it shall effect the depreciation either by establishing the method or by fixing the amount or else by accumulating reserves or provisions either by establishing the method or by fixing the amount.

(Drought reserves)

Article 36. In cases where the electricity industry utility has realized in a business year either an increase in its reserves from the electricity industry or a decrease in its expenditures thereof owing to the fact that due to an increase in the river discharge its production of electricity at its hydroelectric power plants has exceeded the amount of production assessed for the said business year by the Ministerial Ordinance of the Ministry of Economy, Trade and Industry, the firm shall accumulate the amounts of the said increase and the said decrease as the drought reserve fund until the accumulated amount reaches the value prescribed by the Ministerial Ordinance of the Ministry of Economy, Trade and Industry.

2. The drought reserves accumulated under the provisions of the preceding Paragraph shall not be disposed of, excepting the case where such disposition has been granted by the Minister of Economy, Trade and Industry for a special reason or reasons, unless such disposition of the drought reserves is for making up either the decrease in the revenues or the increase in the expenditures in the business year, both the increase and decrease being attributable to the fact that due to the decrease in the river flow in that business year the amount of production of electricity at the hydroelectric power plants in the said business year has been less than the amount assessed for the said business year by the Ministerial Ordinance of the Ministry of Economy, Trade and Industry.

3. The method for computing the amount of the increase or decrease in the
operational revenues or operational expenditures mentioned in the preceding two Paragraphs shall be prescribed by the Ministerial Ordinance of the Ministry of Economy, Trade and Industry.

(General security)

**Article 37.** Holders of the debentures issued by a firm which is a general power utility (excluding the holders of short-term debentures specified in Item (1) of Article 66 of the Law Concerning the Transfer of Corporate Bonds and Debentures (Law No. 75 of 2001)) shall have the right to obtain the liquidation of their claims on the firm’s assets in advance of other creditors.

2. The order of the preferential right under the provision of the preceding Paragraph shall be next to that of the general preferential rights stipulated by the Civil Code of Japan (Law No. 89 of 1896).
CHAPTER III.  POWER FACILITIES

Section 1.  Definition

Article 38.  The term “power facilities for general use” as used in this Law means any of the power facilities described hereunder.  However, this shall not apply to those facilities to be installed in the same premises as those of power facilities for power generation other than small capacity power generating installations (including those districts similar to such premises; to be so understood hereinafter) or those facilities to be installed in those places where an accident arising from power facilities is highly likely to occur because of the existence of explosive or inflammable substances and such places as are specified in the Ordinance of the Ministry of Economy, Trade and Industry:

(1) those power facilities intended for receiving electricity from some other firm at a voltage lower than such a voltage as is specified in the Ministerial Ordinance of the Ministry of Economy, Trade and Industry and for using electricity so received within the same premises as the place of receiving electricity (including those small capacity power generating installations to be installed within the same premises and to be electrically connected) and which are not electrically connected with power facilities existing in any of the places other than the said premises by an power line other than the power line for receiving electricity;

(2) those small capacity power generating installations to be installed in the premises (including those power facilities for using electricity to be installed in the same premises and to be electrically connected) and which are not electrically connected with power facilities existing in any of the places other than the premises by an power line other than the power line for some other firm to receive electricity for power generation in the same premises at a voltage lower than such a voltage as is specified in the Ministerial Ordinance of the Ministry of Economy, Trade and Industry under the preceding Item; and

(3) those power facilities which are specified in the Ministerial Ordinance of the Ministry of Economy, Trade and Industry as ones similar to those enumerated in the preceding two Items.

2. The term “small capacity power generating installations” as used in the preceding Paragraph means power facilities for generating electric power of a voltage lower than such a voltage as is specified in the Ministerial Ordinance of the Ministry of Economy, Trade and Industry and which are specified in the Ministerial Ordinance of the Ministry of Economy, Trade and Industry.

3. The term “power facilities for business use” as used in this Law means those power facilities other than power facilities for general use.

4. The term “power facilities for self-generation” as used in this Law means those power facilities other than power facilities for the electricity industry or power facilities for general use.
Section 2. Power Facilities for Business Use

Subsection 1. Conformity with Technological Standards

(Maintenance of power facilities for business use)

Article 39. A firm which installs power facilities for business use shall maintain the power facilities for business use in such a way as to conform to such technological standards as are specified in the Ministerial Ordinance of the Ministry of Economy, Trade and Industry.

2. The Ministerial Ordinance of the Ministry of Economy, Trade and Industry mentioned in the preceding Paragraph shall be so formulated as to be in accordance with the following Items of requirements:

(1) the power facility for business use shall be such that it does not imperil the human body nor cause damage to any other facilities;

(2) the power facility for business use shall be such that it does not cause to other power installations or other facilities any of such electric or magnetic disturbance as to hamper their proper functions;

(3) the power facility for business use shall be such that any damage to it does not cause any serious hindrance to the supply of electricity by the general power utility;

(4) in the case of power facilities for business use to be used for the general electricity industry, the power facilities for business use shall be maintained in such a way that damage, if any, to the power facilities for business use will not constitute a considerable hindrance to an electricity supply pertaining to the general electricity industry.

(Order to conform to technological standards)

Article 40. The Minister of Economy, Trade and Industry may, if the Minister recognizes that power facilities for business use do not conform to the technological standards established by the Ministerial Ordinance of the Ministry of Economy, Trade and Industry mentioned in Paragraph 1 of the preceding Article, order the firms concerned to repair or to remodel so as to make them conform to the said technological standards or to remove the said power facilities for business use or suspend or else restrict their use.

(Allotment of expenses, etc.)

Article 41. In case where any of the power facilities for business use has become not conformable to the technological standards established by the Ministerial Ordinance of the Ministry of Economy, Trade and Industry mentioned in Paragraph 1 of Article 39 on account of the fact that other power facilities belonging to other firm have been installed, constructed or erected (excluding those prescribed by the Government Ordinance), the measure that is necessary for making the said power facility conform to the said technological standards as well as the method of allotting the expenses for such measure between or among parties concerned shall be decided through negotiation between or among the parties concerned; provided that the said method of allotting the expenses shall be effected in conformity with the provisions of the Government Ordinance in case such
ordinance is in force.

2. The provisions of Articles 32 and 33 shall apply with necessary modifications in case where the negotiation mentioned in the preceding Paragraph cannot be conducted or has failed to be concluded.

3. The Minister of Economy, Trade and Industry shall, when the Minister intends to make a decision under Paragraph 1 of Article 32 as applied with necessary modifications in the preceding Paragraph, consult in advance with the competent Cabinet Minister or Ministers as provided for in a Government Ordinance.

Subsection 2. Voluntary Preservation of Safety

(Safety rule)

Article 42. A firm which installs power facilities for business use shall, for the purpose of ensuring safety in the construction, maintenance and operation of the power facilities for business use, establish a safety rule for each organization responsible for power facilities, the safety of which requires to be secured uniformly, and shall give notification of the said safety rule to the Minister of Economy, Trade and Industry prior to the commencement of the use of the power facilities for business use by the said organization (or prior to the commencement of construction work for the power facilities if these power facilities are subject to voluntary inspections under Paragraph 1 of Article 50-2 or operator inspections under Paragraph 1 of Article 52) in accordance with the provisions of the Ordinance of the Ministry of Economy, Trade and Industry.

2. A firm which installs power facilities for business use shall, when it has revised or amended its safety rule, without delay submit to the Minister of Economy, Trade and Industry a report on the matter or matters thereby revised or amended.

3. The Minister of Economy, Trade and Industry may, if the Minister recognizes any necessity of doing so for ensuring safety of construction work or maintenance or operation of power facilities for business use, order the firm which installs power facilities for business use to amend or revise the said safety rule accordingly.

4. A firm which installs power facilities for business use and its employees shall observe the safety rule.

(Chief engineer)

Article 43. A firm which installs power facilities for business use shall, in pursuance of the provisions of the Ministerial Ordinance of the Ministry of Economy, Trade and Industry, appoint chief engineers from among engineers, to whom have been delivered the chief engineer’s licenses, so as to place them in charge of supervision of safety matters of construction work, maintenance and operation of the power facilities for business use.

2. Notwithstanding the provisions of the preceding Paragraph, a firm which installs power facilities for self-generation may, by permission of the Minister of Economy, Trade and Industry, appoint a person who has not got a chief engineer’s license as chief engineer.

3. In case a firm which installs power facilities for business use has appointed the
chief engineer (excluding the case where the chief engineer has been appointed in pursuance of the provisions of the preceding Paragraph), without delay it shall submit to the Minister of Economy, Trade and Industry a report to that effect. The same shall apply when the firm has dismissed its chief engineer.

4. A chief engineer shall faithfully perform the duties of exercising supervision over the safety of construction work, maintenance, and operation of power facilities for business use.

5. A firm which is engaged in the construction work, maintenance, or operation of power facilities for business use shall follow directions given by a chief engineer for securing safety thereof.

(Chief engineers’ licenses)

Article 44. The Chief engineers’ licenses shall be classified into;

1. the 1st class electrical chief engineer’s license;
2. the 2nd class electrical chief engineer’s license;
3. the 3rd class electrical chief engineer’s license;
4. the 1st class dam-and-waterway chief engineer’s license;
5. the 2nd class dam-and-waterway chief engineer’s license;
6. the 1st class boiler-and-turbine chief engineer’s license;
7. the 2nd class boiler-and-turbine chief engineer’s license.

2. The chief engineer’s license shall be granted by the Minister of Economy, Trade and Industry to the person who comes under either one of the following Items:

1. a person who has such academic records or qualifications and business experiences as are specified in the Ministerial Ordinance of the Ministry of Economy, Trade and Industry for each type of chief engineer’s license;
2. in the case of the types of chief engineer’s licenses enumerated in Items (1) through (3) of the preceding Paragraph, a person who has succeeded in the examination for a chief electrical engineer’s license.

3. The Minister of Economy, Trade and Industry may not deliver the chief engineer’s license to the person who comes under either one of the following Items:

1. a person who has been ordered to return chief engineer’s license in consequence of the provision of the following Paragraph and one year’s period from the day of the said order for returning the license has not elapsed;
2. a person who has been sentenced to a fine or a heavier penalty for violation of the provisions of this Law or of the order issued thereunder and a two years’ period has not yet elapsed since either the day when the person finished serving the sentence or the day when the person was exempted from serving the sentence.

4. The Minister of Economy, Trade and Industry may, if a person to whom the chief engineer’s license has been delivered has violated the provisions of this Law or of the order issued thereunder, order the person to return the chief engineer’s license.
5. Procedural matters concerning the scope of the construction work, maintenance, and operation of power facilities for business use on which a person who is issued a chief engineer’s license is allowed to exercise supervision over safety, and concerning the issuance of a chief engineer’s license, shall be prescribed by the Ministerial Ordinance of the Ministry of Economy, Trade and Industry.

(Entrustment of clerical works relating to the delivery of licenses)

Article 44-2. The Minister of Economy, Trade and Industry may entrust all or some of the clerical works relating to chief engineers’ licenses (including the licenses set forth in Items (1) through (3) of Paragraph 1 of the preceding Article only; excluding the clerical works relating to the return of a chief engineer’s license and other clerical works specified in the Government Ordinance; these clerical works to be hereinafter referred to as “license-delivering clerical works”) to the designated examination agency set forth in Paragraph 2 of the ensuing Article.

2. Officers or employees of the designated examination agency that has been entrusted with the license-delivering clerical works pursuant to the provisions of the preceding Paragraph, or those persons who have once been such officers or employees shall be prohibited from disclosing the secrets that have come to their knowledge in the performance of the license-delivering clerical works entrusted.

(Examination for a chief electrical engineer’s license)

Article 45. The examination for a chief electrical engineer’s license shall be conducted for each type of chief engineer’s license by the Minister of Economy, Trade and Industry with respect to knowledge and technical skill necessary for safety in the construction work, maintenance, and operation of power facilities for business use.

2. The Minister of Economy, Trade and Industry may designate an organization (to be referred to as the “designated examination agency” hereafter) to have it perform the clerical works (to be referred to as the “examination clerical works” hereafter) relating to execution of the examination for qualification of chief electrical engineer’s license.

3. The subjects of examinations, procedures of applying for the examination, and other details concerning the examination for qualification of the electrical chief engineers shall be stipulated in the Ministerial Ordinance of the Ministry of Economy, Trade and Industry.

Article 46. (Deleted)
Subsection 2-2. Special Cases Concerning Environmental Impact Assessment

(Environmental impact assessment relating to power facilities for business use)

Article 46-2. Environmental impact assessment specified in Paragraph 1 of Article 2 of the Environmental Impact Assessment Law (Law No. 81 of 1997; hereinafter referred to as “environmental impact assessment”) and other procedures pertaining to a project to install or change power facilities for business use which falls under the Class 1 project specified in Paragraph 2 of Article 2 of the said law or the Class 2 project specified in Paragraph 3 of the same Article shall be as prescribed by the same law and in accordance with the provisions of this Subsection.

(Environmental impact assessment by a simple method)

Article 46-3. A firm which intends to carry out a project to install or change power facilities for business use, which falls under the Class 2 project specified in Paragraph 3 of Article 2 of the Environmental Impact Assessment Law, shall state in a document specified in the first part of Paragraph 1 of Article 4 of the same law, the matters specified in the first part of the same Paragraph and, in addition, the results of environmental impact assessment made on such project by a simple method specified in the Ordinance of the Ministry of Economy, Trade and Industry, as prescribed by the Ordinance of the Ministry of Economy, Trade and Industry.

(Preparation of a scoping document)

Article 46-4. A firm which intends to carry out a project to install or change power facilities for business use, which falls under the project category specified in Paragraph 4 of Article 2 of the Environmental Impact Assessment Law (hereinafter referred to as the “relevant project”; a firm which intends to carry out this special project (hereinafter be referred to as the “proponent”) shall, notwithstanding the provisions of Item (4) of Article 5 of the same law, state the items of environmental impact assessment on the special project, survey, prediction and scoping document concerning the environmental impact assessment (hereinafter referred to as the “scoping document”) employed in an environmental impact assessment specified in Paragraph 1 of Article 5 of the same law.

(Notification of the scoping document)

Article 46-5. A proponent shall, when the firm submits the documents in accordance with the provisions of Paragraph 1 of Article 6 of the Environmental Impact Assessment Law, give notification of the scoping document to the Minister of Economy, Trade and Industry, in addition to submission.

(Notification of an outline of opinions on the scoping document, etc.)

Article 46-6. A proponent shall, in addition to the matters specified in Article 9 of the Environmental Impact Assessment Law, state firm’s view on the opinions specified in
Paragraph 1 of Article 8 of the same law, in the document specified in Article 9 of the same law.

2. A proponent shall, when the firm submits the documents in accordance with the provisions of Article 9 of the Environmental Impact Assessment Law, give notification of the documents specified in the same Article to the Minister of Economy, Trade and Industry, in addition to submission.

(Opinion of a prefectural governor on the scoping document)

Article 46-7. The opinion of a prefectural governor on a relevant project, specified in Paragraph 1 of Article 10 of the Environmental Impact Assessment Law, shall, notwithstanding the provisions of the same Paragraph, be treated as the opinion under the same Paragraph submitted to the Minister of Economy, Trade and Industry on behalf of the proponent.

