

# Act on Promotion of Private Finance Initiatives

(Act No. 117 of 1999)

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## Chapter I General Provisions

### (Purpose)

Article 1 The purpose of this Act is to improve the social infrastructure efficiently and effectively and to ensure the provision of affordable and good service to the citizens by taking measures for promotion of provision etc. of Public Facility etc. through utilization of private finance, management abilities and technical capabilities, thereby contributing sound development of the national economy.

### (Definition)

Article 2 (1) The term “Public Facility etc.” as used in this Act means the following facilities (including equipments):

- (i) Public facility such as roads, railways, ports and harbors, airports, rivers, parks, water services, sewage systems, and industrial water supplies;
- (ii) Official facilities such as government buildings and accommodation;
- (iii) Rental housing and public interest facilities such as educational and cultural facilities, waste treatment facilities, medical facilities, social welfare facilities, offender rehabilitation facilities, parking, and underground malls;
- (iv) Information and communications facilities, heat supply facilities, new energy facilities, recycling facilities (excluding waste treatment facilities), tourist facilities, and research facilities;
- (v) Transportation facilities such as vessels, aircraft and satellites (including the facilities required to operate these facilities);
- (vi) Other facilities equivalent to facilities listed in items (i) to (v) inclusive, as specified in a Cabinet Order.

(2) The term “Qualified Project” as used in this Act means a project (including urban redevelopment projects, land readjustment projects, and other urban development projects) involving the provision etc. of Public Facility etc. (which means construction, manufacture, rehabilitation, maintenance or operation of Public Facility etc., or planning of them, and includes provision of services to the citizens; the same shall apply hereinafter), which is carried out more efficiently and effectively by utilizing private finance, management abilities and technical capabilities.

(3) The term “Administrator of the Public Facility etc.” as used in this Act means the following persons:

(i) The head of each ministry and national agency, who is an Administrator of Public Facility etc. (the Chairperson of the House of Representatives, the Chairperson of the House of Councilors, the Chief Justice of the Supreme Court, the President of the Board of Audit, and ministers, the same shall apply hereinafter), or ministers having jurisdiction over a Qualified Project.

(ii) The head of a local government, who is an Administrator of a Public Facility etc., or the head of a local government who is going to implement a Qualified Project.

(iii) An independent administrative agency, a corporation having a special status, and another public corporation (including an association formed to carry out an urban redevelopment project, a land readjustment project, and another urban development projects; hereinafter referred to as “Public Corporation”) in charge of the provision etc. of Public Facility etc.

(4) The term “Selected Project” as used in this Act means a Qualified Project selected pursuant to the provision of Article 6.

(5) The term “Appointed Business Operator” as used in this Act means a person appointed to implement a Selected Project pursuant to the provision of paragraph (1) of Article 7.

(6) The term “Public Facilities Operation Project” as used in this Act means a Qualified Project which an Appointed Business Operator operates, etc. (meaning operation and maintenance and planning of the operation and maintenance, including the offer of services to the citizens; the same shall apply hereinafter) a Public Facility etc. (limited to the one which the Appointed Business Operator charges usage fees (which mean the fees pertaining to the use of the Public Facility etc.; the same shall apply hereinafter) which an Administrator of the Public Facility etc. holds its ownership (excluding ownership of the sites of buildings and other structures constituting public facilities, etc.; the same shall apply in paragraph (4) of Article 10-16) upon the establishment of the Right to Operate Public Facility etc. pursuant to the provision of Article 10-3, and receives usage fees as its own income.

(7) The term “Right to Operate Public Facility etc.” as used in this Act means the right to implement Public Facilities Operation Project.

(Basic Principles)

Article 3 (1) In implementing a project for the provision etc. of a Public Facility etc., its implementation shall be entrusted to private business operators as much as possible, if the project is suitable for such entrustment. In deciding the suitability of entrusting such projects, consideration shall be given to factors such as: appropriate division of roles between the national government and local governments (including a Public Corporation pertaining to governments; hereinafter the same shall apply in this Article and Article 18) on the one hand, and private business operators on the other hand; efficient use of public funds; improvement on efficiency of public administration, or efficient utilization of assets owned by the national and local governments; and; whether the income generated by the project will prove sufficient to pay the costs involved.

(2) When a Qualified Project is implemented, the sharing of responsibility between the national government and local governments, on the one hand, and private business operators, on the other hand shall be clearly defined, the profitability of the project shall be maintained, and interference with private business operators from the national government and local governments shall be kept to a minimum in order to fully utilize the technology and managerial resources and innovation etc. of private business operators, for the purpose of providing affordable and good services to the citizens.

Chapter II Basic Policy, etc.

Article 4 (1) The Government shall formulate the basic policy for the implementation of Qualified Projects (hereinafter referred to as the “Basic Policy”) in accordance with the basic principles.

(2) The Basic Policy shall set forth following matters regarding the implementation of Qualified Projects (as for Qualified Projects implemented by local governments, matters necessary for sound and efficient promotion of Qualified Projects):

(i) Basic matters regarding the selection of a Qualified Project based on proposals from private business operators, and other basic matters regarding the selection of a Qualified Project;

(ii) Basic matters regarding the invitation and selection of a private business operator;

(iii) Basic matters to ensure the appropriate and reliable implementation of a project such as clarification of the responsibilities of the private business

operator;

(iv) Basic matters regarding the Right to Operate Public Facility etc.

(v) Basic matters regarding the legislative and tax measures, and fiscal and financial supports;

(vi) Other basic matters regarding the implementation of a Qualified Project.

(3) Basic Policy shall be determined in consideration of following matters:

(i) As for the selection of a Qualified Project, it should bring effects such as the efficient use of funds such as reduction of costs for the project, reform of public administration in service provision for citizens, and creation of business opportunity for the private-sector, while ensuring their public nature and safety in provision of a Public Facility etc. At the same time, due autonomy of private business operators shall be respected.

(ii) When selecting a private business operator, the transparent process such as open competition shall be taken and the innovation of private businesses shall be respected.

(iii) Fiscal support shall basically be the measures under the current system or shall be those equivalent thereto.

(4) The Prime Minister shall request the Cabinet Decision on the proposal for the Basic Policy.

(5) When the Cabinet Decision has been obtained pursuant to the provision of the preceding paragraph, the Prime Minister shall publicize the Basic Policy without delay, and shall send it to the heads of ministries and national agencies.

(6) The provisions of the preceding two paragraphs of this Article shall apply mutatis mutandis to a change in the Basic Policy.

