

Act on Special Measures Concerning Procurement of Electricity from Renewable Energy Sources by Electricity Utilities (Tentative translation)

(Act No. 108 of August 30, 2011)

Table of Contents

Chapter I General Provisions (Articles 1 and 2)

Chapter II Procurement of Electricity from Renewable Energy Sources by Electricity Utilities, etc. (Articles 3 to 7)

Chapter III Coordination of Expense Sharing among Electricity Utilities (Articles 8 to 18)

Chapter IV Expense Sharing Coordinating Body (Articles 19 to 30)

Chapter V Calculation Committee for Procurement Price, etc. (Articles 31 to 37)

Chapter VI Miscellaneous Provisions (Articles 38 to 43)

Chapter VII Penal Provisions (Articles 44 to 48)

Supplementary Provisions

Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to promote the use of renewable energy sources as energy sources for electricity by taking special measures for price, period, etc. with regard to the procurement of electricity from renewable energy sources by electricity utilities, taking into consideration that the use of renewable energy sources as energy sources is important in securing a stable and appropriate supply of energy in accordance with the economic and social environment in Japan and abroad and in reducing the environmental load arising from energy supply, thereby contributing to the strengthening of the international competitiveness of Japan and the sound development of the national economy, including the promotion of Japanese industry and the revitalization of local communities.

(Definitions)

Article 2 (1) The term "electricity utilities" as used in this Act means general electricity utilities as provided for in Article 2, paragraph (1), item (ii) of the Electricity Business Act (Act No. 170 of 1964) (hereinafter simply referred to as "general electricity utilities"), specified electricity utilities as provided for in item (vi) of said paragraph, and specified-scale electricity utilities as provided

for in item (viii) of said paragraph (simply referred to as "specified-scale electricity utilities" in Article 5, paragraph (1)).

- (2) The term "electricity from renewable energy sources" as used in this Act means electricity obtained by converting renewable energy sources by using a renewable energy power generation facility.
- (3) The term "renewable energy power generation facilities" as used in this Act means facilities that convert renewable energy sources into electricity and their auxiliary facilities.
- (4) The term "renewable energy sources" as used in this Act means the following energy sources:
 - (i) sunlight;
 - (ii) wind power;
 - (iii) hydraulic power;
 - (iv) geothermal power;
 - (v) biomass (which means organic substances derived from animals and plants which can be used as energy sources [excluding crude oil, petroleum gas, combustible natural gas, coal, and products manufactured therefrom]; the same shall apply in paragraphs (3) and (8) of Article 6); and
 - (vi) in addition to what is listed in the preceding items, energy sources other than crude oil, petroleum gas, combustible natural gas, coal, and products manufactured therefrom, which are provided for by Cabinet Order as being recognized as perpetually usable as energy sources for electricity.

Chapter II Procurement of Electricity from Renewable Energy Sources by Electricity Utilities, etc.

(Procurement Price and Procurement Period)

Article 3 (1) The Minister of Economy, Trade and Industry shall determine the price of electricity from renewable energy sources per kilowatt (hereinafter referred to as a "procurement price") and the period of procurement based on a procurement price (hereinafter referred to as a "procurement period") every business year prior to the beginning of the relevant business year with regard to the procurement of electricity from renewable energy sources by an electricity utility pursuant to the provisions of paragraph (1) of the following Article, with respect to each classification, form of installation, and size of renewable energy power generation facilities provided for by Ordinance of the Ministry of Economy, Trade and Industry; provided, however, that when the Minister of Economy, Trade and Industry finds it necessary taking into consideration the status of the quantity supplied of electricity from renewable energy sources in Japan, the expenses necessary for installing a renewable energy power generation facility, changes in commodity price and other

- economic conditions, etc., he/she may determine a procurement price and a procurement period (hereinafter referred to as a "procurement price, etc.") at every half-year period prior to the beginning of the relevant half-year period.
- (2) A procurement price shall be determined, as a price that enables the supply of electricity from renewable energy sources by the relevant renewable energy power generation facility to be conducted stably over the procurement period, based on the expenses that are recognized as ordinarily necessary where said supply is efficiently implemented and the estimated quantity of electricity from renewable energy sources pertaining to said supply, taking into consideration the status of the quantity supplied of electricity from renewable energy sources in Japan, proper profits which a person who intends to supply electricity from renewable energy sources by using a renewable energy power generation facility for power generation subject to the certification set forth in Article 6, paragraph (1) (power generation after changes in the case where there has been a certification of changes under the provisions of paragraph (4) of said Article or a notification of changes under the provisions of paragraph (5) of said Article; the same shall apply in paragraph (6) of said Article) (hereinafter referred to as the "certified power generation facility") (hereinafter referred to as "specified suppliers"), expenses borne by a person who has supplied electricity from renewable energy sources by using a renewable energy power generation facility prior to the enforcement of this Act for said supply, and any other circumstances.
- (3) A procurement period shall be determined taking into consideration the standard period from the time of the beginning of the supply of electricity from renewable energy sources by the relevant renewable energy power generation facility to the time of the first renewal of the important part of the renewable energy power generation facility after the beginning of the supply.
- (4) When determining a procurement price, etc., the Minister of Economy, Trade and Industry shall give consideration so as to prevent the allotted money set forth in Article 16 from being an excessive burden on electricity users.
- (5) When the Minister of Economy, Trade and Industry intends to determine a procurement price, etc., he/she shall consult with the Minister of Agriculture, Forestry and Fisheries, the Minister of Land, Infrastructure, Transport and Tourism, or the Minister of the Environment in accordance with the administrative jurisdiction over the relevant renewable energy power generation facility, shall hear the opinions of the Minister of State for Consumer Affairs and Food Safety (which means the Minister of State for Special Missions provided for in Article 9, paragraph (1) of the Act for Establishment of the Cabinet Office (Act No. 89 of 1999) who administers the affairs listed in Article 4, paragraph (1), item (xvii) of said Act and paragraph (3), item (lxi) of said Article as ordered pursuant to the provisions of Article 9,

paragraph (1) of said Act) from the perspective of consumer policy, and shall hear the opinions of the Calculation Committee for Procurement Price, etc. In this case, the Minister of Economy, Trade and Industry shall respect the opinions of the Calculation Committee for Procurement Price, etc.

- (6) When the Minister of Economy, Trade and Industry has determined a procurement price, etc., he/she shall publicly notify to that effect without delay.
- (7) After the public notice under the provisions of the preceding paragraph has been given, the Minister of Economy, Trade and Industry shall promptly report the procurement price, etc. subject to said public notice, the figures used as the basis for the calculation of said procurement price, etc., and the calculation method to the Diet.
- (8) Where a commodity price or any other economic condition has substantially changed or is likely to substantially change, and when the Minister of Economy, Trade and Industry finds it especially necessary, he/she may revise a procurement price, etc.
- (9) The provisions of paragraphs (5) through (7) shall apply mutatis mutandis to the revision of a procurement price, etc. under the provisions of the preceding paragraph. (9 The provisions of paragraphs (5) through (7) shall apply mutatis mutandis to the revision of a procurement price, etc. under the provisions of the preceding paragraph.

