

Act on the Rationalization etc. of Energy Use (Tentative translation)

(Act No. 49 of June 22, 1979)

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Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to contribute to securing the effective utilization of fuel resources in accordance with economic and social conditions relating to energy in and outside Japan by taking the necessary measures for the rationalization of energy use in factories, etc., transportation, buildings, machinery and equipments, etc., measures required for the leveling of electricity demand, as well as other necessary measures for comprehensively promoting the rationalization of energy use, thereby contributing to the sound development of the national economy.

(Definitions)

Article 2 (1) The term "energy" as used in this Act means fuel and heat (excluding heat specified by Cabinet Order used to replace heat generated from fuel; the same applies hereinafter) and electricity (excluding electricity specified by Cabinet Order used to replace the electricity obtained by converting power gained by converting heat generated from fuel; the same applies hereinafter).

(2) The term "fuel" as used in this Act means crude oil, volatile oil, heavy oil and other oil products specified by Order of the Ministry of Economy, Trade and Industry, flammable natural gas, and coal, coke and other coal products specified by Order of the Ministry of Economy, Trade and Industry, that are used for combustion and other usages specified by Order of the Ministry of Economy, Trade and Industry.

(3) The phrase "leveling of electricity demand" means reducing changes in the demand for electricity depending on the season or time zone.

Chapter II Basic Policy

(Basic Policy)

Article 3 (1) The Minister of Economy, Trade and Industry must, from the perspective of comprehensively promoting the rationalization of energy use and leveling of electricity demand in factories, offices or other workplaces

(hereinafter referred to as "factories, etc."), transportation, buildings, machinery and equipment, etc., formulate and make public a basic policy for the rationalization of energy use (hereinafter referred to as the "basic policy").

- (2) The basic policy is to provide basic matters concerning the measures to be implemented by users of energy, etc. for the rationalization of energy use, basic matters concerning the measures to be implemented by users of electricity, etc. for achieving the leveling of electricity demand, basic matters concerning the measures to promote the rationalization of energy use, etc., and other matters concerning it, while taking into consideration long-term energy supply-demand forecasts, the environment surrounding the supply and demand of electricity and other energy, the technical level related to the rationalization of energy use, and other circumstances.
- (3) The Minister of Economy, Trade and Industry must formulate the basic policy through a cabinet decision.
- (4) The Minister of Economy, Trade and Industry must, at the time they intend to formulate the basic policy, consult the Minister of Land, Infrastructure, Transport and Tourism in advance with regard to parts pertaining to transportation, buildings (excluding parts pertaining to the improvement and indication of the quality of building materials, the improvement and indication of the heat-loss prevention performance of materials used for the prevention of heat loss through exterior walls, windows, etc. of buildings), and the performance of automobiles.
- (5) The Minister of Economy, Trade and Industry is to amend the basic policy when it is necessary to do so due to changes in the circumstances set forth in paragraph (2).
- (6) The provisions of paragraphs (1) through (4) apply mutatis mutandis to the amendment of the basic policy under the preceding paragraph.

(Efforts of Energy Users)

Article 4 Persons who use energy must, while giving due consideration to the provisions of the basic policy, endeavor to rationalize the use of energy, and endeavor to take measures conducive to leveling of electricity demand.

Chapter III Measures Pertaining to Factories

Section 1 Measures Pertaining to Factories

Subsection 1 General Provisions

(Standards of Judgment for Business Operators)

Article 5 (1) To ensure the appropriate and effective implementation of the rationalization of energy use at factories, etc., the Minister of Economy, Trade and Industry is to decide and publicize the standards of judgment for business

operators using energy at factories, etc. with regard to the following matters as well as the targets for the rationalization of energy use and the measures to be taken systematically to attain those targets:

- (i) improvement of methods of energy use, choice of machinery and equipment having a high level of energy consumption performance, etc. prescribed in Article 145, paragraph (1), and other matters concerning rationalization of energy use at factories, etc. used exclusively for an office or other use similar thereto; and
 - (ii) matters concerning rationalization of energy use at factories, etc. (excluding those that fall under the preceding item), that fall under any of the following subitems:
 - (a) rationalization of combustion of fuels;
 - (b) rationalization of heating and cooling as well as heat transfer;
 - (c) recovery and utilization of waste heat;
 - (d) rationalization of conversion of heat into power, etc.;
 - (e) prevention of energy loss due to emission, conduction, resistance, etc.; and
 - (f) rationalization of conversion of electricity into power, heat, etc.
- (2) To ensure the appropriate and effective implementation of measures conducive to the leveling of electricity demand by business operators using electricity at factories, etc., the Minister of Economy, Trade and Industry is to establish and publicize guidelines on the following matters and other measures for those business operators to take:
- (i) the shift from the use of electricity to the use of fuel or heat in time zones for the leveling of electricity demand (meaning the time zones designated by the Minister of Economy, Trade and Industry as times zones for which the promotion of the leveling of electricity demand is considered to be necessary in light of the status of supply and demand of electricity; the same applies hereinafter); and
 - (ii) the change of the times for using electricity-consuming machinery and equipment from the time zones for the leveling of electricity demand to the time zones outside the time zones for the leveling of electricity demand.
- (3) The standards of judgment prescribed in paragraph (1) and the guidelines prescribed in the preceding paragraph are to be established by considering long-term energy supply-demand forecasts, the environment surrounding the supply and demand of electricity and other energy, the technical level related to the rationalization of energy use, the state of the rationalization of energy use by each type of business and other circumstances, and is to be amended if necessary depending on any changes in these circumstances.

(Guidance and Advice)

Article 6 The competent minister may, if considered necessary in order to secure

appropriate implementation of the rationalization of energy use at factories, etc. or the appropriate implementation of measures to contribute to the leveling of electricity demand at factories, etc., provide necessary guidance and advice to business operators using energy at factories, etc. with regard to the implementation of the matters set forth in the items of paragraph (1) of the preceding Article, in consideration of the standards of judgment prescribed in the same paragraph, or may provide necessary guidance and advice to business Operators using electricity at factories, etc. with regard to the implementation of the matters set forth in the items of paragraph (2) of the same Article, in consideration of the guidelines prescribed in the same paragraph.

Subsection 2 Measures Pertaining to Specified Business Operators

(Designation of Specified Business Operators)

- Article 7 (1) The Minister of Economy, Trade and Industry is to designate, among business operators that have set up factories, etc. (excluding chain business operators (which means chain business operators as prescribed in Article 18, paragraph (1); the same applies in paragraph (4), item (iii)), certified management supervising business operators (which means certified management supervising business operators as prescribed in Article 29, paragraph (2); the same applies in paragraph (6)), and management-related business operators (which means management-related business operators as prescribed in Article 29, paragraph (2), item (ii); the same applies in paragraph (6)); the same applies in paragraph (3)), those whose total energy consumption at all factories, etc. set up by them for a business year (which means a year from April 1 to March 31 in the following year; the same applies hereinafter) is no lower than the level specified by Cabinet Order, as those particularly required to promote the rationalization of energy use.
- (2) The energy consumption for a business year set forth in the preceding paragraph is calculated pursuant to the provisions of Cabinet Order.
- (3) A business operator that has factories, etc. must, in cases where the total energy consumption for the previous year in all its factories, etc., is no lower than the level specified by Cabinet Order under paragraph (1) as calculated pursuant to Cabinet Order provisions under the preceding paragraph, notify the Minister of Economy, Trade and Industry, pursuant to the Order of the Ministry of Economy, Trade and Industry provisions, of the matters specified by Order of the Ministry of Economy, Trade and Industry with regard to energy consumption and other status of the use of energy in all its factories, etc. for the previous year; provided, however, that this does not apply to business operators designated pursuant to the provisions of the same paragraph (hereinafter referred to as a "specified business operator").

- (4) A specified business operator may, if a cause set forth in any of the following items arises, make a request for rescission of the designation under the provisions of paragraph (1) to the Minister of Economy, Trade and Industry pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry:
- (i) if the specified business operator has ceased to conduct business, in whole, in all its factories, etc.; or
 - (ii) if the total energy consumption in all its factories, etc. for a business year as calculated pursuant to the provisions of Cabinet Order under paragraph (2) is no longer expected to come to no lower than the level specified by Cabinet Order as referred to in paragraph (1).
 - (iii) if the specified business operator becomes a chain business operator.
- (5) When the request referred to in the preceding paragraph is made, if the Minister of Economy, Trade and Industry finds there are grounds for the request, the Minister is to rescind the designation under the provisions of paragraph (1) without delay. The same applies where, in the absence of the request made pursuant to the preceding paragraph, it is found that a cause set forth in any of the items of the same paragraph has arisen with respect to the relevant business operator.
- (6) When a specified business operator becomes a certified management supervising business operator or management-related business operator, the Minister of Economy, Trade and Industry is to rescind the designation under the provisions of paragraph (1) pertaining to that specified business operator.
- (7) When the Minister of Economy, Trade and Industry makes a designation under the provisions of paragraph (1) or rescinds a designation as under the provisions of the preceding two paragraphs, the Minister is to notify the minister having jurisdiction over the business to which the factories, etc. set up by the relevant business operator pertain of that designation or rescission.

(Energy Management Control Officer)

Article 8 (1) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, a specified business operator must appoint a person to supervise and manage the preparation affairs of the medium-to-long-term plan referred to in Article 15, paragraph (1), the maintenance of energy consuming equipment, the improvement and monitoring of the method of using energy and other operations specified by Order of the Ministry of Economy, Trade and Industry regarding the rationalization of energy use at factories, etc. set up by it (hereinafter referred to as "energy management control officer" in this Article and the following Article, paragraph (1)).

- (2) The position of the energy management control officer must be filled by a person who supervises and manages the implementation of operations by

specified business operator.

- (3) A specified business operator must, pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry provisions, notify the Minister of Economy, Trade and Industry of the appointment or dismissal of the energy management control officer.

(Energy Management Planning Promoter)

Article 9 (1) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, a specified business operator must appoint a person to assist the energy management control officer in connection with the operations prescribed in paragraph (1) of the preceding Article (hereinafter referred to as "energy management planning promoter" in this Article) from among the following persons:

- (i) persons who have completed training courses related to knowledge and skills necessary for the rationalization of energy use that are provided by the Minister of Economy, Trade and Industry or a person designated by the Minister (hereinafter referred to as "designated training organization") pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry; or
- (ii) persons who have a qualified energy manager license (which means the qualified energy manager license prescribed in Article 51; hereinafter the same applies in this Section).
- (2) When a specified business operator appoints an energy management planning promoter from among the persons set forth in item (i) of the preceding paragraph, the specified business operator must have that person participate in the training for improving the ability of energy management planning promoters that is given by the Minister of Economy, Trade and Industry or a designated training organization pursuant to the provisions of Order of Ministry of Economy, Trade and Industry, in each period specified by Order of the Ministry of Economy, Trade and Industry.
- (3) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, a specified business operator must notify the Minister of Economy, Trade and Industry of the appointment or dismissal of an energy management planning promoter.

(Designation of Type-1 Designated Energy Management Factories)

Article 10 (1) The Minister of Economy, Trade and Industry is to designate, among factories, etc. set up by specified business operators, those whose energy consumption for a business year calculated as prescribed by Cabinet Order as referred to in Article 7, paragraph (2) is no lower than the level specified by Cabinet Order, as factories, etc. particularly required to promote the

rationalization of energy use.

- (2) Specified business operators that have set up factories, etc. that have been designated pursuant to the provisions of the preceding paragraph (referred to as "type-1 designated energy management factories, etc." in paragraph (1) of the following Article and Article 13, paragraph (1)) (those specified business operators are each referred to as a "type-1 specified business operator" in the following Article and Article 12, paragraph (1)) may make a request for rescission of the designation under the provisions of the same paragraph to the Minister of Economy, Trade and Industry pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry if a cause set forth in any of the following items arises regarding those factories, etc.
 - (i) if the type-1 specified business operator has ceased to conduct business; or
 - (ii) if the energy consumption for a business year as calculated pursuant to the provisions of Cabinet Order as referred to in Article 7, paragraph (2) is no longer expected to come to no lower than the level specified by Cabinet Order as referred to in the preceding paragraph.
- (3) When the request referred to in the preceding paragraph is made, if the Minister of Economy, Trade and Industry finds there are grounds for the request, the Minister is to rescind the designation under the provisions of paragraph (1) without delay. The same applies when, in the absence of the request made pursuant to the preceding paragraph, it is found that a cause set forth in any of the items of the same paragraph has arisen with respect to the relevant factories, etc.
- (4) When the Minister of Economy, Trade and Industry makes a designation under the provisions of paragraph (1) or rescinds a designation as under the provisions of the preceding paragraphs, the Minister is to notify the minister having jurisdiction over the business to which the relevant factories, etc., pertain of that designation or rescission.

Article 11 (1) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, a type-1 specified business operator must appoint, for each of the type-1 designated energy management factories, etc. set up by it, in accordance with the criteria set by Cabinet Order, a person to manage the maintenance of energy consuming equipment, the improvement and monitoring of the method of using energy and other operations specified by Order of the Ministry of Economy, Trade and Industry with regard to the rationalization of energy use at type-1 designated energy management factories, etc. (referred to as "energy manager" in the following paragraph), , from among persons who have a qualified energy manager license; provided, however, that this does not apply to the type-1 designated energy management factories, etc. set forth in the following cases:

- (i) a type-1 specified business operator that has type-1 designated energy management factories, etc. that are used for a business falling within the manufacturing industry or other industries specified by Cabinet Order and are used exclusively for an office or any other usage similar thereto, as specified by Cabinet Order: or
 - (ii) a type-1 designated energy management factories, etc. that are used for a business falling within an industry other than those prescribed in the preceding item.
- (2) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, type-1 specified business operators must notify the Minister of Economy, Trade and Industry of the appointment or dismissal of type-1 energy managers.

Article 12 (1) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, among type-1 specified business operators, those that have set up factories, etc. set forth in the items of paragraph (1) of the preceding Article (hereinafter referred to as "type-1 designated business operators" in this Article) must appoint, for each of those factories, etc. set up by it, a person to manage the maintenance of energy consuming equipment, the improvement and monitoring of the method of using energy and other operations specified by Order of the Ministry of Economy, Trade and Industry with regard to the rationalization of energy use at the factories, etc. set forth in the items of paragraph (1) of the preceding Article (hereinafter referred to as energy management staff" in this Article) from among the persons set forth in the items of Article 9, paragraph (1).

- (2) When a type-1 designated business operator appoints an energy management staff from among the persons set forth in Article 9, paragraph (1), item (i), the type-1 designated business operator must have that energy management staff participate in the training for improving the ability of energy management staffs that is given by the Minister of Economy, Trade and Industry or a designated training organization pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, in each period specified by Order of the Ministry of Economy, Trade and Industry.
- (3) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, type-1 designated business operators must notify the Minister of Economy, Trade and Industry of the appointment or dismissal of the energy management staff.

Article 13 (1) The Minister of Economy, Trade and Industry is to designate, among factories, etc. set up by specified business operators, factories, etc. other than type-1 designated energy management factories, etc. whose energy

consumption for a business year is no lower than the level specified by Cabinet Order, calculated as prescribed by Cabinet Order as referred to in Article 7, paragraph (2), and is no lower than the level specified by Cabinet Order as referred to in paragraph (1) of the same Article, as factories, etc. particularly required to promote the rationalization of energy use in the same way as type-1 designated energy management factories, etc.

- (2) Specified business operators that have set up factories, etc. that have been designated pursuant to the provisions of the preceding paragraph (referred to as "type-2 designated energy management factories, etc." in paragraph (4) and paragraph (1) of the following Article) (those specified business operators are each referred to as a "type-2 specified business operator" in the same Article) may make a request for rescission of the designation under the provisions of the preceding paragraph to the Minister of Economy, Trade and Industry pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry if a cause set forth in any of the following items arises regarding those factories, etc.:
 - (i) if the type-2 specified business operator has ceased to conduct business; or
 - (ii) if the energy consumption for a business year as calculated pursuant to the provisions of Cabinet Order as referred to in Article 7, paragraph (2) is no longer expected to come to no lower than the level specified by Cabinet Order as referred to in the preceding paragraph.
- (3) When the request referred to in the preceding paragraph is made, if the Minister of Economy, Trade and Industry finds that there are grounds for the request, the Minister is to rescind the designation under the provisions of paragraph (1) without delay. The same applies where, in the absence of the request made pursuant to the preceding paragraph, it is found that a cause set forth in any of the items of the same paragraph has arisen regarding the relevant Factories, etc.
- (4) Where the energy consumption for a business year as calculated pursuant to the provisions of Cabinet Order as referred to in Article 7, paragraph (2) at type-2 designated energy management factories, etc. has come to no lower than the level specified by Cabinet Order as referred to in Article 10, paragraph (1) and the Minister of Economy, Trade and Industry gives designation to those factories, etc. pursuant to the provisions of the same paragraph, the Minister is to rescind the designation under the provisions of paragraph (1) pertaining to that factories, etc.
- (5) When the Minister of Economy, Trade and Industry makes a designation under the provisions of paragraph (1) or rescinds a designation as under the provisions of the preceding two paragraphs, the Minister is to notify the minister having jurisdiction over the business to which the relevant factories, etc. pertain of that designation or rescission.

Article 14 (1) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, a type-2 specified business operator must appoint, for each of the type-2 designated energy management factories, etc. set up by it, a person to manage the maintenance of energy consuming equipment, the improvement and monitoring of the method of using energy and other operations specified by Order of the Ministry of Economy, Trade and Industry with regard to the rationalization of energy use at type-2 designated energy management factories, etc. (hereinafter referred to as "energy management staff" in this Article), from among the persons set forth in the items of Article 9, paragraph (1).

(2) When a type-2 specified business operator appoints an energy management staff from among the persons set forth in Article 9, paragraph (1), item (i), the type-2 specified business operator must have that energy management staff participate in the training for improving the ability of energy management staffs that is given by the Minister of Economy, Trade and Industry or a designated training organization pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, in each period specified by Order of the Ministry of Economy, Trade and Industry.

(3) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, a type-2 specified business operator must notify the Minister of Economy, Trade and Industry of the appointment or dismissal of an energy management staff.

(Preparation of Medium-to-long-term Plans)

Article 15 (1) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, a specified business operator must regularly prepare a medium-to-long-term plan for achieving the targets for the rationalization of energy use that is specified for factories, etc. set up by it in the standards of judgment as prescribed in Article 5, paragraph (1) and must submit it to the competent minister.

(2) The competent minister may establish necessary guidelines in order to contribute to appropriate preparation of plans referred to in the preceding paragraph by specified business operators.

(3) When the competent minister has established the guidelines referred to in the preceding paragraph, the minister is to publicize them.

(Regular Reporting)

Article 16 (1) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, every business year the specified business operators must report to the competent minister the matters specified by Order of the Ministry

of Economy, Trade and Industry concerning energy consumption and other situations of energy use at its factories, etc. (including matters concerning efficiency in energy use and the emissions of carbon dioxide discharged by the use of energy) as well as the situation of establishment, modification and abolition of energy consuming facilities and other facilities relating to the rationalization of energy use.

- (2) When the Minister of Economy, Trade and Industry intends to issue or amend Order of the Ministry of Economy, Trade and Industry referred to in the preceding paragraph (limited to the matters concerning the emissions of carbon dioxide discharged by the use of energy), the Minister must hold prior consultation with the Minister of the Environment.

(Instructions and Orders relating Rationalization Plans)

Article 17 (1) If the competent minister finds that the state of the rationalization of energy use at factories, etc. set up by a specified business operator is significantly insufficient in light of the standards of judgment as prescribed in Article 5, paragraph (1), the minister may instruct the specified business operator to prepare and submit a plan on the rationalization of energy use (hereinafter referred to as a "rationalization plan"), while taking into consideration the technical level relating to the business conducted by the specified business operator using energy, the status of the measures taken by the specified business operator in accordance with the guidelines prescribed in paragraph (2) of the same Article, and other circumstances, and then showing the grounds for the Minister's judgment.

- (2) If the competent minister finds the rationalization plan to be not appropriate for carrying out the rationalization of energy use relating to factories, etc. set up by the specified business operator, the minister may instruct the specified business operator to alter the rationalization plan.
- (3) If the competent minister finds that a specified business operator is not carrying out its rationalization plan, the minister may instruct the specified business operator to carry out the rationalization plan appropriately.
- (4) If a specified business operator that has received the instructions prescribed in the preceding three paragraphs does not follow the instructions, the competent minister may publicize to that effect.
- (5) If a specified business operator that has received the instructions prescribed in paragraphs (1) through (3) does not take the measures pertaining to those instructions without legitimate grounds, the competent minister may, after hearing opinions from councils, etc. (meaning organizations prescribed in Article 8 of the National Government Organization Act (Act No. 120 of 1948); the same applies hereinafter) specified by Cabinet Order, order that specified business operator to take the measures pertaining to the instructions.

Subsection 3 Measures Pertaining to Specified Chain Business Operators

(Designation of Specified Chain Business Operators)

- Article 18 (1) The Minister of Economy, Trade and Industry is to apply a designation as a person that particularly needs to advance the rationalization of energy use to any person engaged in business operations in which it allows other persons to use a specific trademark, trade name, or any other such indication, specifies the ways in which goods are sold or services are provided, and provides instructions on management on an ongoing basis pursuant to contracts that are based on a standard set of general terms and conditions containing provisions on the particulars that Order of the Ministry of Economy, Trade and Industry prescribes regarding the conditions of energy use at factories, etc. that are run by persons participating in those business operations (hereinafter referred to as a "franchisee") (hereinafter such business operations are referred to as "chain business operations" and a person engaged in them is referred to as a "chain business"), if the total annual energy use, calculated as prescribed by the Cabinet Order referred to in Article 7, paragraph (2), at all factories, etc. that the chain business operator has in place and at all factories, etc. that its franchisees have in place that are associated with those chain operations is no lower than the level prescribed by the Cabinet Order that is referred to in paragraph (1) of that Article.
- (2) Chain business operators must, where the total energy consumption for the previous year in all factories, etc. that belong to the chain business operator and all factories, etc. in relation to the chain business that belong to a franchisee of the chain business conducted by the chain business operator, as calculated pursuant to Cabinet Order provisions under Article 7, paragraph (2), is beyond the level specified by Cabinet Order under paragraph (1) of the same Article, notify the Minister of Economy, Trade and Industry, pursuant to Order of the Ministry of Economy, Trade and Industry provisions, of the matters specified by Order of the Ministry of Trade and Industry with regard to energy consumption and other status of energy use for the previous year at all factories, etc. that belong to the chain business and all factories, etc. pertaining to the chain business operation that belong to the franchisee of the chain business operation conducted by the chain business operator; provided, however, that this does not apply to a business operator designated pursuant to the provisions of the preceding paragraph (hereinafter referred to as a "specified chain business operator").
- (3) If a cause set forth in any of the following items arises, a specified chain business operator may make a request for rescission of the designation under

the provisions of paragraph (1) to the Minister of Economy, Trade and Industry pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry:

- (i) if the specified chain business operator has ceased to conduct all business operation in all factories, etc., set up by it and in all factories, etc. set up by franchisees of the chain business operations carried out by that specified chain business operator and pertaining to those chain business operations; or
 - (ii) if the total energy consumption for a business year at all factories, etc. set up by specified chain business operators and all factories, etc. set up by franchisees of the chain business operations carried out by that specified chain business operator and pertaining to those chain business operations, as calculated pursuant to the provisions of Cabinet Order referred to in Article 7, paragraph (2) is no longer expected to come to no lower than the level specified by Cabinet Order as referred to in paragraph (1) of the same Article.
- (4) When the request referred to in the preceding paragraph is made, if the Minister of Economy, Trade and Industry finds that there are grounds for the request, the Minister is to rescind the designation under the provisions of paragraph (1) without delay. The same applies where, in the absence of the request made pursuant to the preceding paragraph, it is found that a cause set forth in any of the items of the same paragraph has arisen regarding the relevant business.
- (5) When the Minister of Economy, Trade and Industry makes a designation under the provisions of paragraph (1) or rescinds a designation as under the provisions of the preceding paragraph, the Minister is to notify the minister having jurisdiction over the business pertaining to the factories, etc. set up by that business operator and the chain business operation carried out by that business operator of that designation or rescission.

(Energy Management Control Officers)

Article 19 (1) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, a specified chain business operator (excluding a case where that specified chain business operator is a certified management supervising business operator (which means the certified management supervising business operator prescribed in Article 29, paragraph (2)) or management-related business operator (which means the management-related business operator prescribed in item (ii) of the same paragraph); hereinafter the same applies in this Subsection and Article 48, paragraph (2)) must appoint a person to supervise and manage the maintenance of energy consuming equipment, the improvement and monitoring of the method of using energy and other operations specified by Order of Ministry of Economy, Trade and Industry, regarding the affairs of preparing the medium-to-long-term plan

referred to in Article 26, paragraph (1) and the rationalization of energy use at factories, etc. set up by it and factories, etc. pertaining to the chain business operations set up by the franchisees of those chain business operations carried out by that specified chain business operator and pertaining to those chain business operations (hereinafter referred to as "energy management control officer" in this Article and paragraph (1) of the following Article).

- (2) The position of the energy management control officer must be filled by a person who supervises and manages the execution of the business conducted by the specified chain business operator.
- (3) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, a specified chain business operator must notify the Minister of Economy, Trade and Industry of the appointment or dismissal of an energy management control officer.

(Energy Management Planning Promoters)

Article 20 (1) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, a specified chain business operator must appoint a person to assist the energy management control officer (hereinafter referred to as "energy management planning promoter" in this Article) in connection with the operations prescribed in paragraph (1) of the preceding Article from among the persons set forth in the items of Article 9, paragraph (1).

- (2) When a specified chain business operator appoints an energy management planning promoter from among the persons set forth in Article 9, paragraph (1), item (i), the specified chain business operator must have that energy management planning promoter participate in the training for improving the ability of energy management planning promoters that is given by the Minister of Economy, Trade and Industry or a designated training organization pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, in each period specified by Order of the Ministry of Economy, Trade and Industry.
- (3) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, a specified chain business operator must notify the Minister of Economy, Trade and Industry of the appointment or dismissal of an energy management planning promoter.