(7) Local governments shall take necessary measures for smooth implementation of Qualified Projects based on the basic principles and in consideration of the Basic Policy and the matters listed in each item of paragraph (3) and using the innovation of the region.

### Chapter III Implementation etc. of the Qualified Projects

#### (Implementation Policy)

Article 5 (1) An Administrator of Public Facility etc. may determine the policy regarding implementation of a Qualified Project (hereinafter referred to as the "Implementation Policy") in accordance with the Basic Policy, when the Administrator is to select a Qualified Project pursuant to Article 6 and to select a private business operator pursuant to paragraph (1) of Article 7.

(2) The Implementation Policy shall specifically set forth the following matters on the Qualified Project:

(i) The matters on the selection of the Qualified Project;

- (ii) The matters on the invitation and selection of a private business operator;
  - (iii) The matters necessary to ensure the appropriate and reliable implementation of the project such as the clarification of the responsibilities of private business operators;
  - (iv) The matters on the location, size and allocation of the Public Facility etc;
  - (v) The matters on the measures to be taken when questions arise over the interpretation of the project contract (meaning the contract entered into between the Administrator of the Public Facility etc. and the Appointed Business Operator for the implementation of the Selected Project (excluding Public Facilities Operation Project); hereinafter the same shall apply);
  - (vi) The matters on measures to be taken when difficulties arise in the continuation of the project;
  - (vii) The matters on necessary legislative and tax measures, and fiscal and financial support;
- (3) When an Administrator of Public Facility etc. has determined the Implementation Policy, the administrator shall endeavor to publicize it without delay.
- (4) The provision of the preceding paragraph shall apply mutatis mutandis to changes in an Implementation Policy.

(Proposals for the Formulation of the Implementation Policy)

Article 5-2 (1) A private business operator who intends to implement a Qualified Project may propose the formulation of an Implementation Policy pertaining to the Qualified Project to the Administrator of the Public Facility etc. In this case, the proposals of the Qualified Project, the documents which indicate the results of the evaluation on the effectiveness and efficiency of the Qualified Project and other documents stipulated in a Cabinet Office Ordinance shall be attached.

(2) The Administrator of the Public Facility etc. who receives the proposal pursuant to the provision of the preceding paragraph shall review the proposal and notify the private business operator of the results without delay.

(Selection of Qualified Project)

Article 6 If the Administrator of the Public Facility etc. has publicized an Implementation Policy pursuant to the provisions of paragraph (3) of Article 5 (including cases where it is applied mutatis mutandis pursuant to paragraph (4) of the same Article), the administrator may select a Qualified Project when the administrator finds that it is appropriate for the project to be implemented pursuant to the Basic Policy and the relevant Implementation Policy.

(Selection of Private Business Operator)

Article 7 (1) When an Administrator of the Public Facility etc. has selected a Qualified Project pursuant to the provision of the preceding Article, the administrator shall select a private business operator which will implement the said Qualified Project by methods such as open invitation for participation.

(2) Among the businesses which would be otherwise implemented by the Administrator of the Public Facility etc. set forth in the preceding paragraph, the private business operator selected pursuant to the provision of the same paragraph may implement the provision etc. of Public Facility etc. (in the case of a Right to Operate Public Facility etc. being established pursuant to the provision of Article 10-3, the operation, etc. of the Public Facility, etc. pertaining to the said Right to Operate Public Facility etc.) which has been determined to be implemented by the private business operator in the project contracts.

(Grounds for Disqualification)

Article 7-2 Any person who falls under any of the following items may not respond to the recruitment of a private business operator to implement a Qualified Project:

- (i) A person who is not a juridical person;
- (ii) A juridical person which has received a ruling for the commencement of bankruptcy proceedings and has not had its rights restored or a juridical person which is treated in the same manner under the laws and regulations of a foreign state;
- (iii) A juridical person whose Right to Operate Public Facility etc. has been rescinded pursuant to the provision of paragraph (1) of Article 10-16 (limited to the part pertaining to item (i); hereinafter the same shall apply in this Article) and five years have not elapsed from the date of such rescission;
- (iv) In the case of a person who holds the Right to Operate Public Facility etc. (hereinafter referred to as the "Holder of the Right to Operate Public Facility etc.") having its Right to Operate Public Facility etc. rescinded pursuant to paragraph (1) of Article 10-16, a juridical person which was the parent company etc. of the Holder of the Right to Operate Public Facility etc. (meaning the juridical person prescribed in a Cabinet Order as a juridical person which is in a relationship that may allow it to have substantial control of the management of such juridical person) at the time of the fact arising which was the cause of the rescission, and five years have not yet elapsed from the date of the rescission;
- (v) A juridical person who has any officer falls under any of the following sub-items:
  - (a) An adult ward or a person under curatorship or a person who is treated in the same manner under the laws and regulations of a foreign state;

- (b) A person who has received a ruling for the commencement of bankruptcy proceedings and has not had its rights restored or a person who is treated in the same manner under the laws and regulations of a foreign state;
- (c) A person who has been sentenced to imprisonment without work or a greater punishment (including a sentence which is equivalent under the laws and regulations of a foreign state), and for whom five years have not elapsed from the completion of the sentence or from the date on which the person ceased to be subject to the execution of the sentence;
- (d) An organized crime group member provided for in item (vi) of Article 2 of the Act on Prevention of Unjust Acts by Organized Crime Group Members (Act No. 77 of 1991) (hereinafter referred to in this Article as “Organized Crime Group Member”) or a person for whom five years have not yet elapsed from the date of ceasing to be an Organized Crime Group Member;
- (e) In the case of the Holder of Right to Operate Public Facility etc. rescinded pursuant to paragraph (1) of Article 10-16, a person who was an officer of the Holder of the Right to Operate Public Facility etc. within 30 days prior to the date of the rescission, and five years have not elapsed from the date of the such rescission;
- (f) A minor who does not have the same capacity to act as a person of the age of majority as far as business is concerned and whose legal representative falls under any of sub-items (a) to (e).
- (vi) A juridical person whose business activities are controlled by an Organized Crime Group Member or by a person for whom five years have not elapsed from the date of ceasing to be an Organized Crime Group Member;
- (vii) A juridical person whose parent company etc. falls under any of item (ii) up to the preceding item.

(Technical Proposal)

Article 7-3 (1) The Administrator of the Public Facility etc. shall endeavor to request the person responding to its recruitment for a proposal on the technology or devices pertaining to the Qualified Project (hereinafter referred to as “Technical Proposal” in this Article) prior to selecting the private business operator pursuant to paragraph (1) of Article 7.

