

# Mining Act

(Act No. 289 of December 20, 1950)

## Contents

Chapter I General Provisions (Articles 1 to 10)

Chapter II Mining Rights

Section 1 General Rules (Articles 11 to 20)

Section 2 Establishment of Mining Rights

Subsection 1 Establishment of Mining Rights based on Application  
(Articles 21 to 37)

Subsection 2 Establishment of Mining Rights based on the Selection of a  
Specified Developer (Articles 38 to 42)

Section 3 Changes to Mining Rights, etc. (Articles 43 to 58)

Section 4 Registration of Mining Rights (Article 59 to 61)

Section 5 Implementation of Mining (Articles 62 to 70-2)

Chapter III Mining Lease Rights (Articles 71 to 87)

Chapter IV Recommendations and Consultation (Articles 88 to 100)

Chapter IV-2 Mineral Exploration (Articles 100-2 to 100-11)

Chapter V Use and Expropriation of Land (Articles 101 to 108)

Chapter VI Compensation for Mining Pollution

Section 1 Obligations for Compensation (Articles 109 to 116)

Section 2 Deposit of Collateral (Articles 117 to 121)

Section 3 Mediation of Settlement (Articles 122 to 125)

Chapter VII Appeals (Articles 126 to 135)

Chapter VIII Auxiliary Provisions (Articles 136 to 146)

Chapter IX Penal Provisions (Articles 147 to 152)

Supplementary Provisions

## Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to provide for a basic system of mining to contribute to the improvement of public welfare by developing mineral resources in a reasonable manner.

(Authority of the State)

Article 2 The State has the authority to grant the right to mine and acquire minerals that have not yet been mined.

(Applicable Minerals)

Article 3 (1) The term "Mineral" as used in the following Articles of this Act means gold ore, silver ore, copper ore, lead ore, bismuth ore, tin ore, antimony ore, mercury ore, zinc ore, iron ore, iron sulfide ore, chrome iron ore, manganese ore, tungsten ore, molybdenum ore, arsenic ore, nickel ore, cobalt ore, uranium ore, thorium ore, phosphate ore, graphite, coal, lignite, oil, asphalt, combustible natural gas, sulfur, gypsum, barites, alunite, fluorine, asbestos, limestone, dolomite, silica, feldspar, agalmatolite, talc, fireclay (limited to those that have fire resistance of Seger cone number 31 or higher; the same shall apply hereinafter), and placer (alluvial gold, iron sand, stream tin and other metallic ores that constitute alluvial deposits; the same shall apply hereinafter).

(2) Waste of abandoned mines or slag of the Minerals mentioned in the preceding paragraph which are physically part of the land shall be deemed to be Minerals.

(Mining)

Article 4 The term "Mining" as used in this Act means business such as prospecting and digging up Minerals, and the related dressing and smelting of said Minerals.

(Mining Rights)

Article 5 The term "Mining Right" as used in this Act means the right to mine and acquire registered Minerals and other Minerals existing in the same type of ore deposit in a fixed area of registered land (hereinafter referred to as a "Mining Site").

(Mining Lease Rights)

Article 6 The term "Mining Lease Right" as used in this Act means the right to mine and acquire Minerals subject to Mining Rights in Mining Sites belonging to other parties based on an act of establishment.

(Specified Minerals)

Article 6-2 The term "Specified Minerals" as used in this Act means Minerals which are oils, combustible natural gases, and other Minerals important for the national economy and which are specified by Cabinet Order as Minerals whose reasonable development is particularly necessary.

(Mining and Acquisition of Minerals)

Article 7 Minerals that have not yet been mined must not be mined unless Mining Rights allow for this; provided, however, that this shall not apply to the cases listed in the following items:

- (i) When combustible natural gas is provided to a household only for private use and not for profit.
- (ii) When limestone, dolomite and fireclay that are not subject to Mining Rights, are provided to a household only for private use and not for profit.

(Ownership of Separated Minerals)

Article 8 (1) In Mining Sites, the Minerals in Article 5, which are detached from the land not through Mining Rights or Mining Lease Rights, shall be owned by those who have the Mining Rights thereof or the Mining Lease Rights thereof, except for in the case listed in item (i) of the preceding Article.

(2) Minerals which are detached from the land outside Mining Sites shall be ownerless movables.

(Succession of Rights and Duty)

Article 9 The rights and duties of those who have Mining Rights or Mining Lease Rights prescribed by this Act shall be transferred with Mining Rights or Mining Lease Rights.