(Designation of Type-1 Designated Chain Energy Management Factories)

Article 21 (1) The Minister of Economy, Trade and Industry is to designate, among factories, etc. set up by specified chain business operators, those whose energy consumption for a business year calculated as prescribed by Cabinet Order as referred to in Article 7, paragraph (2) is no lower than the level specified by Cabinet Order as referred to in Article 10, paragraph (1), as

- factories, etc. particularly required to promote the rationalization of energy use.
- (2) Specified chain business operators that have set up factories, etc. that have been designated pursuant to the provisions of the preceding paragraph (referred to as "type-1 designated chain energy management factories, etc." in paragraph (1) of the following Article and Article 24, paragraph (1)) (those specified chain business operators are referred to as "type-1 specified chain business operators" in the following Article and Article 23, paragraph (1)) may make a request for rescission of the designation under the provisions of the preceding paragraph to the Minister of Economy, Trade and Industry pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry if a cause set forth in any of the following items arises regarding those factories, etc.:
- (i) if the type-1 specified chain business operator has ceased to conduct business; or
 - (ii) if the energy consumption for a business year calculated as prescribed by Cabinet Order as referred to in Article 7, paragraph (2) is no longer expected to come to no lower than the level specified by Cabinet Order as referred to in Article 10, paragraph (1).
- (3) When the request referred to in the preceding paragraph is made, if the Minister of Economy, Trade and Industry finds that there are grounds for the request, the Minister is to rescind the designation under the provisions of paragraph (1) without delay. The same applies where, in the absence of the request made pursuant to the preceding paragraph, it is found that a cause set forth in any of the items of the same paragraph has arisen regarding the relevant factories, etc.
- (4) When the Minister of Economy, Trade and Industry makes a designation under the provisions of paragraph (1) or rescinds a designation as under the provisions of the preceding paragraph, the Minister is to notify the minister having jurisdiction over the business to which the relevant factories, etc. pertain of that designation or rescission.

Article 22 (1) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, a type-1 specified chain business operator must appoint, for each of the type-1 designated chain energy management factories, etc. set up by it and in accordance with the criteria set by Cabinet Order as referred to in Article 11, paragraph (1), a person to manage the maintenance of energy consuming equipment, the improvement and monitoring of the method of using energy and other operations specified by Order of the Ministry of Economy, Trade and Industry with regard to the rationalization of energy use at type-1 designated chain energy management factories, etc. (referred to as "energy manager" in the following paragraph), from among persons who have a

qualified energy manager license; provided, however, that this does not apply to the type-1 designated chain energy management factories, etc. set forth in the following cases:

- (i) among type-1 designated chain energy management factories, etc., those used for businesses that belong to the business types prescribed by Cabinet Order as referred to in Article 11, paragraph (1), item (i) and used exclusively as offices or other use similar thereto, those specified by Cabinet Order; or
 - (ii) among type-1 designated chain energy management factories, etc., those used for businesses that belong to business types other than those prescribed in the preceding item.
- (2) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, a type-1 specified chain business operator must notify the Minister of Economy, Trade and Industry of the appointment or dismissal of an energy manager.

Article 23 (1) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, among type-1 specified chain business operators, those that have set up the factories, etc. set forth in the items of paragraph (1) of the preceding Article (hereinafter referred to as "type-1 designated chain business operators" in this Article) must appoint, for each of those factories, etc. set up by them, a person to manage the maintenance of energy consuming equipment, the improvement and monitoring of the method of using energy and other operations specified by Order of the Ministry of Economy, Trade and Industry with regard to the rationalization of energy use at the factories, etc. set forth in the items of paragraph (1) of the preceding Article (hereinafter referred to as "energy management staff" in this Article), from among the persons set forth in the items of Article 9, paragraph (1).

- (2) When a type-1 designated chain business operator appoints an energy management staff from among the persons set forth in Article 9, paragraph (1), item (i), the type-1 designated chain business operator must have that energy management staff participate in the training for improving the ability of energy management staffs that is given by the Minister of Economy, Trade and Industry or a designated training organization pursuant to the provisions of Order of Ministry of Economy, Trade and Industry, in each period specified by Order of the Ministry of Economy, Trade and Industry.
- (3) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, a type-1 designated chain business operator must notify the Minister of Economy, Trade and Industry of the appointment or dismissal of an energy management staff.

- (Designation of Type-2 Designated Chain Energy Management Factories, etc.)
- Article 24 (1) The Minister of Economy, Trade and Industry is to designate, among factories, etc. set up by specified chain business operators, those other than type-1 designated chain energy management factories, etc. whose energy consumption for a business year is no lower than the level specified by Cabinet Order, calculated as prescribed by Cabinet Order as referred to in Article 7, paragraph (2), and is no lower than the level specified by Cabinet Order as referred to in Article 13, paragraph (1), as factories, etc. particularly required to promote the rationalization of energy use in the same way as type-1 designated chain energy management factories, etc.
- (2) Specified chain business operators that have set up factories, etc. that have been designated pursuant to the provisions of the preceding paragraph (referred to as "type-2 designated chain energy management factories, etc." in paragraph (4) and the following Article, paragraph (1)) (those Specified chain business operators are referred to as "type-2 specified chain business operators" in the same Article) may make a request for rescission of the designation under the provisions of the preceding paragraph to the Minister of Economy, Trade and Industry pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry if a cause set forth in any of the following items arises regarding those factories, etc.:
- (i) if the type-2 specified chain business operator has ceased to conduct business; or
 - (ii) if the energy consumption for a business year calculated as prescribed by Cabinet Order as referred to in Article 7, paragraph (2) is no longer expected to come to no lower than the level specified by Cabinet Order as referred to in Article 13, paragraph (1).
- (3) When the request referred to in the preceding paragraph is made, if the Minister of Economy, Trade and Industry finds that there are grounds for the request, the Minister is to rescind the designation under the provisions of paragraph (1) without delay. The same applies where, in the absence of the request made pursuant to the preceding paragraph, it is found that a cause set forth in any of the items of the same paragraph has arisen regarding the relevant factories, etc.
- (4) Where the energy consumption for a business year calculated as prescribed by Cabinet Order as referred to in Article 7, paragraph (2) at type-2 designated chain energy management factories, etc. has come to no lower than the level specified by Cabinet Order as referred to in Article 10, paragraph (1) and the Minister of Economy, Trade and Industry gives the designation to those factories, etc. pursuant to the provisions of Article 21, paragraph (1), the Minister is to rescind the designation under the provisions of paragraph (1) pertaining to the factories, etc.

- (5) When the Minister of Economy, Trade and Industry makes a designation under the provisions of paragraph (1) or rescinds a designation as under the provisions of the preceding two paragraphs, the Minister is to notify the minister having jurisdiction over the business to which the relevant factories, etc. pertain of that designation or rescission.

Article 25 (1) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, a type-2 specified chain business operator must appoint, for each of the type-2 designated chain energy management factories, etc. set up by it, a person to manage the maintenance of energy consuming equipment, the improvement and monitoring of the method of using energy and other operations specified by Order of the Ministry of Economy, Trade and Industry with regard to the rationalization of energy use at type-2 designated chain energy management factories, etc. (hereinafter referred to as "energy management staff" in this Article), from among the persons set forth in the items of Article 9, paragraph (1).

- (2) When a type-2 specified chain business operator appoints an energy management staff from among the persons set forth in Article 9, paragraph (1), item (i), the type-2 designated chain business operator must have that energy management staff participate in the training for improving the ability of energy management staffs that is given by the Minister of Economy, Trade and Industry or a designated training organization as prescribed by Order of the Ministry of Economy, Trade and Industry, in each period specified by Order of the Ministry of Economy, Trade and Industry.
- (3) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, a type-2 specified chain business operator must notify the Minister of Economy, Trade and Industry of the appointment or dismissal of an energy management staff.

(Preparation of Medium-to-long-term Plans)

Article 26 (1) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, a specified chain business operator must regularly prepare a medium-to-long-term plan for attaining the targets for the rationalization of energy use that is specified for factories, etc. set up by it and factories, etc. set up by the franchisees of the chain business operations carried out by that specified chain business operator and pertaining to those chain business operations in the standards of judgment as prescribed in Article 5, paragraph (1) and must submit it to the competent minister.

- (2) The competent minister may establish necessary guidelines in order to contribute to appropriate preparation of the plan referred to in the preceding paragraph by specified chain business operators.

(3) When the competent minister has established the guidelines referred to in the preceding paragraph, the minister is to publicize those guidelines.

(Regular Reporting)

Article 27 (1) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, every business year a specified chain business operator must report to the competent minister the matters specified by Order of the Ministry of Economy, Trade and Industry concerning energy consumption and other situations of using energy (including matters concerning efficiency in using energy and the emissions of carbon dioxide discharged by the use of energy) and the situation of establishment, modification and abolition of energy consuming equipment and equipment relating to the rationalization of energy use at factories, etc. set up by it and factories, etc. set up by the franchisees of the chain business operations carried out by that specified chain business operator and pertaining to those chain business operations.

(2) When the Minister of Economy, Trade and Industry intends to issue or amend the Order of the Ministry of Economy, Trade and Industry referred to in the preceding paragraph (limited to the matters concerning the emissions of carbon dioxide discharged by the use of energy), the Minister must hold prior consultation with the Minister of the Environment.

(Instructions and Orders relating to Rationalization Plans)

Article 28 (1) If the competent minister finds that the state of the rationalization of energy use at factories, etc. set up by a specified chain business operator and factories, etc. set up by the franchisees of the chain business operations carried out by that specified chain business operator and pertaining to those Chain business operations is significantly insufficient in light of the standards of judgment as prescribed in Article 5, paragraph (1), the minister may instruct the specified chain business operator to prepare and submit a rationalization plan, while taking into consideration the technical level relating to the business conducted by the specified chain business operator using energy, the status of measures taken in accordance with the guidelines prescribed in paragraph (2) of the same Article, and other circumstances and then showing the grounds for the minister's judgment.

(2) If the competent minister finds the rationalization plan to be inappropriate for carrying out the rationalization of energy use relating to factories, etc. set up by the relevant specified chain business operator and factories, etc. set up by the franchisees of the chain business operations carried out by the specified chain business operator and pertaining to those chain business operations, the minister may instruct the specified chain business operator to alter the rationalization plan.

- (3) If the competent minister finds that a specified chain business operator is not carrying out its rationalization plan, the minister may instruct that specified chain business operator to carry out the rationalization plan appropriately.
- (4) If a specified chain business operator that has received the instructions prescribed in the preceding three paragraphs does not follow those instructions, the competent minister may publicize to that effect.
- (5) If a specified chain business operator that has received the instructions prescribed in paragraphs (1) through (3) does not take the measures pertaining to those instructions without legitimate grounds, the competent minister may, after hearing opinions from councils, etc. specified by Cabinet Order, order that specified chain business operator to take the measures pertaining to the instructions.

Subsection 4 Measures Pertaining to Certified Management Supervising Business Operators

(Certified Management Supervising Business Operators)

- Article 29 (1) When a business operator that has set up factories, etc. promotes the rationalization of energy use at factories, etc. in a united way with a stock company whose all issued shares are held by it or other business operator that is specified by Order of the Ministry of Economy, Trade and Industry as being closely related to the business operator that has set up factories, etc. (hereinafter referred to as "closely related business operator" in this paragraph and item (ii) of the following paragraph), the business operator may obtain the approval of from the Minister of Economy, Trade and Industry regarding the fulfillment of all the following items:
- (i) the business operator satisfies the requirements specified by Order of the Ministry of Economy, Trade and Industry as a business operator that supervises and manages the measures to rationalize the use of energy that are taken in a united way with the closely related business operator pertaining to an application for the certification; and
 - (ii) the total energy consumption calculated as prescribed by Cabinet Order as referred to in Article 7, paragraph (2) for the previous business year at all factories, etc. set up by the business operator that has set up the factories, etc. and the closely related business operator pertaining to an application for the certification is no lower than the level specified by Cabinet Order as referred to in paragraph (1) of the same Article.
- (2) If a business operator that has received the certification referred to in the preceding paragraph (hereinafter referred to as "certified management supervising business operator") falls under any of the following items, the Minister of Economy, Trade and Industry may rescind the certification:

- (i) if the certified management supervising business operator no longer meets the requirements specified by Order of the Ministry of Economy, Trade and Industry as prescribed in item (i) of the preceding paragraph;
 - (ii) if the total energy consumption for a business year calculated as prescribed by Cabinet Order as referred to in Article 7, paragraph (2) at all Factories, etc. set up by the certified management supervising business operator and the closely related business operator pertaining to its certification (hereinafter referred to as "management-related business operator") is no longer expected to come to no lower than the level specified by Cabinet Order as referred to in paragraph (1) of the same Article; or
 - (iii) if it turns out that the certified management supervising business operator has received the certification referred to in the preceding paragraph by wrongful means.
- (3) When the Minister of Economy, Trade and Industry makes a designation under the provisions of paragraph (1) or rescinds a designation as under the provisions of the preceding paragraph, the Minister is to notify the minister having jurisdiction over the business to which the factories, etc. set up by the relevant business pertain of that certification or rescission.

(Energy Management Control Officers)

- Article 30 (1) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, a certified management supervising business operator must appoint a person to supervise and manage the maintenance of energy consuming equipment, the improvement and monitoring of the method of using energy and other operations specified by Order of the Ministry of Economy, Trade and Industry, regarding the affairs of preparation of the medium-to-long-term plan referred to in Article 37, paragraph (1) and the rationalization of energy use at facilities, etc. set up by it (including factories, etc. set up by the franchisees of the chain business operations carried out by it and pertaining to those chain business operations when that certified management supervising business operator is a specified chain business operator; hereinafter the same applies in this Subsection) and factories, etc. set up by its management-related business operator (including factories, etc. set up by the franchisees of the chain business operations carried out by that management-related business operator when the management-related business operator is a specified chain business operator; hereinafter the same applies in this Subsection) (hereinafter referred to as "energy management control officer" in this Article and paragraph (1) of the following Article).
- (2) The position of the energy management control officer must be filled by a person who supervises and manages the execution of the business conducted by a certified management supervising business operator.

(3) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, a certified management supervising business operator must notify the Minister of Economy, Trade and Industry of the appointment or dismissal of an energy management control officer.

(Energy Management Planning Promoters)

Article 31 (1) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, a certified management supervising business operator must appoint a person to assist the energy management control officer (hereinafter referred to as "energy management planning promotor" in this Article), in connection with the operations prescribed in paragraph (1) of the preceding Article, from among the persons set forth in the items of Article 9, paragraph (1).

(2) When a certified management supervising business operator appoints an energy management planning promotor from among the persons set forth in Article 9, paragraph (1), item (i), the certified management supervising business operator must have that energy management planning promotor participate in the training for improving the ability of energy management planning promoters that is given by the Minister of Economy, Trade and Industry or a designated training organization as prescribed by Order of the Ministry of Economy, Trade and Industry, in each period specified by Order of the Ministry of Economy, Trade and Industry.

(3) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, a certified management supervising business operator must notify the Minister of Economy, Trade and Industry of the appointment or dismissal of an energy management planning promotor.

(Designation of Type-1 Management Supervising Designated Energy Management Factories, etc.)

Article 32 (1) The Minister of Economy, Trade and Industry is to designate, among factories, etc. set up by certified management supervising business operators, those whose energy consumption for a business year calculated as prescribed by Cabinet Order as referred to in Article 7, paragraph (2) is no lower than the level specified by Cabinet Order as referred to in Article 10, paragraph (1), as factories, etc. particularly required to promote the rationalization of energy use.

(2) Certified management supervising business operators that have set up the factories, etc. designated pursuant to the provisions of the preceding paragraph (referred to as "type-1 management supervising designated energy management factories, etc." in paragraph (1) of the following Article and Article 35, paragraph (1)) (those certified management supervising business

operators are referred to as "type-1 certified management supervising business operators" in the following Article and Article 34, paragraph (1)) may make a request for rescission of the designation under the provisions of the preceding paragraph to the Minister of Economy, Trade and Industry pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry if a cause set forth in any of the following items arises regarding those factories, etc.:

- (i) if the type-1 certified management supervising business operator has ceased to conduct business; or
 - (ii) if the energy consumption for a business year calculated as prescribed by Cabinet Order as referred to in Article 7, paragraph (2) is no longer expected to come to no lower than the level specified by Cabinet Order as referred to in Article 10, paragraph (1).
- (3) When the request referred to in the preceding paragraph is made, if the Minister of Economy, Trade and Industry finds that there are grounds for the request, the Minister is to rescind the designation under the provisions of paragraph (1) without delay. The same applies where, in the absence of the request made pursuant to the preceding paragraph, it is found that a cause set forth in any of the items of the same paragraph has arisen regarding the relevant factories, etc.
- (4) When the Minister of Economy, Trade and Industry makes a designation under the provisions of paragraph (1) or rescinds a designation as under the provisions of the preceding paragraph, the Minister is to notify the minister having jurisdiction over the business to which the relevant factories, etc. pertain of that designation or rescission.

Article 33 (1) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, a type-1 certified management supervising business operator must appoint, for each of type-1 management supervising designated energy management factories, etc. set up by it and in accordance with the criteria set by Cabinet Order as referred to in Article 11, paragraph (1), a person to manage the maintenance of energy consuming equipment, the improvement and monitoring of the method of using energy and other operations specified by Order of the Ministry of Economy, Trade and Industry with regard to the rationalization of energy use at type-1 management supervising designated energy management factories, etc. (referred to as "energy manager" in the following paragraph), from among the persons to who have a qualified energy manager license; provided, however, that this does not apply to the type-1 management supervising designated energy management factories, etc. set forth in the following cases:

- (i) among type-1 management supervising designated energy management factories, etc., those used for businesses that belong to the business types

- prescribed by Cabinet Order as referred to in Article 11, paragraph (1), item (i) and used exclusively as offices or other use similar thereto, those specified by Cabinet Order; or
- (ii) among type-1 management supervising designated energy management factories, etc., those used for businesses that belong to business types other than those prescribed in the preceding item.
- (2) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, a type-1 certified management supervising business operator must notify the Minister of Economy, Trade and Industry of the appointment or dismissal of an energy manager.

Article 34 (1) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, among type-1 certified management supervising business operators, those that have set up the factories, etc. set forth in the items of paragraph (1) of the preceding Article (hereinafter referred to as "type-1 designated management supervising business operators" in this Article) must appoint, for each of those Factories, etc. set up by them, a person to manage the maintenance of energy consuming equipment, the improvement and monitoring of the method of using energy and other operations specified by Order of the Ministry of Economy, Trade and Industry with regard to the rationalization of energy use at the factories, etc. set forth in the items of paragraph (1) of the preceding Article (hereinafter referred to as "energy management staff" in this Article), from among the persons set forth in the items of Article 9, paragraph (1).

- (2) When a type-1 designated management supervising business operator appoints an energy management staff from among the persons set forth in Article 9, paragraph (1), item (i), the type-1 designated management supervising business operator must have that energy management staff participate in the training for improving the ability of energy management staffs that is given by the Minister of Economy, Trade and Industry or a designated training organization as prescribed by Order of the Ministry of Economy, Trade and Industry, in each period specified by Order of the Ministry of Economy, Trade and Industry.
- (3) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, a type-1 designated management supervising business operator must notify the Minister of Economy, Trade and Industry of the appointment or dismissal of an energy management staff.

(Designation of Type-2 Management Supervising Designated Energy Management Factories, etc.)

Article 35 (1) The Minister of Economy, Trade and Industry is to designate,

among factories, etc. set up by certified management supervising business operators, other factories, etc. than type-1 management supervising designated energy management factories, etc. whose energy consumption for a business year is no lower than the level specified by Cabinet Order, calculated as prescribed by Cabinet Order as referred to in Article 7, paragraph (2), and is no lower than the level specified by Cabinet Order as referred to in Article 13, paragraph (1), as factories, etc. particularly required to promote the rationalization of energy use in the same way as type-1 management supervising designated energy management factories, etc.

- (2) Certified management supervising business operators that have set up factories, etc. that have been designated pursuant to the provisions of the preceding paragraph (referred to as "type-2 management supervising designated energy management factories, etc." in paragraph (4) and paragraph (1) of the following Article) (those certified management supervising business operators are referred to as "type-2 certified management supervising business operators" in the same Article) may make a request for rescission of the designation under the provisions of the preceding paragraph to the Minister of Economy, Trade and Industry pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry if a cause set forth in any of the following items arises regarding those factories, etc.:
 - (i) if the type-2 certified management supervising business operator has ceased to conduct business; or
 - (ii) if the energy consumption for a business year calculated as prescribed by Cabinet Order as referred to in Article 7, paragraph (2) is no longer expected to come to no lower than the level specified by Cabinet Order as referred to in Article 13, paragraph (1).
- (3) When the request referred to in the preceding paragraph is made, if the Minister of Economy, Trade and Industry finds that there are grounds for the request, the Minister is to rescind the designation under the provisions of paragraph (1) without delay. The same applies where, in the absence of the request made pursuant to the preceding paragraph, it is found that a cause set forth in any of the items of the same paragraph has arisen regarding the relevant factories, etc.
- (4) Where the energy consumption for a business year calculated as prescribed by Cabinet Order as referred to in Article 7, paragraph (2) at type-2 management supervising designated energy management factories, etc. has come to no lower than the level specified by Cabinet Order as referred to in Article 10, paragraph (1) and the Minister of Economy, Trade and Industry gives designation to those factories, etc. pursuant to the provisions of Article 32, paragraph (1), the Minister is to rescind the designation under the provisions of paragraph (1) pertaining to the factories, etc.

- (5) When the Minister of Economy, Trade and Industry makes a designation under the provisions of paragraph (1) or rescinds a designation as under the provisions of the preceding two paragraphs, the Minister is to notify the minister having jurisdiction over the business to which the relevant factories, etc. pertain of that designation or rescission.

Article 36 (1) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, a type-2 certified management supervising business operator must appoint, for each of type-2 management supervising designated energy management factories, etc. set up by it, a person to manage the maintenance of energy consuming equipment, the improvement and monitoring of the method of using energy and other operations specified by Order of the Ministry of Economy, Trade and Industry with regard to the rationalization of energy use at type-2 designated unified energy management factories, etc. (hereinafter referred to as "energy management staff" in this Article), , from among the persons set forth in the items of Article 9, paragraph (1).

- (2) When a type-2 certified management supervising business operator appoints an energy management staff from among the persons set forth in Article 9, paragraph (1), item (i), the type-2 certified management supervising business operator must have that energy management staff participate in the training for improving the ability of energy management staffs that is given by the Minister of Economy, Trade and Industry or a designated training organization as prescribed by Order of the Ministry of Economy, Trade and Industry, in each period specified by Order of the Ministry of Economy, Trade and Industry.
- (3) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, a type-2 certified management supervising business operator must notify the Minister of Economy, Trade and Industry of the appointment or dismissal of an energy management staff.

(Preparation of Medium-to-long-term Plans)

Article 37 (1) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, a certified management supervising business operator must regularly prepare a medium-to-long-term plan for attaining the targets for the rationalization of energy use that is specified for factories, etc. set up by it and factories, etc. set up by its management-related business operator in the standards of judgment as prescribed in Article 5, paragraph (1) and must submit it to the competent minister.

- (2) The competent minister may establish necessary guidelines in order to contribute to appropriate preparation of the plan referred to in the preceding paragraph by certified management supervising business operators.
- (3) When the competent minister has established the guidelines referred to in the

preceding paragraph, the minister is to publicize those guidelines.

(Regular Reporting)

Article 38 (1) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, every business year a certified management supervising business operator must report to the competent minister the matters specified by Order of the Ministry of Economy, Trade and Industry concerning energy consumption and other situations of using energy (including matters concerning efficiency in using energy and the emissions of carbon dioxide discharged by the use of energy) and the situation of establishment, modification and abolition of energy consuming equipment and equipment relating to the rationalization of energy use at factories, etc. set up by it and factories, etc. set up by its management-related business operator.

(2) When the Minister of Economy, Trade and Industry intends to issue or amend the Order of the Ministry of Economy, Trade and Industry referred to in the preceding paragraph (limited to the matters concerning the emissions of carbon dioxide discharged by the use of energy), the Minister must hold prior consultation with the Minister of the Environment.

(Instructions and Orders relating to Rationalization Plans)

Article 39 (1) If the competent minister finds that the state of the rationalization of energy use at factories, etc. set up by a certified management supervising business operator (including factories, etc. set up by the franchisees of the chain business operations carried out by that certified management supervising business operator and pertaining to those chain business operations when the certified management supervising business operator is a specified chain business operator; the same applies in the following paragraph) and factories, etc. set up by its management-related business operator is significantly insufficient in light of the standards of judgment as prescribed in Article 5, paragraph (1), the minister may instruct the certified management supervising business operator to prepare and submit a rationalization plan, while taking into consideration the technical level relating to the business conducted by the certified management supervising business operator using energy and the status of measures taken in accordance with the guidelines prescribed in paragraph (2) of the same Article, and other circumstances and then showing the grounds for the minister's judgment.

(2) If the competent minister finds a rationalization plan to be inappropriate for carrying out the rationalization of energy use relating to factories, etc. set up by the relevant certified management supervising business operator and factories, etc. set up by its management-related business operator, the minister may instruct the certified management supervising business operator to alter

the rationalization plan.

- (3) If the competent minister finds that a certified management supervising business operator is not carrying out its rationalization plan, the minister may instruct that certified management supervising business operator to carry out the rationalization plan appropriately.
- (4) If a certified management supervising business operator that has received the instructions prescribed in the preceding three paragraphs does not follow those instructions, the competent minister may publicize to that effect.
- (5) If a certified management supervising business operator that has received the instructions prescribed in paragraphs (1) through (3) does not take the measures pertaining to those instructions without legitimate grounds, the competent minister may, after hearing opinions from councils, etc. specified by Cabinet Order, order that certified management supervising business operator to take the measures pertaining to the instructions.

Subsection 5 Measures Pertaining to Management-related Business Operators

(Designation of Type-1 Management Related Designated Energy Management Factories, etc.)