(Obligation to Accept a Request for a Specified Contract)

Article 4 (1) When an electricity utility has received, from a specified supplier, an application for the conclusion of a specified contract (which means a contract stipulating that a specified supplier supply electricity from renewable energy sources to an electricity utility over a period not exceeding the procurement period pertaining to a certified power generation facility of said specified supplier [a period provided for by Ordinance of the Ministry of Economy, Trade and Industry in the case where said electricity from renewable energy sources has already been supplied to another electricity utility or in any other cases provided for by Ordinance of the Ministry of Economy, Trade and Industry] and also stipulating that the electricity utility procure electricity from renewable energy sources at a procurement price pertaining to said certified power generation facility over said period; the same shall apply hereinafter) for the relevant electricity from renewable energy sources, it shall not refuse to conclude the specified contract except when the content of the contract is likely to unjustly harm the profits of said electricity utility and when there are any other justifiable grounds provided for by Ordinance of the Ministry of Economy, Trade and Industry.

- (2) When the Minister of Economy, Trade and Industry finds it necessary for the smooth conclusion of a specified contract, he/she may give necessary guidance

and advice concerning the conclusion of the contract to the relevant electricity utility.

- (3) When an electricity utility does not accept the conclusion of a specific contract without justifiable grounds, the Minister of Economy, Trade and Industry may recommend that said electricity utility accept the conclusion of the specific contract.
- (4) When an electricity utility that has received a recommendation provided for in the preceding paragraph has failed to take the recommended measure without any justifiable grounds, the Minister of Economy, Trade and Industry may order said electricity utility to take the recommended measure.

(Obligation to Accept a Request for Connection)

- Article 5 (1) When an electricity utility (excluding specified-scale electricity utilities; hereinafter the same shall apply in this Article) has been requested, by a specified supplier who intends to apply for the conclusion of a specified contract pursuant to the provisions of paragraph (1) of the preceding Article, to electrically connect a certified power generation facility which said specified supplier uses with an electric facility for transformation, transmission, or distribution of electricity which said electricity utility uses for its business (which means electric facilities as provided for in Article 2, paragraph (1), item (xvi) of the Electricity Business Act; the same shall apply in Article 39, paragraph (2)), it shall not refuse said connection except in the following cases:
- (i) when said specified supplier does not bear the expenses necessary for the connection which are provided for by Ordinance of the Ministry of Economy, Trade and Industry;
 - (ii) when securing a smooth supply of electricity by said electricity utility is likely to be disturbed; and
 - (iii) in addition to the cases listed in the preceding two items, when there are any justifiable grounds provided for by Ordinance of the Ministry of Economy, Trade and Industry.
- (2) When the Minister of Economy, Trade and Industry finds it necessary for the smooth implementation of the connection provided for in the preceding paragraph, he/she may give necessary guidance and advice concerning the connection to the relevant electricity utility.
 - (3) When an electricity utility does not implement the connection provided for in paragraph (1) without any justifiable grounds, the Minister of Economy, Trade and Industry may recommend that said electricity utility implement the connection.
 - (4) When an electricity utility that has received a recommendation provided for in the preceding paragraph does not take the recommended measure without any justifiable grounds, the Minister of Economy, Trade and Industry may

order said electricity utility to take the recommended measure.

(Certification, etc. of Power Generation Using a Renewable Energy Power Generation Facility)

- Article 6 (1) A person who intends to generate electricity by using a renewable energy power generation facility may obtain certification from the Minister of Economy, Trade and Industry as to conformity with all of the following items pursuant to the provisions of an Ordinance of the Ministry of Economy, Trade and Industry:
- (i) said renewable energy power generation facility is estimated to be able to generate electricity from renewable energy sources stably and efficiently over the procurement period and conforms to other standards provided for by Ordinance of the Ministry of Economy, Trade and Industry; and
 - (ii) the method of generating electricity conforms to the standards provided for by Ordinance of the Ministry of Economy, Trade and Industry.
- (2) When the Minister of Economy, Trade and Industry finds that power generation subject to an application for certification as set forth in the preceding paragraph conforms to all of the items of said paragraph, he/she shall give the certification set forth in said paragraph.
- (3) Where the Minister of Economy, Trade and Industry intends to give the certification set forth in paragraph (1), when power generation subject to said application for certification is conducted by converting biomass into electricity, he/she shall consult with the Minister of Agriculture, Forestry and Fisheries, the Minister of Land, Infrastructure, Transport and Tourism, or the Minister of the Environment in advance pursuant to the provisions of a Cabinet Order.
- (iv) When a person who conducts or intends to conduct power generation subject to the certification set forth in paragraph (1) intends to change said power generation subject to certification, he/she shall obtain certification from the Minister of Economy, Trade and Industry pursuant to the provisions of an Ordinance of the Ministry of Economy, Trade and Industry; provided, however, that this shall not apply to minor changes provided for by Ordinance of the Ministry of Economy, Trade and Industry. (iv) When a person who conducts or intends to conduct power generation subject to the certification set forth in paragraph (1) intends to change said power generation subject to certification, he/she shall obtain certification from the Minister of Economy, Trade and Industry pursuant to the provisions of an Ordinance of the Ministry of Economy, Trade and Industry; provided, however, that this shall not apply to minor changes provided for by Ordinance of the Ministry of Economy, Trade and Industry.
- (5) When a person who conducts or intends to conduct power generation subject to the certification set forth in paragraph (1) has made minor changes provided

for by Ordinance of the Ministry of Economy, Trade and Industry as set forth in the proviso to the preceding paragraph, he/she shall notify the Minister of Economy, Trade and Industry to that effect without delay.

- (6) When the Minister of Economy, Trade and Industry finds that power generation subject to the certification set forth in paragraph (1) has ceased to conform to any of the items of said paragraph, he/she may rescind said certification.
- (7) The provisions of paragraphs (2) and (3) shall apply mutatis mutandis to the certification set forth in paragraph (4).
- (8) When the Minister of Economy, Trade and Industry intends to enact or change an Ordinance of the Ministry of Economy, Trade and Industry as set forth in paragraph (1), item (ii) (limited to the part pertaining to biomass that can be used for power generation), he/she shall consult with the Minister of Agriculture, Forestry and Fisheries, the Minister of Land, Infrastructure, Transport and Tourism, and the Minister of the Environment in advance.

(Special Provisions for the Electricity Business Act)

Article 7 The provisions of Article 22 of the Electricity Business Act shall not apply to the supply of electricity from renewable energy sources to a general electricity utility for use for its general electricity business (which means a general electricity business as provided for in Article 2, paragraph (1), item (i) of said Act) based on a specified contract.

Chapter III Coordination of Expense Sharing among Electricity Utilities

(Granting of Subsidy)

- Article 8 (1) The expense sharing coordinating body provided for in Article 19, paragraph (1) (hereinafter simply referred to as the "expense sharing coordinating body" in this Chapter) shall grant subsidies to electricity utilities (excluding electricity utilities which have received a demand under the provisions of Article 14, paragraph (1) but have not paid the amount that they should pay by the time limit designated pursuant to the provisions of said paragraph; the same shall apply in the following Article, Article 10, paragraph (1), Article 16, and Article 18) with respect to each period provided for by Ordinance of the Ministry of Economy, Trade and Industry, in order to coordinate any imbalance in the sharing of expenses pertaining to the rates of the quantity of electricity from renewable energy sources that electricity utilities procure based on specified contracts in the quantity of electricity that they supply.
- (2) The subsidies set forth in the preceding paragraph (hereinafter simply referred to as "subsidies") shall be covered by payments which the expense

sharing coordinating body collects pursuant to the provisions of Article 11, paragraph (1) and funds pertaining to budgetary measures taken by the government pursuant to the provisions of Article 18.