(Succession of the Effect of Acts)

Article 10 The procedures and other acts conducted according to the provisions of this Act shall remain in force for the successors of those who intend to create Mining Rights, those who intend to become holders of Mining Lease Rights, Mining Applicants (meaning those who have applied for the establishment of Mining Rights as prescribed in the provisions of Article 21, paragraph (1) (hereinafter referred to as a "Mining Application"); the same shall apply hereinafter), holders of Mining Rights, holders of Mining Lease Rights, landowners and other relevant persons.

## **Chapter II Mining Rights**

### **Section I General Rules**

(Type)

Article 11 Mining Rights shall mean prospecting rights and digging rights.

(Nature of Rights)

Article 12 Mining Rights shall be deemed to be real rights, and provisions related to real property shall be applied mutatis mutandis to them unless otherwise provided for in this Act.

Article 13 Mining Rights shall be the subject of general succession, including inheritance, assignment, disposition of delinquency, execution, provisional

seizure and provisional disposition, but shall not be the subject of rights; provided, however, that digging rights established pursuant to the provisions of Article 21, paragraph (1) may be the subject of mortgages and Mining Lease Rights, and digging rights established pursuant to the provisions of Article 40, paragraph (3) or (7) or Article 41, paragraph (1) may be the subject of mortgages.

(Restrictions on Dispositions)

Article 13-2 Unless the permission prescribed in Article 51-2, paragraph (1) is given, Mining Rights may not be the subject of transfers (except for transfers arising from general succession including inheritance; the same shall apply in said paragraph, the items of paragraph (3) of said Article, Article 52, and Article 136, item (ix)).

(Mining Sites and Their Areas)

Article 14 (1) Boundaries of Mining Sites shall be established using straight lines, and boundary lines shall continue directly below those boundaries on the surface of the Earth.

(2) The area of a Mining Site for coal, oil, asphalt and combustible natural gas shall not be less than 15 hectares, that of limestone, dolomite, silica, feldspar, agalmatolite, talc and fireclay shall not be less than one hectare, and that of other Minerals shall not be less than three hectares; provided, however, that this shall not apply to placers.

(3) The area of a Mining Site shall not exceed 350 hectares; provided, however, that this shall not apply to cases where exceeding this is unavoidable for the reasonable development of Minerals.

(4) The area of a Mining Site which is established within a specified zone designated pursuant to the provisions of Article 38, paragraph (1) shall not exceed the area of the relevant specified zone (when the area of said specified zone has been changed, such changed area), irrespective of the provisions of the main clause of the preceding paragraph.

(Restrictions on Mining Sites)

Article 15 (1) No Mining Site can be established in areas which the Environmental Dispute Coordination Commission deems not suitable for mining Minerals, and prohibits the establishment of Mining Rights along with designating said Minerals (hereinafter referred to as a "Mining Prohibited Area").

(2) In cases of prohibition pursuant to the provisions of the preceding paragraph, if the Environmental Dispute Coordination Commission finds that the mining of the Minerals designated pursuant to the preceding paragraph in a Mining

Prohibited Area has come to have a substantially adverse effect on public welfare, the commission may recommend that the Ministry of Economy, Trade and Industry disposes of the Mining Right of which the subject is said Minerals located in the Mining Prohibited Area, pursuant to the provisions of Article 53.

Article 16 (1) More than two sets of Mining Rights shall not be established for the same area; provided, however, that this shall not apply to cases where the subject of the Mining Rights are Minerals that are found in different types of ore deposits, or in the case specified in Article 46.

(2) In cases referred to in the proviso to the preceding paragraph, the rights of holders of Mining Rights are mutually restricted.

(Qualifications of Holders of Mining Rights)

Article 17 Mining Rights shall be held only by the people of Japan or corporations of Japan; provided, however, that this shall not apply unless otherwise provided for in the treaty concerned.

(Duration of Prospecting Rights and Their Extension)

Article 18 (1) The duration of prospecting rights shall be two years (for prospecting rights of which the subject is oil or combustible natural gas, four years) from the date of registration.

(2) The period prescribed in the preceding paragraph may be extended twice through application filed by the prospecting right holder when the current period expires.

(3) The period extended each time pursuant to the provisions of the preceding paragraph shall be two years.

(4) The application prescribed in paragraph (2) above must be filed pursuant to the procedures specified by Ordinance of the Ministry of Economy, Trade and Industry within a period from the day six months prior to the expiration of duration to the day three months before the expiration of duration.