(2) When a Technical Proposal has been made, the Administrator of the Public Facility etc. shall conduct an appropriate examination and evaluation of the Proposal.

(3) The provisions of the main text of paragraph (4) of Article 12, the first part of paragraph (1) of Article 13, and Article 14 of the Act on the Promotion of the Quality Assurance of Public Works (Act No. 18 of 2005) shall apply mutatis mutandis to the Technical Proposal. In this case, the technicalities requiring

alternative readings shall be provided for by a Cabinet Order.

(Objective Evaluation)

Article 8 (1) The Administrator of the Public Facility etc. shall carry out an objective evaluation (including evaluation on the effectiveness and efficiency of the Qualified Project) when it selects a Qualified Project pursuant to Article 6 and selects the private business operator pursuant to paragraph (1) of Article 7, and shall publicize the results.

(2) When an Administrator of the Public Facility etc. selects a private business operator pursuant to the paragraph (1) of Article 7, the administrator must evaluate the operator principally by the price, the quality of the services provided to citizens, and other conditions, in order to fully utilize the technology and managerial expertise and innovation of the private business operator and to provide affordable and good services to citizens.

(Resolution by the Local Council)

Article 9 When a local government enters into a project contract, a resolution by its local council shall be obtained in advance, provided that the type and cost of the project fall within the criteria set forth in the relevant Cabinet Order.

(Consideration for Designation of the Designated Administrator etc.)

Article 9-2 A local government shall, in the case where the provision of paragraph (3) of Article 244-2 of the Local Government Act (Act No. 67 of 1947) applies to administration of Public Facility etc. provided pursuant to this Act, consider matters provided in the paragraphs (4) to (6) inclusive of the article in order to promote the smooth implementation of the Qualified Project, and also shall endeavor to clarify in advance how to treat the Qualified Project in the case where paragraph (11) of the Article applies.

(Implementation of Qualified Projects)

Article 10 (1) A Selected Project shall be carried out in accordance with its project contract (in the case of the establishment of the Right to Operate Public Facility etc. pursuant to the provision of Article 10-3, the Implementation Contract for the Right to Operate Public Facility etc. pertaining to such Right to Operate Public Facility etc. (meaning the Implementation Contract for the Right to Operate Public Facility etc. provided for in paragraph (1) of Article 10-9); hereinafter the same shall apply in the following paragraph), pursuant to the Basic Policy and the relevant Implementation Policy.

(2) When the Appointed Business Operator is a juridical person whose capital injection or contribution was made by the national government or a local



government (including a juridical person whose capital contribution or funding was made by such publicly-funded juridical person), special care must be taken to ensure that the responsibilities of the said Appointed Business Operator are clear, and the share of responsibility between the Appointed Business Operator and the Administrator of Public Facility etc. shall be clearly defined in the project contract.

(Publication of Forecasts etc. for Formulation of the Implementation Policy)

Article 10-2 (1) The Administrator of the Public Facility etc. shall, as prescribed in a Cabinet Office Ordinance, publicize each fiscal year the matters relating to the forecasts for formulation of the fiscal year's Implementation Policy, which are prescribed in a Cabinet Office Ordinance; provided, however, that this shall not apply if there are no such forecasts for the said fiscal year.

(2) When the Administrator of the Public Facility etc. has made changes to the matters relating to the forecasts under the preceding paragraph, it shall publicize the changed matters as prescribed in the Cabinet Office Ordinance.

(3) When the Administrator of the Public Facility etc. has entered into a project contract, it shall publicize the contents of the project contract (limited to the name and location of the Public Facility etc., the trade name or name of the Appointed Business Operator, the contents of the provision, etc. of the Public Facility etc., the term of the contract, matters relating to the measures to be taken when difficulties arise in the continuation of the project and other matters prescribed in the Cabinet Office Ordinance) without delay as prescribed in the Cabinet Office Ordinance.

(4) The provisions of preceding three paragraphs shall not preclude a local government from prescribing necessary provisions relating to the publication of information concerning the forecasts for the formulation of the Implementation Policy and the contents of the project contract other than the matters prescribed in the preceding three paragraphs, in Prefectural Ordinance or Municipal Ordinance.

#### Chapter IV Right to Operate Public Facility etc.

(Establishment of the Right to Operate Public Facility etc.)

Article 10-3 The Administrator of the Public Facility etc. may establish the Right to Operate Public Facility etc. to the Appointed Business Operator.

(Additional Matters to be stated in the Implementation Policy relating to the Right to Operate Public Facility etc.)

Article 10-4 When the Administrator of the Public Facility etc. intends to

select a private business operator for whom the Right to Operate Public Facility etc. is to be established, in addition to the matters given in each of the items of paragraph (2) of Article 5, the following matters shall be specified in the Implementation Policy:

- (i) The effect of establishing the Right to Operate Public Facility etc. to the Appointed Business Operator;
- (ii) The contents of the operation, etc. of the Public Facility etc. pertaining to the Right to Operate Public Facility etc.;
- (iii) The duration of the Right to Operate Public Facility etc.;
- (iv) In the case of collecting costs pursuant to the provision of Article 10-7, a description to such effect (in the case of setting the amount of fees to be charged in advance, a description to the effect of charging fees and such amount);
- (v) Matters relating to the measures to be taken when questions arise over the matters and interpretations to be specified in the Implementation Contract for the Right to Operate Public Facility etc. stipulated in paragraph (1) of Article 10-9;
- (vi) Matters relating to usage fees.

(Ordinances Relating to the Implementation Policy)

Article 10-5 (1) The Administrator of the Public Facility etc. (limited to the head of a local government) shall specify the Implementation Policy pursuant to the Prefectural Ordinance or Municipal Ordinance in the case prescribed in the preceding Article.

(2) The procedures for the selection of the private business operator, the criteria and the range of duties for the operation, etc. of the Public Facility etc. to be conducted by the Holder of the Right to Operate Public Facility etc., matters relating to the usage fees and other necessary matters shall be stipulated in the Ordinance of the preceding paragraph.

(Timing of Establishing the Right to Operate Public Facility etc.)

Article 10-6 (1) In the case of stipulating the items of Article 10-4 in the Implementation Policy pursuant to the provision of Article 10-4, when the Administrator of the Public Facility etc. has selected a private business operator pursuant to the provision of paragraph (1) of Article 7, it shall establish the Right to Operate Public Facility etc. to the Appointed Business Operator without delay (where the Qualified Project specified in the Implementation Policy includes the works relating to construction, manufacture or rehabilitation of Public Facility etc., immediately after the completion of such construction, manufacture or rehabilitation) in accordance with the said Implementation Policy.