- Article 40 (1) The Minister of Economy, Trade and Industry is to designate, among factories, etc. set up by management-related business operators, those whose energy consumption for a business year calculated as prescribed by Cabinet Order as referred to in Article 7, paragraph (2) is no lower than the level specified by Cabinet Order as referred to in Article 10, paragraph (1), as factories, etc. particularly required to promote the rationalization of energy use.
- (2) Management-related business operators that have set up factories, etc. that have been designated pursuant to the provisions of the preceding paragraph (referred to as "type-1 designated related energy management factories, etc." in paragraph (1) of the following Article and Article 43, paragraph (1)) (those management-related business operators are referred to as "type-1 management-related business operators" in the following Article and Article 42, paragraph (1)) may make a request for rescission of the designation under the provisions of the preceding paragraph to the Minister of Economy, Trade and Industry pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry if a cause set forth in any of the following items arises regarding those factories, etc.:
- (i) if the type-1 management-related business operator has ceased to conduct business; or
 - (ii) if the energy consumption for a business year calculated as prescribed by Cabinet Order as referred to in Article 7, paragraph (2) is no longer expected

to come to no lower than the level specified by Cabinet Order as referred to in Article 10, paragraph (1).

- (3) When the request referred to in the preceding paragraph is made, if the Minister of Economy, Trade and Industry finds that there are grounds for the request, the Minister is to rescind the designation under the provisions of paragraph (1) without delay. The same applies where, in the absence of the request made pursuant to the preceding paragraph, it is found that a cause set forth in any of the items of the same paragraph has arisen regarding the relevant factories, etc.
- (4) When the Minister of Economy, Trade and Industry makes a designation under the provisions of paragraph (1) or rescinds a designation as under the provisions of the preceding paragraph, the Minister is to notify the minister having jurisdiction over the business to which the relevant factories, etc. pertain of that designation or rescission.

Article 41 (1) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, a type-1 management-related business operator must appoint, for each of type-1 management related designated energy management factories, etc. set up by it and in accordance with the criteria set by Cabinet Order as referred to in Article 11, paragraph (1), a person to manage the maintenance of energy consuming equipment, the improvement and monitoring of the method of using energy and other operations specified by Order of the Ministry of Economy, Trade and Industry, with regard to the rationalization of energy use at type-1 management related designated energy management factories, etc. (referred to as "energy manager" in the following paragraph), from among persons to whom a qualified energy manager license has been issued; provided, however, that this does not apply to the type-1 management related designated energy management factories, etc., those set forth in the following cases:

- (i) among type-1 management related designated energy management factories, etc., those used for businesses that belong to the business types prescribed by Cabinet Order as referred to in Article 11, paragraph (1), item (i) and used exclusively as offices or other use similar thereto, those specified by Cabinet Order; or
- (ii) among type-1 management related designated energy management factories, etc., those used for businesses that belong to business types other than those prescribed in the preceding item.
- (2) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, a type-1 management-related business operator must notify the Minister of Economy, Trade and Industry of the appointment or dismissal of an energy manager.

- Article 42 (1) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, of type-1 management-related business operators, those that have set up the factories, etc. set forth in the items of paragraph (1) of the preceding Article (hereinafter referred to as "type-1 designated management-related business operators" in this Article) must appoint, for each of those factories, etc. set up by them, a person to manage the maintenance of energy consuming equipment, the improvement and monitoring of the method of using energy and other operations specified by Order of the Ministry of Economy, Trade and Industry, with regard to the rationalization of energy use at the factories, etc. set forth in the items of paragraph (1) of the preceding Article (hereinafter referred to as "energy management staff" in this Article), from among the persons set forth in the items of Article 9, paragraph (1).
- (2) When a type-1 designated management-related business operator appoints an energy management staff from among the persons set forth in Article 9, paragraph (1), item (i), the type-1 designated management-related business operator must have that energy management staff participate in the training for improving the ability of energy management staffs that is given by the Minister of Economy, Trade and Industry or a designated training organization as prescribed by Order of the Ministry of Economy, Trade and Industry, in each period specified by Order of the Ministry of Economy, Trade and Industry.
- (3) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, a type-1 designated management-related business operator must notify the Minister of Economy, Trade and Industry of the appointment or dismissal of an energy management staff.

(Designation of Type-2 Management Related Designated Energy Management Factories, etc.)

- Article 43 (1) The Minister of Economy, Trade and Industry is to designate, among factories, etc. set up by management-related business operators, other factories, etc. than type-1 management related designated energy management factories, etc. whose energy consumption for a business year is no lower than the level specified by Cabinet Order, calculated as prescribed by Cabinet Order as referred to in Article 7, paragraph (2), and is no lower than the level specified by Cabinet Order as referred to in Article 13, paragraph (1), as factories, etc. particularly required to promote the rationalization of energy use in the same way as type-1 management related designated energy management factories, etc.
- (2) Management-related business operators that have set up factories, etc. that have been designated pursuant to the provisions of the preceding paragraph (referred to as "type-2 management related designated energy management

- factories, etc." in paragraph (4) and paragraph (1) of the following Article) (those management-related business operators are referred to as "type-2 management-related business operators" in the same Article) may make a request for rescission of the designation under the provisions of the preceding paragraph to the Minister of Economy, Trade and Industry pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry if a cause set forth in any of the following items arises regarding those factories, etc.:
- (i) if the type-2 management-related business operator has ceased to conduct business; or
 - (ii) if the energy consumption for a business year calculated as prescribed by Cabinet Order as referred to in Article 7, paragraph (2) is no longer expected to come to no lower than the level specified by Cabinet Order as referred to in Article 13, paragraph (1).
- (3) When the request referred to in the preceding paragraph is made, if the Minister of Economy, Trade and Industry finds that there are grounds for the request, the Minister is to rescind the designation under the provisions of paragraph (1) without delay. The same applies where, in the absence of the request made pursuant to the preceding paragraph, it is found that a cause set forth in any of the items of the same paragraph has arisen regarding the relevant factories, etc.
- (4) Where the energy consumption for a business year calculated as prescribed by Cabinet Order as referred to in Article 7, paragraph (2) at type-2 management related designated energy management factories, etc. has come to no lower than the level specified by Cabinet Order as referred to in Article 10, paragraph (1) and the Minister of Economy, Trade and Industry gives designation to those factories, etc. pursuant to the provisions of Article 40, paragraph (1), the Minister is to rescind the designation under the provisions of paragraph (1) pertaining to the factories, etc.
- (5) When the Minister of Economy, Trade and Industry makes a designation under the provisions of paragraph (1) or rescinds a designation as under the provisions of the preceding two paragraphs, the Minister is to notify the minister having jurisdiction over the business to which the relevant factories, etc. pertain of that designation or rescission.

Article 44 (1) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, a type-2 management-related business operator must appoint, for each of type-2 designated related energy management factories, etc. set up by it, a person to manage the maintenance of energy consuming equipment, the improvement and monitoring of the method of using energy and other operations specified by Order of the Ministry of Economy, Trade and Industry with regard to the rationalization of energy use at type-2

management related designated energy management factories, etc. (hereinafter referred to as "energy management staff" in this Article), from among the persons set forth in the items of Article 9, paragraph (1).

- (2) When a type-2 management-related business operator appoints an energy management staff from among the persons set forth in Article 9, paragraph (1), item (i), the type-2 management-related business operator must have that energy management staff participate in the training for improving the ability of energy management staffs that is given by the Minister of Economy, Trade and Industry or a designated training organization as prescribed by Order of the Ministry of Economy, Trade and Industry, in each period specified by Order of the Ministry of Economy, Trade and Industry.
- (3) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, a type-2 management-related business operator must notify the Minister of Economy, Trade and Industry of the appointment or dismissal of an energy management staff.

Subsection 6 Miscellaneous Provisions

(Obligations of Energy Managers)

- Article 45 (1) The energy manager prescribed in Article 11, paragraph (1), Article 22, paragraph (1), Article 33, paragraph (1), and Article 41, paragraph (1) (simply referred to as "energy manager" in the following paragraph) and the energy management staff prescribed in Article 12, paragraph (1), Article 14, paragraph (1), Article 23, paragraph (1), Article 25, paragraph (1), Article 34, paragraph (1), Article 36, paragraph (1), Article 42, paragraph (1), and paragraph (1) of the preceding Article (simply referred to as "energy management staff" in the following paragraph) must perform their duties in good faith.
- (2) The energy management control officer prescribed in Article 8, paragraph (1), Article 19, paragraph (1), and Article 30, paragraph (1) must respect the opinions of energy managers or energy management staffs (referred to as "energy manager, etc." in the following paragraph) as to the rationalization of energy use at factories, etc. at which they perform their duties.
 - (3) Employees of factories, etc. at which an energy manager, etc. is appointed must follow the instructions that the energy manager, etc. gives, as the energy manager etc. finds those instructions necessary to perform the duties.

(Certification of Collaborative Energy-efficiency Plans)

- Article 46 (1) When a business operator that has set up factories, etc. promotes the rationalization of energy use at the factories, etc. in collaboration with other business operators that have set up factories, etc., that business operator

may jointly prepare a plan for measures for the rationalization of energy use to be taken in collaboration with that other business operators (hereinafter referred to as "collaborative energy-efficiency measures") (that plan is hereinafter referred to as "collaborative energy-efficiency plan") and, by submitting it to the Minister of Economy, Trade and Industry, may receive a certification to the effect that the collaborative energy-efficiency plan is appropriate, pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.

- (2) The following matters are to be incorporated into a collaborative energy-efficiency plan:
 - (i) the target for collaborative energy-efficiency measures;
 - (ii) the details and implementation period of collaborative energy-efficiency measures; and
 - (iii) the method of calculating the amount of energy considered to be used by each of them in connection with the collaborative energy-efficiency measures at Factories, etc. set up by the business operators that take those collaborative energy-efficiency measures (including factories, etc. set up by the franchisees of chain business operations carried out by that business operator and pertaining to those chain business operations, when that business operator is a chain business operator, and including factories, etc. set up by the management-related business operator, when that business operator is a certified management supervising business operator, (including factories, etc. set up by the franchisees of chain business operations carried out by that management-related business operator and pertaining to those chain business operations, when the management-related business operator is a chain business operator)).
- (3) The Minister of Economy, Trade and Industry is to establish and publicize necessary guidelines in order to contribute to appropriate preparation of collaborative energy-efficiency plans.
- (4) When an application for the certification referred to in paragraph (1) is made, if the Minister of Economy, Trade and Industry finds that the collaborative energy-efficiency plan pertaining to that application conforms to all of the following items, the Minister is to grant the certification:
 - (i) the matters set forth in the items of paragraph (2) are appropriate in light of the guidelines referred to in the preceding paragraph; and
 - (ii) the matters set forth in paragraph (2), item (ii) are expected to be carried out with certainty.

(Alteration to Collaborative Energy-efficiency Plans)

Article 47 (1) When a business operator that has received the certification referred to in paragraph (1) of the preceding Article intends to alter the

collaborative energy-efficiency plan pertaining to that certification, the business operator must jointly receive certification from the Minister of Economy, Trade and Industry pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry; provided, however, that this does not apply to minor changes as specified by Order of the Ministry of Economy, Trade and Industry.

- (2) When a business operator that has received the certification referred to in paragraph (1) of the preceding Article makes the minor changes specified by Order of the Ministry of Economy, Trade and Industry as referred to in the proviso of the preceding paragraph, the business operator must jointly notify the Minister of Economy, Trade and Industry of the minor changes without delay pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.
- (3) If a business operator that has received the certification referred to in paragraph (1) of the preceding Article does not take the collaborative energy-efficiency measures according to the collaborative energy-efficiency plan (or the altered or changed one when the certification of alteration under the provisions of paragraph (1) is given or when the notification of changes under the provisions of the preceding paragraph is made) or violates the provisions of the preceding two paragraphs, the Minister of Economy, Trade and Industry may rescind the certification.
- (4) The provisions of paragraph (4) of the preceding Article apply mutatis mutandis to the certification referred to in paragraph (1).

(Special Provisions for Regular Reporting on Collaborative Energy-efficiency Plans)

- Article 48 (1) Regarding the application of the provisions of Article 16, paragraph (1) to specified business operators that have received the certification referred to in Article 46, paragraph (1), the term "consumption" in Article 16, paragraph (1) is replaced with "consumption, the amount of energy used at the relevant factories, etc. pertaining to the collaborative energy-efficiency measures pertaining to the certification referred to in Article 46, paragraph (1), and the amount of energy considered to have been used at those factories, etc. in connection with those collaborative energy-efficiency measures based on the calculation method prescribed in paragraph (2), item (iii) of the same Article".
- (2) Regarding the application of the provisions of Article 27, paragraph (1) to specified chain business operators that have received the certification referred to in Article 46, paragraph (1), the term "consumption" in Article 27, paragraph (1) is replaced with "consumption, the amount of energy used at those factories, etc. pertaining to the collaborative energy-efficiency measures pertaining to

the certification referred to in Article 46, paragraph (1), and the amount of energy considered to have been used at those factories, etc. in connection with those collaborative energy-efficiency measures based on the calculation method prescribed in paragraph (2), item (iii) of the same Article".

- (3) Regarding the application of the provisions of Article 38, paragraph (1) to certified management supervising business operators that have received the certification referred to in Article 46, paragraph (1), the term "consumption" in Article 38, paragraph (1) is replaced with "consumption, the amount of energy used at those factories, etc. pertaining to the collaborative energy-efficiency measures pertaining to the certification referred to in Article 46, paragraph (1), and the amount of energy considered to have been used at those factories, etc. in connection with those collaborative energy-efficiency measures based on the calculation method prescribed in paragraph (2), item (iii) of the same Article".

Article 49 Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, every business year business operators that have received the certification referred to in Article 46, paragraph (1) (excluding specified business operators, specified chain business operators, and certified management supervising business operators) must report to the competent minister the matters specified by Order of the Ministry of Economy, Trade and Industry concerning the amount of energy used at factories, etc. set up by it pertaining to the collaborative energy-efficiency measures pertaining to that certification and the amount of energy considered to have been used at those factories, etc. in connection with those collaborative energy-efficiency measures based on the calculation method prescribed in paragraph (2), item (iii) of the same Article and other status of taking the collaborative energy-efficiency measures.

(Investigation)

Article 50 If the Minister of Economy, Trade and Industry finds it to be necessary in order to promote the rationalization of energy use at factories, etc. that is carried out by persons having set up factories, etc. in collaboration with another person, the Minister is to investigate the state of the rationalization of energy use that is carried out by a person having set up factories, etc. in collaboration with another person and is to publicize the results of the investigation.

Section 2 Qualified Energy Managers

(Qualified Energy Manager Licenses)

Article 51 (1) A qualified energy manager license is to be issued by the Minister

of Economy, Trade and Industry to a person falling under any of the following items:

- (i) a person who has passed a qualified energy manager license examination; or
 - (ii) a person certified by the Minister of Economy, Trade and Industry as a person having scholarship and experience equivalent or superior to those of the person set forth in the preceding item.
- (2) A procedure for issuing qualified energy manager licenses is to be prescribed by Order of the Ministry of Economy, Trade and Industry.

(Entrustment of Affairs of Issuing Licenses)

Article 52 (1) Pursuant to the provisions of Cabinet Order, the Minister of Economy, Trade and Industry may entrust the affairs relating to qualified energy manager licenses to designated examining organizations as referred to in paragraph (2) of the following Article.

- (2) The officers or employees of a designated examining organization entrusted with the affairs referred to in the preceding paragraph pursuant to the provisions of the same paragraph or persons who have held one of those positions must not divulge any secret known to them in connection with those affairs.

(Qualified Energy Manager License Examinations)

Article 53 (1) A qualified energy manager license examination is to be conducted by the Minister of Economy, Trade and Industry.

- (2) The Minister of Economy, Trade and Industry may have a person designated by the Minister (hereinafter referred to as "designated examining organization") conduct the affairs of conducting qualified energy manager license examinations (hereinafter referred to as "examination affairs").
- (3) Subjects of qualified energy manager license examination, the procedure for taking that examination and other details of conducting a qualified energy manager license examination is to be prescribed by Order of the Ministry of Economy, Trade and Industry.

(Designation)

Article 54 (1) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, the designation referred to in paragraph (2) of the preceding Article is to be given when there is an application by a person who intends to conduct the examination affairs.

- (2) When the Minister of Economy, Trade and Industry gives the designation referred to in paragraph (2) of the preceding Article, the Minister is to not conduct examination affairs.

(Disqualification Clause)

Article 55 A person who falls under any of the following items may not receive the designation referred to in Article 53, paragraph (2):

- (i) a person whose designation has been rescinded pursuant to the provisions of Article 65, paragraph (2) for whom two years have not passed from the date of the rescission; or
- (ii) a person, any of whose officers in charge of its business falls under any of the following conditions:
 - (a) a person who was sentenced to a punishment for violation of this Act or any disposition under this Act for whom two years have not passed from the date when that person served out the sentence or ceased to be subject to the sentence.
 - (b) a person who has been dismissed by the order under the provisions of Article 61 for whom two years have not passed from the date of dismissal.

(Standards for Designation)

Article 56 Unless no other person has received the designation referred to in Article 53, paragraph (2) and the Minister of Economy, Trade and Industry finds that an application for the designation referred to in the same paragraph conforms to all of the following items, the Minister must not give the designation.

- (i) the applicant's plan for conducting the examination affairs, regarding personnel, equipment, methods of conducting examination affairs and other matters is to be appropriate for properly conducting the examination affairs;
- (ii) the applicant is to have financial foundations and the technical capability sufficient to properly carry out the plan for conducting the examination affairs set forth in the preceding item;
- (iii) the applicant must be a general incorporated association or general incorporated foundation; and
- (iv) when the applicant conduct operations other than examination affairs, there is to be no risk for the examination affairs being unfairly conducted by performing relevant other services.

(Operational Rules on Examination Affairs)

Article 57 (1) A designated examining organization must establish rules on conducting examination affairs (hereinafter referred to as "operational rules on examination affairs"), and must obtain the approval of the Minister of Economy, Trade and Industry. The same applies when a designated examining body intends to alter them.

(2) Matters to be prescribed in the operational rules on examination affairs are to be prescribed by Order of the Ministry of Economy, Trade and Industry.

(3) If the Minister of Economy, Trade and Industry finds that the approved operational rules on examination affairs as referred to in paragraph (1) become inappropriate for properly conducting examination affairs, the Minister may order the designated examining organization to alter the operational rules on examination affairs.

(Suspension or Abolition of Examination Affairs)

Article 58 A designated examining organization must not suspend nor abolish all or part of examination affairs unless it is permitted by the Minister of Economy, Trade and Industry.

(Business Plan)

Article 59 (1) Prior to the beginning of every business year (or, in the case of a business year that contains the date of receiving the designation referred to in Article 53, paragraph (2), without delay after receiving the designation), a designated examining organization must prepare a business plan and a budget of income and expenditure for the business year and must approval of the Minister of Economy, Trade and Industry. The same applies when the body intends to alter them.

(2) Designated examining organizations must, within three months after the passage of each business year, prepare a business report and statement of accounts for the business year, and submit them to the Minister of Economy, Trade and Industry.

(Appointment and Dismissal of Officers)

Article 60 The appointment and dismissal of officers of a designated examining organization will not become effective unless it is approved by the Minister of Economy, Trade and Industry.

(Order of Dismissal of Officers)

Article 61 Where any officer of a designated examining organization has violated this Act (including dispositions made under this Act) or the operational rules on examination affairs or committed any significant inappropriate act in connection with the examination affairs, the Minister of Economy, Trade and Industry may order the designated examining organization to dismiss the officer.

(Examiners for Qualified Energy Manager Licenses)

Article 62 (1) Designated examining organizations must, when conducting the examination affairs, have examiners for the qualified energy manager licenses (hereinafter referred to as "examiners") conduct the affairs in determining

whether or not an applicant for a qualified energy manager license has the necessary knowledge and abilities as a qualified energy manager.

- (2) Designated examining organizations must appoint examiners from among persons who satisfy the requirements specified by Order of the Ministry of Economy, Trade and Industry.
- (3) Designated examining organizations must, when having appointed examiners, notify the Minister of Economy, Trade and Industry to that effect pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry. The same applies where any examiner has been replaced.
- (4) The provisions of the preceding Article apply *mutatis mutandis* to examiners.

(Obligation of Confidentiality)

- Article 63 (1) Current or former officers or employees (including examiners; hereinafter the same applies in the following paragraph) of a designated examining organization must not divulge secrets that they have become aware of in the course of conducting the examination affairs.
- (2) Officers or employees of a designated examining organization who are engaged in examination affairs are to be deemed to be official engaged in public services pursuant to laws and regulations regarding the application of the Penal Code (Act No. 45 of 1907) and other penal provisions.

(Order for Conformity)

- Article 64 (1) If the Minister of Economy, Trade and Industry finds that a designated examining organization ceases to conform to any of the items of Article 56 (excluding item (iii); hereinafter the same applies in this paragraph), the Minister may order the designated examining organization to take necessary measures to conform to the items of the same Article.
- (2) Beyond what is provided for in the preceding paragraph, the Minister of Economy, Trade and Industry may, when it finds it to be necessary in order to enforce this Act, give to a designated examining organization an order necessary for the supervision of the examination affairs.

(Rescission of Designation)

- Article 65 (1) When a designated examining organization ceases to conform to Article 56, item (iii), the Minister of Economy, Trade and Industry must rescind the designation referred to in Article 53, paragraph (2).
- (2) If a designated examining organization falls under any of the following items, the Minister of Economy, Trade and Industry may rescind the designation referred to in Article 53, paragraph (2) or order a suspension of the whole or part of examination affairs for a fixed period of time:
 - (i) if the designated examining body has violated the provisions of this Section;

- (ii) if the body has fallen under Article 55, item (ii);
- (iii) if the body has conducted examination affairs not in accordance with the approved operational rules on examination affairs as referred to in Article 57, paragraph (1);
- (iv) if the body has violated the order under the provisions of Article 57, paragraph (3), Article 61 (including a case where it is applied mutatis mutandis pursuant to Article 62, paragraph (4)) or the preceding Article; or
- (v) if it turns out that the body has received the designation referred to in Article 53, paragraph (2) by wrongful means.

(Bookkeeping)

Article 66 (1) A designated examining organization must keep books and enter in those books the matters specified by Order of the Ministry of Economy, Trade and Industry concerning the examination affairs.

(2) The books referred to in the preceding paragraph must be preserved pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.

(Examination Conducted by Minister of Economy, Trade and Industry)

Article 67 (1) If a designated examining organization suspends the whole or part of examination affairs with the permission referred to in Article 58, if the Minister of Economy, Trade and Industry orders a designated examining organization to suspend the whole or part of examination affairs pursuant to the provisions of Article 65, paragraph (2) or if it becomes difficult for a designated examining body to conduct the whole or part of examination affairs due to a natural disaster or other cause, the Minister is to conduct the whole or part of examination affairs oneself when the Minister finds it necessary to do so.

(2) A transfer of the examination affairs and other necessary matters, when the Minister of Economy, Trade and Industry conducts the whole or part of examination affairs for oneself pursuant to the provisions of the preceding paragraph, when a designated examining organization abolishes the whole or part of examination affairs with the permission referred to in Article 58 or when the Minister rescinds the designation of a designated examining organization pursuant to the provisions of Article 65, are to be prescribed by Order of the Ministry of Economy, Trade and Industry.

(Public Notices)

Article 68 The Minister of Economy, Trade and Industry must, in the following cases, issue a public notice of them in an official gazette:

- (i) when the Minister gives the designation referred to in Article 53, paragraph (2);

- (ii) when the Minister gives the permission referred to in Article 58;
- (iii) when the Minister rescinds designation pursuant to the provisions of Article 65 or orders a suspension of the whole or part of examination affairs pursuant to the provisions of paragraph (2) of the same Article; and
- (iv) where the Minister conducts whole or part of the examination affairs for oneself pursuant to paragraph (1) of the preceding Article, or ceases to conduct whole or part of the examination affairs that the Minister have conducted for oneself.

Section 3 Designated Training Organization

(Designation)

Article 69 Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, the designation referred to in Article 9, paragraph (1), item (i) is to be given when there is an application by a person who intends to offer the trainings referred to in the same item, paragraph (2) of the same Article, Article 12, paragraph (2), Article 14, paragraph (2), Article 20, paragraph (2), Article 23, paragraph (2), Article 25, paragraph (2), Article 31, paragraph (2), Article 34, paragraph (2), Article 36, paragraph (2), Article 42, paragraph (2), and Article 44, paragraph (2) (hereinafter referred to as "energy management training" in this Section and Article 169).

(Disqualification Clause)

Article 70 A person who falls under any of the following items may not receive the designation referred to in Article 9, paragraph (1), item (i):

- (i) a person whose designation has been rescinded pursuant to the provisions of Article 77, paragraph (2) for whom two years have not passed from the date of the rescission; or
- (ii) a person whose officers executing its business were sentenced to a punishment for violation of this Act or any disposition under this Act for whom two years have not passed from the date when that person served out the sentence or ceased to be subject to the sentence.

(Standards for Designation)

Article 71 The Minister of Economy, Trade and Industry must not give the designation unless the Minister finds that an application for the designation referred to in Article 9, paragraph (1), item (i) conforms to all of the following items:

- (i) the plan for carrying out operations for the energy management training regarding personnel, equipment, and the method of carrying out operations for the energy management training and other matters are appropriate for

- properly carrying out operations for the energy management training;
- (ii) the applicant has financial foundations and technical capability sufficient to appropriately carry out the plan for conducting operations for the energy management training as referred to in the preceding item;
 - (iii) the applicant is a general incorporated association or general incorporated foundation; and
 - (iv) in case the applicant conduct operations other than those for the energy management training, there is no risk of operations for the energy management training being unfairly carried out owing to its carrying out those other operations.

(Operational Rules on Energy Management Training)

- Article 72 (1) A designated training organization must establish rules on carrying out operations for the energy management training (hereinafter referred to as "operational rules on energy management training") and must obtain the approval of the Minister of Economy, Trade and Industry. The same applies when the body intends to alter them.
- (2) Matters to be prescribed in the operational rules on energy management training are to be prescribed by Order of the Ministry of Economy, Trade and Industry.
 - (3) If the Minister of Economy, Trade and Industry finds that the approved operational rules on energy management training as referred to in paragraph (1) become inappropriate for the proper carrying out of the energy management training operations, the Minister may order the designated training organization to alter the operational rules on energy management training.

(Suspension or Abolition of Operations for Energy Management Training)

- Article 73 When a designated training organization suspends or abolishes the whole or part of operations for the energy management training, the organization must notify the Minister of Economy, Trade and Industry to that effect within a period specified by Order of the Ministry of Economy, Trade and Industry.