(Amount of Subsidy)

Article 9 The amount of subsidy granted to an electricity utility pursuant to the provisions of paragraph (1) of the preceding Article shall be of an amount calculated by the method provided for by Ordinance of the Ministry of Economy, Trade and Industry based on the total amount of the amounts obtained by deducting the amount listed in item (ii) from the amount listed in item (i) with respect to each specified contract, with respect to each period provided for by Ordinance of the Ministry of Economy, Trade and Industry as set forth in said paragraph:

- (i) the amount obtained by multiplying the quantity of electricity from renewable energy sources which said electricity utility has procured based on a specified contract (which means the quantity expressed by kilowatt-hour) by the procurement price pertaining to said specified contract;
- (ii) the amount calculated by the method provided for by Ordinance of the Ministry of Economy, Trade and Industry as the amount of expenses which said electricity utility shall require for generating or procuring electricity of an amount equivalent to the amount of electricity from renewable energy sources that it has procured based on a specified contract if said electricity utility has not procured said electricity from renewable energy sources.

(Decision, Notice, etc. of the Amount of Subsidy)

Article 10 (1) The expense sharing coordinating body shall decide the amount of a subsidy to be granted to each electricity utility with respect to each period provided for by Ordinance of the Ministry of Economy, Trade and Industry as set forth in Article 8, paragraph (1) and shall notify said each electricity utility of the amount of the subsidy to be granted to the electricity utility and other necessary matters.

- (2) When it is necessary to calculate the amount of a subsidy, the expense sharing coordinating body may request an electricity utility to submit any relevant materials.

(Collection of Payments and Obligation to Pay)

Article 11 (1) The expense sharing coordinating body shall collect payments from electricity utilities with respect to each period provided for by Ordinance of the Ministry of Economy, Trade and Industry in order to allocate them to the expenses necessary for the operations provided for in Article 19, paragraph (2) and the expenses necessary for processing affairs relating to said operations

(referred to as "administrative expenses" in paragraph (2) of the following Article).

- (2) Electricity utilities shall have the obligation to pay the payments set forth in the preceding paragraph (hereinafter simply referred to as "payments").

(Amount of Payments)

Article 12 (1) The amount of payments collected from an electricity utility pursuant to the provisions of paragraph (1) of the preceding Article shall be of an amount calculated by the method provided for by Ordinance of the Ministry of Economy, Trade and Industry based on the amount obtained by multiplying, with respect to each period provided for by Ordinance of the Ministry of Economy, Trade and Industry as set forth in said paragraph, the quantity of electricity which said electricity utility has supplied to electricity users (which means the quantity expressed by kilowatt-hour; the same shall apply in the following paragraph and Article 16, paragraph (2)) by the unit price of payment in the business year which includes said period, taking into consideration the amount of allotted money set forth in Article 16 which the electricity utility may demand that electricity users pertaining to its place of business certified under the provisions of Article 17, paragraph (1) pay.

- (2) The unit price of payment set forth in the preceding paragraph shall be determined by the Minister of Economy, Trade and Industry every business year prior to the beginning of the relevant business year based on the amount of electricity per kilowatt-hour which is obtained by dividing the amount, which is obtained by adding the estimated amount of administrative expenses in said business year to the total amount of the estimated amounts of subsidies granted to all electricity utilities in said business year, by the total quantity of electricity which all electricity utilities are estimated to supply in said business year, taking into consideration the gap between the total amount of subsidies pertaining to all electricity utilities and the total amount of payments in the business year before the previous business year, and any other circumstances.

- (3) Electricity utilities shall notify the Minister of Economy, Trade and Industry of matters concerning the quantity of electricity from renewable energy sources which they have procured based on specific contracts and the amount of allotted money set forth in Article 16 which they may demand that electricity users pertaining to their places of business certified under the provisions of Article 17, paragraph (1) pay and other matters provided for by Ordinance of the Ministry of Economy, Trade and Industry every business year pursuant to the provisions of an Ordinance of the Ministry of Economy, Trade and Industry.

- (4) When the Minister of Economy, Trade and Industry has determined the unit price of payment, he/she shall publicly notify it without delay.

(Decision, Notice, etc. of the Amount of Payment)

Article 13 (1) The expense sharing coordinating body shall decide the amount of payment which each electricity utility should pay with respect to each period provided for by Ordinance of the Ministry of Economy, Trade and Industry as set forth in Article 11, paragraph (1) and shall notify said each electricity utility of the amount of payment which it should pay, the time limit for payment, and other necessary matters.

(2) The provisions of Article 10, paragraph (2) shall apply mutatis mutandis to payments.

(Demand for Payment of Payment, etc.)

Article 14 (1) When an electricity utility which has received a notice under the provisions of paragraph (1) of the preceding Article has failed to make a payment by the time limit for the payment, the expense sharing coordinating body shall demand the payment by designating a time limit with a demand letter.

(2) When the expense sharing coordinating body has demanded a payment pursuant to the provisions of the preceding paragraph, it may collect a penal interest of an amount calculated by multiplying the amount of the payment subject to the demand by an annual rate of 14.5 percent in accordance with the number of days from the day following the time limit for the payment to the day of the payment.

(3) When an electricity utility which has received a demand under the provisions of paragraph (1) has failed to pay the amount that it should pay by the time limit designated pursuant to the provisions of said paragraph, the expense sharing coordinating body shall immediately notify the Minister of Economy, Trade and Industry to that effect.

(4) When the Minister of Economy, Trade and Industry has received a notice under the provisions of the preceding paragraph, he/she shall immediately make public the name of said electricity utility and the fact that said electricity utility has failed to pay the amount that it should pay by the time limit designated pursuant to the provisions of paragraph (1).

(Books)

Article 15 An electricity utility shall keep and preserve, pursuant to the provisions of an Ordinance of the Ministry of Economy, Trade and Industry, books in which the quantity of electricity from renewable energy sources procured with respect to each specified contract, the quantity of electricity that it has supplied, and other matters provided for by Ordinance of the Ministry of Economy, Trade and Industry are stated.

(Demand for Allotted Money)

Article 16 (1) An electricity utility may demand that electricity users who receive the supply of electricity from it pay allotted money as part of the value for said supply of electricity, in order to allocate the allotted money to payments.

(2) The amount of allotted money which an electricity utility may demand that, pursuant to the provisions of the preceding paragraph, an electricity user shall pay shall be the amount obtained by multiplying the quantity of electricity which said electricity utility has supplied to said electricity user by the amount equivalent to the unit price of payment in the business year in which the electricity utility supplied said electricity.