(2) The establishment of the Right to Operate Public Facility etc. shall clarify the following matters:

(i) The name, location, size and allocation of the Public Facility etc.;

(ii) The matters given in items (ii) and (iii) inclusive of Article 10-4.

(3) When the Administrator of the Public Facility etc. has established the Right to Operate Public Facility etc. pursuant to the provision of paragraph (1), it shall publicize a description to such effect as well as the name and the location of the Public Facility etc. pertaining to the said Right to Operate Public Facility etc. and the matters given in item (ii) of the preceding paragraph.

(4) When the Administrator of the Public Facility etc. (being limited to the head of a local government) intends to establish the Right to Operate Public Facility etc. pursuant to the provision of paragraph (1), a resolution by its local council shall be obtained in advance.

(Collecting Costs)

Article 10-7 The Administrator of the Public Facility etc. may collect from the Holder of the Right to Operate Public Facility etc. (limited to Holders of the Right to Operate Public Facility etc. who have not carried out construction, manufacture or rehabilitation of the Public Facility etc. pertaining to the Right to Operate Public Facility etc.) an amount equivalent to all or part of the costs required for the construction, manufacture or rehabilitation in accordance with the Implementation Policy.

(Obligation for Commencement of the Public Facilities Operation Project)

Article 10-8 (1) The Holder of the Right to Operate Public Facility etc. shall commence the operation of the Public Facilities Operation Project within the period specified by the Administrator of the Public Facility etc.

(2) In the case of an application being made by the Holder of the Right to Operate Public Facility etc., the Administrator of the Public Facility etc. may extend the period under the preceding paragraph when finding justifiable grounds to do so.

(3) When the Holder of the Right to Operate Public Facility etc. has commenced the Public Facilities Operation Project, it shall notify the Administrator of the Public Facility etc. to such effect without delay.

(Implementation Contract for the Right to Operate Public Facility etc.)

Article 10-9 (1) The Holder of the Right to Operate Public Facility etc. shall enter into a contract including the following items in its contents (hereinafter referred to as "Implementation Contract for the Right to Operate Public Facility etc.") with the Administrator of the Public Facility etc. in accordance with the

Implementation Policy pursuant to the provision of a Cabinet Office Ordinance prior to commencement of the Public Facilities Operation Project:

- (i) The method of operation, etc. of the Public Facility etc.;
- (ii) Matters relating to the measures to be taken when difficulties arise in the continuation of the Public Facilities Operation Project;
- (iii) The decision procedures and the method of publication in the case of stipulating general terms and conditions pertaining to the usage of the Public Facility etc.,;

(iv) Other matters prescribed in a Cabinet Office Ordinance

(2) When the Administrator of the Public Facility etc. has entered into an Implementation Contract for the Right to Operate Public Facility etc. it shall publicize the contents of the Implementation Contract for the Right to Operate Public Facility etc. (limited to the trade name or name of the Holder of the Right to Operate Public Facility etc., the matters given in item (ii) of the preceding paragraph and other matters prescribed in a Cabinet Office Ordinance) without delay as prescribed in a Cabinet Office Ordinance.

(3) The provisions of the preceding paragraph shall not preclude a local government from prescribing necessary provisions relating to the publication of information concerning the Implementation Contract for the Right to Operate Public Facility etc., other than the matters provided for in the same paragraph, in ordinances.

(Usage Fees for Public Facility etc.)

Article 10-10 (1) The Holder of the Right to Operate Public Facility etc. shall receive usage fees as its own income.

(2) The usage fees shall be set by the Holder of the Right to Operate Public Facility etc. in accordance with the Implementation Policy. In this case, the Holder of the Right to Operate Public Facility etc. shall notify the Administrator of the Public Facility etc. of the usage fees in advance.

(Nature)

Article 10-11 The Right to Operate Public Facility etc. shall be deemed to be a real right and the provisions relating to real property shall apply mutatis mutandis unless otherwise provided in this Act.

(Subject of the Right)

Article 10-12 The Right to Operate Public Facility etc. may be the subject of a merger of juridical persons and other general succession, assignment, a disposition of delinquency, execution, provisional seizure, provisional disposition as well as the subject of a mortgage, but otherwise may not be the subject of

rights.

(Restrictions on Disposition)

Article 10-13 (1) The Right to Operate Public Facility etc. may not be split or consolidated.

(2) The Right to Operate Public Facility etc. may not be transferred without the permission of the Administrator of the Public Facility etc.

(3) When the Administrator of the Public Facility etc. intends to grant the permission of the preceding paragraph, it shall conduct a review of whether the following criteria have been met:

(i) The person to whom the Right to Operate Public Facility etc. is to be transferred does not fall under any of the items of Article 7-2.

(ii) The transfer of the Right to Operate Public Facility etc. is appropriate in light of the Implementation Policy.

(4) When the Administrator of the Public Facility etc. (limited to the head of a local government) intends to grant the permission under paragraph (2), a resolution by its local council shall be obtained in advance; provided, however, that this shall not apply to the cases that there are special provisions in an Ordinance.

(5) The Right to Operate Public Facility etc. on which the establishment of mortgages has been registered may not be waived without the consent of the mortgagees.

(6) The transfer or waiver of a Right to Operate Public Facility etc. for which the permission under paragraph (2) or the consent under the preceding paragraph has not been obtained shall not take effect.

(Registration)

Article 10-14 (1) The establishment, transfer, change, extinction, restricted dispositions and the suspension of exercise of the Right to Operate Public Facility etc. and the mortgage which is the subject of the Right to Operate Public Facility etc. or cancellation of the suspension pursuant to the provision of paragraph (1) of Article 10-16 shall be registered in the registry of Rights to Operate Public Facility etc.

(2) The registration pursuant to the provision of the preceding paragraph shall be equivalent to a register.

(3) The provisions of Chapter II and Chapter III of the Administrative Procedure Act (Act No. 88 of 1993) shall not apply to the disposition relating to the registration pursuant to the provision of paragraph (1).

(4) The provisions of the Act on Access to Information Held by Administrative Organs (Act No. 42 of 1999) shall not apply to the registry of Rights to Operate

Public Facility etc.