(Business Plan)

- Article 74 (1) Prior to the beginning of every business year (or, in a business year that contains the date of receiving the designation referred to in Article 9, paragraph (1), item (i), without delay after receiving the designation), a designated training organization must prepare a business plan and a budget of income and expenditure for the business year and must obtain the approval of the Minister of Economy, Trade and Industry. The same applies when the organization intends to alter them.

- (2) A designated training organization must, within three months after the passage of each business year, prepare a business report and a statement of accounts for the business year and submit them to the Minister of Economy, Trade and Industry.

(Positions of Officers and Employees)

Article 75 Officers or employees of a designated training organization who are engaged in operations for the energy management training are to be deemed to be official engaged in public services pursuant to laws and regulations regarding the application of the Penal Code and other penal provisions.

(Order for Conformity)

Article 76 (1) If the Minister of Economy, Trade and Industry finds that a designated training organization ceases to conform to any of the items of Article 71 (excluding item (iii); hereinafter the same applies in this paragraph), the Minister may order the designated training organization to take necessary measures to conform to the items of the same Article.

- (2) Beyond what is prescribed in the preceding paragraph, the Minister of Economy, Trade and Industry may, when the Minister finds it to be necessary in order to enforce this Act, give to a designated training organization an order necessary for the supervision of operations for the energy management training.

(Rescission of Designation)

Article 77 (1) When a designated training organization ceases to conform to Article 71, item (iii), the Minister of Economy, Trade and Industry must rescind the designation referred to in Article 9, paragraph (1), item (i).

- (2) If a designated training organization falls under any of the following items, the Minister of Economy, Trade and Industry may rescind the designation referred to in Article 9, paragraph (1), item (i) or order a suspension of the whole or part of operations for the energy management training for a fixed period of time:

- (i) if the organization has violated the provisions of this Section;
- (ii) if the organization has fallen under Article 70, item (ii);
- (iii) if the organization has conducted operations for the energy management training not in accordance with the approved operational rules on energy management training as referred to in Article 72, paragraph (1);
- (iv) if the organization has violated the order under the provisions of Article 72, paragraph (3) or the preceding Article; or
- (v) if it turns out that the organization has received the designation referred to in Article 9, paragraph (1), item (i) by wrongful means.

(Bookkeeping)

Article 78 (1) A designated training organization must keep books and enter in those books the matters specified by Order of the Ministry of Economy, Trade and Industry concerning operations for the energy management training.

(2) The books referred to in the preceding paragraph must be preserved pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.

(Public Notice)

Article 79 The Minister of Economy, Trade and Industry must, in any of the following cases, issue a public notice of its fact in the official gazette:

(i) when the Minister gives the designation referred to in Article 9, paragraph (1), item (i);

(ii) when the notification under the provisions of Article 73 is made; and

(iii) when the Minister rescinds designation pursuant to the provisions of Article 77 or orders a suspension of the whole or part of operations for the energy management training pursuant to the provisions of paragraph (2) of the same Article.

Section 4 Registered Investigation Organizations

(Special Provisions when Being Investigated by Registered Investigation Organizations)

Article 80 (1) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, a specified business operator may undergo an investigation conducted by a person registered by the Minister of Economy, Trade and Industry (hereinafter referred to as "registered investigation organization") (that investigation is hereinafter referred to as "investigation for verification") regarding energy consumption, other situations of using energy (including matters concerning efficiency in using energy and the emissions of carbon dioxide discharged by the use of energy), and the status of installing, improving and disusing energy consuming equipment and equipment relating to the rationalization of energy use at factories, etc. set up by it; provided, however, that a specified business operator that has received the instructions under the provisions of Article 17, paragraph (1) may not undergo that investigation for verification until after three years have passed from the date of receiving those instructions.

(2) When a registered investigation organization finds that the state of the rationalization of energy use at all factories, etc. set up by a specified business operator for which it has conducted an investigation for verification conforms to the standards of judgment as prescribed in Article 5, paragraph (1) pursuant

to the provisions of Order of the Ministry of Economy, Trade and Industry, the body must issue a document showing that conformity.

- (3) When a registered investigation organization issues the document referred to in the preceding paragraph, the organization must report to the competent minister the results of the investigation for verification pertaining to the document issued by it without delay pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.
- (4) To a specified business operator to which the document referred to in paragraph (2) is issued, the provisions of Article 16, paragraph (1) (including a case where it is applied pursuant to the provisions of Article 48, paragraph (1) following the replacement of terms) and Article 17 do not apply during the year that contains the date of issuance of that document.
- (5) When the Minister of Economy, Trade and Industry intends to issue or amend the Order of the Ministry of Economy, Trade and Industry as referred to in paragraph (1) (limited to the matters concerning the emissions of carbon dioxide discharged by the use of energy), the Minister must hold prior consultation with the Minister of the Environment.

Article 81 (1) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, a specified chain business operator (excluding a case where that specified chain business operator is a certified management supervising business operator or management-related business operator; hereinafter the same applies in this paragraph, the following paragraph, and paragraph (4)) may undergo an investigation for verification regarding energy consumption, other situations of using energy (including matters concerning efficiency in using Energy and the emissions of carbon dioxide discharged by the use of Energy), and the status of installing, improving and disusing energy consuming equipment and equipment relating to the rationalization of energy use at factories, etc. set up by it and factories, etc. set up by the franchisee of the chain business operations carried out by the specified chain business operator and pertaining to those chain business operations; provided, however, that a specified chain business operator that has received the instructions under the provisions of Article 28, paragraph (1) may not undergo that investigation for verification until after three years have passed from the date of receiving those instructions.

- (2) When a registered investigation organization finds that the state of the rationalization of energy use at all factories, etc. set up by a specified chain business operator for which it has conducted an investigation for verification and all factories, etc. set up by the franchisees of the chain business operations carried out by that specified chain business operator and pertaining to those chain business operations conforms to the standards of judgment as prescribed

in Article 5, paragraph (1) pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, the body must issue a document showing the conformity.

- (3) When a registered investigation organization issues the document referred to in the preceding paragraph, the organization must report to the competent minister the results of the investigation for verification pertaining to the document issued by it without delay pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.
- (4) To a specified chain business operator to which the document referred to in paragraph (2) is issued, the provisions of Article 27, paragraph (1) (including a case where it is applied pursuant to the provisions of Article 48, paragraph (2) following the replacement of terms) and Article 28 do not apply in the year that contains the date of issuance of that document.
- (5) When the Minister of Economy, Trade and Industry intends to issue or amend the Order of the Ministry of Economy, Trade and Industry as referred to in paragraph (1) (limited to the matters concerning the emissions of carbon dioxide discharged by the use of energy), the Minister must hold prior consultation with the Minister of the Environment.

Article 82 (1) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, a certified management supervising business operator may undergo an investigation for verification regarding energy consumption, other situations of using energy (including matters concerning efficiency in using energy and the emissions of carbon dioxide discharged by the use of energy), and the status of installing, improving and disusing energy consuming equipment and equipment relating to the rationalization of energy use at factories, etc. set up by it (including factories, etc. set up by the franchisees of the chain business operations carried out by that certified management supervising business operator and pertaining to those chain business operations when the certified management supervising business operator is a specified chain business operator) and factories, etc. set up by its management-related business operator (including factories, etc. set up by the franchisees of the chain business operations carried out by that management-related business operator and pertaining to those chain business operations when that management-related business operator is a specified chain business operator); provided, however, that a certified management supervising business operator that has received the instructions under the provisions of Article 39, paragraph (1) may not undergo that investigation for verification until after three years have passed from the day of receiving those instructions.

- (2) When a registered investigation organization finds that the state of the rationalization of energy use at all factories, etc. set up by a certified

management supervising business operator for which it has conducted an investigation for verification (including all factories, etc. set up by the franchisees of the chain business operations carried out by that certified management supervising business operator and pertaining to those chain business operations when the certified management supervising business operator is a specified chain business operator) and all factories, etc. set up by the certified management supervising business operator's management-related business (including all factories, etc. set up by the franchisees of the chain business operations carried out by that management-related business operator and pertaining to those chain business operations when the management-related business operator is a specified chain business operator) conforms to the standards of judgment as prescribed in Article 5, paragraph (1) pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, the body must issue a document showing the conformity.

- (3) When a registered investigation organization issues the document referred to in the preceding paragraph, the body must report to the competent minister the results of the investigation for verification pertaining to the document issued by it without delay pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.
- (4) To a certified management supervising business operator to which the document referred to in paragraph (2) is issued, the provisions of Article 38, paragraph (1) (including a case where it is applied pursuant to the provisions of Article 48, paragraph (3) following the replacement of terms) and Article 39 do not apply during the year that contains the date of issuance of that document.
- (5) When the Minister of Economy, Trade and Industry intends to issue or amend the Order of the Ministry of Economy, Trade and Industry as referred to in paragraph (1) (limited to the matters concerning the emissions of carbon dioxide discharged by the use of energy), the Minister must hold prior consultation with the Minister of the Environment.

Article 83 (1) A person who has received the certification referred to in Article 46, paragraph (1) (excluding specified business operators, specified chain business operators and certified management supervising business operators; the same applies in the following paragraph and paragraph (4)) may undergo an investigation for verification regarding the situation of taking collaborative energy-efficiency measures such as energy consumption at factories, etc. set up by it, pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.

- (2) When a registered investigation organization finds that the state of the rationalization of energy use at the factories, etc. of a person who has received

the certification referred to in Article 46, paragraph (1) for whom it has conducted an investigation for verification, pertaining to the collaborative energy-efficiency measures pertaining to that certification conforms to the standards of judgment as prescribed in Article 5, paragraph (1) pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, the body must issue a document showing the conformity.

- (3) When a registered investigation organization issues the document referred to in the preceding paragraph, the body must report to the competent minister the results of the investigation for verification pertaining to the document issued by it without delay pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.
- (4) To a person who has received the certification referred to in Article 46, paragraph (1) and to whom the document referred to in paragraph (2) is issued, the provisions of Article 49 do not apply during the year that contains the date of issuance of that document.

(Registration)

Article 84 The registration referred to in Article 80, paragraph (1) (hereinafter referred to as "registration" in this Section) is to be made pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry when there is an application by a person who intends to conduct investigation for verification.

(Disqualification Clause)

Article 85 A person who falls under any of the following items may not obtain the registration:

- (i) a person who was sentenced to a punishment for a violation of this Act or any order issued under this Act for whom two years have not passed from the date when that person served out the sentence or ceased to be subject to the sentence;
- (ii) a person whose registration was rescinded pursuant to Article 96 for whom two years have not passed from the date of rescission; or
- (iii) a corporation any of whose officer in charge of its business falls under any of the preceding two items.

(Standards for Registration)

Article 86 (1) When a person who has applied for registration pursuant to the provisions of Article 84 satisfies all the following requirements, the Minister of Economy, Trade and Industry must make the registration. In this case, the necessary procedure for registration is to be prescribed by Order of the Ministry of Economy, Trade and Industry.

- (i) investigations for verification will be conducted by two or more persons who have a qualified energy manager licenses;
 - (ii) the following measures will be taken to ensure the reliability of investigations for verification:
 - (a) a dedicated supervisor is assigned to the division engaging in investigations for verification;
 - (b) documents are prepared for controlling the operation of and securing accuracy in investigations for verification; and
 - (c) a dedicated division is established for controlling the operation of and securing accuracy in investigations for verification in accordance with the descriptions in the documents listed in (b).
- (2) The registration is to be made with the following particulars stated in the registry of registered investigation organizations:
- (i) the date of registration and registration number; and
 - (ii) the name and address of the person registered, as well as the name of the representative if the person is a corporation.

(Renewal of Registration)

- Article 87 (1) Unless it is renewed at an interval of no lower than three years as determined by Cabinet Order, the registration will cease to be effective upon expiration of that period.
- (2) The provisions of the preceding three Articles apply mutatis mutandis to the renewal of registration set forth in the preceding paragraph.

(Obligation to Investigate)

- Article 88 (1) Registered investigation organizations must, without delay, conduct an investigation for verification when requested except where there are justifiable grounds.
- (2) Registered investigation organizations must conduct an investigation for fair verification by a means specified by Order of the Ministry of Economy, Trade and Industry.
- (3) Registered investigation organizations must not conduct an investigation for verification with respect to factories, etc. set up by a person who substantially controls their business or any other business specified by Order of the Ministry of Economy, Trade and Industry as having a substantial interest in those registered investigation organizations.

(Change of Place of Business)

- Article 89 A registered investigation organization must, when intending to change the location of the place of business where an investigation for verification is to be conducted, notify the Minister of Economy, Trade and

Industry by two weeks prior to the day when the change is scheduled.

(Operational Rules on Investigation Services)

Article 90 (1) Registered investigation organizations must establish rules concerning the services for investigations for verification (hereinafter referred to as "operational rules on investigation services"), and must notify the Minister of Economy, Trade and Industry of the rules before commencing the services for investigations for verification. The same applies when the registered investigation body intends to alter them.

(2) Operational rules on investigation services must provide for a means of conducting an investigation for verification, the fees for investigations for verification, and other matters specified by Order of the Ministry of Economy, Trade and Industry.

(Suspension or Abolition of Investigations)

Article 91 When registered investigation organizations intend to suspend or abolish whole or part of the services for investigations for verification, the organizations must notify the Minister of Economy, Trade and Industry to that effect in advance pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.

(Keeping and Making Available Financial Statements for Public Inspection
Financial Statements)

Article 92 (1) Within three months after the passage of every business year, a registered investigation organization must prepare an inventory of assets, a balance sheet and a profit and loss statement or income and expenditure statement, and a business report (including when these documents are prepared as electronic or magnetic records (which means a record used in computerized information processing that is created in electronic form, magnetic form, or any other form that cannot be perceived by the human sense; hereinafter the same applies in this Article) or, if an electronic or magnetic record was created instead, that electronic or magnetic record; referred to as "financial statements, etc." in the following paragraph and Article 174, item (ii)) and must keep them at its place of business for five years.

(2) Specified business operators, specified chain business operators, or certified management supervising business operators or other interested persons may make the following requests at any time in the business hours of registered investigation organizations; provided, however, that they must pay the cost fixed by registered investigation organizations for the request referred to in item (ii) or (iv):

(i) if the financial statements, etc. are prepared as written documents, a

- request for public inspection or copying of the written documents;
- (ii) a request for a transcript or extract of the written documents set forth in the preceding item;
 - (iii) if the financial statements, etc. are prepared as electronic or magnetic records, a request for public inspection or copying of something that shows the particulars that have been recorded in that electronic or magnetic records through a means specified by Order of the Ministry of Economy, Trade and Industry; or
 - (iv) a request for provision of the particulars recorded in the electronic or magnetic records set forth in the preceding item through an electronic or magnetic means specified by Order of the Ministry of Economy, Trade and Industry or a request for delivery of documents stating the content.

(Duty of Confidentiality)

Article 93 The officers or employees of a registered investigation organization or persons who have held those positions must not divulge a secret known to them in connection with operations for investigation for verification.

(Order for Conformity)

Article 94 When the Minister of Economy, Trade and Industry finds that a registered investigation organization ceases to conform to any of the items of Article 86, paragraph (1), the Minister may order the registered investigation organization to take necessary measures to conform to the items of the same paragraph.

(Order for Improvement)

Article 95 When the Minister of Economy, Trade and Industry finds that a registered investigation organization is in violation of the provisions of Article 88, paragraph (1) or (2), the Minister may order the registered investigation organization to conduct an investigation for verification or to take necessary measures to improve the methods for investigation for verification or other operation methods.

(Rescission of Registration)

Article 96 If a registered investigation organization falls under any of the following items, the Minister of Economy, Trade and Industry may rescind the registration or order a suspension of the whole or part of operations for investigation for verification for a fixed period:

- (i) if the body has fallen under Article 85, item (i) or (iii);
- (ii) if the body violates the provisions of Article 88, paragraph (3), Article 89, Article 90, paragraph (1), Article 91, Article 92, paragraph (1) or the

- following Article;
- (iii) if the body refuses the request under the provisions of the items of Article 92, paragraph (2) without legitimate grounds;
 - (iv) if the body disobeys the order under the provisions of the preceding two Articles; or
 - (v) if it turns out that the body has received its registration by wrongful means.

(Entering in Books)

- Article 97 (1) A registered investigation organization must keep books and enter in those books the matters specified by Order of the Ministry of Economy, Trade and Industry concerning operations for investigation for verification.
- (2) The books referred to in the preceding paragraph must be preserved pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.

(Public Notice)

- Article 98 The Minister of Economy, Trade and Industry must, in any of the following cases, issue a public notice of its fact in the official gazette:
- (i) when the Minister has made a registration;
 - (ii) when the notification under the provisions of Article 89 or 91 is made; and
 - (iii) when the Minister rescinds registration or orders a suspension of the whole or part of operations for investigation for verification, pursuant to the provisions of Article 96.

Chapter IV Measures Pertaining to Transportation

Section 1 Measures Pertaining to Freight Transportation

Subsection 1 Measures Pertaining to Freight Carriers

(Standards of Judgment for Freight Carriers)

- Article 99 (1) To ensure the appropriate and effective implementation of the rationalization of energy use related to freight transportation, the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism are to decide and publicize the standards of judgment for freight carriers (which means business operators that transport, with the use of energy, their own freight or others' freight departing from and arriving at locations within Japan; the same applies hereinafter), with regard to the following matters as well as the target for the rationalization of energy use related to freight transportation and measures to be taken systematically to attain that target:
- (i) the use of transportation machinery and equipment with excellent energy consumption performance, etc. as prescribed in Article 145, paragraph (1);
 - (ii) operation or control of transportation machinery and equipment that

- contributes to the rationalization of energy use;
- (iii) use of transportation machinery and equipment with high transportation capacity; and
 - (iv) efficient utilization of the transportation capacity of transportation machinery and equipment.
- (2) To ensure the appropriate and effective implementation of measures conducive to the leveling of electricity demand related to freight transportation by freight carriers engaged in freight transportation using electricity, the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism are to establish and publicize guidelines for measures for those freight carriers to take.
- (3) The standards of judgment prescribed in paragraph (1) and the guidelines prescribed in the preceding paragraph are to be established by considering long-term energy supply-demand forecasts, the environment surrounding the supply and demand of electricity and other energy, the technical level related to the rationalization of energy use and other circumstances, and are to be amended, if necessary, depending on any changes in these circumstances. The provisions of Article 5, paragraph (2) apply mutatis mutandis to the standards of judgment prescribed in the preceding paragraph.

(Guidance and Advice)

Article 100 The Minister of Land, Infrastructure, Transport and Tourism may, when the Minister finds it to be necessary in order to secure appropriate implementation of the rationalization of energy use related to freight transportation or the proper implementation of measures conducive to the leveling of electricity demand in freight transportation, provide freight carriers necessary guidance and advice with regard to the implementation of the matters set forth in the items of paragraph (1) of the preceding Article, in consideration of the standards of judgment prescribed in the same paragraph, or may provide freight carriers engaged in freight transportation using electricity necessary guidance and advice with regard to the implementation of measures conducive to the leveling of electricity demand, in consideration of the guidelines prescribed in paragraph (2) of the same Article.

(Designation of Specified Freight Carriers)

Article 101 (1) The Minister of Land, Infrastructure, Transport and Tourism is to designate a freight carrier (excluding certified management supervising cargo-passenger carriers (which means certified management supervising cargo-passenger carriers as prescribed in Article 130, paragraph (2); the same applies in paragraph (5) and Article 125, paragraphs (1) and (5)) and management-related cargo-passenger carriers (which means management-

related cargo-passenger carriers as prescribed in Article 130, paragraph (2), item (ii); the same applies in paragraph (5) and Article 125, paragraphs (1) and (5)); the same applies in the following paragraph) whose transportation capacity specified by Cabinet Order for each of the categories of freight transportation as specified by Cabinet Order (hereinafter referred to as "freight transportation categories") is no lower than the level specified by Cabinet Order, as a carrier particularly required to promote the rationalization of energy use related to freight transportation, for each of those freight transportation categories.

- (2) Freight carriers must, where its transportation capacity specified by Cabinet Order under the preceding paragraph as of the last day of the previous business year for the respective freight transportation categories is beyond the level specified by Cabinet Order, notify the Minister of Land, Infrastructure, Transport and Tourism, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, of the matters concerning the transportation capacity as specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism for the respective freight transportation categories; provided, however, that this does not apply to a freight carrier designated pursuant to the same paragraph (hereinafter referred to as a "specified freight carrier") with respect to the freight transportation category pertaining to the designation.
- (3) A specified freight carrier may, if a cause set forth in any of the following items arises regarding the freight transportation category pertaining to the designation, make a request for rescission of the designation for that freight transportation category to the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism:
 - (i) if the specified freight carrier has ceased to conduct the freight transportation business; or
 - (ii) if the specified freight carrier's transportation capacity specified by Cabinet Order as referred to in paragraph (1) is no longer expected to come to no lower than the level specified by Cabinet Order as referred to in the same paragraph.
- (4) When the request referred to in the preceding paragraph is made, if the Minister of Land, Infrastructure, Transport and Tourism finds there are grounds for the request, the Minister is to rescind the designation under the provision of paragraph (1) without delay. The same applies where, in the absence of the request made pursuant to the preceding paragraph, it is deemed that a cause set forth in any of the items of the same paragraph has arisen.
- (5) When a specified freight carrier becomes a certified management supervising cargo-passenger carrier or management-related cargo-passenger carrier, the

Minister of Land, Infrastructure, Transport and Tourism is to rescind the designation under the provisions of paragraph (1) pertaining to that specified freight carrier.

(Preparation of Medium-to-long-term Plans)

Article 102 Pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, a specified freight carrier must, every business year following the business year that contains the date of receiving the designation under the provisions of paragraph (1) of the preceding Article, regularly prepare a medium-to-long-term plan for attaining the target for the rationalization of energy use related to freight transportation that is specified in the standards of judgment as prescribed in Article 99, paragraph (1), for each of the freight transportation categories pertaining to that designation, and must submit it to the Minister of Land, Infrastructure, Transport and Tourism.

(Regular Reporting)

Article 103 (1) Pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, , a specified freight carrier must report to the Minister of Land, Infrastructure, Transport and Tourism, every business year following the business year that contains the date of receiving the designation under the provisions of Article 101, paragraph (1), the matters specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism concerning energy consumption related to freight transportation, other situations of using energy related to freight transportation (including matters concerning efficiency in using energy related to freight transportation and the emissions of carbon dioxide discharged by the use of energy related to freight transportation), and the status of implementation of necessary measures to rationalize the use of energy related to freight transportation, for each of the freight transportation categories pertaining to that designation.

(2) When the Minister of Land, Infrastructure, Transport and Tourism intends to issue or amend Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in the preceding paragraph (limited to the matters concerning the emissions of carbon dioxide discharged by use of energy related to freight transportation), the Minister must hold prior consultation with the Minister of the Environment.

(Recommendations and Orders)

Article 104 (1) If the Minister of Land, Infrastructure, Transport and Tourism finds that, regarding the freight transportation category pertaining to the designation under the provisions of Article 101, paragraph (1) for a specified

freight carrier, the state of the rationalization of energy use related to freight transportation is significantly insufficient in light of the standards of judgment as prescribed in Article 99, paragraph (1), the Minister may recommend the specified freight carrier to take necessary measures to rationalize the use of energy related to the freight transportation pertaining to that freight transportation category, while taking into consideration the technical level related to freight transportation carried out by that specified freight carrier using energy, the status of measures taken by the same in accordance with the guidelines prescribed in paragraph (2) of the same Article, and other circumstances and then showing the grounds for the minister's judgment.

(2) If a specified freight carrier that has received the recommendations prescribed in the preceding paragraph does not follow the recommendations, the Minister of Land, Infrastructure, Transport and Tourism may publicize to that effect.

(3) If a specified freight carrier that has received the recommendations prescribed in paragraph (1) does not take the measures as recommended without legitimate grounds, the Minister of Land, Infrastructure, Transport and Tourism may, after hearing opinions from councils, etc. specified by Cabinet Order, order the specified freight carrier to take the measures pertaining to the recommendations.

Subsection 2 Measures Pertaining to Consignors

(Definition of Consignors)

Article 105 In this Subsection, the term "consignor" means the following persons:

(i) a business operator that has freight carriers continuously transport goods in connection with its own business (excluding freight transportation business; the same applies in the following item) (excluding a case where the transportation method, etc. regarding all the freight transportation that business operator has freight carriers continuously carry out are substantially decided by the business operator set forth in the same item); and

(ii) a business operator that satisfies the requirements set by Order of the Ministry of Economy, Trade and Industry for businesses that substantially decide the transportation method, etc. concerning freight transportation that other business operator has freight carriers continuously carry out in connection with their own business, by an agreement with that other business operator or other arrangement.

(Efforts by Consignors and Associate Consignors)

Article 106 (1) Consignors must endeavor to contribute to the rationalization of energy use related to freight transportation that they have freight carriers carry out and must endeavor to contribute to the leveling of electricity demand, by taking the following measures appropriately while giving due consideration to the provisions of the basic policy.

(i) measures to choose means of transportation with a high level of performance as evaluated on the basis of the amount of energy consumed in transportation under certain conditions;

(ii) measures to improve the efficiency in utilizing the transportation capacity that is provided in a fixed quantity; and

(iii) the change of the times for carrying out freight transportation using electricity from the time zones for the leveling of electricity demand to the time zones outside the time zones for the leveling of electricity demand.

(2) Associate consignors must endeavor to give the instructions prescribed in the following paragraph appropriately in order to contribute to the rationalization of energy use through the measures taken by consignors as set forth in items (i) and (ii) of the preceding paragraph while giving due consideration to the provisions of the basic policy.

(3) The term "associate consignor" referred to in the preceding paragraph means a business operator (excluding consignors) that continuously receives or delivers goods transported by freight carriers in connection with its own business (excluding freight transportation business) and that is entitled to give instructions on the date and time of receiving or delivering those goods and other matters specified by Order of Ministry of Economy, Trade and Industry.