(Special Provisions for Allotted Money)

Article 17 (1) Upon application from a person engaging in business for which the basic unit pertaining to the use of electricity (which means the quantity of electricity used per 1000 yen of sale [which means the quantity expressed by kilowatt-hour and which is limited to the quantity of used electricity supplied by electricity utilities; hereinafter the same shall apply in this Article and Article 40, paragraph (2)]; hereinafter the same shall apply in this Article) exceeds eight fold of the average basic unit pertaining to the use of electricity for a manufacturing business in cases where said business belongs to a manufacturing business and upon application from a person engaging in a business for which the basic unit pertaining to the use of electricity exceeds the multiple provided for by Cabinet Order of the average basic unit pertaining to the use of electricity for a business type other than a manufacturing business in the cases where said business belongs to a business type other than a manufacturing business, the Minister of Economy, Trade and Industry shall certify places of business for which the quantity of electricity used annually for said business exceeds the quantity provided for by Cabinet Order as places of business for which it is necessary to give consideration to the influence of the burden of allotted money set forth in the preceding Article on the continuation of the business activities of the relevant business operator every business year prior to the beginning of the relevant business year, pursuant to the provisions of an Ordinance of the Ministry of Economy, Trade and Industry.

(2) Notwithstanding the provisions of the preceding paragraph, where an applicant set forth in said paragraph is a person whose certification was rescinded pursuant to the provisions of paragraph (5), before the elapse of a period of five years since the date of rescission, the Minister of Economy, Trade and Industry shall not give the certification set forth in the preceding paragraph.

- (3) Notwithstanding the provisions of paragraph (2) of the preceding Article, the amount of allotted money which an electricity utility may demand from an electricity user for payment pertaining to a place of business certified under the provisions of paragraph (1) pursuant to the provisions of paragraph (1) of said Article shall be the amount calculated by deducting the amount, which is obtained by multiplying the amount calculated pursuant to the provisions of paragraph (2) of said Article by a rate provided for by Cabinet Order of not less than 80 percent in accordance with the basic unit pertaining to the use of electricity for said business, from the amount calculated pursuant to the provisions of paragraph (2) of said Article.
- (4) The Minister of Economy, Trade and Industry shall make public, pursuant to the provisions of an Ordinance of the Ministry of Economy, Trade and Industry, the name and address of a business operator pertaining to a place of business certified under the provisions of paragraph (1), and the name of the representative in the case of a juridical person, the name and location of said place of business, the quantity of electricity used for the business subject to said certification which serves as the basis for the calculation of the basic unit pertaining to the use of electricity for said business, the quantity of electricity used annually for said business at said place of business, and other matters provided for by Ordinance of the Ministry of Economy, Trade and Industry.
- (5) When a person has obtained certification under the provisions of paragraph (1) by deception or other wrongful means, the Minister of Economy, Trade and Industry shall rescind the certification.
- (6) When the Minister of Economy, Trade and Industry finds that a person who has obtained certification under the provisions of paragraph (1) has ceased to satisfy the requirements provided for in said paragraph, he/she may rescind the certification.

(Budgetary Measures)

Article 18 The government shall take necessary budgetary measures in order to allocate funds to revenue sources for expenses that are necessary for the expense sharing coordinating body to grant subsidies to electricity utilities pursuant to the provisions of Article 8, paragraph (1).

Chapter IV Expense Sharing Coordinating Body

(Designation, etc. of the Expense Sharing Coordinating Body)

Article 19 (1) The Minister of Economy, Trade and Industry may designate a general incorporated association, general incorporated foundation, or any other juridical person provided for by Cabinet Order which is recognized as conforming to the following standards with regard to the operations provided

for in the following paragraph (hereinafter referred to as "coordinating operations") as the expense sharing coordinating body (hereinafter referred to as the "coordinating body") upon its application, limited to one throughout the country:

- (i) the general incorporated association, general incorporated foundation, or juridical person has sufficient financial and technical bases to properly implement the coordinating operations;
 - (ii) the composition of the officers or employees of the general incorporated association, general incorporated foundation, or juridical person is unlikely to hinder the fair implementation of the coordinating operations;
 - (iii) where the general incorporated association, general incorporated foundation, or juridical person performs operations other than the coordinating operations, the performance of the operations is unlikely to hinder the fair implementation of the coordinating operations;
 - (iv) the general incorporated association, general incorporated foundation, or juridical person is not a person whose designation was rescinded pursuant to the provisions of Article 29, paragraph (1), before the elapse of a period of two years since the date of rescission; and
 - (v) none of the officers of the general incorporated association, general incorporated foundation, or juridical person falls under any of the following:
 - (a) a person who was sentenced to imprisonment without work or a severer punishment, before the elapse of a period of two years since the person served out the sentence or ceased to be subject to the sentence; and
 - (b) a person who was sentenced to a fine for violation of this Act or any order based on this Act, before the elapse of a period of two years since the person served out the sentence or ceased to be subject to the sentence.
- (2) The coordinating body shall perform the following operations:
- (i) collecting payments from electricity utilities and managing them;
 - (ii) granting subsidies to electricity utilities; and
 - (iii) performing operations incidental to the operations listed in the preceding two items.
- (3) When the Minister of Economy, Trade and Industry has made a designation under the provisions of paragraph (1), he/she shall publicly notify the name and address of the designated person and the location of the office thereof.
- (4) When the coordinating body intends to change its name and address and the location of its office, it shall notify the Minister of Economy, Trade and Industry to that effect in advance.
- (5) When a notification under the provisions of the preceding paragraph has been made, the Minister of Economy, Trade and Industry shall publicly notify the matters pertaining to said notification.

(Coordinating Operation Rules)

Article 20 (1) The coordinating body shall set coordinating operation rules for the method of implementation and other matters provided for by Ordinance of the Ministry of Economy, Trade and Industry and shall obtain approval therefor from the Minister of Economy, Trade and Industry, prior to the beginning of the coordinating operations. The same shall apply when the coordinating body intends to change the coordinating operation rules.

- (2) When the Minister of Economy, Trade and Industry finds that an application for approval set forth in the preceding paragraph conforms to all of the following items, he/she shall give the approval set forth in said paragraph:
- (i) the coordinating operation rules provide for the method of implementing the coordinating operations in a proper and clear manner;
 - (ii) the coordinating operation rules do not treat specific persons in an unjust discriminatory manner; and
 - (iii) the coordination operation rules are not likely to unjustly harm the interests of electricity utilities.
- (3) When the Minister of Economy, Trade and Industry finds that the coordinating operation rules for which he/she has given the approval set forth in paragraph (1) has become inappropriate in terms of the proper and assured implementation of the coordinating operations, he/she may order the coordinating body to change the coordinating operation rules.

(Business Plan, etc.)

Article 21 (1) The coordinating body shall prepare a business plan and an income and expenditure budget document with regard to the coordinating operations and shall obtain approval therefor from the Minister of Economy, Trade and Industry every business year, pursuant to the provisions of an Ordinance of the Ministry of Economy, Trade and Industry. The same shall apply when the coordinating body intends to change them.

- (2) When the coordinating body has obtained the approval set forth in the preceding paragraph, it shall make public its business plan and income and expenditure budget document without delay.
- (3) The coordinating body shall prepare a business report and a statement of accounts with regard to the coordinating operations after the end of each business year, shall submit them to the Minister of Economy, Trade and Industry, and shall make them public, pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry.

(Separate Accounting)

Article 22 Where the coordinating body performs operations other than the coordinating operations, it shall keep accounts for said operations separately

from accounts for the coordinating operations.