Article 19 The Minister of Economy, Trade and Industry shall not permit extension unless the prospecting rights holder falls under any of the following items when the application prescribed in paragraph (2) of the preceding Article is filed:

(i) When the clear fact that mineral Exploration is conducted in good faith is recognized.

(ii) When the necessity to further continue mineral Exploration to determine the condition of ore deposits is recognized.

(iii) When the payment of mining lot tax on the prospecting rights, for which the application for extension of duration is filed, is not actually delinquent

(except for delinquency due to natural disasters and other unavoidable circumstances; the same shall apply hereinafter).

Article 20 If the application prescribed in Article 18, paragraph (2) is filed, the prospecting rights shall be deemed to remain effective until the application is refused or the extension is registered, even after the expiration of the duration thereof.

## **Section 2 Establishment of Mining Rights**

### **Subsection 1 Establishment of Mining Rights based on Application**

(Application for Establishment)

Article 21 (1) Those who intend to establish a Mining Right (limited to those of which the subject is Minerals other than Specified Minerals) must file their application for permission to the Minister of Economy, Trade and Industry.

(2) Those who intend to file a written application pursuant to the provisions of the preceding paragraph must submit the application along with a map of the area,, following the procedures specified by the Ministry of Economy, Trade and Industry, to the Minister of Economy, Trade and Industry, including a map of the zone, by recorded first-class mail or other means as specified by Ordinance of the Ministry of Economy, Trade and Industry.

(i) Location of the zone of the application

(ii) Area of the zone of the application

(iii) Name of the Mineral to be mined

(iv) Name and address

(3) When the applicant intends to mine more than two types of Mineral in the same area, an application for each type of Mineral must be filed pursuant to the provisions of paragraph (1); provided, however, that this shall not apply when the applicant intends to mine more than two types of Mineral that are found in the same type of ore deposit.

(Description of Ore Deposit)

Article 22 (1) Those who intend to establish digging rights pursuant to the provisions of paragraph (1) of the preceding Article must submit a description of the ore deposits, which describes the location, strike, pitch, thickness and other conditions of the ore deposits of the Mineral to be mined in the zone of application at the same time as submitting the application prescribed in said paragraph.

(2) The description of ore deposits prescribed in the preceding paragraph must contain the extent and conditions of mining pollution expected, in addition to what is provided for in the preceding paragraph.

(Joint Applicant for Mining)

- Article 23 (1) If two or more persons jointly file a Mining Application (hereinafter referred to as "Joint Applicants for Mining"), they must designate one of them as their representative pursuant to the procedures specified by Ordinance of the Ministry of Economy, Trade and Industry, and must notify the Minister of Economy, Trade and Industry of who the representative is.
- (2) If the notification prescribed in the preceding paragraph is not made, the Minister of Economy, Trade and Industry shall designate the representative.
- (3) A change of representative designated pursuant to the provisions of the preceding two paragraphs shall not become effective unless the Minister of Economy, Trade is notified of such change.
- (4) The representative shall represent the Joint Applicant(s) for Mining to the State.
- (5) Joint Applicant(s) for Mining shall be deemed to have concluded a partnership agreement.

(Consultation with Prefectural Governors)

- Article 24 The Minister of Economy, Trade and Industry must consult with the governor of the prefecture concerned (or a competent administrative organ concerning nationally-owned land) when a Mining Application is filed.

(Written Opinion of Landowners)

- Article 25 (1) When an application for the establishment of digging rights under the provisions of Article 21, paragraph (1) (hereinafter referred to as a "Digging Application") is filed for a Mineral that is found close to the surface of the Earth, and when mining of such Mineral is found to interfere with utilization of the land, the Minister of Economy, Trade and Industry must notify the owner of the land (except for nationally-owned land) involved in the area where a Digging Application is filed (hereinafter referred to as a "Digging Application Area") of such application, and give them an opportunity to submit their written opinion within a reasonable period of time.
- (2) The Minister of Economy, Trade and Industry may order those who have filed the application prescribed in the preceding paragraph to submit within a reasonable period of time a document that includes the name and address of the owner of the land involved in the Digging Application Area.

(Facility Design Specifications)

- Article 26 The Minister of Economy, Trade and Industry may order Mining Applicants to submit within a reasonable period time design specifications of facilities for business, when they find it necessary to investigate the methods

employed in preventing mining pollution.