(5) The provisions of Chapter IV of the Act on the Protection of Personal Information Held by Administrative Organs shall not apply to the personal information (meaning the personal information provided for in paragraph (3) of Article 2 of the Act) registered in the registry of Rights to Operate Public Facility etc.

(6) In addition to the provisions of the preceding paragraphs, necessary matters relating to the registration shall be prescribed in a Cabinet Order.

(Instructions, etc.)

Article 10-15 In the interests of the appropriate enforcement of the Public Facilities Operation Project, the Administrator of the Public Facility etc. may request a report relating to the state of operation or accounting, conduct a field investigation or give necessary instructions to the Holder of the Right to Operate Public Facility etc..

(Rescission of the Right to Operate Public Facility etc.)

Article 10-16 (1) When the situation falls under any of the following cases, the Administrator of the Public Facility etc. may rescind the Right to Operate Public Facility etc. or order suspension of its exercise.

(i) The Holder of the Right to Operate Public Facility etc. falls under any of the following sub-items:

(a) It became a Holder of the Right to Operate Public Facility etc. through deception or any other wrongful means;

(b) It came to fall under any of the items of Article 7-2;

(c) It did not commence the Public Facilities Operation Project within the period stipulated in paragraph (1) of Article 10-8 (which shall be the period including an extension period provided that it was approved pursuant to the provision of paragraph (2) of the Article);

(d) It is not able to implement the Public Facilities Operation Project or it has become clear that it will not be able to implement the Project;

(e) In addition to the cases given in (d), there has been material breach of the matters stipulated in the Implementation Contract for the Right to Operate Public Facility etc.;

(f) It did not comply with the instructions of the preceding Article without justifiable grounds;

(g) It violated the provisions of laws and regulations relating to the Public Facilities Operation Project.

(ii) There was an unavoidable necessity in terms of public interest arising from the other public use of the Public Facility etc. or any other reasons.

(2) When the Administrator of the Public Facility etc. intends to order the suspension of the exercise of the Right to Operate Public Facility etc. pursuant to the provision of the preceding paragraph, it shall conduct a hearing irrespective of the categories of procedures for hearing statements of opinions prescribed in paragraph (1) of Article 13 of the Administrative Procedure Act.

(3) When the Administrator of the Public Facility etc. intends to rescind the Right to Operate Public Facility etc. for which the establishment of a mortgage is registered pursuant to the provision of paragraph (1), it shall notify the mortgagee pertaining to the mortgage to the effect in advance.

(4) When the Administrator of the Public Facility etc. has not had ownership of the Public Facility etc. any more, the Right to Operate Public Facility etc. shall be extinguished.

(Compensation for the Holder of the Right to Operate Public Facility etc.)

Article 10-17 (1) The Administrator of the Public Facility etc. shall compensate the Holder of the Right to Operate Public Facility etc. or any person who was a Holder of the Right to Operate Public Facility etc. (hereinafter collectively defined as "Holder of the Right to Operate Public Facility etc." in this Article), who has suffered any loss as a result of the rescission or suspension of exercise of the Right to Operate Public Facility etc. pursuant to the provision of paragraph (1) of the preceding Article (limited to the part pertaining to item (ii); hereinafter the same shall apply in this Article) or the extinguishment of the Right to Operate Public Facility etc. pursuant to the provision of paragraph (4) of the preceding Article (limited to cases where the grounds are attributable to the Administrator of the Public Facility etc.) for any loss that would ordinarily arise.

(2) The Administrator of the Public Facility etc. and the Holder of the Right to Operate Public Facility etc. shall hold discussions regarding the loss compensation pursuant to the provision of the preceding paragraph.

(3) When the discussions pursuant to the provision of the preceding paragraph do not end in an agreement, the Administrator of the Public Facility etc. shall pay the Holder of the Right to Operate Public Facility etc. an amount which it has estimated by itself.

(4) When the Holder of the Right to Operate Public Facility etc. has an objection to the compensatory amount under the preceding paragraph, it may seek an increase in the amount by filing an action within six months of the date of receiving the notification of the decision.

(5) The Administrator of the Public Facility etc. shall be the defendant for the action under the preceding paragraph.

(6) When a mortgage exists on the Right to Operate Public Facility etc. rescinded pursuant to the provision of paragraph (1) of the preceding Article or

the Right to Operate Public Facility etc. extinguished pursuant to the provision of paragraph (4) of the same Article (limited to cases where the grounds are attributable to the Administrator of the Public Facility etc.), unless otherwise the mortgagee pertaining to the mortgage has reported to the effect that a deposit need not be made, the Administrator of the Public Facility etc. shall deposit such compensation.

(7) The mortgagee under the preceding paragraph may exercise its right with regard to the compensation which was deposited pursuant to the provision of the preceding paragraph.

(8) When the loss which was the cause of the compensation pursuant to the provision of paragraph (1) was incurred as the result of the rescission or suspension of exercise of the Right to Operate Public Facility etc. pursuant to the provision of paragraph (1) of the preceding Article, the Administrator of the Public Facility etc. may have the person who gave rise to the grounds bear all or part of the compensatory amount.

## Chapter V Special Measures for the Selected Projects

### (The National Government Debt Burden)

Article 11 In the case where the national government incurs a debt arising from a Selected Project, the debt shall be paid off within 30 years from the relevant fiscal year.

### (Lease of Administrative Assets)

Article 11-2 (1) Notwithstanding the provision of paragraph (1) of Article 18 of the National Property Act (Act No. 73 of 1948), the national government may lease, when it finds necessary, to an Appointed Business Operator, an administrative asset (meaning an administrative asset provided in paragraph (2) of Article 3 of the National Property Act; the same shall apply to the following paragraph to paragraph (5) inclusive of this Article and to the paragraphs (1) to (4) inclusive of the following Article) for use in the relevant Selected Project.

(2) In addition to leases prescribed in the preceding paragraph, in the case where an Appointed Business Operator is to own all or part of one building a part of which is the Public Facility etc. of the said Selected Project (hereinafter referred to as "Specified Building" in this Article), the national government may lease, when it finds necessary, to the said Appointed Business Operator the relevant land which is an administrative asset notwithstanding the provision of paragraph (1) of Article 18 of the National Property Act to the extent that the lease does not prevent the original usage or purpose of the asset.