(Suspension and Abolition of Operations)

Article 23 The coordinating body shall not suspend or abolish the whole or part of the coordinating operations unless it obtains the permission of the Minister of Economy, Trade and Industry.

(Investment of Payments)

Article 24 The coordinating body shall not invest payments by methods other than the following:

- (i) holding national government bonds and other securities designated by the Minister of Economy, Trade and Industry;
- (ii) making deposits in banks and other financial institutions designated by the Minister of Economy, Trade and Industry; and
- (iii) trusting financial institutions operating trust businesses (which means financial institutions which have obtained the approval set forth in Article 1, paragraph (1) of the Act on Provision, etc. of Trust Business by Financial Institutions (Act No. 43 of 1943)) with money.

(Books)

Article 25 The coordinating body shall keep and preserve books in which matters concerning the coordinating operations provided for by Ordinance of the Ministry of Economy, Trade and Industry are stated pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry.

(Duty of Confidentiality)

Article 26 A person who is an officer or employee of the coordinating body or a person who was formally in such position shall not divulge any secret that he/she has learned in the course of the coordinating operations.

(Dismissal Order)

Article 27 When an officer of the coordinating body has violated this Act or any order or disposition based on this Act, has committed any act that violates the coordinating operation rules provided for in Article 20, paragraph (1) which has been approved as set forth in said paragraph, or has committed any act that is substantially inappropriate in the course of the coordinating operations, the Minister of Economy, Trade and Industry may order the coordinating body to dismiss the officer.

(Supervision Order)

Article 28 The Minister of Economy, Trade and Industry may issue an order

concerning the coordinating operations, which is necessary for supervision, to the coordinating body within the limit necessary for the enforcement of this Act.

(Rescission of Designation, etc.)

Article 29 (1) When the coordinating body falls under any of the following items, the Minister of Economy, Trade and Industry may rescind the designation under the provisions of Article 19, paragraph (1) (hereinafter simply referred to as "designation" in this Article):

- (i) the coordinating body is recognized as being unable to implement the coordinating operations in a proper and assured manner;
 - (ii) the coordinating body committed a wrongful act in the course of the designation; and
 - (iii) the coordinating body violated this Act or any order or disposition based on this Act or performed the coordinating operations in defiance of the coordinating operation rules provided for in Article 20, paragraph (1) which were approved as set forth in said paragraph.
- (2) When the Minister of Economy, Trade and Industry has rescinded the designation pursuant to the provisions of the preceding paragraph, he/she shall make a public notice thereof.
- (3) Where the designation has been rescinded under the provisions of paragraph (1), when there remain payments which electricity utilities have paid to the juridical person whose designation was rescinded, said juridical person whose designation was rescinded shall promptly deliver said payments to a coordinating body newly designated by the Minister of Economy, Trade and Industry pursuant to the provisions of Article 19, paragraph (1).

(Provision of Information, etc.)

Article 30 The Minister of Economy, Trade and Industry shall provide necessary information and materials concerning the implementation of the coordinating operations, or shall give guidance and advice, to the coordinating body.

Chapter V Calculation Committee for Procurement Price, etc.

(Establishment and Affairs under Jurisdiction)

Article 31 (1) The Calculation Committee for Procurement Price, etc.

(hereinafter referred to as the "Committee") shall be established in the Agency for Natural Resources and Energy.

- (2) The Committee shall handle the matters which are put under the authority of the Committee pursuant to this Act.

(Organization)

Article 32 The Committee shall be organized by five members.

(Committee Members)

Article 33 (1) Committee members shall be appointed by the Minister of Economy, Trade and Industry from among persons who have expert knowledge and experience concerning electricity business, economy, etc. with the consent of both Houses.

- (1) In the case set forth in the preceding paragraph, when the Minister of Economy, Trade and Industry is unable to obtain the consent of both Houses due to the closing of the Diet or the dissolution of the House of Representatives, he/she may appoint committee members from among persons who have the qualification provided for in said paragraph, notwithstanding the provisions of said paragraph.
- (3) In the case set forth in the preceding paragraph, the Minister of Economy, Trade and Industry shall obtain post facto approval from both Houses at the first Diet session after the appointment. In this case, when the Minister of Economy, Trade and Industry is unable to obtain post facto approval from both Houses, he/she shall immediately dismiss the relevant committee members.
- (4) The term of office of a committee member shall be three years; provided, however, that the term of office of a complementary committee member shall be the remaining terms of the predecessor.
- (5) When the term of office of a committee member has expired, said committee member shall continue to perform his/her duties until his/her successor is appointed.
- (6) Committee members may be reappointed.
- (7) When a committee member has received an order for commencement of bankruptcy proceedings or has been sentenced to imprisonment without work or a severer punishment, the Minister of Economy, Trade and Industry shall dismiss the committee member.
- (8) When the Minister of Economy, Trade and Industry finds that a committee member is unable to perform his/her duties due to mental or physical disorder or has committed a violation of the obligation pertaining to his/her duties or other delinquency which is not suited for a committee member, he/she may dismiss the committee member with the consent of both Houses.
- (9) Committee members shall not divulge any secret that they have learned in the course of their duties. The same shall apply after they retire from office.
- (10) Committee members shall be part-time.

(Chairperson)

Article 34 (1) The Committee shall have a chairperson, who shall be elected by committee members from among themselves.

- (2) The chairperson shall exercise general control over the committee's affairs and shall be representative of the Committee.
- (3) When the chairperson is unable to attend to his/her duties, a committee member designated in advance by the chairperson shall perform the duties of the chairperson on his/her behalf.

(Meeting)

- Article 35 (1) The chairperson shall call the meetings of the Committee.
- (2) The Committee may neither hold a meeting nor make a resolution unless the chairperson and half or more of the committee members attend the meeting.
 - (3) All decisions of the Committee shall be effected by a majority of the committee members present, and in the case where the votes are evenly divided, the chairperson shall have the power to decide the vote.
 - (4) With regard to the application of the provisions of paragraph (2) in the case where the chairperson is unable to attend to his/her duties, a committee member who performs the duties of the chairperson on his/her behalf pursuant to the provisions of paragraph (3) of the preceding Article shall be deemed to be the chairperson.
 - (5) All meetings of the Committee shall be open to the public; provided, however, that when there is a risk that the fairness of a meeting will be harmed or when the Committee finds it necessary in the public interest, the Committee may keep the meeting closed to the public.

(Submission of Materials and Other Cooperation)

- Article 36 (1) When the Committee finds it necessary for performing the affairs under its jurisdiction, it may request administrative organs and the heads of local governments for the submission of materials, statements of opinion, explanations, and other necessary cooperation.
- (2) When the Committee finds it especially necessary for performing the affairs under its jurisdiction, it may request persons other than those provided for in the preceding paragraph for necessary cooperation.

(Delegation to Cabinet Order)

- Article 37 In addition to what is provided for in this Act, necessary matters concerning the Committee shall be provided for by Cabinet Order.

Chapter VI Miscellaneous Provisions

(Reflection of Expenses Necessary for Using Renewable Energy Sources on Price)

- Article 38 (1) The State shall endeavor to obtain public understanding and

cooperation by making public the purpose and content of this Act through publicity activities, etc., taking into consideration that it is important to appropriately reflect the expenses necessary for using renewable energy sources as energy sources for electricity on the value for the supply of electricity to electricity users in order to facilitate the use of renewable energy sources as energy sources for electricity.