2. A prefectural governor shall advance an opinion on a special project, specified in Paragraph 1 of Article 10 of the Environmental Impact Assessment Law, in accordance with the provisions of Paragraph 3 of the same Article and, in addition, give consideration to the views of the project firm stated in the document under Article 9 of the same law in accordance with the provisions of Paragraph 1 of the preceding Article.

(Recommendations on the scoping document)

Article 46-8. The Minister of Economy, Trade and Industry shall, when notification of the written method has been submitted in accordance with the provisions of Article 46-5, examine the written method with due regard to the opinion of a prefectural governor specified in Paragraph 1 of Article 10 of the Environmental Impact Assessment Law and by giving consideration to an outline of opinions, specified in Paragraph 1 of Article 8 of the same law, on notification given in accordance with the provisions of Paragraph 2 of Article 46-6, and the views of the proponent on such opinions, and, if the Minister finds it necessary for the purpose of securing appropriate consideration to environmental preservation in a relevant project relating to the said written method, may make necessary recommendations to the proponent on the items of environmental impact assessment in the relevant project, survey, prediction and assessment methods only within a period of time, specified in the Ordinance of the Ministry of Economy, Trade and Industry, counting from the day of receipt of notification given in accordance with the provisions of Article 46-5.

2. The Minister of Economy, Trade and Industry shall, if the Minister finds it unnecessary to make recommendations in accordance with the provisions of the preceding Paragraph, give notification to that effect without delay to the proponent.

3. The Minister of Economy, Trade and Industry shall, when the Minister makes recommendations pursuant to the provisions of Paragraph 1 or give notification pursuant to the provisions of the preceding Paragraph, send to the proponent a duplicate copy of the document specified in Paragraph 1 of Article 10 of the Environmental Impact Assessment Law, in addition to such recommendations or notification.

(Selection of the items of environmental impact assessment, etc.)
Article 46-9. A proponent shall, when the firm received recommendations in accordance with the provisions of Paragraph 1 of the preceding Article, take account of the opinions specified in Paragraph 1 of Article 10 of the Environmental Impact Assessment Law in accordance with the provisions of Paragraph 1 of Article 11, and give consideration to the opinions specified in Paragraph 1 of Article 8 of the same law, in an examination which the firm shall make in accordance with the provisions of Paragraph 1 of Article 11 of the same law, and in addition, make an examination with due consideration to the same recommendations.

(Preparation of a draft Environmental Impact Statement)

Article 46-10. A proponent shall, in addition to the matters specified in the respective Items of Paragraph 1 of Article 14 of the Environmental Impact Assessment Law, state the contents of recommendations made in accordance with the provisions of Paragraph 1 of Article 46-8, in a draft Environmental Impact Statement specified in Paragraph 1 of Article 14 of the same law (hereinafter referred to as the “draft EIS”).

(Preparation of a draft EIS)

Article 46-11. A proponent shall, when the proponent submits the documents in accordance with the provisions of Article 15 of the Environmental Impact Assessment Law, submit the draft EIS and its summary to the Minister of Economy, Trade and Industry, in addition to submission.

(Notification of the draft EIS)

Article 46-12. A special project firm shall, when the firm submits the documents in accordance with the provisions of Article 19 of the Environmental Impact Assessment Law, give notification of the documents specified in the same Article to the Minister of Economy, Trade and Industry, in addition to submission.

(Opinion of a related prefectural governor on the draft EIS)

Article 46-13. The opinion of a related prefectural governor on a relevant project, specified in Paragraph 1 of Article 20 of the Environmental Impact Assessment Law, shall, notwithstanding the provisions of the same Paragraph, be treated as the opinion under the same Paragraph submitted to the Minister of Economy, Trade and Industry on behalf of the project firm.

(Recommendations on the draft EIS)

Article 46-14. The Minister of Economy, Trade and Industry shall, when notification of the draft EIS has been submitted in accordance with the provisions of Article 46-11, examine the draft EIS with due regard to the opinion of a related prefectural governor specified in Paragraph 1 of Article 20 of the Environmental Impact Assessment Law and by giving consideration to an outline of opinions, specified in Paragraph 1 of Article 18 of the same law, on notification given in accordance with the provisions of Article 46-12, and the
views of the proponent on such opinions, and, if the Minister finds it necessary for the purpose of securing appropriate consideration to environmental preservation in a relevant project relating to the said draft EIS, may make necessary recommendations to the proponent on the environmental impact assessment in the relevant project only within a period of time, specified in the Ordinance of the Ministry of Economy, Trade and Industry, counting from the day of receipt of notification given in accordance with the provisions of Article 46-11.

2. The Minister of Economy, Trade and Industry shall, when the Minister makes an examination in accordance with the provisions of the preceding Paragraph, invite the opinions of the Minister of Environment from the viewpoint of environmental preservation.

3. The Minister of Economy, Trade and Industry shall, if the Minister finds it unnecessary to make recommendations in accordance with the provisions of Paragraph 1, give notification to that effect without delay to the proponent.

4. The Minister of Economy, Trade and Industry shall, when the Minister makes recommendations pursuant to the provisions of Paragraph 1 or give notification pursuant to the provisions of the preceding Paragraph, send to the proponent a duplicate copy of the document specified in Paragraph 1 of Article 20 of the Environmental Impact Assessment Law, in addition to such recommendations or notification.

(Preparation of a Environmental Impact Statement)

Article 46-15. A proponent shall, when the firm received recommendations in accordance with the provisions of Paragraph 1 of the preceding Article, take account of the opinions specified in Paragraph 1 of Article 20 of the Environmental Impact Assessment Law in accordance with the provisions of Paragraph 1 of Article 21, and give consideration to the opinions specified in Paragraph 1 of Article 18 of the same law, in an examination which the firm shall make in accordance with the provisions of Paragraph 1 of Article 21 of the same law, and in addition, make an examination with due consideration to the same recommendations.

2. A proponent shall, in addition to the matters specified in the respective Items of Paragraph 2 of Article 21 of the Environmental Impact Assessment Law, state the contents of recommendations made in accordance with the provisions of Paragraph 1 of Article 46-8 and Paragraph 1 of the preceding Article, in an Environmental Impact Statement specified in Paragraph 2 of Article 21 of the same law (hereinafter referred to as the “EIS”).

(Notification of the EIS)

Article 46-16. A proponent shall, when the firm has prepared an EIS in accordance with the provisions of Paragraph 2 of Article 21 of the Environmental Impact Assessment Law, give notification of the EIS to the Minister of Economy, Trade and Industry. The same shall apply when the proponent has changed the EIS by order given in accordance with the provisions of Paragraph 1 of the ensuing Article.
(Order to change)

**Article 46-17.** The Minister of Economy, Trade and Industry may, if the Minister finds it particularly necessary and appropriate for the purpose of ensuring proper consideration to environmental preservation in a relevant project relating to the EIS notified in accordance with the provisions of the preceding Article, order the proponent to change the EIS under such notification within such a reasonable time limit as the Minister sets, only within a period of time, specified in the Ordinance of the Ministry of Economy, Trade and Industry, counting from the day of receipt of notification in accordance with the provisions of the same Article.

2. The Minister of Economy, Trade and Industry shall, if the Minister finds it unnecessary to issue orders in accordance with the provisions of the preceding Paragraph, give notification to that effect without delay to the proponent.

(Sending of the EIS)

**Article 46-18.** The Minister of Economy, Trade and Industry shall, when the Minister has given notification in accordance with the provisions of Paragraph 2 of the preceding Article, send a duplicate copy of the EIS under such notification to the Minister of Environment.

2. A proponent shall, when the firm has received notification in accordance with the provisions of Paragraph 2 of the preceding Article, forthwith send to related prefectural governors and municipality majors specified in Article 15 of the Environmental Impact Assessment Law the EIS under such notification, a summary thereof, and a document stating the contents of orders given in accordance with the provisions of Paragraph 1 of the preceding Article.

(Public announcement and public inspection of the EIS)

**Article 46-19.** In the application of Article 27 of the Environmental Impact Assessment Law to a proponent, “sent or given notification in accordance with the provisions of Paragraph 3 of Article 25” in the same Article shall read “received notification in accordance with the provisions of Paragraph 2 of Article 46-17 of the Electricity Utilities Industry Law”; “EIS” in the same Article shall read “the EIS under such notification”; “the EIS, its summary and a document under Article 24” shall read “the EIS under such notification, its summary, and a document stating the contents of orders given in accordance with the provisions of Paragraph 1 of the same Article.”

(Consideration to environmental preservation)

**Article 46-20.** A proponent firm shall carry out a relevant project with proper consideration to environmental preservation in accordance with the provisions of Paragraph 1 of Article 38 of the Environmental Impact Assessment Law and, at the same time, maintain and operate power facilities for business use relating to such relevant project after giving proper consideration to environmental preservation as prescribed by the EIS under notification given in accordance with the provisions of Paragraph 2 of Article 46-17.
Article 46-21. Besides the provisions of this Subsection, technical reading in the application of the provisions of the Environmental Impact Assessment Law to a proponent and other particulars necessary for the application of the provisions of the same law to the proponent shall be specified in the Government Ordinance.

(Exemption from the Environmental Impact Assessment Law)

Article 46-22. The provisions of Articles 22 to 26 and Articles 33 to 37 of the Environmental Impact Assessment Law shall not apply to a relevant project that will be carried out by a proponent.

Subsection 3. Plan for Construction Work and Inspection

(Plan for construction work)

Article 47. A firm which intends to carry out a project to install or change power facilities for business use, prescribed by the Ordinance of the Ministry of Economy, Trade and Industry as a particularly important project to secure public safety, shall obtain the approval on the plan for the said works from the Minister of Economy, Trade and Industry; provided, however, that this shall not apply in the case of any of inevitable temporary work to be accomplished when power facilities for business use have been lost, damaged or demolished or when an accident, a disaster or other emergency has occurred.

2. A firm which intends to change such work plan as has been approved under the provision of the preceding Paragraph, shall obtain the approval of the Minister of Economy, Trade and Industry; provided, however, that this shall not apply in the case where the said changes are such minor ones as are stipulated by the Ordinance of the Ministry of Economy, Trade and Industry.

3. The Minister of Economy, Trade and Industry shall give the approval mentioned in the preceding two Paragraphs if the Minister recognizes that the work plan subject to the Minister's approval mentioned in the preceding two Paragraphs satisfies each Item of requirements stated below:

(1) the said power facilities for business use are not such ones that they do not conform to the technological standards established by the Ordinance of the Ministry of Economy, Trade and Industry mentioned in Paragraph 1 of Article 39;

(2) where power facilities for business use are used for the general electricity industry, such power facilities for business use are technically appropriate for the purpose of securing a smooth supply of electricity;

(3) the work plan pertaining to a special project is made out in accordance with the statement of assessment for such special project under notification given in accordance with the provisions of Paragraph 2 of Article 46-17; and

(4) in the work plan relating to the type 2 project (excluding a special project) specified in Paragraph 3 of Article 2 of the Environmental Impact Assessment Law, a measure specified in Item (2) of Paragraph 3 of Article 4 of the same law (including cases where the provisions of this Item apply with necessary modifications in Paragraph 4
of the same Article and Paragraph 2 of Article 29 of the same law) has been taken.

4. In the case of the proviso of Paragraph 1 of this Article, the firm which installs power facilities for business use shall, following commencement of the said construction work, submit without delay to the Minister of Economy, Trade and Industry a report to that effect.

5. In the case of the proviso of Paragraph 2 of this Article, the firm which has obtained the approval specified in the preceding Paragraph 1 shall, following the said change or alteration of the work plan, submit without delay to the Minister of Economy, Trade and Industry a report on the revised work plan; provided, however, that this shall not apply in the case specified by the Ordinance of the Ministry of Economy, Trade and Industry.

Article 48. A firm which intends to install or change power facilities for business use which are prescribed by the Ordinance of the Ministry of Economy, Trade and Industry (excluding the work or change specified in the Ordinance of the Ministry of Economy, Trade and Industry in Paragraph 1 of the preceding Article) shall submit to the Minister of Economy, Trade and Industry the plan of such work. The firm which intends to change the plan of such work shall also submit to the Minister of Economy, Trade and Industry the revised work plan (excluding the minor change specified in the Ordinance of the Ministry of Economy, Trade and Industry).

2. The firm which notified under the provision of the preceding Paragraph shall not start the work as notified in the work plan before 30 days elapse after the report is accepted.

3. The Minister of Economy, Trade and Industry may, when the Minister recognizes that the plan of the work as notified under the provision in Paragraph 1 is valid in terms of the provisions in each Item of this Paragraph, shorten the period of suspension prescribed in the preceding Paragraph:

(1) requirements set forth in the respective Items of Paragraph 3 of the preceding Article;
(2) as to the power facilities for business use for power generation by means of hydroelectric power as the prime motive power, the said power facilities for business use are such that they are technologically necessary and apposite for securing efficient use of the hydroelectric power for generation.

4. The Minister of Economy, Trade and Industry may, when the Minister recognizes that the plan of the work as notified under the provision of Paragraph 1, is not satisfactory in terms of the provisions in each Item of the preceding Paragraph, order the firm which submitted the notification to modify or abort such a plan, provided that the Minister issues such order only within 30 days (if a period of time specified in Paragraph 2 has been extended in accordance with the provisions of the ensuing Paragraph, the extended period of time) after acceptance of the report.

5. The Minister of Economy, Trade and Industry may extend a period of time specified in Paragraph 2 to such a period of time as the Minister deems reasonable if the Minister finds that there exists good reason to believe that it will take a considerable time to make an examination of the plan of the work notified in accordance with the provisions of Paragraph 1 to check whether it satisfies the requirements set forth in the respective
Items of Paragraph 3, so that such examination will not end within the said period of time. In this case, the Minister of Economy, Trade and Industry shall notify the said extended period of time and the reason for extension of the period without delay to a firm which has submitted such notification.

(Preoperation inspection)

Article 49. The power facilities for business use which have been installed, changed or altered with the approval mentioned in Paragraph 1 or 2 of Article 47, or the power facilities which have been installed, changed or altered after the plan has been submitted pursuant to the provisions of Paragraph 1 of the preceding Article (excluding those on which the work plan prescribed by the provisions of Paragraph 1 of the same Article has not yet been submitted when the order under the provisions of Paragraph 4 of the same Article has been given) and which are designated by the Ordinance of the Ministry of Economy, Trade and Industry as particularly important facilities to secure public safety (referred to as the “power facilities for special projects” in Paragraph 3) shall not be used unless and until the facilities have undergone and successfully passed an inspection conducted by the Minister of Economy, Trade and Industry in accordance with the Ordinance of the Ministry of Economy, Trade and Industry; provided, however, that this does not apply if the use of such power facilities for business use before inspections is exceptionally permitted by the Ordinance of the Ministry of Economy, Trade and Industry.