(Standards of Judgment for Consigners)

Article 107 (1) To ensure the appropriate and effective implementation of the rationalization of energy use related to freight transportation that consignors have freight carriers carry out, the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism are to decide and publicize the standards of judgment for consignors regarding the measures set forth in paragraph (1), items (i) and (ii) of the preceding Article as well as the target for the rationalization of energy use related to that freight transportation and measures to be taken systematically to attain that target.

(2) To ensure the appropriate and effective implementation of measures to contribute to the leveling of electricity demand relating to freight transportation using electricity that consignors have freight carriers carry out, the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism are to establish and publicize guidelines on the matters set forth in paragraph (1), item (iii) of the preceding Article and other measures for those consignors to take.

(3) The provisions of Article 99, paragraph (3) apply mutatis mutandis to the standards of judgment as prescribed in paragraph (1) and the guidelines prescribed in the preceding paragraph.

(Guidance and Advice)

Article 108 The competent minister may, when the minister finds it to be necessary in order to secure appropriate implementation of the rationalization of energy use related to freight transportation that consignors have freight carriers carry out or appropriate implementation of measures to contribute to the leveling of electricity demand, provide consignors necessary guidance and advice with regard to implementation of the measures set forth in Article 106, paragraph (1), items (i) and (ii), in consideration of the standards of judgment as prescribed in paragraph (1) of the preceding Article, or may provide consignors that have freight carriers carry out freight transportation using electricity necessary guidance and advice with regard to implementation of the measures set forth in Article 106, paragraph (1), item (iii), in consideration of the guidelines prescribed in paragraph (2) of the preceding Article.

(Designation of Specified Consignors)

Article 109 (1) The Minister of Economy, Trade and Industry is to designate a consignor (excluding certified management supervising consignors (which means certified management supervising consignors as prescribed in Article 113, paragraph (2); the same applies in paragraph (5)) and management-related consignors (which means management-related consignors as prescribed in paragraph (2), item (ii) of the same Article; the same applies in paragraph (5)); the same applies in the following paragraph) whose business year's volume of goods that it has freight carriers transport as calculated as prescribed by Cabinet Order is no lower than the volume specified by Cabinet Order, as a consignor particularly required to promote the rational use of energy related to freight transportation that the consignor has freight carriers carry out.

(2) Consignors must, where its volume of freight transportation consigned to freight carriers for the previous business year as calculated pursuant to Cabinet Order provisions under the preceding paragraph is beyond the level specified by Cabinet Order under the same paragraph, notify the Minister of Economy, Trade and Industry, pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, of the matters concerning the volume of freight transportation as specified by Order of the Ministry of Economy, Trade and Industry; provided, however, that this does not apply to a consignor designated pursuant to the same paragraph (hereinafter referred to as a "specified consigner").

- (3) A specified consignor may make a request for recession of the designation under the provisions of paragraph (1) to the Minister of Economy, Trade and Industry pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, if a cause set forth in any of the following items arises:
- (i) if the specified consignor has ceased to fall under all the items of Article 105; or
 - (ii) if the specified consignor's volume of goods for a business year that it has freight carriers transport as calculated pursuant to the provisions of Cabinet Order as referred to in paragraph (1) is no longer expected to come to no lower than the level specified by Cabinet Order referred to in the same paragraph.
- (4) When the request referred to in the preceding paragraph is made, if the Minister of Economy, Trade and Industry finds that there are grounds for the request, the Minister is to rescind the designation made under the provisions of paragraph (1) without delay. The same applies where, in the absence of a request made under the preceding paragraph, it is found that a cause set forth in any of the items of the same paragraph has arisen.
- (5) When a specified consignor becomes a certified management supervising consignor or management-related consignor, the Minister of Economy, Trade and Industry is to rescind the designation under the provisions of paragraph (1) pertaining to that specified consignor.
- (6) When the Minister of Economy, Trade and Industry makes a designation under the provisions of paragraph (1) or rescinds a designation as under the provisions of the preceding two paragraphs, the Minister is to notify the minister having jurisdiction over the business of the relevant consignor of that designation or rescission.

(Preparation of Medium-to-long-term Plans)

Article 110 Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, a specified consignor must regularly prepare a medium-to-long-term plan for attaining the target for the rational use of energy related to freight transportation that it has freight carriers carry out as specified in the standards of judgment as prescribed in Article 107, paragraph (1) and must submit it to the competent minister.

(Regular Reporting)

Article 111 (1) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, every business year a specified consignor must report to the competent minister the matters specified by Order of the Ministry of Economy, Trade and Industry concerning the energy consumption related to freight transportation that the specified consignor has freight carriers carry

out and other situations of using energy related to freight transportation (including matters concerning efficiency in using energy related to the freight transportation and the emissions of carbon dioxide discharged by use of energy related to the freight transportation) as well as the status of implementation of necessary measures necessary to rationalize the use of energy related to the freight transportation.

- (2) When the Minister of Economy, Trade and Industry intends to issue or amend Order of the Ministry of Economy, Trade and Industry referred to in the preceding paragraph (limited to matters concerning the emissions of carbon dioxide discharged by use of energy use related to freight transportation consigned to freight carriers), the Minister must hold prior consultation with the Minister of the Environment.

(Recommendations and Orders)

Article 112 (1) If the competent minister finds that the state of the rational use of energy related to freight transportation that a specified consignor has freight carriers carry out is significantly insufficient in light of the standards of judgment as prescribed in Article 107, paragraph (1), the minister may recommend that specified consignor to take necessary measures to rationalize the use of energy related to that freight transportation, while taking into consideration the status of measures taken in accordance with the guidelines prescribed in paragraph (2) of the same Article and other circumstances, and then showing the grounds for the Minister's judgment.

- (2) If a specified consignor that has received the recommendations prescribed in the preceding paragraph does not follow the recommendations, the competent minister may publicize to that effect.
- (3) If a specified consignor that has received the recommendations prescribed in paragraph (1) does not take the measures as recommended without legitimate grounds, the competent minister may, after hearing opinions from councils, etc. specified by Cabinet Order, order the specified consignor to take the measures pertaining to the recommendations.

(Certified Management Supervising Consignors)

Article 113 (1) When a consignor promotes the rationalization of energy use related to freight transportation that it has freight carriers carry out in a united way with a stock company all of whose issued shares are held by it or other business operator that is specified by Order of the Ministry of Economy, Trade and Industry as being closely related to that Consignor, and that is a consignor (hereinafter referred to as "closely related consignor" in this paragraph and item (ii) of the following paragraph), pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, the consignor may

receive a certification from the Minister of Economy, Trade and Industry regarding conformity with all the following items:

- (i) the consignor is a business operator that satisfies the requirements specified by Order of the Ministry of Economy, Trade and Industry as a business operator that supervises and manages the measures to rationalize the use of energy that are taken in a united way with the closely related consignor pertaining to an application for the certification; and
 - (ii) the total of volumes of goods that the consignor and the closely related consignor pertaining to an application for the certification have had freight carriers transport in the preceding business year as calculated as prescribed by Cabinet Order as referred to in Article 109, paragraph (1) is no lower than the volume specified by Cabinet Order as referred to in the same paragraph.
- (2) If a business operator that has received the certification referred to in the preceding paragraph (hereinafter referred to as "certified management supervising consignor") falls under any of the following items, the Minister of Economy, Trade and Industry may rescind the certification:
- (i) if the certified management supervising consignor no longer meets the requirements specified by Order of the Ministry of Economy, Trade and Industry as prescribed in item (i) of the preceding paragraph;
 - (ii) if the total of volumes of goods that the certified management supervising consignor and the closely related consignor pertaining to its certification (hereinafter referred to as "management-related consignor") have freight carriers transport for a business year as calculated as prescribed by Cabinet Order as referred to in Article 109, paragraph (1) is no longer expected to come to no lower than the volume specified by Cabinet Order as referred to in the same paragraph; or
 - (iii) if it turns out that the certified management supervising consignor has received the certification referred to in the preceding paragraph by wrongful means.
- (3) When the Minister of Economy, Trade and Industry makes a designation under the provisions of paragraph (1) or rescinds a designation as under the provisions of the preceding paragraph, the Minister is to notify the minister having jurisdiction over the business of the relevant consignor of that certification or rescission.

(Preparation of Medium-to-long-term Plans)

Article 114 Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, a certified management supervising consignor must regularly prepare a medium-to-long-term plan for attaining the target for the rationalization of energy use related to freight transportation that it has freight carriers carry out as specified in the standards of judgment as

prescribed in Article 107, paragraph (1), and must submit it to the competent minister.

(Regular Reporting)

Article 115 (1) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, every business year a certified management supervising consignor must report to the competent minister on the matters specified by Order of the Ministry of Economy, Trade and Industry concerning energy consumption related to freight transportation that relevant certified management supervising consignor and its management-related consignor have freight carriers carry out, other situations of using energy related to that freight transportation (including matters concerning efficiency in using energy related to the freight transportation and the emissions of carbon dioxide discharged by the use of energy related to the freight transportation), and the status of implementation of necessary measures to rationalize the use of energy related to the freight transportation.

(2) When the Minister of Economy, Trade and Industry intends to issue or amend Order of the Ministry of Economy, Trade and Industry as referred to in the preceding paragraph (limited to the matters concerning the emissions of carbon dioxide discharged by the use of energy related to freight transportation that consigners have freight carriers carry out), the Minister must hold prior consultation with the Minister of the Environment.

(Recommendations and Orders)

Article 116 (1) If the competent minister finds that the state of the rationalization of energy use related to freight transportation that a certified management supervising consignor and its management-related consignor have freight carriers carry out is significantly insufficient in light of the standards of judgment as prescribed in Article 107, paragraph (1), the minister may recommend that certified management supervising consignor to take necessary measures to rationalize the use of energy related to that freight transportation, while taking into consideration the status of measures taken in accordance with the guidelines prescribed in paragraph (2) of the same Article and other circumstances, and then showing the grounds for the minister's judgment.

(2) If a certified management supervising consignor that has received the recommendation prescribed in the preceding paragraph does not follow the recommendation, the competent minister may publicize to that effect.

(3) If a certified management supervising consignor that has received the recommendation prescribed in paragraph (1) does not take the measures pertaining to the recommendation without legitimate grounds, the competent

minister may, after hearing opinions from councils, etc. specified by Cabinet Order, order that certified management supervising consignor to take the measures pertaining to the recommendation.

(Certification of Consignor Collaborative Energy-efficiency Plans)

- Article 117 (1) When a consignor promotes the rationalization of energy use related to freight transportation that it has freight carriers carry out in collaboration with other consignors, the consignor may jointly prepare a plan for measures for the rationalization of energy use to be taken in collaboration with that another consignor (hereinafter referred to as "consignor collaborative energy-efficiency measures") (that plan is referred to as "consignor collaborative energy-efficiency plan" hereinafter) and, by submitting it to the Minister of Economy, Trade and Industry, may receive a certification to the effect that the collaborative energy-efficiency plan is appropriate, pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.
- (2) The following matters must be incorporated into a consignor collaborative energy-efficiency plan:
- (i) the target for consignor collaborative energy-efficiency measures;
 - (ii) the details and implementation period of consignor collaborative energy-efficiency measures; and
 - (iii) in freight transportation that business operators taking consignor collaborative energy-efficiency measures have freight carriers carry out (including freight transportation that their management-related consignor has freight carriers carry out when those business operators are certified management supervising consignors), the method of calculating energy consumption related to freight transportation that each of them is considered to have had freight carriers carry out in connection with those consignor collaborative energy-efficiency measures.
- (3) The Minister of Economy, Trade and Industry is to establish and publicize necessary guidelines in order to contribute to appropriate preparation of consignor collaborative energy-efficiency plans.
- (4) When an application for the certification referred to in paragraph (1) is made, if the Minister of Economy, Trade and Industry finds that the consignor collaborative energy-efficiency plan pertaining to that application conforms to all the following items, the Minister is to grant the certification:
- (i) the matters set forth in the items of paragraph (2) are appropriate in light of the guidelines referred to in the preceding paragraph; and
 - (ii) the matters set forth in paragraph (2), item (ii) are expected to be carried out with certainty.

(Alteration to Consignor Collaborative Energy-efficiency Plans)

Article 118 (1) When a business operator that has received the certification referred to in paragraph (1) of the preceding Article intends to alter the consignor collaborative energy-efficiency plan pertaining to that certification, the business operator must jointly receive certification from the Minister of Economy, Trade and Industry pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry; provided, however, that this does not apply to minor changes as specified by Order of the Ministry of Economy, Trade and Industry.

(2) When a business operator that has received the certification referred to in paragraph (1) of the preceding Article makes the minor changes specified by Order of the Ministry of Economy, Trade and Industry as referred to in the proviso of the preceding paragraph, the business operator must jointly notify the Minister of Economy, Trade and Industry of the minor changes without delay pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.

(3) If a business operator that has received the certification referred to in paragraph (1) of the preceding Article does not take the consignor collaborative energy-efficiency measures according to the consignor collaborative energy-efficiency plan (or the altered or changed plan, in the case of the certification of alteration under the provisions of paragraph (1) has been given or when the notification of changes under the provisions of the preceding paragraph has been made) or violates the provisions of the preceding two paragraphs, the Minister of Economy, Trade and Industry may rescind the certification.

(4) The provisions of paragraph (4) of the preceding Article apply mutatis mutandis to the certification referred to in paragraph (1).

(Special Provisions for Regular Reporting on Consignor Collaborative Energy-efficiency Plans)

Article 119 (1) Regarding the application of the provisions of Article 111, paragraph (1) to a specified consignor that has received the certification referred to in Article 117, paragraph (1), the term "consumption" in Article 111, paragraph (1) is replaced with "consumption, energy consumption related to freight transportation that the relevant specified consignor pertaining to the consignor collaborative energy-efficiency measures pertaining to the certification referred to in Article 117, paragraph (1) has freight carriers carry out, and the energy consumption related to freight transportation that the specified consignor is considered to have had freight carriers carry out in connection with those consignor collaborative energy-efficiency measures based on the calculation method prescribed in paragraph (2), item (iii) of the same Article."

(2) Regarding the application of the provisions of Article 115, paragraph (1) to a

certified management supervising consignor that has received the certification referred to in Article 117, paragraph (1), the term "management-related consignor" in Article 115, paragraph (1) is replaced with "management-related consignor (hereinafter referred to as "certified management supervising consignor, etc." in this paragraph)," and the term "consumption" is replaced with "consumption, energy consumption related to freight transportation that the relevant certified management supervising consignor, etc. pertaining to the consignor collaborative energy-efficiency measures pertaining to the certification referred to in Article 117, paragraph (1) has freight carriers carry out, and energy consumption related to freight transportation that the certified management supervising consignor, etc. is considered to have had freight carriers carry out in connection with those consignor collaborative energy-efficiency measures based on the calculation method prescribed in paragraph (2), item (iii) of the same Article."

Article 120 Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, every business year a business operator that has received the certification referred to in Article 117, paragraph (1) (excluding specified consignors and certified management supervising consignors) must report to the competent minister the matters specified by Order of the Ministry of Economy, Trade and Industry concerning energy consumption related to freight transportation that the relevant consignor pertaining to the consignor collaborative energy-efficiency measures pertaining to that certification has freight carriers carry out and energy consumption related to freight transportation that the relevant consignor is considered to have had freight carriers carry out in connection with those consignor collaborative energy-efficiency measures based on the calculation method prescribed in paragraph (2), item (iii) of the same Article and other status of taking the consignor collaborative energy-efficiency measures.

(Investigation)

Article 121 If the Minister of Economy, Trade and Industry finds it to be necessary in order to promote the rationalization of energy use related to freight transportation that the consignor has freight carriers carry out in collaboration with another consignor, the Minister is to investigate the state of the rationalization of energy use by a consignor in collaboration with another consignor and is to publicize the results of the investigation.

(Opinions of the Minister of Land, Infrastructure, Transport and Tourism)

Article 122 The Minister of Land, Infrastructure, Transport and Tourism may give the Minister's opinion to the competent minister regarding operation of

the provisions of Articles 108, 112 or 116 when the Minister finds it particularly necessary to do so, in order to secure appropriate implementation of the rationalization of energy use related to freight transportation by freight carriers or appropriate implementation of measures to contribute to the leveling of electricity demand by freight carriers that transport goods using electricity.

Section 2 Measures Pertaining to Passenger Transportation

(Standards of Judgment for Passenger Carriers)

Article 123 (1) To ensure the appropriate and effective implementation of the rationalization of energy use related to passenger transportation, the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism are to decide and publicize the standards of judgment for passenger carriers (which means business operators that transport, with the use of energy, passengers departing from and arriving at locations within Japan; the same applies hereinafter), with regard to the following matters as well as the target for the rationalization of energy use related to passenger transportation and the measures to be taken systematically to achieve that target:

- (i) the use of transportation machinery and equipment with excellent energy consumption performance, etc. as prescribed in Article 145, paragraph (1);
 - (ii) operation or control of transportation machinery and equipment that contributes to the rationalization of energy use; and
 - (iii) reduction of the distance of driving or navigation without passengers.
- (2) To ensure the appropriate and effective implementation of measures to contribute to the leveling of electricity demand related to passenger transportation by passenger carriers engaged in passenger transportation using electricity, the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism are to establish and publicize guidelines on measures for those passenger carriers to take.
- (3) The provisions of Article 99, paragraph (3) apply mutatis mutandis to the standards of judgment as prescribed in paragraph (1) and the guidelines prescribed in the preceding paragraph.

(Guidance and Advice)

Article 124 The Minister of Land, Infrastructure, Transport and Tourism may, when they find it to be necessary in order to secure appropriate implementation of the rationalization of energy use related to passenger transportation or appropriate implementation of measures to contribute to the leveling of electricity demand, provide passenger carriers necessary guidance

and advice with regard to the implementation of the matters set forth in the items of paragraph (1) of the preceding Article, in consideration of the standards of judgment prescribed in the same paragraph, or may provide passenger carriers engaged in passenger transportation using electricity necessary guidance and advice with regard to the implementation of measures to contribute to the leveling of electricity demand, in consideration of the guidelines prescribed in paragraph (2) of the same Article.

(Designation of Specified Passenger Carriers)

Article 125 (1) The Minister of Land, Infrastructure, Transport and Tourism is to designate a passenger carrier (excluding certified management supervising cargo-passenger carriers and management-related cargo-passenger carriers; the same applies in the following paragraph) whose transportation capacity specified by Cabinet Order for each of the categories of passenger transportation as specified by Cabinet Order (hereinafter referred to as "passenger transportation categories") is no lower than the level specified by Cabinet Order, as a person particularly required to promote the rationalization of energy use related to passenger transportation, for each of those passenger transportation categories.

(2) Passenger carriers must, where its transportation capacity specified by Cabinet Order under the preceding paragraph as of the last day of the previous business year for each of passenger transportation categories is beyond the level specified by Cabinet Order under the same paragraph, notify the Minister of Land, Infrastructure, Transport and Tourism, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, of the matters concerning the transportation capacity as specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism for each of passenger transportation categories; provided, however, that this does not apply to a passenger carrier designated pursuant to the same paragraph (hereinafter referred to as a "specified passenger carrier") with respect to the passenger transportation category pertaining to that designation.

(3) Specified passenger carriers may, if a cause set forth in any of the following items arises regarding the passenger transportation category pertaining to the designation, make a request for recession of the designation for the passenger transportation category to the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism:

(i) if the specified passenger carrier has ceased to conduct the passenger transportation business; or

(ii) if the specified passenger carrier's transportation capacity specified by Cabinet Order as referred to in paragraph (1) is no longer expected to come

to no lower than the level specified by Cabinet Order under the same paragraph.

- (4) When the request referred to in the preceding paragraph is made, if the Minister of Land, Infrastructure, Transport and Tourism finds there are grounds for the request, the Minister is to rescind the designation made under the provisions of paragraph (1) without delay. The same applies where, in the absence of the request made pursuant to the preceding paragraph, it is found that a cause set forth in any of the items of the same paragraph has arisen.
- (5) When a specified passenger carrier becomes a certified management supervising cargo-passenger carrier or management-related cargo-passenger carrier, the Minister of Land, Infrastructure, Transport and Tourism is to rescind the designation under the provisions of paragraph (1) pertaining to that specified passenger carrier.

(Preparation of Medium-to-long-term Plans)

Article 126 Pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, a specified passenger carrier must, every business year following the business year that contains the date of receiving the designation under the provisions of paragraph (1) of the preceding Article, regularly prepare a medium-to-long-term plan for attaining the target for each of the passenger transportation categories pertaining to that designation regarding the target for the rationalization of energy use related to passenger transportation as specified in the standards of judgment as prescribed in Article 123, paragraph (1) and must submit it to the Minister of Land, Infrastructure, Transport and Tourism.

(Regular Reporting)

Article 127 (1) Every business year following the business year that contains the date of receiving the designation under the provisions of Article 125, paragraph (1), a specified passenger carrier must report to the Minister of Land, Infrastructure, Transport and Tourism the matters specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism concerning energy consumption related to passenger transportation, other situations of using energy related to passenger transportation (including matters concerning efficiency in using energy related to passenger transportation and the emissions of carbon dioxide discharged by the use of energy related to passenger transportation), and the status of implementation of necessary measures to rationalize the use of energy related to passenger transportation, for each of the passenger transportation categories pertaining to that designation, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(2) When the Minister of Land, Infrastructure, Transport and Tourism intends to issue or amend the Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in the preceding paragraph (limited to the matters concerning the emissions of carbon dioxide discharged by the use of energy related to passenger transportation), the Minister must hold prior consultation with the Minister of the Environment.

(Recommendations and Orders)

Article 128 (1) If the Minister of Land, Infrastructure, Transport and Tourism finds that, regarding the passenger transportation category pertaining to the designation under the provisions of Article 125, paragraph (1) for a specified passenger carrier, the state of the rationalization of energy use related to passenger transportation is significantly insufficient in light of the standards of judgment as prescribed in Article 123, paragraph (1), the Minister may recommend the specified passenger carrier to take necessary measures to rationalize the use of energy related to passenger transportation and pertaining to that passenger transportation category, while taking into consideration the technical level of passenger transportation carried out with use of energy by that specified passenger carrier and the status of measures taken by the same in accordance with the guidelines prescribed in paragraph (2) of the same Article and other circumstances, and then showing the grounds for the Minister's judgment.

(2) If a specified passenger carrier that has received the recommendation prescribed in the preceding paragraph does not follow the recommendation, the Minister of Land, Infrastructure, Transport and Tourism may publicize to that effect.

(3) If a specified passenger carrier that has received the recommendation prescribed in paragraph (1) does not take the measures pertaining to the recommendation without legitimate grounds, the Minister of Land, Infrastructure, Transport and Tourism may, after hearing opinions from councils, etc. specified by Cabinet Order, order that specified passenger carrier to take the measures pertaining to the recommendation.

(Efforts of Business Operators)

Article 129 Business Operators must endeavor to contribute to the rationalization of energy use related to transportation and must endeavor to contribute to the leveling of electricity demand, by properly encouraging their employees to commute by public transportation and implementing other measures while giving due consideration to the provisions of the basic policy.

Section 3 Measures Pertaining to Certified Management Supervising

Cargo-passenger Carriers
Subsection 1 Measures Pertaining to Certified Management
Supervising Cargo-passenger Carriers

(Certified Management Supervising Cargo-passenger Carriers)

Article 130 (1) When a freight carrier or passenger carrier (hereinafter referred to as "cargo-passenger carrier") promotes the rationalization of energy use related to freight or passenger transportation in a united way with a stock company all of whose issued shares are held by it or other person who is specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism as being closely related to that cargo-passenger carrier, and who is a cargo-passenger carrier (hereinafter referred to as "closely related cargo-passenger carrier" in this paragraph and item (ii) of the following paragraph), pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, the cargo-passenger carrier may receive certification from Minister of Land, Infrastructure, Transport and Tourism regarding conformity with all the following items:

- (i) the cargo-passenger carrier is a person who satisfies the requirements specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism as a person who supervises and manages the measures to rationalize the use of energy that are taken in a united way with the closely related cargo-passenger carrier pertaining to an application for the certification; and
 - (ii) the total of the transportation capacity specified by Cabinet Order of the cargo-passenger carrier and the closely related cargo-passenger carrier pertaining to an application for the certification is no lower than the level specified by Cabinet Order.
- (2) If a person that has received the certification referred to in the preceding paragraph (hereinafter referred to as "certified management supervising cargo-passenger carrier") falls under any of the following items, the Minister of Land, Infrastructure, Transport and Tourism may rescind the certification:
- (i) if the certified management supervising cargo-passenger carrier no longer meets the requirements specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism as prescribed in item (i) of the preceding paragraph;
 - (ii) if the total of the transportation capacity specified by Cabinet Order of the certified management supervising cargo-passenger carrier and the closely related cargo-passenger carrier pertaining to the certification (hereinafter referred to as "management-related cargo-passenger carrier") as referred to in item (ii) of the preceding paragraph is no longer expected to come to no lower than the level specified by Cabinet Order as referred to in the same

item; or

- (iii) if it turns out that the certified management supervising cargo-passenger carrier has received the certification referred to in the preceding paragraph by wrongful means.

(Preparation of Medium-to-long-term Plans)

Article 131 Pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, a certified management supervising cargo-passenger carrier must regularly prepare a medium-to-long-term plan for attaining the target for the rationalization of energy use related to freight or passenger transportation as specified in the standards of judgment as prescribed in Article 99, paragraph (1) or Article 123, paragraph (1) and must submit it to the Minister of Land, Infrastructure, Transport and Tourism.

(Regular Reporting)

Article 132 (1) Pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, a certified management supervising cargo-passenger carrier must report to the Minister of Land, Infrastructure, Transport and Tourism every business year on the matters specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism concerning energy consumption related to freight or passenger transportation carried out by that certified management supervising cargo-passenger carrier and its management-related cargo-passenger carrier, other state of using energy related to freight or passenger transportation (including matters concerning efficiency in using energy related to freight or passenger transportation and the emissions of carbon dioxide discharged by the use of energy related to freight or passenger transportation), and the status of implementation of necessary measures to rationalize the use of energy related to freight or passenger transportation.

- (2) When the Minister of Land, Infrastructure, Transport and Tourism intends to issue or amend the Order of the Ministry of Land, Infrastructure, Transport and Tourism as referred to in the preceding paragraph (limited to the matters concerning the emissions of carbon dioxide discharged by the use of energy related to freight or passenger transportation), the Minister must hold prior consultation with the Minister of the Environment.