(3) In addition to the leases prescribed in to provisions of preceding two paragraphs, in the case where an Appointed Business Operator who has leased the land which is an administrative asset pursuant to the provision of the preceding paragraph is to continue to own the Specified Building (excluding the portion which is used as Public Facility etc. of the relevant Selected Project) (hereinafter referred to as the “Specified Private Facility” in this Article) after the termination of the Selected Project (including the cancellation of the project contract or termination as a result of the rescission of the Right to Operate Public Facility etc. pursuant to the provision of paragraph (1) of Article 10-16 or the extinguishment of the Right to Operate Public Facility etc. pursuant to the provision of paragraph (4) of the same Article pertaining respectively to said Selected Project; hereinafter the same shall apply in this Article and the following Article), the national government may, when it finds necessary, continue to lease to the lessee the said land which is an administrative asset (provided that in the case of the cancellation of the project contract or termination as a result of the rescission of the Right to Operate Public Facility etc. pursuant to the provision of paragraph (1) of Article 10-16 or the extinguishment of the Right to Operate Public Facility etc. pursuant to the provision of paragraph (4) of the same Article pertaining respectively to said Selected Project, the lessee is a person who is recognized by the Administrator of Public Facility etc. to be appropriate for the administration of the said Public Facility etc. pertaining to the property that was the Specified Private Facility; hereinafter the same shall apply in paragraph (8)) notwithstanding the provision of paragraph (1) of Article 18 of the National Property Act to the extent that the lease does not prevent the original usage or purpose of the asset.

(4) In addition to the leases prescribed in preceding three paragraphs, in the case where an Appointed Business Operator who has leased land which is administrative asset pursuant to the paragraph (2) of this Article is to transfer the Specified Private Facility, the national government may lease, when it finds necessary, the land which is an administrative asset to the person who is to acquire the Specified Private Facility (provided that the assignee is a person who is recognized by the Administrator of the Public Facility etc. to be appropriate for the administration of the said Public Facility etc.) notwithstanding the provision of paragraph (1) of Article 18 of the National Property Act to the extent that the lease does not prevent the original usage or purpose of the asset.

(5) The provision of the preceding paragraph shall apply mutatis mutandis to the case where a person who has leased the land which is an administrative asset pursuant to the provision of paragraph (3) or the preceding paragraph (including the case where it is applied mutatis mutandis pursuant to this

paragraph) is to transfer the said Specified Private Facility (including the facility that was a Specified Private Facility). In this case, the term “the Administrator of the said Public Facility etc.,” in the preceding paragraph, shall be deemed to be replaced with “the Administrator of the Public Facility etc. pertaining to the said Specified Private Facility (in the case of transferring the facility which was a Specified Private Facility, “the Administrator of the Public Facility etc. pertaining to the said facility that was a Specified Private Facility”).

(6) Notwithstanding the provisions of paragraph (1) of Article 238-4 of the Local Government Act (Act No. 67 of 1947), a local government may lease, when it finds necessary, to an Appointed Business Operator, an administrative asset (meaning the administrative asset provided for in paragraph (3), Article 238-4 of the aforementioned Act, the same shall apply to in the paragraphs next to (10) of this Article and (5) to (8) of the next Article) to be used in Selected Projects.

(7) In addition to the leases prescribed in the preceding paragraph, in the case where an Appointed Business Operator is to own all or part of a Specified Building, a local government may lease, when it finds necessary, to the Appointed Business Operator the land which is administrative asset notwithstanding the provision of the paragraph (1) of Article 238-4 of the Local Government Act to the extent that the lease does not prevent the original usage or purpose of the asset.

(8) In addition to the leases prescribed in the preceding two paragraphs, in the case where an Appointed Business Operator who has leased land which is an administrative asset in accordance with the provision of the preceding paragraph is to continue to own the Specified Building after the termination of the Selected Project, a local government may, when it finds necessary, continue to lease the said land which is an administrative asset to the operator notwithstanding the provision of the paragraph (1) of Article 238-4 of the Local Government Act, to the extent that the lease does not prevent the original usage or purpose of the asset.

(9) In addition to the leases prescribed in preceding three paragraphs, in the case where an Appointed Business Operator who has leased land which is administrative asset pursuant to the paragraph (7) of this Article is to transfer the Specified Private Facility, the local government may, when it finds necessary, lease the land which is an administrative asset to the person who is to acquire the Specified Private Facility (provided that the person is recognized by Administrator of Public Facility etc. to be appropriate for administration of the Public Facility etc.) notwithstanding the provision of the paragraph (1) of Article 238-4 of the Local Government Act, to the extent that the lease does not prevent the original usage or purpose of the asset.

(10) The provision of the preceding paragraph shall apply mutatis mutandis to the case where a person who has leased land which is administrative asset pursuant to the provision of paragraph (8) or the preceding paragraph (including the case where it is applied mutatis mutandis pursuant to this paragraph) is to transfer the said Specified Private Facility (including facility that was a Specified Private Facility). In this case, the term “the Administrator of the said Public Facility etc.” in the preceding paragraph shall be deemed to be replaced with “the Administrator of the Public Facility etc. pertaining to the said Specified Private Facility (in the case of the transfer of facility which was Specified Private Facility, “the Administrator of the Public Facility etc. pertaining to the facility that was the Specified Private Facility”).

(11) The provisions of Article 604 of the Civil Code (Act No. 89 of 1896) and the Articles 3 and 4 of the Act on Land and Building Lease (Act No. 90 of 1991) shall not apply to leases set forth in preceding paragraphs of this Article.

(12) The provisions of Articles 21 and 23 to 25 inclusive of the National Property Act shall apply mutatis mutandis to leases set forth in paragraphs (1) to (5) inclusive of this Article. The provision of paragraph (2) of Article 238-2, and paragraphs (4) to (6) inclusive of Article 238-5 of the Local Government Act shall apply mutatis mutandis to the leases set forth in paragraphs (6) to (10) inclusive of this Article.

Article 11-3 (1) In addition to the leases prescribed in paragraphs (1) to (5) inclusive of the preceding Article, the national government may, when it finds necessary, lease an administrative asset to be used for a project to establish a Specified Facility (meaning a facility which fall within facilities listed the items (iii) to (v) inclusive of paragraph (1) of Article 2 and facilities specified by the relevant Cabinet Order as an asset equivalent to the facilities given in items (iii) to (v) inclusive of the same paragraph out of the facilities set forth in the Cabinet Order of item (vi) of the same paragraph; hereinafter the same shall apply in this Article) that is useful for the implementation of the relevant Selected Project (hereinafter referred to as a “Qualified Private Project” in this Article) to the Appointed Business Operator who implements the Specified Private Project, notwithstanding the provision of paragraph (1) of Article 18 of the National Property Act to the extent that the lease does not prevent the original use or purpose of the asset.