(Right of Priority)

- Article 27 (1) When the areas of land for which Mining Applications are filed (hereinafter referred to as "Mining Application Areas") overlap, the person who sent their written application earliest shall have the right of priority concerning the establishment of Mining Rights for the overlapping area of land.
- (2) When the area of land for which an application for the establishment of prospecting rights under the provisions of Article 21, paragraph (1) (hereinafter referred to as a "Prospecting Application") is filed (hereinafter referred to as a "Prospecting Application Area") overlaps with the Digging Application areas, and the applicants sent their written applications on the same day and time, the person who filed the Digging Application (hereinafter referred to as the "Digging Applicant") shall have the right of priority for the overlapping area of land.
- (3) When Prospecting Application Areas or Digging Application Areas overlap, and the applicants sent their written applications on the same day and time, the Minister of Economy, Trade and Industry shall decide who has the right of priority by using a fair method to draw lots.

(Date and Time of Digging Application)

- Article 28 (1) When those who have filed Prospecting Applications (hereinafter referred to as "Prospecting Applicants") have filed Digging Applications covering their prospecting area for the Minerals that are found in the same type of ore deposit where the Minerals of Prospecting Application Areas are found, it shall be deemed, with regard to the overlapping area, that Prospecting Applications have not been filed and that Digging Applications have been filed on the date and time of sending a written application for the establishment of prospecting rights; provided, however, that this shall not apply to the case prescribed in paragraph (2) of the preceding Article.
- (2) The provisions of the main clause of the preceding paragraph shall apply mutatis mutandis to cases where Digging Applicants have filed Prospecting Applications covering their digging application zone for the Minerals that are found in the same type of ore deposit where the Minerals of Digging Application Areas are found; provided, however, that this shall not apply to cases where the relevant holders of prospecting rights have filed Digging Applications covering the same Mining Site and have filed Prospecting Applications again after extinction of their prospecting rights.
- (3) The provisions of the preceding two paragraphs shall not apply to applications that are filed after the time limit has expired in cases where orders are given pursuant to the provisions of Article 31, paragraph (1), Article



32, paragraph (1) or Article 33, paragraph (1).

(Requirements for Permission)

Article 29 (1) The Minister of Economy, Trade and Industry may not permit any application filed pursuant to the provisions of Article 21, paragraph (1), unless they find that such application satisfies the following requirements:

- (i) The Mining Applicant of the relevant application has a sufficient financial foundation and technical capability sufficient to properly carry out reasonable development of Minerals;
- (ii) The Mining Applicant of the relevant application has sufficient social credibility;
- (iii) The Mining Applicant of the relevant application does not fall under any of the following:
  - (a) A person who has committed any of the offenses as provided for in this Act or Article 60 of the Mining Safety Act (Act No. 70 of 1949; limited to the portions pertaining to violation of orders pursuant to the provisions of paragraph (2) of Article 33, Article 34 or Article 35 of said Act), has been sentenced to a punishment and for whom two years have not elapsed since the day on which the execution of the sentence has been completed or who has come to be no longer subject to the execution of the sentence;
  - (b) A person whose Mining Rights have been rescinded pursuant to the provisions of Article 55, or whose Mining Lease Rights have been rescinded pursuant to the provisions of Article 83, paragraph (1) and for whom two years have not elapsed from the day of such rescission;
  - (c) A corporation, any of whose officers in charge of its business fall under either (a) or (b) above;
- (iv) The Mining Application Area of the relevant application does not overlap with the specified zone which has been designated pursuant to the provisions of Article 38, paragraph (1) (when a change has been made to said specified zone, said specified zone will be taken as it is after said change has been made, and shall be limited to that which has been publicly notified pursuant to the provisions of paragraph (7) of said Article on or before the day on which the time that the relevant written application was sent falls);
- (v) The Prospecting Application Area of the relevant application does not overlap with the Mining Sites of Minerals that are found in the same type of ore deposit where the Mineral which is the subject of the Prospecting Application is found at the time of sending the written application;
- (vi) The Digging Application Area of the relevant application does not fall under any of the following categories at the time of sending the written application:
  - (a) The relevant Digging Application Area overlaps with another person's