2. In the inspection mentioned in the preceding Paragraph, such power facilities for business use as are found to conform to each Item of requirements stated below shall be treated as having passed such inspection:

(1) the said works of installation, change have been performed in accordance with the work plan (including those work plans that have undergone such minor alterations as are prescribed by the Ordinance of the Ministry of Economy, Trade and Industry mentioned in the proviso of Paragraph 1 or 2 of Article 47) that have been approved under the provisions of Paragraph 1 or 2 of Article 47, or the said works have been performed in accordance with the work plan submitted under the provision of Paragraph 1 of the preceding Article (including those work plans that have undergone such minor alterations as prescribed by the Ordinance of the Ministry of Economy, Trade and Industry mentioned in the latter part of the same Paragraph);

(2) the said power facilities for business use are not such that they do not conform to the technological standards established by the Ordinance of the Ministry of Economy, Trade and Industry mentioned in Paragraph 1 of Article 39.

3. The Minister of Economy, Trade and Industry shall, in regard to the inspection specified in Paragraph 1, commission the Japan Nuclear Energy Safety Organization, an incorporated administrative agency (hereinafter referred to as the “Organization”) to perform some of the clerical works related to inspections designed to check whether power facilities for special projects for power generation by means of nuclear power as the prime motive power which are specified in the Ordinance of the Ministry of Economy, Trade and Industry meet all the requirements set forth in the Items of the preceding Paragraph in accordance with the Ordinance of the Ministry of Economy, Trade and Industry.

4. When the Organization has performed some of the clerical works related to inspections as required by the provisions of the preceding Paragraph, it shall give
notification of the results to the Minister of Economy, Trade and Industry without delay in accordance with the Ordinance of the Ministry of Economy, Trade and Industry.

**Article 50.** The Minister of Economy, Trade and Industry may, if the Minister recognizes it necessary to do so on completing the inspection prescribed by Paragraph 1 of the preceding Article on the power facilities for business use mentioned in the same Paragraph, treat the power facilities as having provisionally passed the inspection, subject to a time limit and a mode of employment specified thereon.

2. The power facilities for business use treated as having provisionally passed the inspection under the provisions of the preceding Paragraph shall not be precluded, regardless of the provisions of Paragraph 1 of the preceding Article, from being employed in accordance with the method specified by the preceding Paragraph during the period of time specified by the said Paragraph.

(Preoperational safety management inspection)

**Article 50-2.** A firm which installs power facilities for business use, whose installation or change is subject to notification in accordance with the provisions of Paragraph 1 of Article 48 (excluding those facilities on which notification, required by the provisions of Paragraph 1 of the same Article, has not been given, where orders have been given with respect to the work plan for such facilities in accordance with the provisions of Paragraph 4 of the same Article, and these facilities which are mentioned in Paragraph 1 of Article 49 as those specified in the Ordinance of the Ministry of Economy, Trade and Industry, and which are specified in the Ordinance of the Ministry of Economy, Trade and Industry, shall, before using such power facilities for business use, conduct a voluntary inspection of such power facilities for business use and record the results of the said inspection in accordance with the Ordinance of the Ministry of Economy, Trade and Industry.

2. In inspection mentioned in the preceding Paragraph (hereinafter referred to as “preoperational voluntary inspection”), a check shall be made to examine whether the said power facilities for business use meet both requirements set forth hereunder:

1) the said works of installation and change have been performed in accordance with the work plan notified under the provisions of Paragraph 1 of Article 48 (including those work plans that have undergone such minor alterations as are prescribed by the Ordinance of the Ministry of Economy, Trade and Industry mentioned in the latter part of the same Paragraph);

2) the said power facilities for business use are conforming to the technological standards established by the Ordinance of the Ministry of Economy, Trade and Industry mentioned in Paragraph 1 of Article 39.

3. Firms which install power facilities for business use which are subject to preoperational voluntary inspections shall submit a system for the implementation of preoperational voluntary inspections to an examination which shall be conducted by an organization which is registered by the Minister of Economy, Trade and Industry in the case of those who install power facilities for business use which are specified in the Ordinance of the Ministry of Economy, Trade and Industry, or which shall be conducted by the Minister of Economy, Trade and Industry in the case of other firms, at a time
specified in the Ordinance of the Ministry of Economy, Trade and Industry (or if they have received notification set forth in Paragraph 7, such a time as is specified in the Ordinance of the Ministry of Economy, Trade and Industry according to the results of the past assessment in preoperational voluntary inspections with regard to which such notification has been given).

4. An examination mentioned under the preceding Paragraph shall be conducted on an organization for the implementation of preoperational voluntary inspection, an inspection method, process control and other particulars specified in the Ordinance of the Ministry of Economy, Trade and Industry, for the purpose of securing the safety of power facilities for business use.

5. An organization which is registered by the Minister of Economy, Trade and Industry as set forth under Paragraph 3 shall, when it has conducted an examination under the same Paragraph, notify the results of such examination without delay to the Minister of Economy, Trade and Industry.

6. The Minister of Economy, Trade and Industry shall, based on the results of an examination under Paragraph 3 (including the results of an examination notified in accordance with the provisions of the preceding Paragraph), make a comprehensive assessment on a system for the implementation of preoperational voluntary inspection being maintained by a firm which installs the said power facilities for business use.

7. The Minister of Economy, Trade and Industry shall notify the results of an examination under Paragraph 3 and an assessment under the preceding Paragraph to the firm which has undergone such examination.

(Fuel element inspection)

Article 51. The nuclear fuel material as fuel for a reactor for power generation (hereinafter referred to as the “fuel element”) shall not be put to use unless it has undergone and passed the inspection by the Minister of Economy, Trade and Industry at each stage of the work of processing prescribed by the Ordinance of the Ministry of Economy, Trade and Industry; provided, however, that this shall not apply in the case of Paragraph 3 of this Article and in the case prescribed by the Ordinance of the Ministry of Economy, Trade and Industry.

2. In the case of the inspection mentioned in the preceding Paragraph, the fuel element shall be treated as having passed the inspection if it conforms to each Item of requirements stated below:

(1) the fuel element has been processed in accordance with the design previously approved by the Minister of Economy, Trade and Industry;

(2) the fuel element conforms to the technological standards established by the Ordinance of the Ministry of Economy, Trade and Industry.

3. The imported fuel element shall not be put to use unless it has undergone the inspection by the Minister of Economy, Trade and Industry and has passed it.

4. In the case of the inspection mentioned in the preceding Paragraph, the said fuel element shall be treated as having passed the inspection if the said fuel element is found to conform to the technological standards established by the Ordinance of the Ministry of
Economy, Trade and Industry mentioned in Item (2) of Paragraph 2 of this Article.

5. The Minister of Economy, Trade and Industry shall commission the Organization to perform some of the clerical works related to inspections specified under Paragraphs 1 and 3 in accordance with the Ordinance of the Ministry of Economy, Trade and Industry.

6. The Organization shall, when it has conducted some of the clerical works related to inspections as specified by the preceding Paragraph, notify the results without delay to the Minister of Economy, Trade and Industry in accordance with the Ordinance of the Ministry of Economy, Trade and Industry.

(Welding safety management inspections)

Article 52. A firm which installs power facilities which are boilers, turbines and other machines, equipment or apparatuses for generation of electricity specified by the Ordinance of the Ministry of Economy, Trade and Industry (hereinafter referred to as the “boilers and others”) and whose parts to be subjected to a pressure not lower than that specified by the Ordinance of the Ministry of Economy, Trade and Industry (hereinafter referred to as the “pressure parts”) will be welded (these power facilities to be referred to in Paragraph 3 as the “special boilers and others”), power facilities which are containers for power reactors and other machines, equipment or apparatuses specified by the Ordinance of the Ministry of Economy, Trade and Industry (hereinafter referred to as the “containers and others”) and which will be welded (these power facilities to be referred to in Paragraph 3 as the “special containers and others”), the boilers and others whose pressure parts were welded and which have been imported (these boilers and others to be referred to in Paragraph 3 as the “imported special boilers and others”), or the welded containers and others which have been imported (these containers and others to be referred to in Paragraph 3 as the “imported special containers and others”) shall, prior to use thereof, conduct operator inspections of the said power facilities and keep and maintain a record of the results thereof in accordance with the Ordinance of the Ministry of Economy, Trade and Industry. However, this does not apply if the use of such power facilities before operator inspections is exceptionally permitted by the Ordinance of the Ministry of Economy, Trade and Industry.

2. The inspections specified in the preceding Paragraph (hereinafter referred to as “welding operator inspections”) shall confirm that the said welding is in conformity with the technical standards specified in the Ordinance of the Ministry of Economy, Trade and Industry as set forth in Paragraph 1 of Article 39.

3. Firms which install power facilities subject to welding operator inspections shall submit a system for the implementation of welding operator inspections to an examination which shall be conducted by the Organization in the case of those who install the special boilers and others for power generation with nuclear energy as prime motive power or the imported special boilers and others which are specified in the Ordinance of the Ministry of Economy, Trade and Industry, or who install the imported special containers and others which are specified in the Ordinance of the Ministry of Economy, Trade and Industry, or which shall be conducted by the Minister of Economy, Trade and Industry in the case of other firms, at a time specified in the Ordinance of the Ministry of Economy, Trade and Industry (or if they have received notification set forth in Paragraph 7 of Article 50-2, which shall apply with necessary modifications in Paragraph 5, such a time as is specified.
in the Ordinance of the Ministry of Economy, Trade and Industry according to the results of the past assessment in welding operator inspections with regard to which such notification has been given).

4. The examination specified in the preceding Paragraph shall check an organization responsible for the implementation of welding operator inspections, an inspection method, process control and other particulars prescribed by the Ordinance of the Ministry of Economy, Trade and Industry in order to manage the safety of power facilities.

5. The provisions of Paragraphs 2 to 7 of Article 50-2 shall apply to the examination specified under Paragraph 3 with necessary modifications. In this case, “an organization which is registered by the Minister of Economy, Trade and Industry as set forth under Paragraph 3” in Paragraph 5 of the same Article shall read “the Organization or an organization which is registered by the Minister of Economy, Trade and Industry as set forth under Paragraph 3” and “the said power facilities for business use” in Paragraph 6 of the same Article shall read “the said power facilities.”

(Commencement of use of power facilities for self-generation)

Article 53. A firm which intends to install power facilities for self-generation shall submit to the Minister of Economy, Trade and Industry a report to that effect after, but without delay, the commencement of the use of the said power facilities for self-generation; provided, however, that this shall apply in neither the case of the use of the power facilities for self-generation subject to the approval under the provisions of Paragraph 1 of Article 47 or subject to the submission of the report under the provisions of either Paragraph 4 of Article 47 or Paragraph 1 of Article 48 nor the case specified in the Ordinance of the Ministry of Economy, Trade and Industry.

(Periodical inspection)

Article 54. Firms which install special important power facilities (which refer to boilers, turbines, and other power facilities for power generation which are specified in the Ordinance of the Ministry of Economy, Trade and Industry as those of particular importance for securing public safety and which contain parts which come under pressure higher than such pressure as is prescribed by the Ordinance of the Ministry of Economy, Trade and Industry, and reactors for power generation and attached installations thereof which are specified in the Ordinance of the Ministry of Economy, Trade and Industry; to be so understood in the ensuing Paragraph) shall undergo inspections to be conducted by the Minister of Economy, Trade and Industry at such a time as is specified in the Ordinance of the Ministry of Economy, Trade and Industry; provided, however, that this does not apply where it is otherwise specified in the Ordinance of the Ministry of Economy, Trade and Industry.

2. The Minister of Economy, Trade and Industry shall, in regard to inspections specified under the preceding Paragraph, commission the Organization to perform some of the clerical works related to inspections of special important power facilities for power generation by means of nuclear power as the prime motive power which are specified by the Ordinance of the Ministry of Economy, Trade and Industry in accordance with the Ordinance of the Ministry of Economy, Trade and Industry.
3. The Organization shall, when it has conducted some of the clerical works related to inspections as specified by the preceding Paragraph, notify the results without delay to the Minister of Economy, Trade and Industry in accordance with the Ordinance of the Ministry of Economy, Trade and Industry.

(Periodical safety management inspection)

Article 55. Firms which install special power facilities (which refer to boilers, turbines, and other power facilities for power generation which are specified in the Ordinance of the Ministry of Economy, Trade and Industry and which contain parts which come under pressure higher than the pressure specified in Paragraph 1 of the preceding Article, and reactors for power generation and attached installations thereof which are specified in the Ordinance of the Ministry of Economy, Trade and Industry; to be so understood hereinafter) shall conduct operator inspections of such special power facilities periodically and keep and maintain a record of the results thereof in accordance with the Ordinance of the Ministry of Economy, Trade and Industry.

2. The inspection specified in the preceding Paragraph (hereinafter referred to “periodical operator inspections”) shall confirm that the said special power facilities are in conformity with the technical standards specified in the Ordinance of the Ministry of Economy, Trade and Industry.

3. With respect to special power facilities for power generation with nuclear energy as prime motive power which are specified in the Ordinance of the Ministry of Economy, Trade and Industry, if periodical operator inspections find that after the lapse of a certain period of time, any portion of such special power facilities is likely to fail to conform with the technical standards under Paragraph 1 of Article 39 which are specified in the Ordinance of the Ministry of Economy, Trade and Industry, firms which install special power facilities subject to periodical operator inspections shall, as required by the Ordinance of the Ministry of Economy, Trade and Industry, make an assessment of the said facilities in regard to the time that such portion is likely to fail to conform with the technical standards under the same Paragraph as specified in the Ordinance of the Ministry of Economy, Trade and Industry, and other particulars prescribed by the Ordinance of the Ministry of Economy, Trade and Industry, register and maintain a record of the results of the assessment, and make a report on the particulars prescribed by the Ordinance of the Ministry of Economy, Trade and Industry to the Minister of Economy, Trade and Industry.

4. Firms which install special power facilities subject to periodical operator inspections shall submit a system for the implementation of periodical operator inspections to an examination which shall be conducted by the Organization in the case of those who install special power facilities for power generation with nuclear energy as prime motive power which are specified in the Ordinance of the Ministry of Economy, Trade and Industry, or by an organization which is registered by the Minister of Economy, Trade and Industry in the case of those who install special power facilities for power generation other than special power facilities for power generation with nuclear energy as prime motive power which are specified in the Ordinance of the Ministry of Economy, Trade and Industry, or which shall be conducted by the Minister of Economy, Trade and Industry in the case of other firms, at a time specified in the Ordinance of the Ministry of Economy, Trade and Industry (or if they have received notification set forth in Paragraph 7 of Article 50-2, which shall apply with necessary modifications in Paragraph 6, such a time as is
specified in the Ordinance of the Ministry of Economy, Trade and Industry according to the results of the past assessment in periodical operator inspections with regard to which such notice has been given).

5. The examination specified in the preceding Paragraph shall check an organization responsible for the implementation of periodical operator inspections, an inspection method, process control and other particulars prescribed by the Ordinance of the Ministry of Economy, Trade and Industry in order to manage the safety of special power facilities.

6. The provisions of Paragraphs 5 to 7 of Article 50-2 shall apply to the examination specified in Paragraph 4 with necessary modifications. In this case, “an organization which is registered by the Minister of Economy, Trade and Industry as set forth under Paragraph 3” in Paragraph 5 of the same Article shall read “the Organization or an organization which is registered by the Minister of Economy, Trade and Industry as set forth under Paragraph 4” and “the said power facilities for business use” in Paragraph 6 of the same Article shall read “the said special power facilities.”