(2) In addition to the leases prescribed in the preceding paragraph, in the case where an Appointed Business Operator who has leased an administrative asset pursuant to the provision of the preceding paragraph is to continue to own or use the Specified Facilities pertaining to the Specified Private Project after the termination of the Selected Project, the national government may, when it finds necessary, continue to lease to the lessee the said administrative assets

(provided that, in the case of the cancellation of the project contract or termination as a result of the rescission of the Right to Operate Public Facility etc. pursuant to the provision of paragraph (1) of Article 10-16 or the extinguishment of the Right to Operate Public Facility etc. pursuant to the provision of paragraph (4) of the same Article pertaining respectively to said Selected Project, the lessee is a person who is recognized to be appropriate for the administration of the said Public Facility etc. by the Administrator of the Public Facility etc. pertaining to the facility that was the Public Facility etc. of the Selected Project; hereinafter the same shall apply in paragraph (6)) notwithstanding the provision of paragraph (1) of Article 18 of the National Property Act, to the extent that the lease does not prevent the original use or purpose of the asset.

(3) In addition to the leases prescribed in preceding two paragraphs, in the case where an Appointed Business Operator who has leased administrative asset in accordance with the paragraph (1) of this Article is to transfer the Specified Facility (including the right to utilize the Specified Facility; hereinafter the same shall apply in this paragraph), the national government may lease, when it finds necessary, the administrative asset to the person who is to acquire the Specified Facilities (provided that the person is recognized by the Administrator of the Public Facility etc. pertaining to the said Selected Project to be appropriate for administration of the Public Facility etc.) notwithstanding the provision of paragraph (1) of Article 18 of the National Property Act, to the extent that the lease does not prevent the original use or purpose of the asset.

(4) The provision of the preceding paragraph shall apply mutatis mutandis to the case where a person who has leased an administrative asset pursuant to the provision of paragraph (2) or the preceding paragraph (including the case where it is applied mutatis mutandis pursuant to this paragraph) is to transfer the said Specified Facilities (including the right to utilize the Specified Facility). In this case, the term “the Administrator of the Public Facility etc. pertaining to the said Selected Project” in the preceding paragraph, shall be deemed to be replaced with “the Administrator of the Public Facility etc. pertaining to the said Selected Project” (in the case of the transfer after expiration of the Selected Project, “the Administrator of the Public Facility etc. pertaining to the facility which was the Public Facility etc. pertaining to the Selected Project”).

(5) In addition to leases prescribed in paragraphs (6) to (10) inclusive of the preceding Article, a local government may lease, when it finds necessary, an administrative asset in use for a Specified Private Project to the Appointed Business Operator who implements the Specified Private Project, notwithstanding the provision of the paragraph (1) of Article 238-4 of the Local Government Act, to the extent that the lease does not prevent the original use or

purpose of the asset.

(6) In addition to the leases prescribed in the preceding paragraph, in the case where a person who has leased an administrative asset pursuant to preceding paragraph is to own or utilize the relevant Specified Facility used for the Specified Private Project after the termination of the relevant Selected Project, the local government may, when it finds necessary, lease the said administrative asset to the person, notwithstanding the provision of the paragraph (1) of Article 238-4 of the Local Government Act to the extent that the lease does not prevent the original usage or purpose of the asset.

(7) In addition to the leases prescribed in preceding two paragraphs, in the case where an Appointed Business Operator who has leased administrative asset pursuant to the paragraph (5) of this Article is to transfer the Specified Facility used for the Specified Private Project (including the right to utilize the Specified Facility; hereinafter the same shall apply in this paragraph), the local government may, when it finds necessary, lease the administrative asset to the person who is to acquire the Specified Facility (provided that the person is recognized by the Administrator of Public Facility etc. pertaining to the Selected Project to be appropriate for administration of the Public Facility etc.), notwithstanding the provision of the paragraph (1) of Article 238-4 of the Local Government Act to the extent that the lease does not prevent the original usage or purpose of the asset.

(8) The provision of the preceding paragraph shall apply mutatis mutandis to the case where a person who has leased an administrative asset pursuant to the provision of paragraph (6) or the preceding paragraph (including the case where applied mutatis mutandis pursuant to this paragraph) is to transfer the said Specified Facility (including the right to utilize the Specified Facility). In this case, the term “the Administrator of the Public Facility etc. pertaining to the said Selected Project” in the preceding paragraph, shall be deemed to be replaced with “the Administrator of the Public Facility etc. pertaining to the said Selected Project” (in the case of the transfer after termination of the Selected Project, “the Administrator of the Public Facility etc. pertaining to the facility which was the Public Facility etc. pertaining to the Selected Project”).

(9) The provisions of paragraphs (11) and (12) of the preceding Article shall apply mutatis mutandis to leases pursuant to the respective preceding paragraphs of this Article. In this case, “paragraphs (1) to (5) inclusive” in paragraph (12) of the preceding Article shall be deemed to be replaced with “paragraphs (1) to (4) inclusive of Article 11-3,” and “paragraphs (6) to (10) inclusive” of the preceding Article shall be deemed to be replaced with “paragraphs (5) to (8) inclusive of Article 11-3”.

(Free Use of National Property etc.)

Article 12 (1) The national government may, when it finds necessary, allow the use of national properties (meaning national properties provided in paragraph (1) of Article 2 of the National Property Act) by an Appointed Business Operator, as long as such properties are used for the Selected Project, either free of charge or at a cost lower than market price.

(2) A local government may allow, when it finds necessary, the use of public properties (meaning the public property provided in paragraph (1) of Article 238 of the Local Government Act) by an Appointed Business Operator, as long as such properties are used for the Selected Project, either free of charge or at a cost lower than the market price.

(Loans without Interest)

Article 13 (1) The national government may make loans without interest to an Appointed Business Operator to be used as funds for a Qualified Project that is, the government finds, to highly promote public benefit, within the limit of the budget.

(2) The national government may use the credit screening capability and loan finance capability of the Development Bank of Japan Inc., the Okinawa Development Finance Corporation, other governmental financial institutions, etc, when it provides loans without interest pursuant to the provision of the preceding paragraph.

(Consideration to Ensuring Funds and Local Bonds)

Article 14 The national government or local governments, as the case may be, shall endeavor for obtainment of fund necessary for implementation of Selected Projects, or for arrangement of loans, or to give special consideration for issuance of local bonds within the limits under laws and regulations.