- Mining Site or the relevant applicant's own prospecting area of Minerals that are found in the same type of ore deposit where the Mineral which is the subject of the Digging Application is found;
- (b) Where the relevant Digging Application Area overlaps with the relevant applicant's own prospecting area of the Minerals that are found in the same type of ore deposit where the Mineral which is the subject of the Digging Application is found, prospecting such overlapping areas is still necessary;
  - (c) Where the relevant Digging Application Area overlaps with the relevant applicant's own prospecting area of the Minerals that are found in the same type of ore deposit where the Mineral which is the subject of the application is found, the payment of mining lot tax pertaining to the relevant prospecting area is in actual fact delinquent;
  - (vii) When the Mining Application Areas of the relevant application overlaps with another person's Mining Site of Minerals that are found in different types of ore deposits than those where the Mineral which is the subject of said Mining Application is found, or is adjacent to another person's Mining Site of Minerals that are found in the same type of ore deposit where the Mineral which is the subject of said Mining Application is found, the mining of Minerals in the relevant Mining Application Areas does not significantly interfere with the implementation of Mining by other persons;
  - (viii) The mining of Minerals in the Mining Application Area of the relevant application is found to have economic value, and does not have an adverse effect on public welfare by harming health and hygiene, resulting in the destruction of facilities for public use or any facility equivalent to this, disrupting the protection of cultural property, parks or hot spring resources or impairing the profit of agriculture, forestry or other industries; and
  - (ix) In addition to what is listed in the preceding items, the mining of Minerals in the Mining Application Area of the relevant application is not extremely unsuitable in light of domestic and foreign social and economic circumstances and likely to hinder the promotion of public interest.
- (2) In the cases listed in the following items, the Minister of Economy, Trade and Industry must not permit the relevant application unless the time of the sending the written application is after the time when the periods specified in the respective items have elapsed:
- (i) When prospecting rights have become extinct before the expiration of their duration or prospecting areas have decreased, and Prospecting Applications for the Minerals that are found in the same type of ore deposit where the Minerals which are the subject of the relevant prospecting rights are found are filed (limited to cases where the Prospecting Application Areas of the Prospecting Applications fall under the Mining Sites where the relevant

prospecting rights have become extinct or the prospecting areas that have decreased): 60 days from the day of extinction of the relevant prospecting rights or decrease of the scale of the prospecting areas (if the period of prospecting rights to remain or the period of prospecting rights remaining is less than 60 days, such remaining period);

- (ii) When digging rights have been rescinded pursuant to the provisions of Article 55, and Mining Applications for the Minerals that are found in the same type of ore deposit where the Minerals which are the subject of said digging rights are found are filed by persons other than the person whose digging rights have been rescinded (limited to cases where the relevant Mining Application Areas fall under the Mining Site where the digging rights have been rescinded): 60 days from the day of such rescission;
- (iii) When the prohibition prescribed in Article 15, paragraph (1) is cancelled and the Mining Applications for the Minerals of which the prohibition is cancelled are filed (limited to cases where the relevant Mining Application Area falls under the area where such prohibition has been cancelled): 30 days from the day of cancellation.

(Increase or Decrease of the Scale of Mining Application Areas)

Article 30 (1) Mining Applicants may file applications regarding the increase or decrease of the scale of Mining Application Areas.

- (2) The provisions of Articles 21 and 22, and those from Articles 24 through 29 shall apply mutatis mutandis to the applications prescribed in the preceding paragraph.

(Orders to Increase or Decrease the Scale of Digging Application Areas)

Article 31 (1) When the location and shape of a Digging Application Area are different from that of the area of ore deposits and it is found that the ore deposits cannot be completely developed unless the location and shape of the Digging Application Area is changed, the Minister of Economy, Trade and Industry may give an order to increase or decrease the scale of the Digging Application Area to make the location and shape thereof agree with that of the area of ore deposits.

- (2) It shall be deemed that an application for the increase or decrease of the scale of Digging Application Areas, which is filed pursuant to the order prescribed in the provisions of the preceding paragraph within 30 days from the day of arrival of the order, was filed on the day of the sending of the written application for the establishment of digging rights; provided, however, that this shall not apply to an area that is already a Mining Site belonging to other persons or an area where the Mining Application of other persons is permitted.
- (3) When a Digging Applicant does not file their application for the increase or

decrease of the scale of Digging Application Areas within 30 days from the day of arrival of the order prescribed in paragraph (1) above, the Minister of Economy, Trade and Industry must not permit their Digging Application.

(Application Order)

Article 32 (1) When it is found that the presence of Minerals in a Prospecting Application Area is evident and the Prospecting Application Area is suitable for the establishment of digging rights in consideration of the amount, quality, etc. of Minerals, the Minister of Economy, Trade and Industry may give an order to file a Digging Application.

(2) When a prospecting applicant does not file their Digging Application within 30 days from the day of arrival of the order pursuant to the provisions of the preceding paragraph, the Minister of Economy, Trade and Industry shall not permit their Prospecting Application.

Article 33 (1) When it is found that the presence of Minerals in a Digging Application Area is not evident and the area must be prospected in advance, the Minister of Economy, Trade and Industry may give an order to file a Prospecting Application.