- (2) In order to facilitate the use of renewable energy sources as energy sources for electricity, electricity utilities shall endeavor to increase the efficiency of their business activities, to reduce expenses for said business activities, and to take other necessary measures so as to prevent the value for the supply of electricity from being an excessive burden on electricity users.

(Responsibility of the State, etc. for Securing Stable and Efficient Supply of Electricity from Renewable Energy Sources)

Article 39 (1) In order to secure a stable and efficient supply of electricity from renewable energy sources, the State shall promote research and development and disseminate the results thereof, shall examine regulations on land use, buildings, etc. pertaining to the installation of a renewable energy power generation facility and other regulations on the supply of electricity from renewable energy sources, and measures to make it more convenient for those who supply or intend to supply electricity from renewable energy sources by using a certified power generation facility and shall implement necessary measures based on the results of such examination, and shall take other necessary measures.

- (2) In order to secure a stable and efficient supply of electricity from renewable energy sources, electricity utilities and persons who supply electricity from renewable energy sources to electricity utilities shall endeavor to install electric facilities which contribute to the smooth supply of electricity from renewable energy sources and to take other necessary measures, with close mutual coordination.

- (3) In order to secure a stable and efficient supply of electricity from renewable energy sources, persons engaging in the manufacture or installation of renewable energy power generation facilities or any other business related to renewable energy power generation facilities shall endeavor to reduce the expenses necessary for manufacturing and installing renewable energy power generation facilities and to take other necessary measures.

(Collection of Reports and On-Site Inspection)

Article 40 (1) The Minister of Economy, Trade and Industry may, within the limit necessary for the enforcement of this Act, direct an electricity utility or a person who supplies or intends to supply electricity from renewable energy

sources by using a certified power generation facility to report the status of its operations, the status of the certified power generation facility, and other necessary matters, or cause his/her officials to enter the places of business or offices, or the place where a certified power generation facility is located, of an electricity utility or a person who supplies or intends to supply electricity from renewable energy sources by using a certified power generation facility and to conduct an inspection of books, documents, the certified power generation facility, and other items; provided, however, that where the officials enter a residence, they shall obtain the consent of the resident in advance.

- (2) The Minister of Economy, Trade and Industry may, within the limit necessary for the enforcement of the provisions of Article 17, direct a person who has obtained or intends to obtain certification for his/her place of business pursuant to the provisions of paragraph (1) of said Article to report the quantity of electricity used annually for the business subject to said certification at said place of business, said person's sales pertaining to said business, and other necessary matters, or cause his/her officials to enter said place of business or the offices of said person and to conduct an inspection of books, documents, and other items.
- (3) The Minister of Economy, Trade and Industry may, within the limit necessary for the enforcement of this Act, direct the coordinating body to report the status of the coordinating operations or assets, or cause his/her officials to enter the office of the coordinating body and to conduct an inspection of books, documents, and other items.
- (4) An official who conducts an on-site inspection pursuant to the provisions of the preceding three paragraphs shall carry an identification card and shall present it to the persons concerned.
- (5) The authority for an on-site inspection under the provisions of paragraphs (1) through (3) shall not be construed as being granted for a criminal investigation.

(Relationship with the Minister of the Environment)

Article 41 When implementing measures to promote the use of renewable energy sources as energy sources for electricity, where the implementation of said measures is related to measures concerning the preservation of the environment, the Minister of Economy, Trade and Industry shall closely communicate with the Minister of the Environment and shall implement the measures in cooperation with the Minister of the Environment.

(Delegation to Ordinance of the Ministry of Economy, Trade and Industry)

Article 42 In addition to what is provided for in this Act, necessary matters for the enforcement of this Act shall be provided for by Ordinance of the Ministry of Economy, Trade and Industry.

(Transitional Measures)

Article 43 When enacting, revising, or abolishing an order pursuant to the provisions of this Act, necessary transitional measures (including transitional measures concerning the penal provisions) may be established by said order to the extent deemed reasonably necessary for such enactment, revision, or abolition.

Chapter VII Penal Provisions

Article 44 A person who has violated the provisions of Article 26 or Article 33, paragraph (9) shall be punished by imprisonment with work for not more than one year or a fine of not more than five hundred thousand yen.

Article 45 A person who has violated an order under the provisions of Article 4, paragraph (4) or Article 5, paragraph (4) shall be punished by a fine of not more than one million yen.

Article 46 A person who falls under any of the following items shall be punished by a fine of not more than three hundred thousand yen:

- (i) a person who has failed to give a notification under the provisions of Article 12, paragraph (3), or has given a false notification;
- (ii) a person who, in violation of the provisions of Article 15, has failed to keep books, has failed to state necessary matters in the books, or has made false statements in the books, or has failed to preserve the books; or
- (iii) a person who has failed to make a report under the provisions of paragraph (1) or (2) of Article 40 or has made a false report, or has refused, interrupted, or evaded an inspection under the provisions of paragraph (1) or (2) of said Article.

Article 47 When falling under any of the following items, an officer or employee of the coordinating body who has committed the violation shall be punished by a fine of not more than three hundred thousand yen:

- (i) when the officer or employee has abolished the whole of the coordinating operations without the permission set forth in Article 23;
- (ii) when the officer or employee, in violation of the provisions of Article 25, has failed to keep books, has failed to state necessary matters in the books, or has made false statements in the books, or has failed to preserve the books;
or
- (iii) when the officer or employee has failed to make a report under the provisions of Article 40, paragraph (3) or has made a false report, or has

refused, interrupted, or evaded an inspection under the provisions of said paragraph.

Article 48 When the representative of a juridical person or an agent, an employee or any other worker of a juridical person or a person has committed a violation set forth in Article 45 or 46 with regard to the business of said juridical person or person, not only the offender but also said juridical person or person shall be punished by the fine set forth in the respective Articles.

Supplementary Provisions

(Effective Date)

Article 1 This Act shall come into effect as of July 1, 2012; provided, however, that the provisions listed in the following items shall come into effect as of the day provided for respectively in those items:

- (i) the provisions of Article 8 and paragraphs (1) and (5) of Article 10 of the Supplementary Provisions: the day of promulgation;
- (ii) the provisions of Chapter V and Articles 2, 5, 14, and 15 of the Supplementary Provisions (excluding the provision to revise Article 19, paragraph (1), item (iv) of the Act for Establishment of the Ministry of Economy, Trade and Industry (Act No. 99 of 1999)): the day provided for by Cabinet Order within a period not exceeding three months from the date of promulgation;
- (iii) the provisions of Articles 3 and 4 of the Supplementary Provisions: the day provided for by Cabinet Order within a period not exceeding nine months from the date of promulgation.

(Preparatory Acts)

Article 2 (1) The Ministry of Economy, Trade and Industry may determine and publicly notify a procurement price, etc. and the unit price of payment pursuant to the provisions of Articles 3 and 12 prior to the enforcement of this Act.

(2) A procurement price, etc. and the unit price of payment determined pursuant to the provisions of the preceding paragraph shall be deemed to have been determined pursuant to the provisions of Article 3, paragraph (1) and Article 12, paragraph (2) on the day of the enforcement of this Act.