Subsection 4. Succession

(Succession of the standing of a firm which installs power facilities for business use)

Article 55-2. In the event that a firm which installs power facilities for business use becomes involved in succession, amalgamation or a split-off (including and limited to a split-off involving succession of such power facilities for business use), the successor or the juridical person who continues to exist after the amalgamation, or the juridical person who has been created in consequence of the amalgamation, or the juridical person who has succeeded the said power facilities for business use in consequence of the split-off shall succeed to the standing of the said firm which installs power facilities for business use as set forth in the provisions of this Law.

2. A firm which has succeeded to the standing of the said firm which installs power facilities for business use in accordance with the provisions of the preceding Paragraph shall give notification to that effect without delay to the Minister of Economy, Trade and Industry, along with a document certifying the fact.
Section 3. Power Facilities for General Use

(Order to conform to technological standards)

Article 56. The Minister of Economy, Trade and Industry may, when the Minister finds that any of the power facilities for general use does not conform to the technological standards established by the Ordinance of the Ministry of Economy, Trade and Industry, either order the owner or the possessor of the said power facilities for general use to repair, to remodel or to remove them so as to make it conform to the said technological or suspend or restrict their use.

2. The provisions of Paragraph 2 (excluding Items 3 and 4) of Article 39 shall apply with necessary modifications to the Ordinance of the Ministry of Economy, Trade and Industry mentioned in the preceding Paragraph.

(Obligation of conducting investigation)

Article 57. A firm which undertakes supply of electricity consumed by power facilities for general use (to be referred to as “an electricity supplier” in this Article, the following Article and Article 89 hereafter) shall conduct investigation, as provided for in the Ordinance of the Ministry of Economy, Trade and Industry, to ascertain whether the said power facilities for general use conform to the technological standards established by the Ordinance of the Ministry of Economy, Trade and Industry mentioned in Paragraph 1 of the preceding Article; provided, however, that this shall not apply in the case where the permission of the owner or the possessor of the power facilities for general use cannot be obtained permission for entering the place where the said power facilities for general use are installed.

2. An electricity supplier shall, if it finds any inconformity in the power facilities for general use to the technological standards established by the Ordinance of the Ministry of Economy, Trade and Industry mentioned in Paragraph 1 of the preceding Article as a result of the investigation under the provisions of the preceding Paragraph, give a notification without delay to the owner or the possessor of the power facilities for general use as to the measure for making the said power facilities for general use conform to the said technological standards and as to the consequence liable to ensure if such measure is not taken accordingly.

3. The Minister of Economy, Trade and Industry may, if the electricity supplier does neither conduct the investigation prescribed in Paragraph 1 nor send the notification prescribed by the preceding Paragraph or else the method of the said investigation or of the said notification is not appropriate, order the said supplier to conduct the said investigation or to give the said notification or to improve the said method of investigation or of notification.

4. An electricity supplier shall provide a book and shall enter in the said book such matters as are prescribed by the Ordinance of the Ministry of Economy, Trade and Industry regarding the operations concerning both the investigation prescribed by Paragraph 1 and the notification prescribed by Paragraph 2 of this Article.

5. The book prescribed by the preceding Paragraph shall be preserved as provided
for in the Ordinance of the Ministry of Economy, Trade and Industry.

(Entrustment of investigation operations)

**Article 57-2.** An electricity supplier may entrust an agency which is registered by the Minister of Economy, Trade and Industry (hereinafter referred to as the “registered investigation agency”) to carry out an investigation as to whether or not power facilities for general use which are to use electricity supplied by the electricity supplier are in conformity with such technological standards as are specified in the Ordinance of the Ministry of Economy, Trade and Industry under Paragraph 1 of Article 56, and if the investigation finds that such power facilities for general use are found not in conformity with the said technological standards, to inform the owner or possessor of such power facilities for general use of measures to be taken to make them conform to the said technological standards and the possible consequences of a failure to take such measures (these jobs hereinafter to be referred to as “investigation operations”).

2. An electricity supplier shall, when it has entrusted the investigation operations to any of the designated investigation agencies under the provisions of the preceding Paragraph, submit without delay to the Minister of Economy, Trade and Industry a report to that effect. The same shall apply in the case where the contract that covers the said entrustment has ceased to be effective.

3. The provisions of Paragraph 1 of the preceding Article shall not, so long as the electricity supplier has entrusted the investigation operations to the registered investigation agency prescribed by Paragraph 1 of this Article, apply to the power facilities for general use covered by the contract for the said entrustment.
(Temporary use)

**Article 58.** The electricity industry utility may, when it is necessary and unavoidable to use other people’s land or the building or other structure firmly affixed to the said land (hereinafter inclusively referred to as the “land and others”) for the purposes stated below, use temporarily such land and others so far as such use does not seriously hinder the utilization of the said land and others; provided, however, that in the case of the use of the building or other structures such use shall exclusively be for supporting the power line (inclusive of the communication lines necessary for maintenance and operation of the said power line) or other equipment or facilities attached thereto (hereinafter referred to as the “power lines” inclusively):

1. to provide a lot for either storing materials or parking motor vehicles or dumping earth and rock or using it as a work yard or for erecting a scaffold for stringing overhead power lines or aerial cable-ways, necessary for performing engineering works concerning the power lines employed for conducting the said business of the electricity industry;

2. to erect an power line for an urgent supply of electricity in the event of natural calamity or accidents of other case of emergency;

3. to place a survey marker for constructing or installing power facilities necessary for conducting business of the electricity industry.

2. The electricity industry utility shall, in case it intends to temporarily use other people’s land and others under the provisions of the preceding Paragraph, obtain the permission of the Minister of Economy, Trade and Industry for such use; provided, however, that this shall not apply in cases where such use is to be made temporarily for a period of 15 days or shorter in case of occurrence of such state of emergency like natural calamities, accidents, etc.

3. The Minister of Economy, Trade and Industry shall, upon the application for the Minister’s permission mentioned in the preceding Paragraph, notify the owner and the possessor of the said land and others to that effect and shall give them an opportunity for presenting written statements of their opinions.

4. The electricity industry utility shall, when the firm intends to temporarily use other people’s land and others under the provisions of Paragraph 1 of this Article, notify in advance the possessor of the said land and others to that effect; provided, however, that if there is any difficulty in notifying the possessor in advance, it shall suffice to notify the possessor without delay after the commencement of such use.

5. The electricity industry utility shall, in case the land and others that the firm intends to use temporarily under the provisions of Paragraph 1 of this Article are being used for residential purposes, obtain consent of the resident thereof.

6. The period of temporary use mentioned in Paragraph 1 of this Article shall not exceed six months (one year in both the cases of a temporary erection of power lines under the provisions of Item (2) of Paragraph 1 or of a temporary use made under the provisions of Item (3) of Paragraph 1 of this Article).
7. A firm which enters other people’s land and others for the temporary use of them under the provisions of Paragraph 1 of this Article shall have with it a document certifying that it has obtained the permission mentioned in Paragraph 2 of this Article, and shall produce the document whenever requested by any of interested parties to do so; provided, however, that this shall not apply in the case of the proviso of the same Paragraph.

(Entry)

**Article 59.** An electricity industry utility may, when necessary for conducting a survey or an on-site investigation of the power facilities to be used for the electricity industry, enters other people’s land with the permission of the Minister of Economy, Trade and Industry.

2. The provisions of Paragraph 3 of the preceding Article shall apply with necessary modifications in the case where application for the permission mentioned in the preceding Paragraph has been made.

3. The provisions of Paragraphs 4, 5 and 7 of the preceding Article shall apply with necessary modifications in the case where the electricity industry utility enters other people’s land under the provisions of Paragraph 1 of this Article.

(Passage)

**Article 60.** An electricity industry utility may, when necessary for performing work on the power line employed for conducting business of the electricity industry or for maintaining the said power line, pass over other people’s land.

2. An electricity industry utility which passes over other people’s land under the provisions of the preceding Paragraph shall have with it a certificate evidencing its status, and shall produce the said certificate whenever requested by any of interested parties to do so.

3. The provisions of both the Paragraphs 4 and 5 of Article 58 shall apply with necessary modifications in the case where the electricity industry utility passes over other people’s land under the provisions of Paragraph 1 of this Article.

(Felling or transplanting trees or other plants)

**Article 61.** An electricity industry utility may, in cases where a tree or other plant is giving, or is liable to give, harm to an power line employed for conducting business of the electricity industry or where a tree or other plant is interfering with a survey or with an on-site investigation to be conducted either with regard to the power facilities to be used for the electricity industry or with regard to a work to be performed on the power line employed for conducting business of the electricity industry, fell or transplant the said tree or other plant, if it is unavoidable to do so, upon obtaining the permission of the Minister of Economy, Trade and Industry.

2. An electricity industry utility shall, when it intends to fell or transplant a tree or other plant under the provisions of the preceding Paragraph, notify in advance the owner of the said tree or other plant; provided, however, that if there is difficulty in notifying thereof in advance, it shall suffice to notify the said owner without delay after such felling
or transplanting has been effected.

3. An electricity industry utility may, in cases where a tree or other plant is giving harm to a power line employed for conducting business of the electricity industry and where it is recognized that there is apprehension that such harm if left unattended is liable to give substantial damage to the power lines and thereby seriously impede the supply of electricity, or cause hazards such as fire and others to disturb public safety, fell or transplant the said tree or other plant without obtaining the said permission of the Minister of Economy, Trade and Industry regardless of the provisions of Paragraph 1 of this Article. In these cases, the said firm shall submit the report to the Minister of Economy, Trade and Industry and notify the owner of the said tree or plant to that effect after, but without delay, having effected the said felling or transplanting.

4. The provisions of Paragraph 3 of Article 58 shall apply with necessary modifications in the case where the application for the permission mentioned in Paragraph 1 of this Article has been made.

(Compensation for loss)

Article 62. An electricity industry utility shall, when there has been caused a loss to other person because the electricity industry utility has temporarily used the said other people’s land and others under the provisions of Paragraph 1 of Article 58, or because it has entered the said other people’s land under the provisions of Paragraph 1 of Article 59, or because it has passed over the said other people’s land under the provisions of Paragraph 1 of Article 60, or because it has felled or transplanted a tree or other plant under the provisions of either Paragraph 1 or 3 of the preceding Article, compensate the said person for such loss that normally entails.

Article 63. Regarding compensation for the loss under the provisions of the preceding Article, if the electricity industry utility and the person who has sustained the loss either cannot enter into the negotiation or have failed to conclude the negotiation, either the electricity industry utility or the person that has sustained the said loss, may make an application for a ruling to a prefectural governor who has jurisdiction over such land and others or a place where such land or a tree or other plant causing interference is located.

2. The provisions of Paragraphs 2, 3 and 4 of Article 32 and of Article 33 shall apply with necessary modifications in the case of the ruling mentioned in the preceding Paragraph. In this case, the words “the Minister of Economy, Trade and Industry” in Paragraphs 2 and 3 of Article 32 shall read “the competent prefectural governor.”

3. In the ruling to the effect that the compensation should be made, there shall be specified the amount, the time and the method of payment of the said compensation.

(Obligation of restoring the original condition)

Article 64. An electricity industry utility shall, when it has finished the temporary use of the land and others under the provision of Paragraph 1 of Article 58, return the said land and others to their owner or owners after restoring the said land and others to their original condition or, if the original condition is not restored, return the said land and others after
compensating the owner for the loss that may normally accrue from non-restoration to their original condition.

(Use of public land)

Article 65. The electricity industry utility or wholesale supplier may, when necessary to construct the power line employed for conducting businesses of the electricity industry or of wholesale supply on a road, bridge, ditch, river, bank or else on a land for public use, use them with the permission of the competent administrator so far as such use does not impair their utility.

2. In the case of the preceding Paragraph, the electricity industry utility or wholesale supplier shall pay the rent as fixed by the said administrator for such use.

3. In case the said administrator refuses without a justifiable reason to grant the permission mentioned in Paragraph 1 of this Article, or in case the amount of the said rent fixed by the said administrator is not fair and proper, the competent Minister (who refers to the Minister who has control over the administration of roads, bridges, ditches, rivers, banks or else on a land for public utilization mentioned in the same Paragraph) may grant the permission to use or fix the rent upon application from the electricity industry utility or wholesale supplier.

4. The provisions of the preceding three Paragraphs shall apply neither to the road specified by the Road Law (Law No. 180, 1952) nor to the land within the boundary of the area that is to be developed into the road specified by Paragraph 1 of Article 18 of the same Law nor to the things set up on the said land as to be the accessories to the said road.

5. The competent Minister shall consult in advance with the Minister of Economy, Trade and Industry in the cases specified below:

(1) when the competent Minister intends either to permit the use or to fix the amount of rent under the provisions of Paragraph 3 of this Article.

(2) in case the electricity industry utility or wholesale supplier intends to occupy and use the road or the land within the boundary of an area to be developed into the road or the thing set up on the said land so as to be accessory to the said road, all as specified by the preceding Paragraph, for erecting its power line for conducting the electricity industry or wholesale supply and when the competent Minister intends either to effect a ruling on the request for reinvestigation of, or to give a decision on the objection raised against, either fixing, under the provisions of Paragraph 1 of Article 39 of the Road Law (inclusive of the case of Paragraph 2 of Article 91 of the Road Law where the said provisions apply with necessary modifications), the rent to be collected by the administrator of the said road or imposing conditions, under the provisions of Paragraph 1 of Article 87 of the Road Law (inclusive of the case of Paragraph 2 of Article 91 of the Road Law where the said provisions apply with necessary modifications), on the permission or on the approval.

(Application with necessary modifications)

Article 66. The provisions in Paragraph 3 of Article 61, and provisions in Article 62 and Article 63 shall apply with necessary modifications to the firm which installs power
facilities for self-generation.  In the application, “give substantial damage to the power lines and thereby seriously impede the supply of electricity, or cause hazards such as fire and others to disturb public safety” stated in Paragraph 3 of Article 61 shall read “cause fire or other disasters, thus disturbing the public safety.”
CHAPTER V. REGISTERED SAFETY MANAGEMENT EXAMINATION AGENCY, DESIGNATED EXAMINATION AGENCY, AND REGISTERED INVESTIGATION AGENCY

Section 1. Registered Safety Management Examination Agency

(Registration)

Article 67. Registration under Paragraph 3 of Article 50-2, Paragraph 3 of Article 52 or Paragraph 4 of Article 55 shall be made in response to an application from firms who intend to conduct any of the examinations pursuant to the provisions of the Ordinance of the Ministry of Economy, Trade and Industry (hereinafter referred to collectively as “safety management examinations”) according to the following categories of examination (hereinafter referred to simply as the “examination category or categories”):

(1) the examination under Paragraph 3 of Article 50-2;
(2) the examination under Paragraph 3 of Article 52; or
(3) the examination under Paragraph 4 of Article 55.

(Disqualification)

Article 68. A person who falls under one of the following categories shall be disqualified for registration under Paragraph 3 of Article 50-2, Paragraph 3 of Article 52 or Paragraph 4 of Article 55:

(1) a person who breached this Law or any of the provisions of an order issued under this Law, was sentenced to a fine or a heavier penalty, and who has been not for two years as yet after the day that he/she completed his/her sentence or he/she was relieved of his/her sentence;
(2) a person whose registration was canceled in accordance with the provisions of Article 78 and who has not been for two years as yet after the day that his/her registration was canceled; or
(3) a juridical person who has any one of officers performing its business operations who falls under either one of the categories set forth in the preceding two Items.