(2) When a Digging Applicant does not file their Prospecting Application within 30 days from the day of arrival of the order pursuant to the provisions of the preceding paragraph, the Minister of Economy, Trade and Industry must not permit their Digging Application.

(Procedures for Orders)

Article 34 (1) The Minister of Economy, Trade and Industry must, when they intend to give an order pursuant to the provisions of Article 31, paragraph (1), Article 32, paragraph (1) or paragraph (1) of the preceding Article, request the attendance of the Mining Applicant in advance and hold a public hearing of their opinions.

(2) The Minister of Economy, Trade and Industry must, when they intend to hold a hearing of opinions pursuant to the provisions of the preceding paragraph, notify the Mining Applicant of the outline of the matters in question and the date and place for said hearing of opinions by one week prior to the hearing, and also make a public notification of this.

(3) When a hearing of opinions is held pursuant to the provisions of paragraph (1) above, the evidence of the matters in question must be presented to the Mining Applicant and interested parties, and the opportunity to state their opinion must be given to them.

(Succession of Mining Applicant Positions)

Article 35 Mining Applicant positions may be succeeded to.

Article 36 (1) In cases other than cases of general succession, including inheritance or the withdrawal of a Joint Applicant for Mining due to death, the person who intends to succeed to a Mining Applicant position prior to succession (hereinafter referred to as a "Former Mining Applicant") must file a Mining Application in relation to such succession pursuant to the procedures specified by Ordinance of the Ministry of Economy, Trade and Industry.

(2) When a successor has succeeded to a Mining Applicant position because of general succession, including inheritance, or the withdrawal of a Joint Applicant for Mining due to death, if such successor intends to succeed to the position of the former Mining Applicant, said successor must file a Mining Application in relation to such succession without delay pursuant to the procedures specified by Ordinance of the Ministry of Economy, Trade and Industry; provided, however, that this shall not apply to cases where the successor does not succeed to the position of the former Mining Applicant.

(3) When a successor does not succeed to the position of the former Mining Applicant as referred to in the proviso to the preceding paragraph, they must notify the Minister of Economy, Trade and Industry to that effect without delay, pursuant to the procedures specified by Ordinance of the Ministry of Economy, Trade and Industry.

(4) If the application pursuant to the provisions of paragraph (1) or (2) is filed, the relevant successor shall be deemed to have filed a Mining Application in subject to such succession, at the date of the sending of the written application by the former Mining Applicant.

(Invalidation of Permission)

Article 37 If a Mining Applicant does not pay the registration and license tax pursuant to the procedures specified by Ordinance of the Ministry of Economy, Trade and Industry within 30 days from the day of receipt of a notice of permission to file a Mining Application, said permission shall cease to be effective.

## **Subsection 2 Establishment of Mining Rights based on the Selection of a Specified Developer**

(Designation of Specified Areas)

Article 38 (1) With regard to an area in which an ore deposit of a Specified Mineral is found or is likely to be found, if the Minister of Economy, Trade and Industry finds it necessary to select a person highly capable of suitably developing the Specified Mineral in the area (hereinafter referred to as a

"Specified Developer"), and to have said Specified Developer carry out the prospecting or digging of said Specified Mineral, for the promotion of public interest through the development of the Specified Mineral, they may designate such an area as a specified zone.

- (2) The designation as provided for in the preceding paragraph shall be limited to an area of land that is larger than the area prescribed in Article 14, paragraph (2) according to the type of Specified Mineral which is the subject of the Mining Right intended to be established, and which does not overlap with the Mining Site, Mining Application Area or other specified zone that actually exists at the time of such designation; provided, however, that if the establishment of a Mining Right is intended for a Specified Mineral that is found in different types of ore deposit than those where the Mineral which is the subject of the Mining Site or Mining Application Area that is actually in existence at the time of the designation is found, the designation may be made in overlap with said Mining Site or said Mining Application Area.
- (3) When the Minister of Economy, Trade and Industry designates a specified zone as provided for in paragraph (1), they must establish an implementation guideline for inviting applicants for the position of a Specified Developer (hereinafter simply referred to as "Implementation Guideline") for each specified zone.
- (4) The Implementation Guideline shall determine the following particulars:
  - (i) Location of the specified zone;
  - (ii) Area of the specified zone;
  - (iii) The type of Mining Right to be established, as well as the name of the Specified Mineral which is the subject thereof;
  - (iv) The day on which the invitation to applicants for the position of a Specified Developer begins and the invitation period;
  - (v) The period during which the mining plan for the Specified Mineral should be formulated;
  - (vi) The evaluation requirements for selecting a Specified Developer; and
  - (vii) In addition to what is listed in the preceding items, particulars necessary for inviting applicants for the position of a Specified Developer.
- (5) With regard to the period provided for in item (iv) of the preceding paragraph, a period of not less than six months shall be established; provided, however, that this shall not apply if there is any special circumstance requiring urgency as prescribed by Ordinance of the Ministry of Economy, Trade and Industry.
- (6) The evaluation requirements provided for in paragraph (4), item (vi) shall be established from the standpoint of reasonable development of the Specified Mineral which is the subject of the Mining Right to be established, and of the promotion of public interest.
- (7) When the Minister of Economy, Trade and Industry designates a specified