(Recommendations and Orders)

Article 133 (1) If the Minister of Land, Infrastructure, Transport and Tourism finds that the state of the rationalization of energy use related to freight or passenger transportation by a certified management supervising cargo-passenger carrier and its management-related cargo-passenger carrier is

significantly insufficient in light of the standards of judgment as prescribed in Article 99, paragraph (1) or Article 123, paragraph (1), the Minister may recommend the certified management supervising cargo-passenger carrier to take necessary measures to rationalize the use of energy related to freight or passenger transportation, while taking into consideration the technical level of freight or passenger transportation carried out with use of energy by that certified management supervising cargo-passenger carrier and its management-related cargo-passenger carrier using energy and the status of measures taken by the same in accordance with the guidelines prescribed in Article 99, paragraph (2) or Article 123, paragraph (2) and other circumstances, and then showing the grounds for the Minister's judgment.

- (2) If a certified management supervising cargo-passenger carrier that has received the recommendation prescribed in the preceding paragraph does not follow the recommendation, the Minister of Land, Infrastructure, Transport and Tourism may publicize to that effect.
- (3) If a certified management supervising cargo-passenger carrier that has received the recommendation prescribed in paragraph (1) does not take the measures pertaining to the recommendation without legitimate grounds, the Minister of Land, Infrastructure, Transport and Tourism may, after hearing opinions from councils, etc. specified by Cabinet Order, order that certified management supervising cargo-passenger carrier to take the measures pertaining to the recommendation.

Subsection 2 Cargo-passenger Transportation Collaborative Energy-efficiency Plans

(Certification of Cargo-passenger Collaborative Energy-efficiency Plans)

Article 134 (1) When a cargo-passenger carrier promotes the rationalization of energy use related to freight or passenger transportation in collaboration with other cargo-passenger carriers, the cargo-passenger carrier may jointly prepare a plan for measures for the rationalization of energy use to be taken in collaboration with that other cargo-passenger carriers (hereinafter referred to as "cargo-passenger transportation collaborative energy-efficiency measures") (that plan is hereinafter referred to as "cargo-passenger transportation collaborative energy-efficiency plan") and, by submitting it to the Minister of Land, Infrastructure, Transport and Tourism, may receive a certification to the effect that the collaborative energy-efficiency plan is appropriate, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

- (2) The following matters must be incorporated into a cargo-passenger transportation collaborative energy-efficiency plan:

- (i) the target for cargo-passenger collaborative energy-efficiency measures;
 - (ii) the details and implementation period of cargo-passenger collaborative energy-efficiency measures; and
 - (iii) in freight or passenger transportation carried out by persons taking cargo-passenger transportation collaborative energy-efficiency measures (including freight or passenger transportation carried out by their management-related cargo-passenger carrier when those persons are certified management supervising cargo-passenger carriers), the method of calculating the amount of energy considered to have been used by each of them in connection with those cargo-passenger transportation collaborative energy-efficiency measures.
- (3) The Minister of Land, Infrastructure, Transport and Tourism is to establish and publicize necessary guidelines in order to contribute to appropriate preparation of cargo-passenger transportation collaborative energy-efficiency plans.
- (4) When an application for the certification referred to in paragraph (1) is made, if the Minister of Land, Infrastructure, Transport and Tourism finds that the cargo-passenger transportation coordinative energy-efficiency plan pertaining to that application conforms to all the following items, the Minister is to grant the certification:
- (i) the matters set forth in the items of paragraph (2) are appropriate in light of the guidelines referred to in the preceding paragraph; and
 - (ii) the matters set forth in paragraph (2), item (ii) are expected to be carried out with certainty.

(Alteration to Cargo-passenger Transportation Collaborative Energy-efficiency Plans)

- Article 135 (1) When a person that has received the certification referred to in paragraph (1) of the preceding Article intends to alter the cargo-passenger transportation collaborative energy-efficiency plan pertaining to that certification, the person must jointly receive certification from the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism; provided, however, that this does not apply to minor changes as specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.
- (2) When a person that has received the certification referred to in paragraph (1) of the preceding Article has made the minor changes as specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism as referred to in the proviso of the preceding paragraph, the person must jointly notify the Minister of Land, Infrastructure, Transport and Tourism of the minor changes without delay pursuant to the provisions of Order of the Ministry of Land,

Infrastructure, Transport and Tourism.

- (3) If a person that has received the certification referred to in paragraph (1) of the preceding Article does not take cargo-passenger transportation collaborative energy-efficiency measures according to the cargo-passenger transportation collaborative energy-efficiency plan (or the altered or changed one when the certification of alteration under the provisions of paragraph (1) is given or when the notification of changes under the provisions of the preceding paragraph is made) or violates the provisions of the preceding two paragraphs, the Minister of Land, Infrastructure, Transport and Tourism may rescind the certification.
- (4) The provisions of paragraph (4) of the preceding Article apply mutatis mutandis to the certification referred to in paragraph (1).

(Special Provisions for Regular Reporting on Cargo-passenger Transportation Collaborative Energy-efficiency Plans)

- Article 136 (1) Regarding the application of the provisions of Article 103, paragraph (1) to a specified freight carrier that has received the certification referred to in Article 134, paragraph (1), the phrase "every business year following the business year that contains the date of receiving the designation under the provisions of Article 101, paragraph (1)" in Article 103, paragraph (1) is replaced with "every business year," and the term "consumption" is replaced with "consumption, energy consumption related to freight transportation carried out by that specified freight carrier pertaining to the cargo-passenger transportation collaborative energy-efficiency measures pertaining to the certification referred to in Article 134, paragraph (1), and the amount of energy considered to have been used in freight transportation carried out by the specified freight carrier in connection with those cargo-passenger transportation collaborative energy-efficiency measures based on the calculation method prescribed in paragraph (2), item (iii) of the same Article," and the term "that designation" is replaced with "the designation under the provisions of Article 101, paragraph (1)."
- (2) Regarding the application of the provisions of Article 127, paragraph (1) to a specified passenger carrier that has received the certification referred to in Article 134, paragraph (1), the phrase "every business year following the business year that contains the date of receiving the designation under the provisions of Article 125, paragraph (1)" in Article 127, paragraph (1) is replaced with "every business year," and the term "consumption" is replaced with "consumption, energy consumption related to passenger transportation carried out by that specified passenger carrier pertaining to the cargo-passenger transportation collaborative energy-efficiency measures pertaining to the certification referred to in Article 134, paragraph (1), and the amount of

energy considered to have been used in passenger transportation carried out by the specified passenger carrier in connection with those cargo-passenger transportation collaborative energy-efficiency measures based on the calculation method prescribed in paragraph (2), item (iii) of the same Article," and the term "that designation" is replaced with "the designation under the provisions of Article 125, paragraph (1)."

- (3) Regarding the application of the provisions of Article 132, paragraph (1) to a Certified Management Supervising Cargo-passenger Carrier that has received the certification referred to in Article 134, paragraph (1), the term "management-related cargo-passenger carrier" in Article 132, paragraph (1) is replaced with "management-related cargo-passenger carrier (hereinafter referred to as "certified management supervising cargo-passenger Carrier, etc." in this paragraph)," and the term "consumption" is replaced with "consumption, energy consumption related to freight or passenger transportation carried out by that certified management supervising cargo-passenger carrier, etc. pertaining to the cargo-passenger transportation collaborative energy-efficiency measures pertaining to the certification referred to in Article 134, paragraph (1), and the amount of energy considered to have used in freight or passenger transportation carried out by the certified management supervising cargo-passenger carrier, etc. in connection with those cargo-passenger transportation collaborative energy-efficiency measures based on the calculation method prescribed in paragraph (2), item (iii) of the same Article."

Article 137 Pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, a person who has received the certification referred to in Article 134, paragraph (1) (excluding specified freight carriers, specified passenger carriers, and certified management supervising cargo-passenger carriers) must report to the Minister of Land, Infrastructure, Transport and Tourism every business year on the matters specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism concerning energy consumption related to freight or passenger transportation carried out by the relevant cargo-passenger carrier pertaining to the cargo-passenger transportation collaborative energy-efficiency measures pertaining to that certification and the amount of energy considered to have been used in freight or passenger transportation carried out by the cargo-passenger carrier in connection with those cargo-passenger transportation collaborative energy-efficiency measures based on the calculation method prescribed in paragraph (2), item (iii) of the same Article and other state of taking cargo-passenger transportation collaborative energy-efficiency measures.

(Investigation)

Article 138 If the Minister of Land, Infrastructure, Transport and Tourism finds it to be necessary in order to promote the rationalization of energy use related to freight or passenger transportation carried out by cargo-passenger carriers in collaboration with other cargo-passenger carriers, the Minister is to investigate the state of the rationalization of energy use by cargo-passenger carriers in collaboration with other cargo-passenger carriers and are to publicize the results of the investigation.

Section 4 Special Provisions on Air Transportation

(Special Provisions for Air Carriers)

- Article 139 (1) The Minister of Land, Infrastructure, Transport and Tourism is to designate air carriers (which means business operators that transport, by aircraft, freight or passengers departing from and arriving at locations within Japan; the same applies hereinafter), whose transportation capacity specified by Cabinet Order is beyond the level specified by Cabinet Order, as air carriers particularly required to promote the rationalization of energy use related to freight or passenger transportation.
- (2) The provisions of Articles 101 and 125 and the preceding Section do not apply to air carriers.
- (3) An air carrier must, where its transportation capacity specified by Cabinet Order under paragraph (1) as of the last day of the previous business year is beyond the level specified by Cabinet Order under the same paragraph, notify the Minister of Land, Infrastructure, Transport and Tourism, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, of the matters concerning the transportation capacity as specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism; provided, however, that this does not apply to an air carrier designated pursuant to the same paragraph (hereinafter referred to as a "specified air carrier").
- (4) A specified air carrier may make a request for recession of the designation under the provisions of paragraph (1) to the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, if a cause set forth in any of the following items arises:
- (i) if the specified air carrier has ceased to conduct the freight or passenger transportation business; or
 - (ii) if the specified air carrier's transportation capacity specified by Cabinet Order referred to in paragraph (1) is no longer expected to come to no lower than the level specified by Cabinet Order referred to in the same paragraph.
- (5) When the request referred to in the preceding paragraph is made, if the

Minister of Land, Infrastructure, Transport and Tourism finds that there are grounds for the request, the Minister is to rescind the designation made under the provisions of paragraph (1) without delay. The same applies where, in the absence of the request made under the preceding paragraph, it is found that a cause set forth in any of the items has arisen.

(Preparation of Medium-to-long-term Plans)

Article 140 Pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, a specified air carrier must, every business year following the business year that contains the date of receiving the designation under the provisions of paragraph (1) of the preceding Article, regularly prepare a medium-to-long-term plan for attaining the target regarding the target for the rationalization of energy use related to freight or passenger transportation as specified in the standards of judgment as prescribed in Article 99, paragraph (1) and Article 123, paragraph (1) and must submit it to the Minister of Land, Infrastructure, Transport and Tourism.

(Regular Reporting)

Article 141 (1) Every business year following the business year that contains the date of receiving the designation under the provisions of Article 139, paragraph (1), a specified air carrier must report to the Minister of Land, Infrastructure, Transport and Tourism every business year on the matters specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism concerning energy consumption related to freight or passenger transportation, other situations of using energy related to freight or passenger transportation (including matters concerning efficiency in using energy related to freight or passenger transportation and the emissions of carbon dioxide discharged by the use of energy related to freight or passenger transportation), and the status of implementation of necessary measures to rationalize the use of energy related to freight or passenger transportation, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(2) When the Minister of Land, Infrastructure, Transport and Tourism intends to issue or amend the Order of the Ministry of Land, Infrastructure, Transport and Tourism as referred to in the preceding paragraph (limited to the matters concerning the emissions of carbon dioxide discharged by the use of energy related to freight or passenger transportation), the Minister must hold prior consultation with the Minister of the Environment.

(Recommendations and Orders)

Article 142 (1) If the Minister of Land, Infrastructure, Transport and Tourism finds that the state of the rationalization of energy use related to freight or

passenger transportation by a specified air carrier is significantly insufficient in light of the standards of judgment as prescribed in Article 99, paragraph (1) and Article 123, paragraph (1), the Minister may recommend the specified air carrier to take necessary measures to rationalize the use of energy related to freight or passenger transportation, while taking into consideration the technical level of freight or passenger transportation carried out with use of energy by that specified air carrier and the status of measures taken by the same in accordance with the guidelines prescribed in Article 99, paragraph (2) and Article 123, paragraph (2), and then showing the grounds for the Minister's judgment.

- (2) If a specified air carrier that has received the recommendation prescribed in the preceding paragraph does not follow the recommendation, the Minister of Land, Infrastructure, Transport and Tourism may publicize to that effect.
- (3) If a specified air carrier that has received the recommendation prescribed in paragraph (1) does not take the measures pertaining to the recommendation without legitimate grounds, the Minister of Land, Infrastructure, Transport and Tourism may, after hearing opinions from councils, etc. specified by Cabinet Order, order that specified air carrier to take the measures pertaining to the recommendation.

Chapter V Measures Pertaining to Buildings

Article 143 The following persons must, while giving due consideration to the provisions of the basic policy, endeavor to contribute to the rationalization of energy use related to buildings by properly implementing the measures to prevent heat loss through exterior walls, windows, etc. of buildings and to realize the efficient utilization of energy for air conditioning systems or other building equipment specified by Cabinet Order that are installed in buildings (hereinafter referred to as "air conditioning systems, etc." in the item (iv)), and must endeavor to contribute to the leveling of electricity demand by properly implementing the measures to ensure the utilization of electricity to contribute to the leveling of electricity demand in relation to electricity-consuming machinery and equipment installed in buildings:

- (i) a person who intends to construct a building;
- (ii) the owner of a building (in the case of a building managed by a person other than the owner, the manager of the building);
- (iii) a person who intends to repair or remodel the roofs, walls or floors of a building that are directly exposed to the outside (including windows or other openings established therein); or
- (iv) a person who intends to install air conditioning systems, etc. in a building or modify the air conditioning systems, etc. installed in a building.

Chapter VI Measures Pertaining to Machinery, Equipment, and Other Items

Section 1 Measures Pertaining to Machinery and Equipment

(Efforts by Manufacturers of Energy consuming Equipment)

Article 144 (1) Business operators engaged in manufacturing or importing energy consuming equipment, etc. (meaning energy consuming equipment (meaning machinery and equipment that consumes energy; the same applies hereinafter) or related equipment (meaning machinery and equipment used as components of energy consuming equipment or used exclusively in combination with energy consuming equipment, which has an effect on the amount of energy consumed in the use of the energy consuming equipment; the same applies hereinafter); the same applies hereinafter) (the business operators are hereinafter referred to as "manufacturers of energy consuming equipment, etc.") must endeavor to contribute to the rationalization of energy use related to energy consuming equipment, etc., by improving the energy consumption performance (meaning the performance as evaluated on the basis of the amount of energy consumed in the use of energy consuming equipment under certain conditions; the same applies hereinafter) or the energy consumption related performance (meaning the performance of the related equipment affecting the energy-consumption performance of the energy consuming equipment involving the related equipment; the same applies hereinafter) of the energy consuming equipment, etc. that they manufacture or import, while giving due consideration to the provisions of the basic policy.

(2) Business operators engaged in manufacturing or importing electricity-consuming machinery and equipment (limited to those for which it is technically and economically possible to add a function to contribute to the leveling of electricity demand; hereinafter the same applies in this paragraph) must endeavor to contribute to the leveling of electricity demand related to electricity-consuming machinery and equipment, by improving the performance in relation to the leveling of electricity demand of the electricity-consuming machinery and equipment that they manufacture or import, while giving due consideration to the provisions of the basic policy.

(Standards of Judgment for Manufacturers of Energy consuming Equipment)

Article 145 (1) Among energy consuming machinery, etc., regarding automobiles (limited to those specified by Cabinet Order as those particularly required to improve their energy consumption performance; the same applies hereinafter) and other energy consuming machinery used in quantity in Japan and consuming a considerable amount of energy in their use, and that are specified

by Cabinet Order as that particularly required to improve its energy consumption performance (hereinafter referred to as "specified energy consuming equipment") and related energy consuming machinery used in quantity in Japan and consuming a considerable amount of energy in their use, and that are specified by Cabinet Order as that particularly required to improve its energy consumption related performance (hereinafter referred to as "specified related equipment"), the Minister of Economy, Trade and Industry (or the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism for automobiles and specified related equipment thereto; hereinafter the same applies in this Chapter and Article 162, paragraph (10)) is to decide and publicize standards of judgment for manufacturers, etc. of energy consuming equipment, etc. concerning improvement of their energy consumption performance or energy consumption related performance (hereinafter referred to as "energy consumption performance, etc.") for each of specified energy consuming equipment and specified related equipment (hereinafter referred to as "specified energy consuming equipment, etc.").

- (2) The standards of judgment prescribed in the preceding paragraph are to be established by considering the highest level of energy-consumption performance, etc. of the respective specified energy consuming equipment, etc., future prospects for technological development related to the respective specified energy consuming equipment, etc. and other circumstances, and are to be revised if necessary depending on any changes in these circumstances.

(Recommendations and Orders Concerning Improvement of Performance)

Article 146 (1) If the Minister of Economy, Trade and Industry finds it necessary, in light of the standards of judgment prescribed in paragraph (1) of the preceding Article, to improve the energy-consumption performance, etc. to a considerable extent with respect to the specified energy consuming equipment, etc. manufactured or imported by a manufacturer of energy consuming equipment, etc. whose production or import volume of the specified energy consuming equipment, etc. manufactured or imported thereby satisfies the requirements specified by Cabinet Order, the Minister may recommend that manufacturer of energy consuming equipment, etc. to improve the energy-consumption performance, etc. of the specified energy consuming equipment, etc. manufactured or imported thereby, while showing the targets for the improvement.

- (2) If a manufacturer of energy consuming equipment, etc. that has received recommendations prescribed in the preceding paragraph does not follow the recommendations, the Minister of Economy, Trade and Industry may publicize to that effect.

(3) If a manufacturer of energy consuming equipment, etc. that has received recommendations prescribed in paragraph (1) does not take the measures as recommended without legitimate grounds and the Minister of Economy, Trade and Industry finds that it significantly harms the rationalization of energy use for the specified energy consuming equipment, etc., the Minister may, after hearing opinions from councils, etc. specified by Cabinet Order, order the manufacturer of energy consuming equipment, etc. to take the measures pertaining to the recommendations.

(Indication)

Article 147 The Minister of Economy, Trade and Industry is to specify the following particulars for each of the specified energy consuming equipment, etc. (excluding the equipment that falls into the category of household goods prescribed in Article 2, paragraph (1), item (i) of the Household Goods Quality Labeling Act (Act No. 104 of 1962); hereinafter the same applies in this Article and the following Article), and make public notice of them:

- (i) particulars specified in (a) or (b) below according to the respective categories of specified energy consuming equipment, etc. set forth therein:
 - (a) specified energy consuming equipment: particulars to be indicated by manufacturers of energy consuming equipment, etc. with regard to the energy consumption efficiency (meaning the value calculated pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry (or in the case of automobiles, Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism) as representing the energy-consumption performance of specified energy consuming equipment; the same applies hereinafter); or
 - (b) specified related equipment: matters to be indicated by manufacturers of energy consuming equipment, etc. with regard to the contribution rate (meaning the value calculated pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry (or in the case of automobiles, Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of Land, Infrastructure, Transport and Tourism) as representing the energy-consumption related performance of specified related equipment; the same applies hereinafter); and
- (ii) the method of indication and other matters to be observed by manufacturers of energy consuming equipment, etc. when indicating the energy consumption efficiency or contribution rate.

(Recommendations and Orders Concerning Indication)

Article 148 (1) If the Minister of Economy, Trade and Industry finds that a manufacturer of energy consuming equipment, etc. does not indicate the energy

consumption efficiency or contribution rate in accordance with the public notice made under the preceding Article with respect to specified energy consuming equipment, etc., the Minister may recommend the manufacturer of energy consuming equipment, etc. to indicate the energy consumption efficiency or contribution rate, in accordance with the public notice, to the specified energy consuming equipment, etc. manufactured or imported thereby.

(2) If a manufacturer of energy consuming equipment, etc. that has received the recommendations prescribed in the preceding paragraph does not follow the recommendations, the Minister of Economy, Trade and Industry may publicize to that effect.

(3) If a manufacturer of energy consuming equipment, etc. that has received the recommendations prescribed in paragraph (1) does not take the measures as recommended without legitimate grounds and the Minister of Economy, Trade and Industry finds that it significantly harms the rationalization of energy use related to the specified energy consuming equipment, etc., the Minister may, after hearing opinions from council, etc. specified by Cabinet Order, order the manufacturer of energy consuming equipment, etc. to take the measures pertaining to the recommendations.

Section 2 Measures Pertaining to Building Materials Designed to Prevent Heat Loss

(Efforts by Manufacturers of Building Materials Designed to Prevent Heat Loss)

Article 149 Business operators engaged in manufacturing, processing or importing building materials used for the prevention of heat loss through exterior walls, windows, etc. of buildings (those materials are hereinafter referred to as "building materials designed to prevent heat loss" and those business operators are hereinafter referred to as "manufacturers, etc. of building materials designed to prevent heat loss") must endeavor to contribute to the rationalization of energy use related to building materials designed to prevent heat loss, by improving the heat loss prevention performance of the building materials designed to prevent heat loss that they manufacture, process or import, while giving due consideration to the provisions of the basic policy.

(Standards of Judgment for Manufacturers of Building Materials Designed to Prevent Heat Loss)

Article 150 (1) Among building materials designed to prevent heat loss, regarding those that are used in quantity in Japan and are used mainly for parts of buildings through which a considerable amount of heat is lost, and

that are specified by Cabinet Order as those particularly required to improve their performance prescribed in the preceding Article (hereinafter referred to as "specified building materials designed to prevent heat loss"), the Minister of Economy, Trade and Industry is to decide and publicize standards of judgment for manufacturers, etc. of building materials designed to prevent heat loss, with regard to the improvement of the performance for each of the specified building materials designed to prevent heat loss.

- (2) The standards of judgment prescribed in the preceding paragraph are to be established by considering the highest level of the performance prescribed in the preceding Article of the respective specified building materials designed to prevent heat loss, future prospects for technological development related to the respective specified building materials designed to prevent heat loss, and other circumstances, and are to be revised if necessary depending on any changes in these circumstances.

(Recommendations and Orders Concerning Improvement of Performance)

Article 151 (1) Regarding a specified building material designed to prevent heat loss manufactured, processed or imported by a manufacturer, etc. of building materials designed to prevent heat loss whose production quantity or import volume of specified building materials designed to prevent heat loss manufactured, processed or imported thereby satisfies the requirements specified by Cabinet Order, if the Minister of Economy, Trade and Industry finds that it is necessary to improve the performance prescribed in Article 149 to a considerable extent in light of the standards of judgment as prescribed in paragraph (1) of the preceding Article, the Minister may recommend that manufacturer, etc. of building materials designed to prevent heat loss to improve that performance of the specified building material designed to prevent heat loss manufactured, processed or imported thereby, while showing the targets for the improvement.

- (2) If a manufacturer, etc. of building materials designed to prevent heat loss that has received the recommendation prescribed in the preceding paragraph does not follow the recommendation, the Minister of Economy, Trade and Industry may publicize to that effect.
- (3) If a manufacturer, etc. of building materials designed to prevent heat loss that has received the recommendation prescribed in paragraph (1) does not take the measures pertaining to the recommendation without legitimate grounds and the Minister of Economy, Trade and Industry finds that it significantly harms the rationalization of energy use related to the relevant specified building material designed to prevent heat loss, the Minister may, after hearing opinions from councils, etc. specified by Cabinet Order, order that manufacturer, etc. of building materials designed to prevent heat loss to take

the measures pertaining to the recommendation.

(Indication)

Article 152 The Minister of Economy, Trade and Industry is to specify the following particulars for the respective specified building materials designed to prevent heat loss, and make public notice of them:

- (i) particulars to be indicated by manufacturer, etc. of building materials designed to prevent heat loss with regard to the heat loss prevention performance of specified building materials designed to prevent heat loss (meaning the value calculated pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry as representing the heat loss prevention performance of specified building materials designed to prevent heat loss; the same applies hereinafter); and
- (ii) the method of indication and other matters to be observed by manufacturers, etc. of building materials designed to prevent heat loss when indicating the heat loss prevention performance.

(Recommendations and Orders Concerning Indication)

Article 153 (1) If the Minister of Economy, Trade and Industry finds that a manufacturer, etc. of building materials designed to prevent heat loss does not indicate heat loss prevention performance on specified building materials designed to prevent heat loss as notified by the public notice made pursuant to the provisions of the preceding Article, the Minister may recommend that manufacturer, etc. of building materials designed to prevent heat loss to indicate heat loss prevention performance on specified building materials designed to prevent heat loss manufactured, processed or imported thereby the Manufacturer, etc. as so notified by public notice.

- (2) If a manufacturer, etc. of building materials designed to prevent heat loss that has received the recommendation prescribed in the preceding paragraph does not follow the recommendation, the Minister of Economy, Trade and Industry may publicize to that effect.
- (3) If a manufacturer, etc. of building materials designed to prevent heat loss that has received the recommendation prescribed in paragraph (1) does not take the measures pertaining to the recommendation without legitimate grounds and the Minister of Economy, Trade and Industry finds that it significantly harms the rationalization of energy use related to the relevant specified building material designed to prevent heat loss, the Minister may, after hearing opinions from councils, etc. specified by Cabinet Order, order that manufacturer, etc. of building materials designed to prevent heat loss to take the measures pertaining to the recommendation.