Article 3 (1) A person who intends to generate electricity by using a renewable energy power generation facility may obtain certification as set forth in Article 6, paragraph (1) pursuant to the provisions of said Article prior to the enforcement of this Act.

(2) When such a person has obtained certification pursuant to the provisions of the preceding paragraph, he/she shall be deemed to have obtained certification pursuant to the provisions of Article 6, paragraph (1) on the day of the enforcement of this Act.

Article 4 (1) A person who intends to obtain certification under the provisions of Article 17, paragraph (1) may obtain the certification set forth in paragraph (1) of said Article pursuant to the provisions of said Article prior to the enforcement of this Act.

(2) When such a person has obtained certification pursuant to the provisions of the preceding paragraph, he/she shall be deemed to have obtained certification pursuant to the provisions of Article 17, paragraph (1) on the day of the enforcement of this Act.

Article 5 The designation set forth in Article 19, paragraph (1) and the procedures and other acts necessary for the designation may be conducted pursuant to the provisions of said Article, Article 20, and paragraphs (1) and (2) of Article 21 prior to the enforcement of this Act.

(Special Provisions for Photovoltaic Power Generation Facilities)

Article 6 (1) With regard to power generation by using a facility that converts sunlight into electricity (hereinafter referred to as a "photovoltaic power generation facility") which has been confirmed by the Minister of Economy, Trade and Industry as conforming to the requirements provided for by Ordinance of the Ministry of Economy, Trade and Industry as a facility pertaining to the procurement of electricity obtained by converting sunlight, which is conducted by a general electricity utility based on the matters that are to be the standards for determination provided for in Article 5, paragraph (1) of the Act on the Promotion of Use of Nonfossil Energy Sources and Effective Use of Fossil Energy Materials by Energy Suppliers (Act No. 72 of 2009) (limited to the part pertaining to the matters listed in item (ii) of said paragraph) at the time of the enforcement of this Act, the provisions of this Act shall apply deeming that said power generation is power generation that was certified under the provisions of Article 6, paragraph (1) on the day of the enforcement of this Act.

(2) With regard to the application of the provisions of Article 4, paragraph (1), paragraphs (4), (6), and (7) of Article 6, and Article 9, item (i) to power generation that is deemed to be power generation certified under the provisions of Article 6, paragraph (1) pursuant to the provisions of the preceding paragraph, the phrase "period not exceeding the procurement period pertaining to a certified power generation facility of said specified supplier [period

provided for by Ordinance of the Ministry of Economy, Trade and Industry in the case where said electricity from renewable energy sources has already been supplied to another electricity utility or in any other cases provided for by Ordinance of the Ministry of Economy, Trade and Industry]" in Article 4, paragraph (1) shall be deemed to be replaced with "period determined by the Minister of Economy, Trade and Industry in accordance with the examples of the provisions of the preceding Article [limited to the part pertaining to the procurement period]," the phrase "procurement price pertaining to said certified power generation facility" in said paragraph shall be deemed to be replaced with "price determined by the Minister of Economy, Trade and Industry in accordance with the examples of the provisions of said Article [limited to the part pertaining to the procurement price]) (hereinafter referred to as "special photovoltaic power price")," the phrase "said power generation subject to certification" in Article 6, paragraph (4) shall be deemed to be replaced with "photovoltaic power generation facility set forth in Article 6, paragraph (1) of the Supplementary Provisions pertaining to power generation which is deemed to be power generation certified under the provisions of Article 6, paragraph (1) pursuant to the provisions of Article 6, paragraph (1) of the Supplementary Provisions (hereinafter referred to as "special photovoltaic power generation")," the phrase "power generation subject to the certification set forth in paragraph (1) has ceased to conform to any of the items of said paragraph" in Article 6, paragraph (6) shall be deemed to be replaced with "photovoltaic power generation facility set forth in Article 6, paragraph (1) of the Supplementary Provisions pertaining to special photovoltaic power generation (facility to which changes have been made in the case where there has been a certification of changes under the provisions of paragraph (4) or a notification of changes under the provisions of the preceding paragraph) has ceased to conform to the requirements provided for by Ordinance of the Ministry of Economy, Trade and Industry as set forth in paragraph (1) of said Article," the phrase "paragraphs (2) and (3)" in Article 6, paragraph (7) shall be deemed to be replaced with "paragraph (2)," the phrase "shall apply mutatis mutandis to the certification set forth in paragraph (4)" in said paragraph shall be deemed to be replaced with "shall apply mutatis mutandis to the certification set forth in paragraph (4). In this case, the phrase 'power generation subject to an application for certification set forth in the preceding paragraph conforms to all of the items of said paragraph' in paragraph (2) shall be deemed to be replaced with 'photovoltaic power generation facility set forth in Article 6, paragraph (1) of the Supplementary Provisions pertaining to special photovoltaic power generation conforms to the requirements provided for by Ordinance of the Ministry of Economy, Trade and Industry as set forth in said paragraph' and the phrase 'set forth in said

paragraph' shall be deemed to be replaced with 'set forth in the preceding paragraph,'" and the term "procurement price" in Article 9, item (i) shall be deemed to be replaced with "procurement price (special photovoltaic power price in the case where the electricity utility has procured electricity generated by special photovoltaic power generation based on the specific contract)."

(Special Consideration to Profits Which Specified Suppliers Should Receive)

Article 7 In order to expand the use of electricity from renewable energy sources intensively, when determining a procurement price, the Minister of Economy, Trade and Industry shall give special consideration to the profits which specified suppliers should receive, for three years from the day of the enforcement of this Act.

(Early Implementation of Examination, etc. of Regulations on the Supply of Electricity from Renewable Energy Sources)

Article 8 In order to contribute to expanding the use of electricity from renewable energy sources during the period provided for in the preceding Article, the State shall endeavor, at the earliest possible date, to examine the regulations on the supply of electricity from renewable energy sources and measures to make it more convenient for persons who intend to generate electricity by using renewable energy power generation facilities and to implement necessary measures based on the results of the examination.

(Special Provisions for Allotted Money Which Electricity Utilities Demand Electricity Users Damaged by the Great East Japan Earthquake Pay)

Article 9 (1) Notwithstanding the provisions of Article 16, paragraph (2), the amount of allotted money set forth in said Article which electricity utilities may demand that electricity users pertaining to offices, residences, or any other facilities or equipment substantially damaged by the Great East Japan Earthquake (which means the disaster caused by the Tohoku Region Pacific Coast Earthquake that occurred on March 11, 2011 and nuclear power plant accidents incidental thereto; the same shall apply in paragraph (1) of the following Article) who are provided for by Cabinet Order pay for the period from the day of the enforcement of this Act to March 31, 2013 shall be zero yen.
(2) With regard to the application of the provisions of paragraphs (1) and (3) of Article 12 in the case set forth in the preceding paragraph, the phrase "electricity users pertaining to offices, residences, or any other facilities or equipment substantially damaged by the Great East Japan Earthquake" shall be deemed to be replaced with "electricity users pertaining to offices, residences, or any other facilities or equipment substantially damaged by the Great East Japan Earthquake and electricity users provided for in Article 9,

paragraph (1) of the Supplementary Provisions."