(Registration standards)

Article 69. The Minister of Economy, Trade and Industry shall grant registration if a person who applies for registration in accordance with the provisions of Article 67 (to be referred in this Paragraph as the “registration applicant”) meets all of the requirements set forth hereunder. In this case, the procedures necessary for registration shall be prescribed by the Ordinance of the Ministry of Economy, Trade and Industry:

(1) A person who falls under one of the requirements described hereunder shall carry out
safety management examinations and two or more such persons shall be available for each examination category:

(a) persons who completed the prescribed course in electrical engineering, civil engineering, mechanical engineering or management engineering, or the course equivalent thereto at, and graduated from, any of the universities (excluding junior colleges) under the School Education Law (Law No. 26 of 1947) or under the old Universities Ordinance (Imperial Decree No. 388 of 1918) and who have been engaged for a total of more than two years in practical business affairs concerning the construction, maintenance or operation of power facilities or concerning safety management examinations;

(b) persons who completed the prescribed course in electrical engineering, civil engineering, mechanical engineering or management engineering, or the course equivalent thereto at, and graduated from, any of the junior colleges or technical colleges under the School Education Law, or any of the technical schools under the old Technical Schools Ordinance (Imperial Decree No. 61 of 1903) and who have been engaged for a total of more than four years in practical business affairs concerning the construction, maintenance or operation of power facilities or concerning safety management examinations; or

(c) persons who have been engaged for a total of more than six years in practical business affairs concerning the construction, maintenance or operation of power facilities or concerning safety management examinations.

(2) Registration applicants who are controlled by persons who install power facilities which shall be subjected to safety management examinations in accordance with the provisions of Paragraph 3 of Article 50-2, Paragraph 3 of Article 52 or Paragraph 4 of Article 55 (to be referred to in this Paragraph as the “persons installing power facilities subject to examinations”) shall not fall under any one of the following categories:

(a) if the registration applicant is a corporation or limited liability company, its parent company (which refers to a parent company under Paragraph 1 of Article 211-2 of the Commercial Law (Law No. 48 of 1899)) shall be a person installing power facilities subject to examinations;

(b) officers or employee of a person installing power facilities subject to examinations (including those who have been officers or employee of the person installing power facilities subject to examinations for the past two years) shall account for more than half the officers of the registration applicant (in the case of an unlimited partnership or a limited partnership, officers with executive power to perform operations); or

(c) the registration applicant (in the case of a juridical person, representative officer) shall be an officer or employee of the person installing power facilities subject to examinations (including those who have been officers or employee of the person installing power facilities subject to examinations for the past two years).

2. Registration under Paragraph 3 of Article 50-2, Paragraph 3 of Article 52 or Paragraph 4 of Article 55 shall be made with the following particulars being entered in a registry of safety management examination agencies:
(1) a date of registration and a registration number;
(2) name or trade name and address of a person who was registered, and the name of a representative if the registered person is a juridical person; and
(3) an examination category.

(Renewal of registration)

Article 70. Registration under Paragraph 3 of Article 50-2, Paragraph 3 of Article 52 or Paragraph 4 of Article 55 shall become invalid after the lapse of such a period of time as is fixed in the Government Ordinance within the limit of three years unless it is renewed each time such period expires.

1. The provisions of the preceding three Articles shall apply to the renewal of registration under the preceding Paragraph with necessary modifications.

(Obligation of safety management examination)

Article 71. An organization which has been registered in accordance with the provisions of Paragraph 3 of Article 50-2, Paragraph 3 of Article 52 or Paragraph 4 of Article 55 (hereinafter referred to as the “registered safety management examination agency”) shall conduct safety management examinations without delay when it is requested to perform such examinations unless there is proper reason for a delay.

2. A registered safety management examination agency shall conduct safety management examinations fairly and by a method prescribed by the Ordinance of the Ministry of Economy, Trade and Industry.

3. When a registered safety management examination agency intends to conduct safety management examinations, it shall cause persons specified by Item (1) of Paragraph 1 of Article 69 to carry out safety management examinations.

(Change of a place of business)

Article 72. When a registered safety management examination agency intends to change the address of its place of business where it conducts safety management examinations, it shall notify the Minister of Economy, Trade and Industry of the change no later than two weeks before the day that it intends to change the address of its place of business.

(Operation rule)

Article 73. A registered safety management examination agency shall formulate a rule for its operations related to safety management examinations (to be referred to in this Section as the “operation rule”), and notify the Minister of Economy, Trade and Industry of the rule before it starts operations related to safety management examinations. The same also applies when the agency intends to change the operation rule.

2. The operation rule shall provide for a method for carrying out safety management examinations, a method for determining fees for safety management examinations and
other particulars specified in the Ordinance of the Ministry of Economy, Trade and Industry.

(Suspension or discontinuance of operations)

**Article 74.** When a registered safety management examination agency intends to suspend or discontinue all or some of the safety management examination operations, it shall give notification to that effect in advance to the Minister of Economy, Trade and Industry in accordance with the Ordinance of the Ministry of Economy, Trade and Industry.

(Keeping of and access to financial statements and others)

**Article 75.** A registered safety management examination agency shall, within three months after the end of each business year, prepare an inventory of assets, a balance sheet, a profit and loss statement or statement of revenues and expenditures, and a sales report or business report for the business year (including electronic records if these documents are prepared in electronic records [which refer to records which are electronically, magnetically or otherwise prepared in a form that the human organs of perception cannot recognize and are made available for information processing by an electronic computer; to be so understood in this Article] or if these documents are electronically recorded instead of being prepared in the form of electronic records; these documents to be referred to in the ensuing Paragraph and Article 122-2 as the “financial statements and others”), and maintain the same at its business establishment for five years.

2. Firms which install power facilities subject to preoperational voluntary inspections, welding operator inspections or periodical operator inspections and other stakeholders may make the following requests at any time during the office hours of a registered safety management examination agency; provided, however, that a fee determined by the registered safety management examination agency shall be paid to make the request under Item (2) or (4):

1. a request for the reading or copying of the written financial statements and others if prepared in writing;
2. a request for a certified or an abridged copy of the written financial statements and others under the preceding Item;
3. if the financial statements and others are prepared in electronic records, a request for the reading or copying of the particulars recorded in the electronic records as displayed in such a human-readable manner as is specified in the Ordinance of the Ministry of Economy, Trade and Industry; and
4. a request for the provision of the particulars recorded in the electronic records under the preceding Item in such an electromagnetic manner as is specified in the Ordinance of the Ministry of Economy, Trade and Industry or for the delivery of a document containing the said particulars.

(Order for conformity)
Article 76. If the Minister of Economy, Trade and Industry finds that a registered safety management examination agency is no longer in conformity with any of the provisions of the Items of Paragraph 1 of Article 69, the Minister may order the registered safety management examination agency to take necessary steps to attain conformity with the said provisions.

(Order for improvement)

Article 77. If the Minister of Economy, Trade and Industry finds that a registered safety management examination agency is in breach of the provisions of Article 71, the Minister may order the registered safety management examination agency to carry out safety management examinations or to take necessary steps to improve the safety management examination method and other methods for conducting operations.

(Cancellation of registration, etc.)

Article 78. The Minister of Economy, Trade and Industry may cancel the registration under Paragraph 3 of Article 50-2, Paragraph 3 of Article 52 or Paragraph 4 of Article 55, or order a registered safety management examination agency to suspend its safety management examination operations wholly or in part for a prescribed period of time, if one of the following Items applies to the registered safety management examination agency:

1. the registered safety management examination agency is in breach of any of the provisions of Paragraph 5 of Article 50-2 (including cases where the provisions of Paragraph 5 of Article 50-2 apply with necessary modifications in Paragraph 5 of Article 52 or in Paragraph 6 of Article 55), Article 71, Article 72, Paragraph 1 of Article 73, Article 74, Paragraph 1 of Article 75, or the ensuing Article; or

2. the conditions stipulated in Item (1) or Item (3) of Article 68 have become applicable to the registered safety management examination agency;

3. the registered safety management examination agency refuses to comply with any of the requests made pursuant to the provisions of the Items of Paragraph 2 of Article 75;

4. the registered safety management examination agency disobeys an order issued pursuant to the provisions of the preceding two Articles; or

5. the registered safety management examination agency has secured the registration under Paragraph 3 of Article 50-2, Paragraph 3 of Article 52 or Article 4 of Article 55 by illegal means.

(Bookkeeping)

Article 79. A registered safety management examination agency shall maintain books and record the particulars related to the safety management examination operations which are specified by the Ordinance of the Ministry of Economy, Trade and Industry in the books.

2. The books under the preceding Paragraph shall be kept as prescribed by the Ordinance of the Ministry of Economy, Trade and Industry.
(Performance of safety management examination operations by the Minister of Economy, Trade and Industry)

Article 80. The Minister of Economy, Trade and Industry shall be authorized to personally perform the safety management examination operations wholly or in part if there is no firm which desires to obtain the registration under Paragraph 3 of Article 50-2, Paragraph 3 of Article 52 or Paragraph 4 of Article 55, if in accordance with the provisions of Article 74, a firm has given notification that it intends to suspend or discontinue all or some of the safety management examination operations, if in accordance with the provisions of Article 78, the Minister has canceled the designation under Paragraph 3 of Article 50-2, Paragraph 3 of Article 52 or Paragraph 4 of Article 55, or ordered a registered safety management examination agency to suspend its safety management examination operations wholly or in part, if a natural calamity or other circumstances have made it difficult for a registered safety management examination agency to carry out all or a part of its safety management examination operations, or if the Minister deems it necessary to do so for other reasons.

2. The handing over of safety management examination operations and other necessary formalities to be followed when the Minister of Economy, Trade and Industry personally performs the safety management examination operations wholly or in part pursuant to the provisions of the preceding Paragraph shall be provided for in the Ordinance of the Ministry of Economy, Trade and Industry.

Section 2. Designated Examination Agency

(Designation)

Article 81. The designation specified in Paragraph 2 of Article 45 shall be exercised upon request of a firm which intends to perform the examination clerical work, in accordance with provisions in the Ordinance of the Ministry of Economy, Trade and Industry.

2. The Minister of Economy, Trade and Industry shall not perform the designated examination clerical work when the Minister exercises the designation provided in Paragraph 2 of Article 45.

(Disqualification)

Article 82. A person corresponding to any of the following Items shall not be designated under Paragraph 2 of Article 45:

1. a person who breached this Law or any of the provisions of an order issued under this Law, was sentenced to a fine or a heavier penalty, and who has been not for two years as yet after the day that he/she completed his/her sentence or he/she was relieved of his/her sentence;

2. a person whose designation has been canceled in accordance with the provisions of Paragraph 2 of Article 87 and who has not been for two years as yet after the day of cancellation; or

3. any one of the officers falls under either of the following categories:
(a) a person corresponding to Item (1) above; or
(b) a person who has been dismissed by order issued in accordance with the provisions of Article 84-5 and who has not been for two years as yet after the date of the Minister’s dismissal.

(Standard for designation)

Article 83. The Minister of Economy, Trade and Industry shall not exercise designation unless there is no other firm designated under Paragraph 2 of Article 45 and the application in accordance with the same Paragraph conforms to all conditions specified in the following Items.

(1) the plan of the applicant for performing the examination clerical work including the personnel and facility possessed by the applicant, and the method of performing the work are appropriate for proper execution of the examination clerical work.

(2) the applicant possesses sufficient financial and technical resources for executing its plan for performing the examination clerical work prescribed in the preceding Item.

(3) the applicant is a juridical person established under the provisions of Article 34 of the Civil Code of Japan.

(4) if the applicant is engaged in businesses other than the examination clerical work, other activities of the applicant are of such nature that they do not obstruct applicant’s fair performance of the examination clerical work.

(Examination personnel)

Article 84. The designated examination agency shall, in conducting the examination clerical work, have the work performed by the examination personnel who are responsible for the clerical work of making judgment on the level of knowledge and technique required for acquisition of the chief engineer’s license as specified in Items (1) through (3) of Paragraph 1 of Article 44.

2. The designated examination agency shall select the examination personnel from persons who are qualified of the conditions stipulated in the Ordinance of the Ministry of Economy, Trade and Industry.

3. The designated examination agency shall, upon selecting the examination personnel, must report to the Minister of Economy, Trade and Industry in accordance with the provisions in the Ordinance of the Ministry of Economy, Trade and Industry. The report shall also be placed when the examination personnel are replaced.

(Operation rule)

Article 84-2. A designated examination agency shall formulate a rule for its examination clerical work (to be referred to in this Section as the “operation rule”) and obtain approval for the operation rule from the Minister of Economy, Trade and Industry. The same also applies when the agency intends to change the operation rule.

2. Particulars to be provided for in the operation rule shall be prescribed by the
Ordinance of the Ministry of Economy, Trade and Industry.

3. If the Minister of Economy, Trade and Industry finds that the operation rule approved by the Minister pursuant to Paragraph 1 has become inappropriate in conducting the examination clerical works fairly, the Minister may order a designated examination agency to amend the operation rule.

(Suspension or discontinuance of examination operations)

Article 84-2-2. A designated examination agency shall not suspend or discontinue a part or all of the examination clerical works without approval of the Minister of Economy, Trade and Industry.

(Business plan and others)

Article 84-3. The designated examination agency shall, before the beginning of each business year (or without delay after designation in the business year in which it is designated under Paragraph 2 of Article 45), formulate the business plan and the revenues and expenditure budget, and have the plan and the budget approved by the Minister of Economy, Trade and Industry. Such approval shall also be secured in changing the plan or budget.

2. The designated examination agency shall, within three months after the end of each business year, prepare a business report and a statement of accounts for the business year concerned and submit them to the Minister of Economy, Trade and Industry.

(Election and dismissal of officers)

Article 84-4. The election and dismissal of an officer of the designated examination agency are not effective unless such actions are approved by the Minister of Economy, Trade and Industry.

(Order of dismissal)

Article 84-5. If an officer or examination personnel of a designated examination agency breaches this law, provisions in the ordinances under this law, or the operation rule, the Minister of Economy, Trade and Industry may order the designated examination agency to have the officer or the examination personnel dismissed.

(Duty of secrecy)

Article 85. An officer or an employee (including examination personnel) of the designated examination agency, or any one who once occupied such status, shall not release any confidential information which he/she obtained in the examination clerical work.

(Status of directors and employees)

Article 85-2. Officers or employees (including examination personnel) of a designated examination agency who are engaged in the examination clerical works shall be regarded
as the personnel involved in public affairs in accordance with laws and ordinances in the application of the Criminal Law (Law No. 45 of 1907) and other penal regulations.

(Order for conformity, etc.)

Article 86. The Minister of Economy, Trade and Industry may, when the Minister recognizes that the designated examination agency no longer conforms to the each Item stipulated in Article 83 (excluding Item (3) hereafter), order the designated examination agency to take necessary actions to make itself conform to each Item.

2. The Minister of Economy, Trade and Industry may, other than the order under the preceding Paragraph, issue necessary orders to the designated examination agency at the Minister’s discretion with regard to supervising the examination clerical work when the Minister deems it necessary.

(Cancellation of designation, etc.)