zone pursuant to the provisions of paragraph (1), or provides an Implementation Guideline pursuant to the provisions of paragraph (3), they must make a public notification of them along with drawings that show the specified zone, without delay. The same shall apply when they make any changes to them, cancel the designation of the specified zone, or abolish the Implementation Guideline.

- (8) The provisions of paragraph (2) shall apply mutatis mutandis to the change of a specified zone.

(Application for the Establishment of Rights)

Article 39 (1) Those who intend to create a Mining Right for a Specified Mineral in a specified zone as designated pursuant to the provisions of paragraph (1) of the preceding Article (when the specified zone has been changed, the changed specified zone; the same shall apply hereinafter) must file an application with and obtain permission from the Minister of Economy, Trade and Industry in accordance with the Implementation Guideline for said specified zone.

- (2) Those who intend to file the application prescribed in the provisions of the preceding paragraph must submit an application, with reference made to the following particulars, to the Minister of Economy, Trade and Industry along with a business plan and map of the area, pursuant to the procedures specified by Ordinance of the Ministry of Economy, Trade and Industry:

- (i) Location of the application zone;
- (ii) Area of the application zone; and
- (iii) Name and address.

- (3) The business plan set forth in the preceding paragraph must contain the following particulars:

- (i) The mining plan for the Specified Mineral during the period prescribed in paragraph (4), item (v) of the preceding Article;
- (ii) The method of mining (in cases where the Specified Mineral prescribed in paragraph (4), item (iii) of the preceding Article is oil or combustible natural gas, measures for preventing fluid found in underground sections other than ore deposits of oil or combustible natural gas are from permeating into said ore deposits, or measures for preventing the oil or combustible natural gas found in the ore deposits from leaking into underground sections other than said ore deposits, and other measures for the conservation of said ore deposits shall be included; the same shall apply in Article 41, paragraph (2), item (ii));
- (iii) A financial plan for the mining;
- (iv) A system for the mining;
- (v) The extent and conditions of mining pollution expected;
- (vi) In addition to what is listed in the preceding items, particulars specified by

Ordinance of the Ministry of Economy, Trade and Industry regarding the mining of Specified Minerals.

- (4) The provisions of paragraphs (1) through (4) of Article 23, Article 25, paragraph (1) and Article 26 shall apply mutatis mutandis to the application prescribed in paragraph (1).

(Selection of Specified Developers)

Article 40 (1) The Minister of Economy, Trade and Industry must, when they receive a written application as prescribed in paragraph (2) of the preceding Article, examine whether the application satisfies the following requirements without delay after the termination of the period for inviting applicants for a position as a Specified Developer:

- (i) The person who has applied for the establishment of Mining Rights (hereinafter referred to as the "Mining Applicant") and regarding the application (hereinafter referred to as the "Mining Application") has a sufficient financial foundation and the technical capability enough to properly carry out the reasonable development of Minerals in the specified zone;
- (ii) The Mining Applicant pertaining to the relevant application has sufficient social credibility;
- (iii) The Mining Applicant pertaining to the relevant application does not fall under any of (a) through (c) of Article 29, paragraph (1), item (iii);
- (iv) When the area of land where a Mining Application is filed (hereinafter referred to as the "Mining Application Area") pertaining to the relevant application overlaps with another person's Mining Site for Minerals that are found in different types of ore deposits than those where the Mineral which is the subject of said Mining Application is found, or is adjacent to another person's Mining Site of Minerals that are found in the same type of ore deposit where the Mineral which is the subject of said Mining Application is found, the mining of Minerals in the relevant Mining Application Areas does not significantly interfere with the implementation of the Mining of other persons;
- (v) The mining of Minerals in the Mining Application Area pertaining to the relevant application is found to have economic value, is not harmful to health and hygiene, does not result in the destruction of facilities for public use or any facility equivalent to this, does not disrupt the protection of cultural property, parks or hot spring resources, or impair the profit of agriculture, forestry and other industries, and does not have an extremely adverse effect on public welfare; and
- (vi) In addition to what is listed in the preceding items, the mining of Minerals in the Mining Application Area pertaining to the relevant application is not