Chapter VII Measures Pertaining to Electricity Utilities

(Disclosure)

Article 154 When an electricity utility (meaning the general electricity utility prescribed in Article 2, paragraph (1), item (ii) of the Electricity Business Act (Act No. 170 of 1964), the specified electricity utility prescribed in item (vi) of the same paragraph, or the specified-scale electricity utility prescribed in item (viii) of the same paragraph; the same applies hereinafter) is requested by a person who uses electricity supplied thereby to disclose information that is specified by Order of the Ministry of Economy, Trade and Industry as information concerning the status of use of electricity related to the person who uses electricity and that is retained by the electricity utility (excluding the retained personal data prescribed in Article 2, paragraph (7) of the Act on the Protection of Personal Information (Act No. 57 of 2003)), the electricity utility must, without delay, disclose the information to the person who uses electricity (including those designated by the person who uses electricity), by a method specified by Order of the Ministry of Economy, Trade and Industry; provided, however, that in the case as specified by Order of the Ministry of Economy, Trade and Industry as where the disclosure is likely to significantly hinder the proper implementation of the business by the electricity utility, the electricity utility may keep the information undisclosed in whole or part.

(Preparation and Publication of Plans)

Article 155 (1) An electricity utility (excluding those that meet the requirements specified by Order of the Ministry of Economy, Trade and Industry; the same applies in the following paragraph) must, while giving due consideration to the provisions of the basic policy, prepare a plan concerning the implementation of the following measures and other measures conducive for persons who use electricity to make efforts to contribute to the leveling of electricity demand effectively and efficiently:

- (i) establishment of the electricity rates and other supply conditions for encouraging persons who use electricity supplied by the electricity utility to make efforts to contribute to the leveling of electricity demand;
- (ii) development of equipments with the function to enable the acquisition of information on the changes in the amount of electricity used in a given period of time by persons who use electricity supplied by the electricity utility and other useful information specified by Order of the Ministry of Economy, Trade and Industry for the persons in making efforts to contribute to the leveling of electricity demand, and the provision of the information to the persons who use electricity (including those designated by the persons who use electricity); and

- (iii) beyond what is listed in the preceding item, development of an environment for providing information on the supply and demand results and forecasts of the electricity supplied by the electricity utility.
- (2) Electricity utilities must, when they have prepared a plan pursuant to the provisions of the preceding paragraph, publicize the plan without delay. The same applies where the electricity utility has revised the plan.

Chapter VIII Miscellaneous Provisions

(Fiscal Measures)

Article 156 The State must endeavor to take fiscal, financial and taxation measures necessary to promote the rationalization of energy use, etc.

(Advancement of Science and Technology)

Article 157 With the aim of achieving the advancement of science and technology that will contribute to the promotion of the rationalization of energy use, etc., the State must endeavor to take measures to promote research and development and disseminate the results thereof and other necessary measures.

(Measures to Increase Public Understanding)

Article 158 The State must, through educational and publicity activities, endeavor to increase the public understanding of the rationalization of energy use, etc. and to ask for public cooperation for the implementation thereof.

(Consideration in Enforcement of this Act)

Article 159 For the purpose of promoting the rationalization of energy use, etc. in the whole nation, the Minister of Economy, Trade and Industry must, in enforcing this Act, give due consideration so as to encourage efforts of business operators to contribute to promoting the rational use of Energy, etc. of other persons by providing technology, giving advice and coordinating businesses, etc. made of their own accord.

(Consideration of Local Public Entities in Educational Activities)

Article 160 Local public entities are to, when carrying out educational and publicity activities, give as much consideration as possible to contributing to increasing local residents' understanding of the rationalization of energy use, etc.

(Provision of Information to General Consumers)

Article 161 (1) Business operators engaged in supplying energy to general consumers, business operators engaged in retailing energy consuming

equipment, etc. and building materials designed to prevent heat loss, and other business operators capable of cooperating, through their business activities, in general consumers' efforts towards the rationalization of energy use must endeavor to make notifications on the status of use of energy by consumers, give indications of the energy-consumption performance, etc., give indications of the heat loss prevention performance of building materials designed to prevent heat loss, and provide other information that contributes to general consumers' efforts towards the rationalization of energy use.

- (2) Business operators engaged in selling or renting buildings, business operators engaged in retailing electricity-consuming machinery and equipment, and other business operators capable of cooperating, through their business activities, in general consumers' efforts towards the leveling of electricity demand must endeavor to give indications of the performance required for buildings to realize the utilization of electricity conducive to the leveling of electricity demand in relation to electricity-consuming machinery and equipment installed in buildings, give indications of the functions conducive to the leveling of electricity demand incorporated in electricity-consuming machinery and equipment (limited to those for which it is technically and economically possible to add a function conducive to the leveling of electricity demand), and provide other information that contributes to general consumers' efforts towards the implementation of measures conducive to the leveling of electricity demand.

(Reports and On-site Inspections)

- Article 162 (1) To the extent necessary for enforcement of the provisions of Article 7, paragraphs (1) and (5), Article 10, paragraphs (1) and (3), Article 13, paragraphs (1) and (3), Article 18, paragraphs (1) and (4), Article 21, paragraphs (1) and (3), Article 24, paragraphs (1) and (3), Article 32, paragraphs (1) and (3), Article 35, paragraphs (1) and (3), Article 40, paragraphs (1) and (3), and Article 43, paragraphs (1) and (3), the Minister of Economy, Trade and Industry may have a person conducting business using energy at factories, etc. report to the Minister the state of operations at factories, etc. set up by it or may have officials of the Ministry of Economy, Trade and Industry enter the factories, etc. and inspect energy consuming equipment, books, documents and other items, pursuant to the provisions of Cabinet Order.
- (2) To the extent necessary for enforcement of the provisions of Article 8, paragraph (1), Article 9, paragraph (1), Article 11, paragraph (1), Article 12, paragraph (1), Article 14, paragraph (1), Article 19, paragraph (1), Article 20, paragraph (1), Article 22, paragraph (1), Article 23, paragraph (1), Article 25, paragraph (1), Article 30, paragraph (1), Article 31, paragraph (1), Article 33,

paragraph (1), Article 34, paragraph (1), Article 36, paragraph (1), Article 41, paragraph (1), Article 42, paragraph (1), and Article 44, paragraph (1), the Minister of Economy, Trade and Industry may have a specified business operator, specified chain business operator, certified management supervising business operator or management-related business operator report to the Minister the state of operations at factories, etc. set up by it or may have officials of the Ministry of Economy, Trade and Industry enter the factories, etc. and inspect energy consuming equipment, books, documents and other items, pursuant to the provisions of Cabinet Order.

(3) To the extent necessary for enforcement of the provisions of Chapter III, Section 1 (excluding Article 7, paragraphs (1) and (5), Article 8, paragraph (1), Article 9, paragraph (1), Article 10, paragraphs (1) and (3), Article 11, paragraph (1), Article 12, paragraph (1), Article 13, paragraphs (1) and (3), Article 14, paragraph (1), Article 18, paragraphs (1) and (4), Article 19, paragraph (1), Article 20, paragraph (1), Article 21, paragraphs (1) and (3), Article 22, paragraph (1), Article 23, paragraph (1), Article 24, paragraphs (1) and (3), Article 25, paragraph (1), Article 30, paragraph (1), Article 31, paragraph (1), Article 32, paragraphs (1) and (3), Article 33, paragraph (1), Article 34, paragraph (1), Article 35, paragraphs (1) and (3), Article 36, paragraph (1), Article 40, paragraphs (1) and (3), and Article 41, paragraph (1), Article 42, paragraph (1), Article 43, paragraphs (1) and (3), Article 44, paragraph (1), and Article 50)), the competent minister may have a specified business operator, specified chain business operator, certified management supervising business operator, management-related business operator or person that has received the certification referred to in Article 46, paragraph (1) (excluding specified business operators, specified chain business operators, certified management supervising business operators, and management-related business operators) report to the minister the state of operations at factories, etc. set up by it (for a specified chain business operator, including factories, etc. set up by the franchisees of the chain business operations carried out by that specified chain business operator and pertaining to those chain business operations) or may have officials of its ministry enter those factories, etc. and inspect energy consuming equipment, books, documents and other items, pursuant to the provisions of Cabinet Order; provided, however, that in a case of entry into factories, etc. set up by a franchisee of the chain business operations carried out by the specified chain business operator and pertaining to those chain business operations, prior consent must be obtained from that franchisee.

(4) To the extent necessary for enforcement of the provisions of Chapter III, Section 2 and Section 3, the Minister of Economy, Trade and Industry may have a designated examining organization or designated training organization

report the state of their business or accounting, or have officials of the Ministry enter the offices of a designated examining organization or designated training organization and inspect books, documents and other items.

- (5) To the extent necessary for enforcement of the provisions of Chapter III, Section 4, the Minister of Economy, Trade and Industry may have a registered investigation organization report the state of its business or accounting, or have officials of the Ministry of the Economy, Trade and Industry enter the offices of a registered investigation organization and inspect books, documents and other items.
- (6) To the extent necessary for enforcement of the provisions of Article 101, paragraphs (1) and (4), Article 125, paragraphs (1) and (4), and Article 139, paragraphs (1) and (5), the Minister of Land, Infrastructure, Transport and Tourism may have a freight carrier, passenger carrier or air carrier (hereinafter simply referred to as "carrier" in this paragraph) report to the Minister the state of operations relating to freight or passenger transportation or may have officials of the Ministry of Land, Infrastructure, Transport and Tourism enter the carrier's office or other workplace, place at which transportation machinery and equipment are placed or transportation machinery and equipment and inspect transportation machinery and equipment, books, documents and other items, pursuant to the provisions of Cabinet Order.
- (7) To the extent necessary for enforcement of the provisions of Chapter IV (excluding Article 101, paragraphs (1) and (4), Section 1, Subsection 2, Article 125, paragraphs (1) and (4), Article 138, and Article 139, paragraphs (1) and (5)), the Minister of Land, Infrastructure, Transport and Tourism may have a specified freight carrier, specified passenger carrier, certified management supervising cargo-passenger carrier, management-related cargo-passenger carrier, cargo-passenger carrier that has received the certification referred to in Article 134, paragraph (1) (excluding specified freight carriers, specified passenger carriers, certified management supervising cargo-passenger carriers, and management-related cargo-passenger carriers) or specified air carrier (hereinafter simply referred to as "specified carrier, etc." in this paragraph) report to the Minister the state of operations relating to freight or passenger transportation or may have officials of the Ministry of Land, Infrastructure, Transport and Tourism enter its office or other workplace, place at which transportation machinery and equipment are placed or transportation machinery and equipment of the specified carrier, etc. and inspect the transportation machinery and equipment, books, documents and other items, pursuant to the provisions of Cabinet Order.
- (8) To the extent necessary for enforcement of the provisions of Article 109, paragraphs (1) and (4), the Minister of Economy, Trade and Industry may have

a consignor (which means a consignor as prescribed in Article 105; hereinafter the same applies in this paragraph and the following paragraph and Article 167, paragraph (2)) report the state of operations relating to freight transportation that it has freight carriers carry out or may have officials of the Ministry of Economy, Trade and Industry enter the consignor's office or other workplace and inspect books documents and other items, pursuant to the provisions of Cabinet Order.

(9) To the extent necessary for enforcement of the provisions of Chapter IV, Section 1, Subsection 2 (excluding Article 109, paragraphs (1) and (4) as well as Article 121), the competent minister may have a specified consignor, certified management supervising consignor, management-related consignor or consignor that has received the certification referred to in Article 117, paragraph (1) (excluding specified consignors, certified management supervising consignors, and management-related consignors) (hereinafter referred to as "specified consignor, etc." in this paragraph) report to the minister the state of operations relating to freight transportation that it has freight carriers carry out or may have officials of the minister enter the offices of the specified consignor, etc. or other workplace and inspect books, documents and other items, pursuant to the provisions of Cabinet Order.

(10) To the extent necessary for enforcement of the provisions of Chapter VI, the Minister of Economy, Trade and Industry may, pursuant to the provisions of Cabinet Order, have manufacturers of specified energy consuming equipment, etc. or manufacturers, etc. of specified building materials designed to prevent heat loss report the state of their business pertaining to the specified energy consuming equipment, etc. or specified building materials designed to prevent heat loss, or have officials of the Ministry enter offices, factories or warehouses of manufacturers, etc. of specified energy consuming equipment, etc. or manufacturers, etc. of specified building materials designed to prevent heat loss and inspect the specified energy consuming equipment, etc. or specified building materials designed to prevent heat loss, books, documents and other items.

(11) The officials who conduct on-site inspection pursuant to the preceding paragraphs must carry a certification for identification and present it to any person concerned.

(12) The authority to conduct on-site inspections under paragraphs (1) through (10), inclusive, must not be construed as being vested for criminal investigation.

(Fees)

Article 163 (1) A person who intends to participate in the trainings referred to in Article 9, paragraph (1), item (i) (excluding those delivered by a designated training organization), person who intends to participate in the trainings

referred to in paragraph (2) of the same Article (excluding those delivered by a designated training organization), person who intends to participate in the trainings referred to in Article 12, paragraph (2) (excluding those delivered by a designated training organization), person who intends to participate in the trainings referred to in Article 14, paragraph (2) (excluding those delivered by a designated training organization), person who intends to participate in the trainings referred to in Article 20, paragraph (2) (excluding those delivered by a designated training organization), person who intends to participate in the trainings referred to in Article 23, paragraph (2) (excluding those delivered by a designated training organization), person who intends to participate in the trainings referred to in Article 25, paragraph (2) (excluding those delivered by a designated training organization), person who intends to participate in the trainings referred to in Article 31, paragraph (2) (excluding those delivered by a designated training organization), person who intends to participate in the trainings referred to in Article 34, paragraph (2) (excluding those delivered by a designated training organization), person who intends to participate in the trainings referred to in Article 36, paragraph (2) (excluding those delivered by a designated training organization), person who intends to participate in the trainings referred to in Article 42, paragraph (2) (excluding those delivered by a designated training organization), person who intends to participate in the trainings referred to in Article 44, paragraph (2) (excluding those delivered by a designated training organization), person who intends to take a qualified energy manager license examination, person who intends to receive the certification under the provisions of Article 51, paragraph (1), item (ii) or person who intends to receive issuance or reissuance of a qualified energy manager license must pay a fee at a sum fixed by Cabinet Order in consideration of the actual cost.

- (2) The fee referred to in the preceding paragraph and paid by a person who intends to receive issuance or reissuance of a qualified energy manager license for which a designated examining organization conducts the affairs of qualified energy manager licenses that are entrusted to it under the provisions of Article 52, paragraph (1) and by a person who intends to take a qualified energy manager license examination for which a designated examining organization conducts its examination affairs is to be the income of that designated examining organization, and fees other than that fee are to be the revenue of the national treasury.

(Special Provisions for Hearing)

Article 164 (1) Proceedings on the date of the hearing pertaining to the disposition under the provisions of Article 61 (including a case where it is applied mutatis mutandis pursuant to Article 62, paragraph (4)) or Article 65,

77 or 96 must be performed in a way that is open to the public.

- (2) The person chairing the hearing set forth in the preceding paragraph must, upon request of any person interested in the disposition under Article 17, paragraph (1) of the Administrative Procedure Act (Act No. 88 of 1993), permit the person to participate in the proceedings for the hearing.

(Appeals against Dispositions Made by Designated Examining Organization)

Article 165 Any person who is dissatisfied with a disposition made by a designated examining organization on the examination processes (excluding those on the examination results) or its inaction may make a request for review to the Minister of Economy, Trade and Industry pursuant to the Administrative Appeal Act (Act No. 160 of 1962).

(Delegation of Transitional Measures to Orders)

Article 166 When enacting, revising or abolishing an order pursuant to this Act, necessary transitional measures (including transitional measures concerning penal provisions) may be provided for by that order to the extent considered reasonably necessary for the enactment, revision or abolition.

(Competent Ministers)

Article 167 (1) The competent minister, as defined in both Chapter III, Sections 1 and 4, and Article 162, paragraph (3) are to be the Minister of Economy, Trade and Industry and a minister who has jurisdiction over factories, etc. set up by the relevant person and the business pertaining chain business operations carried out by the relevant person.

(2) The competent minister in Chapter IV, Section 1, Subsection 2 and Article 162, paragraph (9) are to be the Minister of Economy, Trade and Industry and a minister who has jurisdiction over the business of the relevant Consignor.

(3) The Prime Minister will delegate authority under this Act (limited to that under jurisdiction of the Financial Services Agency, and excluding that specified by Cabinet Order) to the Commissioner of the Financial Services Agency.

(4) The authority under this Act may be delegated to the head of a local branch office pursuant to Cabinet Order provisions.

(5) The Commissioner of the Financial Services Agency may, pursuant to the provisions of Cabinet Order, delegate part of their authority that has been delegated pursuant to the provisions of paragraph (3) to the head of a Local Finance Bureau or the head of a Local Finance Branch Bureau.

Chapter IX Penal Provisions

Article 168 A person who falls under any of the following items is to be punished by imprisonment with work for not more than one year or a fine of not more than 1,000,000 yen:

- (i) a person who divulges a secret known to them in connection with their duties in violation of the provisions of Article 52, paragraph (2) or Article 63, paragraph (1);
- (ii) a person who divulges a secret known to them in connection with their duties in violation of the provisions of Article 93; or
- (iii) a person who violates the order to suspend operations for investigation for verification under the provisions of Article 96.

Article 169 In a case of violation of the order to suspend examination affairs or operations for the energy management training under the provisions of Article 65, paragraph (2) or Article 77, paragraph (2), the officers or employees of the designated examining organization or designated training organization that has committed the violation are to be punished by imprisonment with work for not more than one year or a fine of not more than 1,000,000 yen.

Article 170 A person who falls under any of the following items is to be punished by a fine of not more than 1,000,000 yen:

- (i) a person who makes no appointment, in violation of the provisions of Article 8, paragraph (1), Article 9, paragraph (1), Article 11, paragraph (1), Article 12, paragraph (1), Article 14, paragraph (1), Article 19, paragraph (1), Article 20, paragraph (1), Article 22, paragraph (1), Article 23, paragraph (1), Article 25, paragraph (1), Article 30, paragraph (1), Article 31, paragraph (1), Article 33, paragraph (1), Article 34, paragraph (1), Article 36, paragraph (1), Article 41, paragraph (1), Article 42, paragraph (1), or Article 44, paragraph (1); or
- (ii) a person who violates any order under the provisions of Article 17, paragraph (5), Article 28, paragraph (5), Article 39, paragraph (5), Article 104, paragraph (3), Article 112, paragraph (3), Article 116, paragraph (3), Article 128, paragraph (3), Article 133, paragraph (3), Article 142, paragraph (3), Article 146, paragraph (3), Article 148, paragraph (3), Article 151, paragraph (3), or Article 153, paragraph (3).

Article 171 A person who falls under any of the following items is to be punished by a fine of not more than 500,000 yen:

- (i) a person who fails to make the notification under the provisions of Article 7, paragraph (3), Article 18, paragraph (2), Article 91, Article 101, paragraph (2), Article 109, paragraph (2), Article 125, paragraph (2), or Article 139, paragraph (3) or who makes a false notification;
- (ii) a person who fails to make the submission under the provisions of Article

15, paragraph (1), Article 26, paragraph (1), Article 37, paragraph (1), or Article 102, 110, 114, 126, 131 or 140;

- (iii) a person who refuses, prevents or evades the inspection under the provisions of Article 16, paragraph (1) (including a case where it is applied pursuant to the provisions of Article 48, paragraph (1) following the replacement of terms), Article 27, paragraph (1) (including a case where it is applied pursuant to the provisions of Article 48, paragraph (2) following the replacement of terms), Article 38, paragraph (1) (including a case where it is applied pursuant to the provisions of Article 48, paragraph (3) following the replacement of terms), Article 49, Article 103, paragraph (1) (including a case where it is applied pursuant to the provisions of Article 136, paragraph (1) following the replacement of terms), Article 111, paragraph (1) (including a case where it is applied pursuant to the provision of Article 119, paragraph (1) following the replacement of terms), Article 115, paragraph (1) (including a case where it is applied pursuant to the provisions of Article 119, paragraph (2) following the replacement of terms), Article 120, Article 127, paragraph (1) (including a case where it is applied pursuant to the provisions of Article 136, paragraph (2) following the replacement of terms), Article 132, paragraph (1) (including a case where it is applied pursuant to the provisions of Article 136, paragraph (3) following the replacement of terms), Article 137, Article 141, paragraph (1), or Article 162, paragraphs (1) through (3) or paragraphs (5) through (10); or
- (iv) a person who fails to keep books or make entries in books, makes a false entry in books in violation of the provisions of Article 97, paragraph (1), or fails to preserve books in violation of the provisions of paragraph (2) of the same Article.

Article 172 In a case falling under any of the following items, the officers or employees of the designated examining body or designated training organization that has committed the violation are to be punished by a fine of not more than 500,000 yen:

- (i) if the organization abolishes the whole of examination affairs without gaining the permission referred to in Article 58;
- (ii) if the organization fails to keep books or make entries in books, makes a false entry in books in violation of the provisions of Article 66, paragraph (1), or Article 78, paragraph (1), or fails to preserve books in violation of the provisions of Article 66, paragraph (2) or Article 78, paragraph (2);
- (iii) if the organization fails to make the notification under the provisions of Article 73 or makes a false notification; or
- (iv) if the organization fails to make the report under the provisions of Article 162, paragraph (4) or makes a false report or refuses, prevents or evades the

inspection under the provisions of the same paragraph.

Article 173 If the representative of a corporation, or an agent, employee or other worker of a corporation or individual commits a violation of Article 168, item (ii) or (iii) or Article 170 or 171 in connection with the business of the corporation or individual, in addition to the offender being subject to punishment, the corporation or individual is subjected to the punishment referred to in the relevant Article.

Article 174 A person who falls under any of the following items is to be punished by a civil fine of not more than 200,000 yen:

- (i) a person who fails to make the notification under the provisions of Article 8, paragraph (3), Article 9, paragraph (3), Article 11, paragraph (2), Article 12, paragraph (3), Article 14, paragraph (3), Article 19, paragraph (3), Article 20, paragraph (3), Article 22, paragraph (2), Article 23, paragraph (3), Article 25, paragraph (3), Article 30, paragraph (3), Article 31, paragraph (3), Article 33, paragraph (2), Article 34, paragraph (3), Article 36, paragraph (3), Article 41, paragraph (2), Article 42, paragraph (3), or Article 44, paragraph (3) or who makes a false notification; or
- (ii) a person who fails to keep financial statements, etc. or to enter items to be entered in financial statements, etc. or makes false entries in financial statements, etc. in violation of the provisions of Article 92, paragraph (1) or who refuses the request under the provisions of the items of paragraph (2) of the same Article without legitimate grounds.

Supplementary Provisions

(Effective Date)

- (1) This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding nine months from the date of promulgation; provided, however, that the provisions of Article 8 comes into effect as of the date of promulgation.

(Review)

- (2) The government is to review, in accordance with the energy situation in and outside Japan and other changes in the economic and social environment, the provisions of this Act and take necessary measures based on the review results.

(Abolition of the Heat Management Act)

- (3) The Heat Management Act (Act No. 146 of 1951) will be abolished.

(Transitional Measures upon Abolition of the Heat Management Act)

- (4) A qualified heat manager's license granted pursuant to Article 12 of the Heat Management Act prior to the abolition by the preceding paragraph is deemed to be a qualified heat manager's license granted pursuant to Article 8, paragraph (1).
- (5) Prior laws continue to govern the application of penal provisions to acts committed prior to the enforcement of this Act.

(Partial Amendment of the Act for Establishment of the Ministry of International Trade and Industry)

- (6) Part of the Act for Establishment of the Ministry of International Trade and Industry (Act No. 275 of 1952) will be amended as follows.

The following item will be added following Article 36-6, item (x).

(x)-2 Matters concerning the enforcement of the Act on the Rationalization of Energy Use (Act No. 49 of 1979)

(Partial Amendment of the Act for Establishment of the Ministry of Construction)

- (7) Part of the Act for Establishment of the Ministry of Construction (Act No. 113 of 1948) will be amended as follows.

In Article 3, item (xxii)-6 will be moved and placed as item (xxii)-7, items (xxii)-2 through (xxii)-5 will be moved forward by one item respectively, and the following item will be added following item (xxii).

(xxii)-2 Administer the processes concerning the enforcement of the Act on the Rationalization of Energy Use (Act No. 49 of 1979).

In Article 4, paragraph (3), the phrase "items (xxii)-2 through (xxii)-5" will be revised as "items (xxii)-3 through (xxii)-6"; in paragraph (7) of the same Article, the phrase "the processes prescribed in item (xix) of the same Article, the processes prescribed in item (xx) of the same Article, [the processes prescribed in] items (xxi), item (xxii), item (xxii)-6... of the same Article" will be revised as "[the processes prescribed in] items (xix) through (xxii)-2, item (xxii)-7... of the same Article."

Supplementary Provisions [Act No. 83 of December 10, 1983] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date of promulgation; provided, however, that the provisions listed in the following items come into effect as of the dates prescribed in the respective items.

(i) through (iv) Omitted

(v) the provisions of Article 25, Article 26, Articles 28 through 30, Article 33,

and Article 35, the provisions of Article 36 (excluding the provisions to amend Article 54 of the Electricity Business Act; hereinafter the same applies in Article 8 (excluding paragraph (3)) of the Supplementary Provisions), the provisions of Article 37, Article 39, and Article 43, and the provisions of Article 8 (excluding paragraph (3)) of the Supplementary Provisions: the day specified by Cabinet Order within a period not exceeding three months from the date of promulgation.

(Transitional Measures Concerning Other Dispositions and Applications)

Article 14 With respect to dispositions to grant licenses or permission, etc. and other acts conducted, prior to the enforcement of this Act (or the respective provisions listed in the items of Article 1 of the Supplementary Provisions; hereinafter the same applies in this Article and Article 16), pursuant to the respective Acts prior to the amendment (hereinafter referred to as "dispositions and other acts" in this Article) or applications for licenses or permission, etc. and other acts conducted, prior to the enforcement of this Act, pursuant to the respective Acts prior to the amendment (hereinafter referred to as "applications and other acts" in this Article), if administrative processes pertaining to these acts come under the jurisdiction of different persons on the date of enforcement of this Act, these acts, except those prescribed in Article 2 to the preceding Article in the Supplementary Provisions or in the provisions of the respective amended Acts (including orders issued thereunder) concerning transitional measures, are deemed, with regard to the application of the respective amended Acts after the date of enforcement of this Act, as dispositions and other acts or applications and other acts conducted pursuant to the relevant provisions of the respective amended Acts.