Article 87. The Minister of Economy, Trade and Industry shall cancel the designation under Paragraph 2 of Article 45 when the designated examination agency no longer conforms to provision in Item (3) of Article 83.

2. The Minister of Economy, Trade and Industry may cancel the designation under Paragraph 2 of Article 45, or order a designated examination agency to suspend its examination clerical works wholly or in part for a prescribed period of time, if one of the following cases applies to the designated examination agency:

(1) the conditions stipulated in Item (1) or Item (3) of Article 82 become applicable to the designated examination agency;

(2) the designated examination agency is in breach of any of the provisions of Article 84, Paragraph 1 of Article 84-2, Article 84-2-2, Article 84-3 or the ensuing Article;

(3) the designated examination agency has carried out the examination clerical works without complying with the operation rule which obtained the approval under Paragraph 1 of Article 84-2;

(4) the designated examination agency disobeys an order issued pursuant to the provisions of Paragraph 3 of Article 84-2, Article 84-5 or the preceding Article; or

(5) the designated examination agency has secured the designation under Paragraph 2 of Article 45 by illegal means.

(Bookkeeping)

Article 87-2. A designated examination agency shall maintain books and record the particulars related to the examination clerical works which are specified by the Ordinance of the Ministry of Economy, Trade and Industry in the books.

2. The books under the preceding Paragraph shall be kept as prescribed by the Ordinance of the Ministry of Economy, Trade and Industry.
(Examination by the Minister of Economy, Trade and Industry)

**Article 88.** When a designated examination agency has suspended all or some of its examination clerical works with approval given under Article 84-2-2, when the Minister of Economy, Trade and Industry has ordered the designated examination agency to suspend all or some of its examination clerical works in accordance with the provisions of Paragraph 2 of Article 87 or when the Minister finds it necessary because natural disaster or other circumstances make it difficult for the designated examination agency to perform all or some of its examination clerical works, the Minister of International Trade and Agency shall personally conduct all or some of such examination clerical works.

2. The procedures and other necessary matters for handing over the examination clerical works, which are required when the Minister of Economy, Trade and Industry personally conducts all or some of the examination clerical works in accordance with the provisions of the preceding Paragraph, when the designated examination agency suspends all or some of the examination clerical works with approval specified in Article 84-2-2, or when the Minister of Economy, Trade and Industry has canceled designation of the designated examination agency in accordance with the provisions of Article 87, shall be provided for in the Ordinance of the Ministry of Economy, Trade and Industry.

**Section 3. Registered Investigation Agency**

(Registration)

**Article 89.** The registration prescribed by Paragraph 1 of Article 57-2 shall be effected on application from the firm which intends to administer the investigation operations commissioned by the electricity supplier in accordance with the Ordinance of the Ministry of Economy, Trade and Industry.

(Registration standards)

**Article 90.** The Minister of Economy, Trade and Industry shall grant registration if a person who applies for registration in accordance with the provisions of the preceding Article meets all of the requirements set forth hereunder. In this case, the procedures necessary for registration shall be prescribed by the Ordinance of the Ministry of Economy, Trade and Industry:

1) Investigation operations shall be performed using the following measuring instruments:
   (a) insulation resistance testers;
   (b) ground resistance testers;
   (c) leakage current meters;
   (d) alternating-current ampere meters; and
   (e) alternating-current voltmeters.

2) Persons who fall under one of the following categories shall carry out investigation operations:
(a) persons who hold the classes of chief engineers’ licenses specified under Items (1) through (3) of Paragraph 1 of Article 44;
(b) class-1 electricians specified in Paragraph 1 of Article 3 of the Electrician Law (Law No. 139 of 1960) or class-2 electricians specified in Paragraph 2 of the same Article; or
(c) persons who completed the prescribed course in electrical engineering or the course equivalent thereto at, and graduated from, any of the universities, technical colleges, senior high schools or junior high schools under the School Education Law, or any of the universities under the old Universities Ordinance, or any of the technical schools under the old Technical School Ordinance, or any of the vocational schools under the old Secondary Schools Ordinance (Imperial Decree No. 36 of 1943).

2. Registration under Paragraph 1 of Article 57-2 shall be made with the following particulars being entered in a registry of investigation agencies:
   (1) a date of registration and a registration number; and
   (2) name or trade name and address of a person who was registered, and the name of a representative if the registered person is a juridical person.

Article 91. (Deleted)

(Obligation of investigation operations)

Article 92. The registered investigation agency shall, when entrusted to administer the investigation operations under the provisions of Paragraph 1 of Article 57-2, conduct the said investigation operations as stipulated by the Ordinance of the Ministry of Economy, Trade and Industry mentioned in Paragraph 1 of Article 57; provided, however, that this shall not apply in the case where the permission for the entry to the premises, in which the power facilities for general use are installed, cannot be obtained from the owner or possessor of the said power facilities for general use.

2. The Minister of Economy, Trade and Industry may, if the registered investigation agency, when entrusted to administer the investigation operations under the provisions of Paragraph 1 of Article 57-2, either does not administer the said investigation operations or its method for administering the investigation operations is not proper or appropriate, order the registered investigation agency to administer the said investigation operations or to improve the method for administering the investigation operations.

(Abolition of investigation operations)

Article 92-2. The registered investigation agency shall, when it has abolished its investigation operations, submit without delay to the Minister of Economy, Trade and Industry a report to that effect.

(Operation rule)
Article 92-3. The registered investigation agency shall formulate the rule for its operations related to the investigation (to be referred to as the “operation rule” hereafter), and submit the rule to the Minister of Economy, Trade and Industry before the beginning of the investigation operations. It shall also secure such submittal in changing its rule.

2. The operation rule shall provide for a method for carrying out investigation operations, a method for determining fees for investigation operations and other particulars specified in the Ordinance of the Ministry of Economy, Trade and Industry.

(Cancellation of registration)

Article 92-4. The Minister of Economy, Trade and Industry may cancel the registration under Paragraph 1 of Article 57-2, if one of the following Items applies to the registered investigation agency:

1) the conditions stipulated in Item (1) or Item (3) of Article 68, which shall apply with necessary modifications in the ensuing Article, become applicable to the registered investigation agency;

2) the registered investigation agency refuses without any justifiable reason to comply with any of the requests made pursuant to the provisions of the Items of Paragraph 2 of Article 75, which shall apply with necessary modification in the ensuing Article;

3) the registered investigation agency is in breach of any of the provisions of Paragraph 1 of Article 92, Article 92-2, Paragraph 1 of the preceding Article, or Paragraph 1 of Article 75 or Article 79, which shall apply with necessary modification in the ensuing Article;

4) the registered investigation agency disobeys an order issued pursuant to the provisions of Paragraph 2 of Article 92 or Article 76, which shall apply with necessary modification in the ensuing Article; or

5) the registered investigation agency has secured the registration under Paragraph 1 of Article 57-2 by illegal means.

(Application with necessary modifications)

Article 92-5. The provisions of Articles 68, 70, 75, 76 and 79 shall apply to a registered investigation agency with necessary modifications. In this case, “Article 78” in Paragraph 2 of Article 68 shall read “Article 92-4,” “firms which install power facilities subject to preoperational voluntary inspections, welding operator inspections or periodical operator inspections” in Paragraph 2 of Article 75 shall read “owners or possessors of power facilities for general use which will be investigated by a registered investigation agency,” and “the Items of Paragraph 1 of Article 69” in Article 76 shall read “the Items of Paragraph 1 of Article 90.”
CHAPTER VI. ORGANIZATION TO SUPPORT TRANSMISSION, DISTRIBUTION AND OTHER RELATED OPERATIONS

(Organization to support transmission, distribution and other related operations)

Article 93. The Minister of Economy, Trade and Industry may designate a juridical person who has been established with a view to supporting the smooth implementation of transmission, distribution and other related services (which refer to a wheeling service, power transformation, transmission and distribution-related activities performed by general power utilities and wholesale electric utilities; to be so understood in this Chapter) and who is deemed to comply with the following standards concerning operations specified in the ensuing Article (hereinafter referred to as the “supporting services”) as only one organization to support transmission, distribution and other related services (hereinafter referred to as the “supporting organization”) in the country if such juridical person applies for designation as such:

1. a plan for the implementation of the supporting services, including the personnel, a method for carrying out the supporting services and other particulars, is appropriate for the proper execution of the supporting services;

2. an applicant for designation possesses sufficient financial and technical resources for executing the plan for the implementation of the supporting services specified in the preceding item;

3. the composition of officers or employee of the applicant is unlikely to hamper the fair implementation of the supporting services;

4. if the applicant intends to start a business other than the supporting services, the business is unlikely to hamper the fair implementation of the supporting services;

5. the applicant is not a person whose designation was canceled in accordance with the provisions of Article 99-4 and who has not been for two years as yet after the day that his designation was canceled; or

6. any of the officers of the applicant does not fall under either one of the following categories:

   (a) a person who was sentenced to imprisonment or a heavier penalty and who has been not for two years as yet after the day that he completed his sentence or he was relieved of his sentence; or

   (b) a person who breached this Law or any of the provisions of an order issued under this Law, was sentenced to a fine, and who has been not for two years as yet after the day that he completed his sentence or he was relieved of his sentence.

2. If a supporting organization intends to change its name or address or the address of an office where it carries out the supporting services, it shall give notification to that effect to the Minister of Economy, Trade and Industry no later than two weeks before the day that it intends to change.
Article 94. A supporting organization shall carry out the following services:

1. the formulation of basic rules for the implementation of transmission, distribution and other related services;
2. guidance and recommendations and other operation to electricity industry utilities necessary for ensuring the smooth implementation of transmission, distribution and other;
3. the handling of complaints filed by electricity industry utilities about transmission, distribution and other related services;
4. the provision of information, liaison and coordination about transmission, distribution and other related services; and
5. in addition to the operations enumerated in the preceding items, services necessary for supporting the smooth implementation of transmission, distribution and other related services and which are specified in the Ministerial Ordinance of the Ministry of Economy, Trade and Industry.

Article 95. A supporting organization shall formulate a code in order to implement its supporting services (to be referred to in this Chapter as the “supporting services code”), and obtain approval for the code from the Minister of Economy, Trade and Industry. The same also applies when the agency intends to change the code.

2. Particulars to be provided for in the supporting services code shall be prescribed by the Ministerial Ordinance of the Ministry of Economy, Trade and Industry.

3. If the Minister of Economy, Trade and Industry finds that the supporting services code approved by the Minister pursuant to Paragraph 1 has become inappropriate in conducting the supporting services fairly, the Minister may order a supporting organization to amend the code.

Article 96. A supporting organization shall formulate a business plan and a revenue and expenditure budget for the supporting services each business year and submit the plan and the budget to the Minister of Economy, Trade and Industry before the beginning of the business year (or without delay after designation in the business year in which it is designated as such). The same shall apply when the organization intends to change the plan or budget.

2. A supporting organization shall prepare a business report and a statement of accounts each business year and submit them to the Minister of Economy, Trade and Industry within three months after the end of the business year.
Article 97. A supporting organization shall keep classified accounts for the accounts concerning the supporting services and for the accounts concerning other services as stipulated by the Ordinance of the Ministry of Economy, Trade and Industry.

(Suspension or discontinuance of operations)

Article 98. A supporting organization shall not suspend or discontinue all or some of the supporting services without obtaining permission from the Minister of Economy, Trade and Industry.

2. If the Minister of Economy, Trade and Industry has granted permission to discontinue all of the supporting services in accordance with the provisions of the preceding Paragraph, the designation related to such permission shall become null and void.

(Duty of secret)

Article 99. Officers and employee of a supporting organization, and persons who had been officers and employee of a supporting organization shall not leak secrets which have come to their knowledge in connection with the supporting services, or use them for their own interests.

(Bookkeeping)

Article 99-2. A supporting organization shall maintain books and record the particulars related to the supporting services which are specified by the Ministerial Ordinance of the Ministry of Economy, Trade and Industry in the books.

2. The books under the preceding Paragraph shall be kept as prescribed by the Ministerial Ordinance of the Ministry of Economy, Trade and Industry.

(Supervisory orders)

Article 99-3. If the Minister of Economy, Trade and Industry deems it necessary to do so in order to ensure the fair and accurate implementation of the supporting services, the Minister may give the supporting organization orders necessary for supervision over the supporting services.

(Cancellation of designation, etc.)

Article 99-4. The Minister of Economy, Trade and Industry may cancel the designation of a supporting organization, or order it to suspend its supporting services wholly or in part for a prescribed period of time, if one of the following Items applies to the supporting organization:

1. it is deemed that the supporting organization is not in conformity with the standards specified in Items (1) through (4) of Paragraph 1 of Article 93;

2. the condition stipulated in Item (6) of Paragraph 1 of Article 93 has become
applicable to the supporting organization;

(3) the supporting organization is in breach of any of the provisions of Paragraph 2 of Article 93, Paragraph 1 of Article 95, Article 96, Article 97, Paragraph 1 of Article 98, or Article 99-2;

(4) the supporting organization has carried out the supporting services without complying with the supporting services rule which obtained the approval under Paragraph 1 of Article 95;

(5) the supporting organization disobeys an order issued pursuant to the provisions of Paragraph 3 of Article 95 or the preceding Article; or

(6) the supporting organization has obtained the designation under Paragraph 1 of Article 93 by illegal means.
CHAPTER VII. MISCELLANEOUS PROVISIONS

(Conditions for permission, etc.)

Article 100. Conditions may be attached to the permission or the approval; such conditions may be changed or altered.

2. The conditions mentioned in the preceding Paragraph shall be only such minimum essentials as are indispensable for infallible execution of matters subject to permission or approval or else for the promotion of benefits of the general public, and shall not be such ones as are liable to impose any unjustifiable obligation on the firm on which the said permission or approval is to be granted.

(Hydroelectric power)

Article 101. The Minister of Economy, Trade and Industry shall conduct investigations on matters necessary for the development of hydroelectric power.

Article 102. The Minister of Economy, Trade and Industry may, when the Minister recognizes a necessity of doing so for the development of hydroelectric power, order the firm which has set up power facilities for generation to take measurement of the flow of the river, on which the power generation facilities were set up using water power as the prime motive power, in accordance with the provisions of the Ministerial Ordinance of the Ministry of Economy, Trade and Industry and report to the Minister on the result of the said measurement.

Article 103. When an application is filed for a permission under the provisions of Article 23, Article 24, Paragraph 1 of Article 26 or Paragraph 2 of Article 29 of the River Law (Law No. 167 of 1964) and if the application is intended for using water for generation of electricity, a prefectural governor or a head of any of designated cities under Paragraph 1 of Article 252-19 of the Local Autonomy Law (Law No. 67 of 1947) shall report the application, together with a statement of opinions, to the Minister of Economy, Trade and Industry and request the Minister for Minister’s views.

2. The Minister of Economy, Trade and Industry shall, when requested for the Minister’s views under the provisions of the preceding Paragraph, consult the Minister of Land, Infrastructure and Transport.