(Review)

Article 10 (1) Where the basic energy plan provided for in Article 12, paragraph (1) of the Basic Act on Energy Policy (Act No. 71 of 2002) has been changed in light of the Great East Japan Earthquake, the government shall promptly examine the system for the promotion of the use of renewable energy sources as energy sources in light of the content of the basic energy plan after said change and shall take necessary measures based on the results of the examination.

(2) From the perspective of securing a stable and appropriate supply of energy, the government shall examine the status of the enforcement of this Act after taking necessary measures pursuant to the provisions of the preceding paragraph, whenever the basic energy plan is changed or at least every three years, in light of said change or the status and prospect of the quantity of supplied electricity from renewable energy sources, the amount of fees for the supply of electricity and the prospect thereof and influence of such fees on household accounts, influence of the burden of the allotted money set forth in Article 16 on the economic activities, etc. of persons who use huge amounts of electricity in performing their businesses and other electricity users, changes in the social and economic conditions in Japan and abroad, etc. and shall take the necessary measures based on the results of the examination.

(3) The government shall radically review this Act during the period after the enforcement of this Act before March 31, 2021, taking into consideration the status of the enforcement of this Act, etc.

(4) The government shall promptly examine the financial resources pertaining to the budgetary measures set forth in Article 18, including financing by the Special Account for Energy Measures and allocating revenue from petroleum and coal tax, taking into consideration the status of the enforcement of this Act, etc., and shall take necessary measures based on the results of the examination.

(5) From the perspective of securing a stable and appropriate supply of energy and reducing the burden on electricity users arising from the use of electricity from renewable energy sources, the government shall promptly examine the system pertaining to the electricity business, including the development of a system pertaining to the supply of electricity and the setting of fees, and shall take necessary measures based on the results of the examination.

(Abolition of the Act on Special Measures Concerning New Energy Use by Operators of Electric Utilities)

Article 11 The Act on Special Measures Concerning New Energy Use by Operators of Electric Utilities (Act No. 62 of 2002) shall be abolished.

(Transitional Measures upon Abolition of the Act on Special Measures
Concerning New Energy Use by Operators of Electric Utilities)

Article 12 The provisions of Articles 4 through 8, paragraphs (4) and (5) of Article 9, and Articles 10 through 12 (including penal provisions pertaining to these provisions) of the Act on Special Measures Concerning New Energy Use by Operators of Electric Utilities prior to the abolition under the provisions of the preceding Article (hereinafter referred to as the "Old Special Measures Act") shall remain in force until otherwise provided for by law. In this case, "Standard Amount of Use of Electricity from New Energy, etc." in Article 4, paragraph (1) of the Old Special Measures Act shall be deemed to be replaced with "amount of use under transitional measures of electricity from new energy, etc. which is obtained by using a facility that converts new energy, etc. into electricity certified pursuant to the provisions of Article 9, paragraph (1) of the Act on Special Measures Concerning New Energy Use by Operators of Electric Utilities (Act No. 62 of 2002; hereinafter referred to as the "Old Special Measures Act") prior to the abolition under the provisions of Article 11 of the Supplementary Provisions of the Act on Special Measures Concerning Procurement of Electricity from Renewable Energy Sources by Electricity Utilities (Act No. 108 of 2011; hereinafter referred to as the "Special Measures Act on Electricity from Renewable Energy Sources) (hereinafter referred to as "certified generation facility for electricity from new energy, etc.)," "prevalence of generation facilities for voltage regulation that become necessary as a result of having set a Use Target for Electricity from New Energy, etc. and installed Generation Facilities for Electricity from New Energy, etc." in said paragraph shall be deemed to be replaced with "total quantity of Standard Amount of Use of Electricity from New Energy, etc., which all electricity utilities notified the Ministry of Economy, Trade and Industry of, pursuant to the provisions of Article 4, paragraph (1) of the Old Special Measures Act, as the amount that they should use during one year from April 1 of the previous year of the year which includes the day of the enforcement of the Special Measures Act on Electricity from Renewable Energy Sources (hereinafter referred to as the "day of enforcement") to March 31 of the year which includes the day of enforcement (one year from April 1 of the year two years before the year which includes the day of enforcement to March 31 of the previous year of the year which includes the day of enforcement in the case where the month which includes the day of enforcement is January, February, or March) and the abolition of certified generation facility for electricity from new energy, etc.," the phrase "from April 1 to June 1 of the Notification Year" in paragraph (2) of said Article shall be deemed to be replaced with "from April 1 of the Notification Year to June 1 of the following year," the phrase "from April 1" in said paragraph shall be

deemed to be replaced with "'from April 1 (to March 31) of the following year'," the phrase "'from the day on which they began supplying electricity'" in said paragraph shall be deemed to be replaced with "'from the day on which they began supplying electricity (to March 31) of the following year'," the term "Standard Amount of Use" in Articles 5 through 8 of the Old Special Measures Act shall be deemed to be replaced with "amount of use under transitional measures," the term "paragraph (1)" in Article 9, paragraph (4) of the Old Special Measures Act shall be deemed to be replaced with "Article 9, paragraph (1) of the Old Special Measures Act," the term "preceding paragraphs" in paragraph (5) of said Article shall be deemed to be replaced with "preceding paragraph," the term "paragraph (1)" in said paragraph shall be deemed to be replaced with "Article 9, paragraph (1) of the Old Special Measures Act," and the term "Article 9, paragraph (1)" in Article 11 and paragraphs (1) and (2) of Article 12 of the Old Special Measures Act shall be deemed to be replaced with "Article 9, paragraph (1) of the Old Special Measures Act."

Article 13 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

(Partial Revision of the Act on Salaries of Government Officials with Special Capacity)

Article 14 The part of the Act on Salaries of Government Officials with Special Capacity (Act No. 252 of 1949) shall be revised as follows.

The following item shall be added following Article 1, item (lxv).

(lxv)-2 the members of the Calculation Committee for Procurement Price, etc.

(Partial Revision of the Act for Establishment of the Ministry of Economy, Trade and Industry)

Article 15 The part of the Act for Establishment of the Ministry of Economy, Trade and Industry shall be revised as follows.

In the table of contents, "and 19" shall be revised to "to 19-2."

The following paragraph shall be added to Article 18.

(2) In addition to what is provided for in the preceding paragraph, a council, etc. established in the Ministry of Economy, Trade and Industry as provided for separately by an Act which is established in the Agency for Natural Resources and Energy shall be the Calculation Committee for Procurement Price, etc.

In Article 19, paragraph (1), item (iv), "Act on Special Measures Concerning New Energy Use by Operators of Electric Utilities (Act No. 62 of 2002)" shall be deleted and the following Article shall be added following said Article in

Chapter IV, Section 2, Subsection 2.

(Calculation Committee for Procurement Price, etc.)

Article 19-2 The Calculation Committee for Procurement Price, etc. shall be governed by the provisions of the Act on Special Measures Concerning Procurement of Electricity from Renewable Energy Sources by Electricity Utilities (Act No. 108 of 2011; including orders based thereon).

(Delegation to Cabinet Order)

Article 16 In addition to what is provided for in these Supplementary Provisions, necessary transitional measures for the enforcement of this Act shall be provided for by Cabinet Order.