(Transitional Measures Concerning Penal Provisions)

Article 16 Prior laws continue to govern the application of penal provisions to any acts committed prior to the enforcement of this Act as well as any acts committed after the enforcement of Article 17, Article 22, Article 36, Article 37 or Article 39 in the cases where prior laws continue to govern pursuant to Article 3, Article 5, paragraph (5), Article 8, paragraph (2), Article 9 or Article 10 of the Supplementary Provisions.

Supplementary Provisions [Act No. 17 of March 31, 1993] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of April 1, 1993; provided, however, that the provisions of Article 1 (excluding the provisions to revise the table of contents of the Act on the Rationalization of Energy Use (limited to the part

amending the phrase "Chapter IV Measures Pertaining to Machinery and Equipment (Articles 17 to 21)" to "Chapter IV Measures Pertaining to Machinery and Equipment Chapter IV-2 Business for Rationalization of Energy Use by the New Energy and Industrial Technology Development Organization (Article 21-2 and Article 21-3)" and the provisions to amend the same Act by adding one chapter following Chapter IV) and the provisions of Article 8 of the Supplementary Provisions come into effect as of the day specified by Cabinet Order within a period not exceeding six months from the date of promulgation.

(Transitional Measures Concerning Penal Provisions)

Article 4 Prior laws continue to govern the application of penal provisions to any acts committed prior to the enforcement of this Act.

Supplementary Provisions [Act No. 89 of November 12, 1993] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date of enforcement of the Administrative Procedure Act (Act No. 88 of 1993).

(Transitional Measures Concerning Adverse Dispositions Following Appeal)

Article 2 Where, prior to the enforcement of this Act, an appeal or other request has been filed or made under laws and regulations to a council or any other panel to require that procedures equivalent to the procedures to hold hearings or grant the opportunity for explanation and other procedures to hear statements of opinions prescribed in Article 13 of the Administrative Procedure Act should be implemented, prior laws continue to govern the procedures to make adverse dispositions pertaining to the appeal or request, notwithstanding the provisions of the relevant Acts amended by this Act.

(Transitional Measures Concerning Penal Provisions)

Article 13 Prior laws continue to govern the application of penal provisions to any acts committed prior to the enforcement of this Act.

(Transitional Measures upon Arrangement of Provisions on Hearings)

Article 14 Procedures for hearings (excluding those concerning adverse dispositions) implemented under Acts prior to the enforcement of this Act or procedures incidental thereto are deemed to have been implemented under the relevant provisions of respective Acts amended by this Act.

(Delegation to Cabinet Orders)

Article 15 Beyond what is provided for in Article 2 to the preceding Article in the Supplementary Provisions, any necessary transitional measures for the enforcement of this Act are specified by Cabinet Order.

Supplementary Provisions [Act No. 33 of April 9, 1997] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date of promulgation.

(Transitional Measures upon Partial Amendment of the Act on the Rationalization of Energy Use)

Article 9 Prior laws continue to govern the notification of an appointment, death or dismissal of a Type-1 Energy Manager prior to the enforcement of Article 8.

(Transitional Measures Concerning Penal Provisions)

Article 17 Prior laws continue to govern the application of penal provisions to any acts committed prior to the enforcement of this Act as well as any acts committed after the enforcement of this Act in the cases where prior laws continue to govern pursuant to the Supplementary Provisions of this Act.

(Delegation to Cabinet Order)

Article 18 Beyond what is provided for in Article 2 to the preceding Article in the Supplementary Provisions, any necessary transitional measures for the enforcement of this Act are specified by Cabinet Order.

Supplementary Provisions [Act No. 96 of June 5, 1998]

(Effective Date)

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

(Transitional Measures Concerning Designation of Factories)

Article 2 Factories that have been designated, prior to the enforcement of this Act, pursuant to Article 6, paragraph (1) of the Act on the Rationalization of Energy Use prior to the amendment (hereinafter referred to as the "Former Act") are deemed to have been designated pursuant to Article 6, paragraph (1) of the Act on the Rationalization of Energy Use after the amendment (hereinafter referred to as the "New Act").

(Effect of Dispositions)

Article 3 Beyond what is provided for in the preceding Article, any dispositions,

procedures or other acts conducted pursuant to the provisions of the Old Act are deemed to have been conducted under the relevant provisions of the New Act.

(Transitional Measures Concerning Penal Provisions)

Article 4 Prior laws continue to govern the application of penal provisions to any acts committed prior to the enforcement of this Act.

Supplementary Provisions [Act No. 160 of December 22, 1999] [Extract]

(Effective Date)

Article 1 This Act (excluding Article 2 and Article 3) comes into effect as of January 6, 2001.

Supplementary Provisions [Act No. 59 of June 7, 2002]

(Effective Date)

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

(Transitional Measures Concerning Reports)

Article 2 Prior laws continue to govern reports that have been requested under Article 25, paragraph (4) of the Act on the Rationalization of Energy Use prior to the amendment by this Act but not yet made prior to the enforcement of this Act.

(Transitional Measures Concerning Penal Provisions)

Article 3 Prior laws continue to govern the application of penal provisions to any acts committed prior to the enforcement of this Act as well as any acts committed after the enforcement of this Act in the cases where prior laws continued to govern pursuant to the preceding Article.

(Delegation to Cabinet Order)

Article 4 Beyond what is provided for in the preceding two Articles, any necessary transitional measures for the enforcement of this Act are specified by Cabinet Order.

Supplementary Provisions [Act No. 145 of December 11, 2002] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date of promulgation; provided,

however, that the provisions of Articles 15 to 19, Article 26, and Article 27, and the provisions of Articles 6 to 34 of the Supplementary Provisions comes into effect as of October 1, 2003.

(Transitional Measures Concerning Penal Provisions)

Article 34 Prior laws continue to govern the application of penal provisions to any acts committed prior to the enforcement of this Act (or the provisions prescribed in the proviso of Article 1 of the Supplementary Provisions; hereinafter the same applies in this Article) as well as any acts committed after the enforcement of this Act with respect to the matters for which prior laws continue to govern pursuant to the Supplementary Provisions.

(Delegation to Cabinet Order)

Article 35 Beyond what is provided for in the Supplementary Provisions, any necessary transitional measures upon the establishment of NEDO and any other necessary measures for the enforcement of this Act will be specified by Cabinet Order.

Supplementary Provisions [Act No. 61 of June 17, 2005] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2006; provided, however, that the provisions of Article 3 of the Supplementary Provisions come into effect as of January 1, 2006.

Supplementary Provisions [Act No. 87 of July 26, 2005] [Extract]

This Act comes into effect as of the date of enforcement of the Companies Act.

Supplementary Provisions [Act No. 93 of August 10, 2005] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2006; provided, however, that the provisions of Article 16 of the Supplementary Provisions comes into effect as of the date of promulgation of this Act or the date of promulgation of the Act for Partial Amendment of the Act on Promotion of Measures to Cope with Global Warming (Act No. 61 of 2005), whichever comes later.

(Transitional Measures Concerning the Appointment of Type-1 Energy Managers)

Article 2 With regard to the application of the provisions of Article 8, paragraph

(1) of the Act on the Rationalization of Energy Use amended by this Act (hereinafter referred to as the "New Act") to Type-1 Specified Business Operators prescribed in Article 7, paragraph (3) of the New Act, for the period until March 31, 2011, the phrase "from among persons who have a qualified energy manager licenses" in Article 8, paragraph (1) of the New Act is replaced with "from among persons who have a qualified energy manager licenses or persons specified by Cabinet Order in accordance with the standards established by Cabinet Order."

(Special Provisions Concerning Qualified Heat Manager's Licenses and Qualified Electricity Manager's Licenses)

Article 3 Persons who have, prior to the enforcement of this Act, obtained a qualified heat manager's license pursuant to Article 8, paragraph (1) of the Act on the Rationalization of Energy Use prior to the amendment by this Act (hereinafter referred to as the "Old Act") and also obtained a qualified electricity manager's license pursuant to the same paragraph are deemed to have obtained a qualified energy manager licenses pursuant to Article 9, paragraph (1) of the New Act.

(Special Provisions Concerning Examination for Qualified Energy Manager Licenses)

Article 4 In an examination for a qualified energy manager licenses prescribed in Article 10, paragraph (1) of the New Act, persons who have obtained, prior to the enforcement of this Act, a qualified heat manager's license or qualified electricity manager's license pursuant to Article 8, paragraph (1) of the Old Act are exempt from some subjects of the examination pursuant to Order of the Ministry of Economy, Trade and Industry provisions.

(Transitional Measures Concerning Appointment of Type-1 Energy Manager)

Article 5 (1) With regard to the application of the provisions of Article 13, paragraph (1) of the New Act to type-1 designated business operators prescribed in Article 8, paragraph (1) of the New Act (hereinafter referred to as "type-1 designated business operators"), for the period until March 31, 2009, the phrase "from among the following persons" in Article 13, paragraph (1) of the New Act is replaced with "from among the following persons or persons specified by Order of the Ministry of Economy, Trade and Industry."
(2) The provisions of the preceding paragraph apply mutatis mutandis to Type-2 Specified Business Operators prescribed in Article 17, paragraph (3) of the New Act. In this case, the phrase "Article 13, paragraph (1)" in the same paragraph is replaced with "Article 13, paragraph (1) of the New Act as applied mutatis mutandis pursuant to Article 18, paragraph (1)."

(Transitional Measures Concerning Participation in Preparing Medium-Term and Long-Term Plans)

Article 6 With regard to the application of the provisions of Article 14, paragraph (2) of the New Act to Type-1 Designated Business Operators, for the period until March 31, 2011, the phrase "persons who have a qualified energy manager license" in the same paragraph is replaced with "persons who have a qualified energy manager license or persons who have obtained, prior to the enforcement of the Act for Partial Amendment of the Act on the Rationalization of Energy Use (Act No. 93 of 2005), a qualified heat manager's license and a qualified electricity manager's license under Article 8, paragraph (1) of the Act on the Rationalization of Energy Use prior to the amendment by the Act for Partial Amendment."

(Transitional Measures Concerning Consigners)

Article 7 The provisions of Articles 61 to 64 of the New Act (including the penal provisions relating to these provisions) do not apply until March 31, 2007.

(Transitional Measures Concerning Notification of Buildings)

Article 8 A person who has made a notification pursuant to Article 15-2, paragraph (1) of the Old Act prior to the enforcement of this Act is deemed, with regard to the application of the provisions of Article 75, paragraph (4) of the New Act, to have made a notification pursuant to Article 75, paragraph (1) of the New Act.

(Transitional Measures Concerning Rationalization Plans)

Article 9 Prior laws continue to govern the instructions given under Article 12, paragraph (2) and paragraph (3) of the Old Act to the Type-1 Specified Business Operators that have received instructions under paragraph (1) of the same Article prior to the enforcement of this Act, the publication made under paragraph (4) of the same Article, the order issued under paragraph (5) of the same Article, as well as the reports and on-site inspections under Article 25, paragraph (2) pertaining to the instructions, publication and order.

(Effect of Dispositions)

Article 10 Any dispositions, procedures or other acts conducted pursuant to the provisions of the Old Act are deemed to have been conducted under the relevant provisions of the New Act, except those otherwise provided for by the Supplementary Provisions.

(Transitional Measures Concerning Penal Provisions)

Article 11 Prior laws continue to govern the application of penal provisions to any acts committed prior to the enforcement of this Act as well as any acts committed after the enforcement of this Act in the cases where prior laws continue to govern pursuant to the Supplementary Provisions of this Act.

(Delegation to Cabinet Order)

Article 12 Beyond what is provided for in Article 2 through the preceding Article in the Supplementary Provisions, any necessary transitional measures for the enforcement of this Act will be specified by Cabinet Order.

(Review)

Article 13 When five years have elapsed since the enforcement of this Act, the government is to review, while taking into account the status of enforcement of the New Act, the provisions of the New Act and take any necessary measures based on the review results where it finds it necessary.

Supplementary Provisions [Act No. 50 of June 2, 2006] [Extract]

(Effective Date)

(1) This Act comes into effect as of the date of enforcement of the Act on General Associations and Foundations.

Supplementary Provisions [Act No. 47 of May 30, 2008] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2009; provided, however, that the provisions of Article 5 of the Supplementary Provisions comes into effect as of the date of promulgation of this Act, and the provisions of Article 2 and the following Article and the provisions of Article 3, Article 8 and Article 9 of the Supplementary Provisions comes into effect as of April 1, 2010.

(Transitional Measures upon Amendment under the Provisions of Article 2)

Article 2 With regard to the application of the provisions of Article 8, paragraph (1) of the Act on the Rationalization of Energy Use amended under the provisions of Article 2 (hereinafter referred to as the "Act Amended under Article 2") to Type-1 Specified Business Operators prescribed in Article 7-4, paragraph (2) of the Act Amended under Article 2, for the period until March 31, 2011, the phrase "from among persons who have a qualified energy manager licenses" in Article 8, paragraph (1) of the same Act is replaced with "from among persons who have a qualified energy manager licenses or persons specified by Cabinet Order in accordance with the standards established by

Cabinet Order."

(Transitional Measures Concerning Specified Buildings)

Article 3 A person who has made, prior to the enforcement of the provisions of Article 2, a notification pursuant to Article 75, paragraph (1) of the Act on the Rationalization of Energy Use prior to the amendment under the provisions of Article 2 is deemed to have made a notification pursuant to Article 75, paragraph (1) or Article 75-2, paragraph (1) of the Act Amended under Article 2, pursuant to Cabinet Order provisions.

(Transitional Measures Concerning Penal Provisions)

Article 4 Prior laws continue to govern the application of penal provisions to any acts committed prior to the enforcement of this Act.

(Delegation to Cabinet Order)

Article 5 Beyond what is provided for in the preceding three Articles, any necessary transitional measures for the enforcement of this Act will be specified by Cabinet Order.

(Reviews)

Article 6 When five years have elapsed since the enforcement of this Act, the government is to review, while taking into account the status of enforcement of the Act on the Rationalization of Energy Use amended by this Act (hereinafter referred to as the "New Act"), the provisions of the New Act and take any necessary measures based on the review results where it finds it necessary.

Supplementary Provisions [Act No. 74 of June 24, 2011] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the day on which 20 days have elapsed from the date of promulgation.

Supplementary Provisions [Act No. 25 of May 31, 2013] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding one year and three months from the date of promulgation; provided, however, that the provisions of Article 2 and of Articles 3 through 5, Article 9, Article 11 (limited to the provisions amending Articles 12 through 16 of the Supplementary Provisions of the Act on the New Energy and Industrial Technology Development Organization (Act No. 145 of

2002)), and Article 12 of the Supplementary Provisions come into effect as of the date of promulgation.

(Transitional Measures upon Partial Amendment of the Act on the Rationalization of Energy)

- Article 2 (1) If, before this Act comes into effect, a Specified Business Operator or Specified Chain Business Operator received instructions to submit a Rationalization Plan under the provisions of Article 16, paragraph (1) of the Act on the Rationalization of Energy Use prior to the amendment by this Act (hereinafter referred to as the "Former Rationalization Act" in this Article) (including as applied mutatis mutandis pursuant to Article 19-2, paragraph (1) of the Former Rationalization Act), prior laws continue to govern instructions given to the Specified Business Operator or Specified Chain Business Operator to revise the Rationalization Plan subject to the former instructions, instructions given to properly implement the Rationalization Plan and the publication and order related to the instructions, as well as the reports and on-site inspections related to these instructions, publication and order.
- (2) If, before this Act comes into effect, a Specified Freight Carrier, Specified Passenger Carrier, Specified Air Carrier or Specified Consigner received recommendations under the provisions of Article 57, paragraph (1) of the Former Rationalization Act (including as applied mutatis mutandis pursuant to Article 69 and Article 71, paragraph (6) of the Former Rationalization Act) or Article 64, paragraph (1) of the same Act, prior laws continue to govern the publication and order related to the recommendations, and the reports and on-site inspections related to these recommendations, publication and order.
- (3) If, before this Act comes into effect, a manufacturer, etc. prescribed in Article 79, paragraph (1) of the Former Rationalization Act (referred to as a "manufacturer, etc." in the following paragraph) received recommendations under the provisions of the same paragraph, prior laws continue to govern the publication and order related to the recommendations as well as the reports and on-site inspections related to the recommendations, publication and order.
- (4) If, before this Act comes into effect, a manufacturer, etc. received recommendations under the provisions of Article 81, paragraph (1) of the Former Rationalization Act, prior laws continue to govern the publication and order related to the recommendations as well as the reports and on-site inspections related to these recommendations, publication and order.

(Transitional Measures Concerning the Application of Penal Provisions)

Article 4 Prior laws continue to govern the application of penal provisions to any act committed before this Act (or the provisions prescribed in the proviso to Article 1 of the Supplementary Provisions; hereinafter the same applies in this

Article) comes into effect, as well as any acts committed after this Act comes into effect in the cases where prior laws continue to govern pursuant to the Supplementary Provisions.

(Delegation to Cabinet Orders)

Article 5 Beyond what is provided for in the preceding three Articles, any necessary transitional measures for the enforcement of this Act are specified by Cabinet Order.

(Review)

Article 6 When five years have elapsed since this Act comes into effect, the government is to review, while taking into account the status of enforcement of the Act on the Rationalization etc. of Energy Use amended by this Act (hereinafter referred to as the "New Rationalization Act" in this Article), the provisions of the New Rationalization Act and take any necessary measures based on the review where it finds it necessary.

Supplementary Provisions [Act No. 69 of June 13, 2014] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date on which the Administrative Complaint Review Act (Act No. 68 of 2014) comes into effect.

(Principle of Transitional Measures)

Article 5 Unless otherwise provided for in these Supplementary Provisions, prior laws continue to govern administrative appeals on dispositions or other acts or inactions of administrative authorities that pertain to dispositions or other acts of administrative authorities made before this Act comes into effect or to inactions of administrative authorities based on applications made before this Act comes into effect.

(Transitional Measures Concerning Litigation)

Article 6 (1) Prior laws continue to govern the filing of an action with regard to matters for which an action may be filed only after a determination, decision or any other act is made by an administrative authority in relation to an administrative appeal pursuant to the provisions of laws amended by the provisions of this Act and for which the statutes of limitation for filing an action has expired before this Act comes into effect while no administrative appeal has been entered (if this administrative appeal may be entered only after a determination, decision or any other act is made by an administrative authority in relation to another administrative appeal, including matters for

which the statute of limitations for filing an action has expired before this Act comes into effect while no other administrative appeal has been entered).

(2) Prior laws continue to govern the filing of an action for revocation of a disposition or any other act against which an objection has been filed pursuant to the provisions of laws prior to amendment by the provisions of this Act (including cases where prior laws continue to govern pursuant to the provisions of the preceding Article) and for which an action for revocation may be filed only after a determination on a request for review is made pursuant to the provisions of laws amended by the provisions of this Act.

(3) Prior laws continue to govern an action for revocation of a determination, decision or any other act made by an administrative authority in relation to an administrative appeal, where the action has been filed before this Act comes into effect.

(Transitional Measures Concerning the Application of Penal Provisions)

Article 9 Prior laws continue to govern the application of penal provisions to acts committed before this Act comes into effect as well as any acts committed after this Act comes into effect in cases where prior laws continue to govern pursuant to the provisions of Article 5 and the two preceding Articles of the Supplementary Provisions.

(Delegation of Other Transitional Measures to Cabinet Orders)

Article 10 Beyond what is provided for in Article 5 through the preceding Article of the Supplementary Provisions, any necessary transitional measures for the enforcement of this Act (including transitional measures concerning penal provisions) are specified by Cabinet Order.

Supplementary Provisions [Act No. 72 of June 18, 2014] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding two years and six months from the date of promulgation.

Supplementary Provisions [Act No. 53 of July 8, 2015] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation; provided, however, that the provisions listed in the following items come into effect as of the dates specified in the respective items:

- (i) the provisions of Article 10 of the Supplementary Provisions: the date of promulgation; and
- (ii) the provisions of Articles 8 through 10, Chapter III, Article 30, paragraphs (8) and (9), Chapter VI, Article 63, Article 64, Articles 67 through 69, Article 70, item (i) (excluding the part concerning Article 38, paragraph (1)), Article 70, items (ii) and (iii), Article 71 (excluding item (i)), Article 73 (limited to the parts concerning Article 67, item (ii), Article 68, Article 69, Article 70, item (i) (excluding the part concerning Article 38, paragraph(1)), Article 70, items (ii) and (iii), and Article 71 (excluding (i))), and Article 74, and the following Article, and the provisions of Article 3 and Articles 5 through 9 of the Supplementary Provisions: the date specified by Cabinet Order within a period not exceeding two years from the date of promulgation.

(Transitional Measures upon Partial Amendment of the Act on the Rationalization etc. of Energy Use)

- Article 7 (1) If, before the date of partial enforcement, a Type 1 Specified Construction Client, etc. made a notification under the provisions of Article 75, paragraph (1) of the Act on the Rationalization etc. of Energy Use prior to the amendment by the provisions of the preceding Article (hereinafter referred to as the "Former Act on the Rationalization of Energy Use" in this Article), prior laws continue to govern the instructions, publication and order related to the notification, as well as the reports and on-site inspections related to these instructions, publication and order. In this case, the provisions of Chapter III, Sections 1 and 2, and the provisions of Article 3 of the Supplementary Provisions do not apply to the new construction, renovation or extension related to the notification that constitutes a specified act of constructing a building or any of the acts listed in the items of Article 19, paragraph (1).
- (2) If, before the date of partial enforcement, a Type 2 Specified Construction Client made a notification under the provisions of Article 75-2, paragraph (1) of the Former Act on the Rationalization of Energy Use, prior laws continue to govern the recommendations under paragraph (2) of the same Article related to the notification, as well as the reports and on-site inspections related to the recommendations. In this case, the provisions of Chapter III, Sections 1 and 2 and the provisions of Article 3 of the Supplementary Provisions do not apply to the new construction, renovation or extension related to the notification that constitutes a specified act of constructing a building or any of the acts listed in the items of Article 19, paragraph (1).
- (3) The recommendations made under the provisions of Article 76-6, paragraph (1) of the Former Act on the Rationalization of Energy Use before the date of partial enforcement are deemed to be recommendations made under the provisions of Article 28, paragraph (1).

(Transitional Measures Concerning the Application of Penal Provisions)

Article 9 Prior laws continue to govern the application of penal provisions to any acts committed before the provisions listed in Article 1, item (ii) of the Supplementary Provisions come into effect as well as any acts committed after the provisions listed in the same item come into effect in the cases where prior laws continue to govern pursuant to Article 7 of the Supplementary Provisions.

(Delegation to Cabinet Order)

Article 10 Beyond what is provided for in these Supplementary Provisions, any necessary transitional measures for the enforcement of this Act are specified by Cabinet Order.

Supplementary Provisions [Act No. 65 of September 9, 2015] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding two years from the date of promulgation.

Supplementary Provisions [Act No. 45 of June 13, 2018] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding six months from the date of promulgation; provided, however, that the provisions of Article 3 and Article 8 of the Supplementary Provisions come into effect as of the date of promulgation.

(Application of the Provisions Concerning Notification Pertaining to Consigners)

Article 2 With regard to a person falling under the consigner prescribed in Article 105 of the Act on the Rational Use of Energy amended by this Act (hereinafter referred to as the "New Act") prior to the enforcement of this Act (excluding a person falling under a consigner prescribed in Article 58 of the Act on the Rational Use of Energy prior to the amendment by this Act (hereinafter referred to as the "Former Act")), the provisions of Article 109, paragraph (2) of the New Act start to apply as of the day specified by Cabinet Order within a period not exceeding two years from the date on which this Act comes into effect.

(Preparatory Actions)

Article 3 A person who intends to receive the certification referred to in Article

29, paragraph (1), Article 46, paragraph (1), Article 113, paragraph (1), Article 117, paragraph (1), Article 130, paragraph (1), or Article 134, paragraph (1) of the New Act may file an application therefor in accordance with these provisions even prior to the enforcement of this Act.

(Transitional Measures Concerning Designation of Designated Training Agency)

Article 4 The designation that a designated training agency has received, prior to the enforcement of this Act, under Article 13, paragraph (1), item (i) of the Former Act, Article 13, paragraph (1), item (i) of the Former Act as applied mutatis mutandis pursuant to Article 18, paragraph (1) of the Former Act following the deemed replacement of terms, Article 13, paragraph (1), item (i) of the Former Act as applied mutatis mutandis pursuant to Article 19-2, paragraph (1) of the Former Act, Article 13, paragraph (1), item (i) of the Former Act as applied mutatis mutandis pursuant to Article 19-2, paragraph (1) as applied mutatis mutandis pursuant to paragraph (2) of the same Article is deemed to be the designation referred to in Article 9, paragraph (1), item (i) of the New Act.

(Transitional Measures Concerning Designation of Factories, etc. Set up by Specified Chain Businesses)

Article 5 (1) Type-1 designated energy management factories, etc. that have been designated, prior to the enforcement of this Act, pursuant to the provisions of Article 7-4, paragraph (1) of the Former Act as applied mutatis mutandis pursuant to Article 19-2, paragraph (1) of the Former Act are deemed to be type-1 designated chain energy management factories, etc. designated pursuant to the provisions of Article 21, paragraph (1) of the New Act.
(2) Type-2 designated energy management factories, etc. that have been designated, prior to the enforcement of this Act, pursuant to the provisions of Article 17, paragraph (1) of the Former Act as applied mutatis mutandis pursuant to Article 19-2, paragraph (1) of the Former Act are deemed to be type-2 designated chain energy management factories, etc. designated pursuant to the provisions of Article 24, paragraph (1) of the New Act.

(Effect of Dispositions)

Article 6 Beyond what is provided for in the preceding two Articles, any dispositions, procedures or other acts conducted pursuant to the provisions of the Former Act are deemed to have been conducted under the relevant provisions of the New Act.

(Transitional Measures Concerning the Application Penal Provisions)

Article 7 Prior laws continue to govern the applicability of penal provisions to any acts committed prior to the enforcement of this Act.

(Delegation to Cabinet Order)

Article 8 Beyond what is provided for in the Supplementary Provisions, any necessary transitional measures for the enforcement of this Act will be specified by Cabinet Order.

(Reviews)

Article 9 When five years have elapsed since the enforcement of this Act, the government is to review the provisions of the New Act while taking into account the status of enforcement of the New Act, and take any necessary measures based on the review results where it finds it necessary.