3. The Minister of Economy, Trade and Industry may, in case an application for a permission under the provisions of Article 23, Article 24, Paragraph 1 of Article 26 or Paragraph 2 of Article 29 of the River Law (excluding the application mentioned in Paragraph 1 of this Article) has been submitted to a prefectural governor or a head of any of designated cities, give to the said prefectural governor or the said head of any of designated cities a recommendation necessary for the matter concerning disposition to be made under the provisions of these Articles, whenever the said Minister considers it necessary to do so for securing effective utilization of the said hydroelectric power for generation of electricity.
Article 104. Power facility inspectors shall be assigned in the Ministry of Economy, Trade and Industry.

2. The power facility inspector shall engage in the works related to the inspection prescribed by Paragraph 1 of Article 49, Paragraph 1 or 3 of Article 51 or Paragraph 1 of Article 54, or the examination prescribed by Paragraph 3 of Article 50-2 or Paragraph 4 of Article 55.

3. Necessary matters related to qualifications of the power facility inspector shall be stipulated by the Government Ordinance.

Article 104-2. The Organization shall formulate a rule for clerical works for inspections and others (hereinafter referred to the “clerical work rule”) and notify the Minister of Economy, Trade and Industry of the rule before it starts operations related to clerical works for inspections and others (which refer to some of clerical works for inspections specified in Paragraph 3 of Article 49, Paragraph 5 of Article 51 and Paragraph 2 of Paragraph 54, and examinations specified in Paragraph 3 of Article 52 and Paragraph 4 of Article 55; hereinafter to be so understood). The same also applies when the agency intends to change the operation rule.

2. If the Minister of Economy, Trade and Industry finds that the clerical work rule notified to the Minister pursuant to the preceding Paragraph is inappropriate in performing the clerical works for inspections and others fairly, the Minister may order the Organization to amend the clerical work rule.

3. Particulars to be provided for in the clerical work rule shall be prescribed by the Ordinance of the Ministry of Economy, Trade and Industry.

Article 104-3. The Organization shall have qualified persons who are specified in the Ministerial Ordinance of the Ministry of Economy, Trade and Industry to perform the clerical works for inspections and others.

Article 105. The Minister of Economy, Trade and Industry shall audit the business and accounting of the general power utility and wholesale electric utility each year.

Article 106. To the extent necessary to enforce the provisions of Article 39, Article 40, Article 47, Articles 49 through 52, Article 54, and Article 55, the Minister of Economy, Trade and Industry may, as prescribed by the Government Ordinance, cause a person who installs power facilities for nuclear power generation as the prime motive power (hereinafter referred to as “nuclear power generating facilities”) to submit reports or
informative materials on the conditions of activities related to the safety of the nuclear power generating facilities.

2. Besides the reports or informative materials specified in the preceding Paragraph, when a firm who installs nuclear power generating facilities has submitted reports or informative materials pursuant to the provisions of the same Paragraph, and if the Minister of Economy, Trade and Industry deems it particularly necessary to do so in order to secure the safety of nuclear power generating facilities, the Minister may cause a firm who has carried out maintenance and inspections of the said nuclear power generating facilities to submit reports or informative materials on necessary particulars to the extent necessary to enforce the provisions of Article 39, Article 40, Article 47, Articles 49 through 52, Article 54 and Article 55.

3. Besides the reports or informative materials specified in Paragraph 1, to the extent necessary to enforce this Law, the Minister of Economy, Trade and Industry may, as prescribed by the Government Ordinance, cause an electricity industry utility to submit a report or informative material on its business standing or accounting position.

4. Besides the reports or informative materials specified in Paragraph 1, to the extent necessary to enforce this Law, the Minister of Economy, Trade and Industry may, as prescribed by the Government Ordinance, cause a firm who install power facilities for self-generation or a registered investigation agency to submit a report or informative material on its business standing.

5. To the extent necessary to enforce this Law, the Minister of Economy, Trade and Industry may cause the Organization to submit a report or informative material on its business standing.

6. To the extent necessary to enforce this Law, the Minister of Economy, Trade and Industry may cause a registered safety management examination agency to submit a report or information material on its business standing or accounting position.

7. To the extent necessary to enforce this Law, the Minister of Economy, Trade and Industry may cause a designated examination agency or supporting agency to submit a report or informative material on its business standing or accounting position.

(Entry for inspection)

**Article 107.** To the extent necessary to enforce the provisions of Article 39, Article 40, Article 47, Articles 49 through 52, Article 54, and Article 55, the Minister of Economy, Trade and Industry may cause Ministry’s employee to enter and inspect nuclear power generating facilities, account books, documents and other assets at any of factories, business premises, offices or other business establishments of firms which install nuclear power generating facilities, which fabricate fuel elements, or which weld the boilers and others or containers and others (including and limited to those associated with nuclear power generating facilities).

2. Besides on-site inspections pursuant to the provisions of the preceding Paragraph, to the extent necessary to enforce this Law, the Minister of Economy, Trade and Industry may cause Ministry’s employee to enter and inspect the business standing or accounting position, or power facilities, account books, documents and other assets at any of sales premises, offices or other business establishments of electricity industry utilities.
3. Besides on-site inspections pursuant to the provisions of Paragraph 1, to the extent necessary to enforce this Law, the Minister of Economy, Trade and Industry may cause Ministry’s employee to enter and inspect power facilities, account books, documents and other assets at any of sales premises, offices or other business establishments of firms which install power facilities for self-generation or which weld the boilers and others or containers and others.

4. To the extent necessary to enforce this Law, the Minister of Economy, Trade and Industry may cause Ministry’s employee to enter the places where power facilities for general use are installed (excluding those places used for residence) and inspect power facilities for general use.

5. To the extent necessary to enforce this Law, the Minister of Economy, Trade and Industry may cause Ministry’s employee to enter and inspect the business standing or account books, documents and other assets at any of the offices or business establishments of a registered safety management examination agency or registered investigation agency.

6. To the extent necessary to enforce this Law, the Minister of Economy, Trade and Industry may cause Ministry’s employee to enter and inspect the business standing or account books, documents and other assets of any of the offices or business establishments of the Organization.

7. To the extent necessary to enforce this Law, the Minister of Economy, Trade and Industry may cause Ministry’s employee to enter and inspect the business standing or account books, documents and other assets at any of the offices of a designated examination agency or supporting agency.

8. The employee who conduct on-site inspections pursuant to the provisions of the preceding Paragraphs shall carry their identification cards with them and show these identification cards at the request of interested parties.

9. The Minister of Economy, Trade and Industry may, if the Minister deems it necessary to do so, cause the Organization to conduct on-site inspections in accordance with the provisions of Paragraphs 1 through 3.

10. If the Minister of Economy, Trade and Industry intends to cause the Organization to conduct on-site inspections pursuant to the provisions of the preceding Paragraph, the Minister shall direct the Organization to do so by instructing it on a place of on-site inspections and other necessary information.

11. When the Organization has conducted on-site inspections specified in Paragraph 9 by direction under the preceding Paragraph, it shall report the results of on-site inspections to the Minister of Economy, Trade and Industry.

12. The Organization’s employee who carry out on-site inspections pursuant to the provisions of Paragraph 9 shall carry their identification cards and show them at the request of interested parties.

13. Authority given pursuant to the provisions of Paragraphs 1 through 7 shall not be construed as that granted for the purpose of conducting criminal investigations.

(Orders to the Organization)

Article 107-2. If the Minister of Economy, Trade and Industry deems it necessary in order
to ensure the appropriate implementation of the clerical works related to inspections and others and on-site inspections specified in Paragraph 9 of the preceding Article, the Minister may give the Organization necessary orders concerning these operations.

(Reporting to the Nuclear Safety Commission, etc.)

Article 107-3. The Minister of Economy, Trade and Industry shall each quarter report to the Nuclear Safety Commission approvals, inspections and examinations conducted during the quarter of the year before the current quarter concerning nuclear power generating facilities in accordance with the provisions of Paragraphs 1 and 2 of Article 47, Paragraph 1 of Article 49, Paragraph 3 of Article 50-2, Paragraphs 1 and 3 of Article 51, Paragraph 3 of Article 52, Paragraph 1 of Article 54 and Paragraph 4 of Article 55 and, if the Minister deems it necessary, ask the Commission’s opinion and take steps necessary to secure the safety of nuclear power generating facilities.

2. Besides reporting specified in the preceding Paragraph, the Minister of Economy, Trade and Industry shall, in accordance with the Ordinance of the Ministry of Economy, Trade and Industry, report the conditions of the enforcement of this Law concerning the safety of nuclear power generating facilities to the Nuclear Safety Commission.

(Cooperation with the Nuclear Safety Commission’s investigations)

Article 107-4. If the Nuclear Safety Commission conducts investigations concerning the matters related to reporting pursuant to the provisions of Paragraph 1 or 2 of the preceding Article, a firm which install nuclear power generating facilities or which maintain and inspect nuclear power generating facilities shall cooperate with such investigations.

(Public hearings)

Article 108. The Minister of Economy, Trade and Industry shall, when the Minister intends to effect the disposition prescribed by Paragraph 1 of Article 3 (only such dispositions as those pertaining to the general electricity industry) or by Paragraph 1 of Article 8 (only such dispositions as those pertaining to extension of service area) or by Paragraph 1 of Article 19 or by Paragraph 3 of Article 23 (both only such dispositions pursuant to the rules for electricity supply), hold public hearings and ask for the opinions and suggestions of the general public.

(Special cases of hearing)

Article 109. The Minister of Economy, Trade and Industry shall, when the Minister intends to decrease the point of supply in accordance with the provisions of Paragraph 4 of Article 15, or Paragraph 3 of Article 16, or the Minister intends to decrease an operation area in accordance with the provisions of Paragraph 2 of the same Article, hold a hearing regardless of a category of the procedures for making a statement as provided for in Paragraph 1 of Article 13 of the Administrative Procedure Law (Law No. 88 of 1993).

2. A trial on the date of a hearing pertaining to a disposition pursuant to the provisions of Paragraphs 1 through 4 of Article 15, Paragraphs 1 through 3 of Article 16,
Article 78, Article 84-5, Article 87 or Article 92-4, shall be conducted in public.

(Appeal of dissatisfaction to the disposition and others by the designated examination agency)

**Article 109-2.** A person who has objection against the disposition taken or default concerning the examination clerical work performed by the designated examination agency (excluding the disposition resulting from the examination) may request the Minister of Economy, Trade and Industry to conduct investigation under the Administrative Complaint Appeal Law (Law No. 160, 1962).

(Hearing opinion as part of procedure for appeal of dissatisfaction)

**Article 110.** A ruling or decision on a request for review or an appeal of dissatisfaction as to a disposition pursuant to the provisions of this Law or orders issued under this Law shall be delivered after hearing an opinion in public upon reasonable advance notification being given to the person pertaining to such disposition.

2. Advance notification under the preceding Paragraph shall state a date, a place, and the details of a case.

3. In hearing an opinion under Paragraph 1, evidence for the said case shall be presented and an opportunity for stating the opinion shall be given to the person pertaining to the said disposition and to the firms interested.

(Presentation of grievance)

**Article 111.** A person who has grievance against the supply of electricity by a general power utility or a specific electric utility or against the investigation operations handled by the registered investigation agency may present the grievance to the Minister of Economy, Trade and Industry by submitting a document stating the reason or reasons thereof.

2. When the said grievance has been presented, the Minister of Economy, Trade and Industry shall deal with the grievance faithfully and shall notify the person who has presented the grievance as to the result of such action.

(Fee)

**Article 112.** Those persons mentioned hereunder shall pay a fee in such an amount as is prescribed by the Ordinance of the Ministry of Economy, Trade and Industry with due consideration to actual expenses:

1. a person who intends to receive delivery of a chief engineer’s license in accordance with the provisions of Item (1) of Paragraph 2 of Article 44, or upon having passed the examination for a chief electrical engineer’s license for which examination clerical works are handled by a designated examination agency;

2. a person who intends to take the examination for a chief electrical engineer’s license;

3. a person who intends to receive the reissue of a chief engineer’s license;
(4) a person who intends to take inspection under Paragraph 1 of Article 49, or Paragraph 1 or 3 of Article 51;
(5) a person who takes inspection under Paragraph 1 of Article 54;
(6) a person who intends to take examination (excluding examination being conducted by the registered safety management examination agency) under Paragraph 3 of Article 50-2, Paragraph 3 of Article 52, or Paragraph 4 of Article 55; and
(7) a person who intends to take safety management examinations conducted by the Minister of Economy, Trade and Industry in accordance with the provisions of Paragraph 1 of Article 80.

2. The fee under the preceding Paragraph, if paid by persons who intend to obtain a chief engineer’s license delivered by a designated examination agency which has been entrusted to carry out the license-delivering clerical work in accordance with the provisions of Paragraph 1 of Article 44-2, and if paid by persons who intend to take chief electrical engineer’s license examinations given by the designated examination agency which carries out the examination clerical work, shall be a revenue of the designated examination agency, if paid by persons who intend to take examinations given by the Organization under Paragraph 3 of Article 52 or Paragraph 4 of Article 55, shall be a revenue of the national treasury.

(Notification to the public)

Article 112-2. The Minister of Economy, Trade and Industry shall notify the Minister’s actions of the following items to the public by the National Gazette:

(1) where the Minister of Economy, Trade and Industry has designated as provided for in Paragraph 2 of Article 45 or Paragraph 1 of Article 93;
(2) where the Minister of Economy, Trade and Industry has granted the registration under Paragraph 3 of Article 50-2, Paragraph 3 of Article 52, Paragraph 4 of Article 55, or Paragraph 1 of Article 57-2;
(3) where the Minister of Economy, Trade and Industry has received a notification under Paragraph 2 of Article 57-2, Article 72, Article 74, Article 92-2, or Paragraph 2 of Article 93;
(4) where the Minister of Economy, Trade and Industry has canceled the registration or ordered a registered safety management examination agency to suspend its safety management examination operations wholly or in part in accordance with the provisions of Article 78;
(5) where the Minister of Economy, Trade and Industry has decided to perform the safety management examination operations wholly or in part personally or has decided against continuing to carry out the safety management examination operations wholly or in part which the Minister had been personally carrying out in accordance with the provisions of Paragraph 1 of Article 80;
(6) where the Minister of Economy, Trade and Industry has granted permission under Article 84-2-2 or Paragraph 1 of Article 98;
(7) where the Minister of Economy, Trade and Industry has canceled designation in accordance with the provisions of Article 87, or has ordered a designated examination agency to suspend its examination clerical works wholly or in part in accordance with the provisions of Paragraph 2 of the same Article;

(8) where the Minister of Economy, Trade and Industry has decided to personally undertake all or some of examination clerical works in accordance with the provisions of Article 88 or the Minister’s has decided not to undertake all or some of examination clerical works the Minister’s has conducted personally;

(9) where the Minister of Economy, Trade and Industry has canceled registration in accordance with the provisions of Article 92-4; or

(10) where the Minister of Economy, Trade and Industry has canceled the designation of a supporting agency, or ordered it to suspend its supporting operations wholly or in part in accordance with the provisions of Article 99-4.

(Interim measures)

Article 113. In cases where a Government Ordinance or an Ordinance of the Ministry of Economy, Trade and Industry is enacted or amended or repealed under the provisions of this Law, a necessary interim measure may be enacted to such an extent of necessity as to be concluded rational under either a Government Ordinance or an Ordinance of the Ministry of Economy, Trade and Industry.