(Consideration to Acquisition of Land etc.)

Article 15 In order to facilitate the acquisition or use of land etc. by an Appointed Business Operator for use in a Selected Project, appropriate consideration shall be made for the acquisition of the land through expropriation of the land pursuant to the Compulsory Purchase of Land Act (Act No. 219 of 1951) or other permission under related laws and regulations.

(Supports)

Article 16 (1) In addition to the supports provided in Articles 11-2 to 15 inclusive, in order to promote the implementation of Qualified Projects, the national government and local governments shall take the necessary legislative and tax

measures in light of the Basic Policy and Implementation Policies, and offer Appointed Business Operators necessary financing and fiscal supports.

(2) The measures and supports set forth in the preceding paragraph shall be flexible and adaptable in order to accord with the nature and location etc., of the facilities to be provided, and attention shall be paid to ensure that the local governments and Public Corporations are able to fully exercise their autonomy.

(Deregulation)

Article 17 In order to promote the implementation of Qualified Projects, the national government and local governments shall promptly promote the abolition or relaxation of their regulations that hinder the full utilization of the technical expertise and innovation of private business operators.

(Cooperation)

Article 18 In order to promote smooth implementation of Qualified Projects, the national government and local governments and private business operators shall mutually cooperate with one another, through such means as setting up systems for cooperation.

(Consideration for the Dispatch of Officials, etc.)

Article 18-2 The national government and local governments shall endeavor to give additional necessary consideration to the dispatch of officials and other forms of personnel assistance deemed to be appropriate when deemed necessary for the smooth and efficient execution of Qualified Projects.

(Enlightenment Activities and Technical Assistance, etc.)

Article 19 (1) The national government and local governments shall promote activities such as the dissemination of knowledge of, and provision of information on, implementation of Qualified Projects, and at the same time, promote enlightening activities to gain the understanding, consents and cooperation of local residents.

(2) In order to promote smooth and efficient implementation of Qualified Projects, the national government and local governments shall give consideration necessary for provision of technical assistance to private business operators. They shall also give special consideration for the use of technology by private business operators, by means such as arrangements for use of patented technologies.

(Use of Collateralized Real Estate)

Article 20 (1) In the case where an Appointed Business Operator has acquired

real estate subject to security interests in order to implement a Qualified Project, and the holder company of the relevant security interest on the real estate, a company that has provided the real estate as a collateral or a company who owns the real estate has posted losses, an amount equal to the said losses may be appropriated as deferred assets in the balance sheet of the company at the end of the fiscal year. In this case amortization shall be made by an amount which is not less than evenly split figures at the end of each fiscal year within 10 years after the fiscal year when the acquisition was made.

(2) As for the application of the provision of paragraph (2) of Article 461 of the Company Code (Act No. 86 of 2005), in the case where the preceding paragraph applies, “the amount obtained by subtracting the sum of” therein shall be deemed to be replaced with “and, in the cases prescribed in the relevant Cabinet Office Ordinance, the amount obtained by subtracting the sum of the amount prescribed in the Cabinet Office Ordinance which has been appropriated in the part of asset of the balance sheet pursuant to paragraph (1) of Article 20 of the Act on Promotion of Private Finance Initiatives”.

#### Chapter VI Council for the Promotion of Private Finance Initiatives, etc.

(Council for the Promotion of Private Finance Initiatives)

Article 20-2 (1) Council for the Promotion of the Private Finance Initiatives (hereinafter referred to as the “Council”) will be set up as an special organization within the Cabinet Office.

(2) The Council shall be responsible for the following affairs:

(i) Drafting of proposals for the Basic Policy;

(ii) Conducting necessary coordination between the relevant administrative organizations with regard to the policies pertaining to the provision etc. of Public Facility etc. through utilization of private finance etc.;

(iii) In addition to those matters given in preceding two items, deliberation of the important matters relating to the policies pertaining to the provision of Public Facility etc. through utilization of private finance etc., and promotion of the implementation of the policies;

(3) When drafting the proposals for the Basic Policy, the Council shall consult the head of each ministry and national agency in advance and hear the opinion of the Committee for the Promotion of Private Finance Initiatives

Article 20-3 (1) The Council shall consist of a chairperson and members.

(2) The Prime Minister shall serve as chairperson.

(3) Members except a chairperson shall be the ones whom the Prime Minister designated from among Members of State.

(4) In addition to what is provided for in the preceding paragraphs, necessary



matters relating to the organization and operation of the Council shall be determined by a Cabinet Order.

(The Committee for the Promotion of Private Finance Initiatives)

Article 21 The Committee for the Promotion of Private Finance Initiatives (hereinafter referred to as the “Committee”) will be set up within the Cabinet Office.

(2) The Committee shall study and deliberate matters that fall within its authority pursuant to the provision of this Act. In addition, it shall also study and deliberate situations regarding the formulation of Implementation Policies, selection of Qualified Projects, objective evaluation of those projects, and other matters pertaining to provision etc. of national Public Facility etc. through utilization of private finance etc.

(3) Private business operators etc. may submit to the Committee their opinions on provision etc. of national Public Facility etc. through use of private finance etc.

(4) The Committee, when it finds necessary, in the course of performing its duties set forth in preceding two paragraphs, may state its opinions to the Prime Minister and heads of the relevant administrative organs, in order to facilitate and coordinate the provision etc. of the Public Facility etc. through the utilization of private finance etc.

(5) The Prime Minister and heads of the relevant administrative organs shall report to the Committee measures taken as a result of the receipt of the Committee’s opinions set forth in the preceding paragraph.

(6) The Committee, when it finds necessary for performing its duties, may request heads of relevant administrative organs, heads of relevant local governments, and other relevant bodies to provide necessary cooperation such as submission of data, expression of opinions, and explanations. In this case, the Committee shall take measures necessary for publication of documents which were submitted or collected for the performance of its duty.

Article 22 (1) The Committee consists of nine persons with relevant knowledge and experience appointed by the Prime Minister.

(2) Expert advisors may be appointed to the Committee if such members are necessary for studying and deliberating specialized matters.

(3) The Committee may set up sub-committees, as necessary.

(4) In addition to what is provided for in the preceding three paragraphs, necessary matters relating to the organization and operation of the Committee shall be determined by a Cabinet Order.

## Chapter VII Miscellaneous Provisions

(The Authorization of a Cabinet Order)

Article 23 In addition to what is provided for in this Act, matters that are necessary for its implementation shall be prescribed by Cabinet Orders.

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