(Delegation of power)

Article 114. The power vested in the Minister of Economy, Trade and Industry under and by virtue of this Law may be delegated to the Director-General of the Economy, Trade and Industry Bureau under the provisions of the Government Ordinance.
CHAPTER VIII. PUNITIVE PROVISIONS

Article 115. A person who has damaged any of the power facilities to be used for the electricity industry or else has impaired function of any of power facilities to be used for the electricity industry, thereby obstructing generation, transformation, transmission or distribution of electricity shall be punished with penal servitude for a period of not longer than five years or with a fine not exceeding ¥1,000,000.

2. A person who has without authority operated any of the power facilities to be used for the electricity industry, thereby obstructing generation, transformation, transmission or distribution of electricity shall be punished with penal servitude for a period of not longer than two years or with a fine not exceeding ¥500,000.

3. A person who is engaged in the business of the electricity industry and does not perform without any of justifiable reasons the work of operating or maintaining the power facilities to be used for the electricity industry, thereby obstructing generation, transformation, transmission or distribution of electricity shall be punished in the same manners as are prescribed by the preceding Paragraph.

4. An attempted offense of the preceding Paragraph 1 or 2 shall be punished.

Article 116. A person who falls under any of the following Items shall be punished with penal servitude for a period of not longer than three years or with a fine not exceeding ¥3,000,000, or with both of them concurrently:

(1) a person who has started the business of the electricity industry in contravention of the provisions of Paragraph 1 of Article 3;

(2) a person who has disobeyed an order or a disposition given in accordance with the provisions of Article 40 (including and limited to cases where nuclear power generating facilities are concerned); or

(3) a person who has installed or changed power facilities in contravention of the provisions of Paragraph 1 of Article 47 (including and limited to cases where nuclear power generating facilities are concerned).

Article 117. A person who falls under any of the following Items shall be punished with penal servitude for a period of not longer than two years or with a fine not exceeding ¥3,000,000 or with both of them concurrently:

(1) a person who has suspended or discontinued either the whole or part of the electricity industry in contravention of the provisions of Paragraph 1 of Article 14;

(2) a person who has refused to supply electricity in contravention of the provisions of Paragraphs 1, 3 or 4 of Article 18; or

(3) a person who has supplied electricity in contravention of the provisions of Paragraphs 5 through 7 of Article 18.

78
Article 117-2. A person who falls under any of the following Items shall be punished with penal servitude for a period of not longer than one year or with a fine not exceeding ¥1,000,000, or with both of them concurrently:

1) a person who has used power facilities in contravention of the provisions of Paragraph 1 of Article 49 (including and limited to cases where nuclear power generating facilities are concerned), or Paragraph 1 or 3 of Article 51;

2) a person who has failed to record, made a false record, failed to keep a record, failed to report, or made a false report in contravention of the provisions of Paragraph 1 of Article 50-2, Paragraph 1 of Article 52, or Paragraph 1 of Article 55 (including and limited to cases where nuclear power generating facilities are concerned);

3) a person who has refused to receive, interfered with, or avoided receiving, examinations or inspections conducted in accordance with the provisions of Paragraph 3 of Article 50-2, Paragraph 3 of Article 52, Paragraph 1 of Article 54, or Paragraph 4 of Article 55 (including and limited to cases where nuclear power generating facilities are concerned), or Paragraph 1 of Article 107;

4) a person who has disobeyed an order to suspend the safety management examination operations given in accordance with the provisions of Article 78; or

5) a person who has failed to submit reports or informative materials, or submitted false reports or false informative materials in contravention of the provisions of Paragraph 1 of Article 106.

Article 117-3. Officers or employee of a designated examination agency or supporting agency which has disobeyed an order to suspend the examination clerical works or supporting operations given in accordance with the provisions of Paragraph 2 of Article 87, or Article 99-4 shall be punished with penal servitude for a period of not longer than one year or with a fine not exceeding ¥1,000,000.

Article 117-4. A person who has disobeyed the provisions of Paragraph 2 of Article 44-2, Article 85, or Article 99 shall be punished with penal servitude for a period of not longer than one year or with a fine not exceeding ¥1,000,000.

Article 118. A person who falls under any of the following Items shall be punished with a fine of not exceeding ¥3,000,000:

1) a person who has disobeyed an order given in accordance with the provisions of Paragraph 5 of Article 9, Paragraph 5 of Article 16-3 (including cases where the provisions of Paragraph 5 of Article 16-3 apply with necessary modifications in Paragraph 8 of the same Article), Paragraph 5 or 8 of Article 19, Paragraph 2 of Article 19-2, Paragraph 4 of Article 22, Paragraph 2 of Article 24, Paragraph 3 or 5 of Article 24-3, Paragraph 4 or 5 of Article 24-4, Paragraph 2 of Article 24-6 (including cases where the provisions of Paragraph 2 of Article 24-6 apply with necessary modifications in Article 24-7), Paragraph 2 of Article 26, Paragraph 4 of Article 29, Article 30, Paragraph 1 of Article 31, Paragraph 3 of Article 57, or Paragraph 2 of Article 92;
(2) a person who has refused to supply electricity in contravention of the provisions of Paragraph 2 of Article 18;

(3) a person who has supplied electricity in contravention of the provisions of Paragraph 1 of Article 21, Paragraph 1 or 2 of Article 22, Paragraph 4 of Article 24, Paragraph 2 of Article 24-3, Paragraph 3 of Article 24-4, or Paragraph 1 of Article 25;

(4) a person who has invited biddings in contravention of the provisions of Paragraph 6 of Article 22;

(5) a person who has concluded or revised a supplementary supply contract in contravention of the provisions of Paragraph 1 of Article 24-2;

(6) a person who has refused to conclude a supplementary supply contract, disturbed or evaded the conclusion of a supplementary supply contract in contravention of the provisions of Paragraph 1 of Article 24-2;

(7) a person who has disobeyed an order or a disposition given in accordance with the provisions of Article 40 (excluding cases where nuclear power generating facilities are concerned);

(8) a person who has not appointed the licensed chief engineer in contravention of the provisions of Paragraph 1 of Article 43; or

(9) a person who has installed power facilities or implemented works to change power facilities in contravention of the provisions of Paragraph 1 of Article 47 (excluding cases where nuclear power generating facilities are concerned).

**Article 119.** A person who falls under any of the following Items shall be punished with the fine of a fine not exceeding ¥1,000,000:

(1) a person who has failed to give notification or made a false notification in contravention of the provisions of Paragraph 1 of Article 9 or Paragraph 1 or 7 of Article 16-3;

(2) a person who has breached the provisions of Paragraph 3 of Article 9 or Paragraph 3 of Article 16-3 (including cases where the provisions of Paragraph 3 of Article 16-3 apply with necessary modifications in Paragraph 8 of the same Article);

(3) a person who has carried on the business of a specified-scale electricity supply industry without giving notification required by the provisions of Paragraph 1 of Article 16-2, or by giving false notification;

(4) a person who has failed to submit accompanying documents or made a false statement in accompanying documents submitted in contravention of the provisions of Paragraph 2 of Article 16-3 (including cases where this is applied with necessary modifications under Paragraph 8 of the same Article);

(5) a person who has supplied electricity in contravention of the provisions of Paragraph 1 of Article 17;

(6) a person who has supplied electricity in contravention of the provisions of Paragraph 2 of Article 21;

(7) a person who has contravened the order or disposal prescribed by Article 27;
(8) a person who has effected work of installing or changing or altering any of power facilities in contravention of the order issued under the provisions of Paragraph 4 of Article 48; or

(9) a person who has used any power facilities in contravention of the provisions of Paragraph 1 of Article 49 (excluding cases where nuclear power generating facilities are concerned).

**Article 119-2.** Officers or employee of a designated examination agency or supporting agency which falls under any of the following Items of violations shall be punished with a fine not exceeding ¥300,000:

(1) the agency which has discontinued all of the examination clerical works or supporting operations without obtaining permission under Article 84-2-2 or Paragraph 1 of Article 98;

(2) the agency which has failed to record the particulars specified in Paragraph 1 of Article 87-2 or Paragraph 1 of Article 99-2, or recorded a false statement, in contravention of the provisions of Paragraph 1 of Article 87-2 or Paragraph 1 of Article 99-2;

(3) the agency which has failed to keep the books in contravention of the provisions of Paragraph 2 of Article 87-2 or Paragraph 2 of Article 99-2;

(4) the agency which has failed to submit reports or informative materials, or submitted false reports or false informative materials in contravention of the provisions of Paragraph 7 of Article 106; or

(5) the agency which has refused to receive, interfered with, or avoided receiving, inspections conducted in accordance with the provisions of Paragraph 7 of Article 107.

**Article 120.** A person who falls under any of the following Items shall be punished with a fine not exceeding ¥300,000:

(1) a person who does not submit the report prescribed by Paragraph 4 of Article 7 (including the case where this is applied with necessary modifications under Paragraph 3 of Article 8), Paragraph 2 of Article 11, Paragraph 2 or 3 of Article 16-2, Paragraph 2 of Article 16-4, Paragraph 1 of Article 19-2, Paragraph 7 of Article 22, Paragraph 1 of Article 24-3, Paragraph 1 of Article 24-4 (including cases where this is applied with necessary modifications under Paragraph 2 of the same Article), Paragraph 1 or 2 of Article 29, Paragraph 1 or 2 of Article 42, Paragraph 3 of Article 43, Paragraph 4 or 5 of Article 47, Paragraph 2 of Article 57-2 or Article 74, or a person who has submitted a false report;

(2) a person who has contravened the provisions of Article 20;

(3) a person who has failed to take measures commonly known in contravention of the provisions of Paragraph 3 of Article 24;

(4) a person who has failed to make a public announcement in contravention of the provisions of Paragraph 4 of Article 24-3;
(5) a person who has failed to record, made a false record, or failed to keep the records in contravention of the provisions of Paragraph 3 of Article 26, Paragraph 1 of Article 50-2, Paragraph 1 of Article 52, or Paragraph 1 of Article 55 (excluding cases where nuclear power generating facilities are concerned);

(6) a person who has acted contrary to orders given in accordance with the provisions of Paragraph 3 of Article 42;

(7) a person who has performed a work of installing, constructing, changing or altering the power facilities in contravention of the provisions of Paragraph 1 or 2 of Article 48;

(8) a person who has refused, hampered or shunned the examination or inspection under Paragraph 3 of Article 50-2, Paragraph 3 of Article 52, Paragraph 1 of Article 54, or Paragraph 4 of Article 55 (excluding cases where nuclear power generating facilities are concerned) or Paragraphs 2 through 5 of Article 107;

(9) a person who has acted contrary to orders or disposition given in accordance with the provisions of Paragraph 1 of Article 56;

(10) a person who has not kept records prescribed by Paragraph 1 of Article 79 (inclusive of the case where the provisions of this Paragraph apply with necessary modifications in Paragraph 4 of Article 57, Paragraph 1 of Article 79 or Article 92-5) in contravention of the provisions of Paragraph 1 of Article 79 (inclusive of the case where the provisions of this Paragraph apply with necessary modifications in Paragraph 4 of Article 57, Paragraph 1 of Article 79 or Article 92-5) or else who has made a false entry;

(11) a person who has not kept the book in contravention of the provisions of Paragraph 2 of Article 79 (inclusive of the case where the provisions of this Paragraph apply with necessary modifications in Paragraph 5 of Article 57, Paragraph 2 of Article 79 or Article 92-5); or

(12) a person who has failed to submit a report or informative material, or submitted a false report or false informative material in contravention of the provisions of Article 102, Paragraphs 2 through 4 of Article 106, or Paragraph 6 of Article 106.

Article 120-2. Officers or employee of the Organization which falls under any of the following Items of violations shall be punished with a fine not exceeding ¥200,000:

(1) the Organization which has failed to record the particulars specified in Paragraph 5 of Article 106, or recorded a false statement; or

(2) the Organization which has refused to receive, interfered with, or avoided receiving, inspections conducted in accordance with the provisions of Paragraph 6 of Article 107.

Article 121. In case a representative of a juridical person, or an agent, servant or other employee of a juridical person or of a natural person has committed an act in contravention of the provisions specified in the following Items in regard to the operations of either the juridical person or natural person, the person who has committed such act shall be punished and, in addition, the juridical person shall be punished with a fine
specified in the following Items and the natural person shall be punished with a fine specified in the respective Articles:

1. a fine not exceeding ¥300,000,000 in the event of Item (2) or (3) of Article 116;
2. a fine not exceeding ¥100,000,000 in the event of Article 117-2 (excluding the act specified in Item (4)); or
3. a fine specified in the respective Articles in the event of Item (1) of Article 116, Article 117, Article 117-2 (including and limited to the act specified in Item (4)), Article 118, Article 119, or Article 120.

**Article 122.** A person who falls under any of the following Items shall be punished with a penalty not exceeding ¥1,000,000:

1. a person who has disobeyed an order given in accordance with the provisions of Paragraph 5 of Article 9, which shall apply with necessary modifications in Paragraph 2 of Article 13, Article 35, or Paragraph 1 of Article 46-17;
2. a person who has acted in contravention of the provisions of Paragraph 1 of Article 24-5 (including cases where the provisions of Paragraph 1 of Article 24-5 apply with necessary modification in Article 24-7), Paragraph 1 of Article 34, Paragraph 1 of Article 34-2, or Paragraph 1 or 2 of Article 36;
3. a person who has failed to make public a record of accounts or made public a false record in contravention of the provisions of Paragraph 2 of Article 24-5 (including cases where the provisions of Paragraph 2 of Article 24-5 apply with necessary modifications in Article 24-7); or
4. a person who has failed to submit the statements or submitted the false statements in contravention of the provisions of Paragraph 2 of Article 34 or Paragraph 2 of Article 34-2.

**Article 122-2.** A person who has failed to maintain the financial statements and others, failed to record the particulars to be entered in the financial statements and others, or has made false statements in contravention of the provisions of Paragraph 1 of Article 75 (including cases where the provisions of Paragraph 1 of Article 75 apply with necessary modifications in Article 92-5), or who has refused without good reason to comply with any of the requests made in accordance with the provisions of the Items of Paragraph 2 of Article 75 (including cases where the provisions of the Items of Paragraph 2 of Article 75 apply with necessary modifications in Article 92-5) shall be punished with a penalty not exceeding ¥200,000.

**Article 122-3.** An officer of the Organization who falls under either one of the following Items of violations shall be punished with a penalty not exceeding ¥200,000:

1. an officer who has failed to give notification or submitted a false notification in contravention of the provisions of Paragraph 1 of Article 104-2; or
2. an officer who has disobeyed an order given in accordance with the provisions of Paragraph 2 of Article 104-2 or Article 107-2.
Article 123. A person who falls under any of the following Items shall be punished with a fine not exceeding ¥100,000:

(1) a person who has not given notification prescribed by Paragraph 2 of Article 9, Paragraph 1 of Article 13, Paragraphs 4 or 5 of Article 17, Article 53, Paragraph 2 of Article 55-2 or Article 92-2, or any one who has submitted any false report;

(1-2) a person who has assigned the facility or made it an object of rights other than the right of ownership in violation of the provisions of Paragraph 2 of Article 13; or

(2) a person who has not restored the chief engineer’s license in contravention of the order issued under the provisions of Paragraph 4 of Article 44 without any justifiable reason.