- extremely unsuitable in light of domestic and foreign social and economic circumstances, nor is it likely to hinder the promotion of public interest.
- (2) The Minister of Economy, Trade and Industry shall, when they find that the applications filed by the Mining Applicants satisfy the requirements set forth in the items of the preceding paragraph as a result of the examination under said paragraph, evaluate the business plans of all of the Mining Applicants who were found to have satisfied said requirements, in accordance with the evaluation requirements prescribed in Article 38, paragraph (4), item (vi).
  - (3) The Minister of Economy, Trade and Industry shall select the person found most capable of developing the Specified Mineral appropriately in accordance with the evaluation under the preceding paragraph, and grant permission to such person to create a Mining Right in relation to their application.
  - (4) The Minister of Economy, Trade and Industry must, when they intend to grant permission for the establishment of a Mining Right pursuant to the preceding paragraph, consult with the governors of the prefectures concerned (or a competent administrative organ concerning nationally-owned land).
  - (5) The Minister of Economy, Trade and Industry shall not, when they have registered the establishment of a Mining Right pertaining to an application filed by a person who obtained permission as prescribed in paragraph (3), grant permission as prescribed in said paragraph to Mining Applications filed by persons other than said person who obtained said permission, and shall notify said other persons to that effect.
  - (6) If a person who has obtained permission as prescribed in paragraph (3) does not pay the registration and license tax pursuant to the procedures specified by Ordinance of the Ministry of Economy, Trade and Industry within 30 days from the day of receipt of the notice of permission, said permission shall cease to be effective.
  - (7) In the case referred to in the preceding paragraph, the Minister of Economy, Trade and Industry shall select the person found second most capable of developing the Specified Mineral appropriately in comparison to the person who obtained the permission prescribed in paragraph (3), in accordance with the evaluation prescribed in paragraph (2), and grant permission to such second person to create a Mining Right in relation to their application.
  - (8) The provisions of paragraphs (4) through (6) shall apply mutatis mutandis to the permission prescribed in the preceding paragraph.

(Application for the Establishment of Digging Rights by a Holder of Prospecting Rights Who is a Specified Developer)

Article 41 (1) When a holder of a prospecting right who has been selected as a Specified Developer pursuant to the provisions of paragraph (3) or (7) of the preceding Article and for whom a prospecting right has been established

intends to establish a digging right for the Specified Mineral in the same area as the relevant prospecting area, taking into consideration the status of the prospecting of such Specified Mineral in the prospecting area, they must file an application with and obtain permission from the Minister of Economy, Trade and Industry.

(2) A person who intends to file an application pursuant to the provisions of the preceding paragraph shall submit the written application to the Minister of Economy, Trade and Industry, along with a business plan stating the following particulars, stating the registration number of their prospecting right and other particulars specified by Ordinance of the Ministry of Economy, Trade and Industry, pursuant to the procedures specified by Ordinance of the Ministry of Economy, Trade and Industry:

(i) The mining plan for the Specified Mineral during the period specified by Ordinance of the Ministry of Economy, Trade and Industry;

(ii) The method of mining;

(iii) A financial plan for mining;

(iv) A system for mining;

(v) The extent and conditions of expected mining pollution; and

(vi) In addition to what is provided for in the preceding items, particulars specified by Ordinance of the Ministry of Economy, Trade and Industry in regard to the mining of Specified Minerals.

(3) The Minister of Economy, Trade and Industry shall not grant permission for the application prescribed in paragraph (1), unless such application is found to satisfy the following requirements:

(i) The Mining Applicant of the relevant application has a sufficient financial foundation and technical capability enough to properly carry out the reasonable development of Minerals in the specified zone;

(ii) The Mining Applicant of the relevant application has sufficient social credibility;

(iii) The Mining Applicant of the relevant application does not fall under any of (a) through (c) of Article 29, paragraph (1), item (iii);

(iv) The Mining Application Area of the relevant application does not require further prospecting;

(v) The payment of mining lot tax on the prospecting right, for which the application was filed, is not delinquent;

(vi) When the Mining Application Area of the relevant application overlaps with another person's Mining Site of Minerals that are found in different types of ore deposits than those where the Mineral which is the subject of said Mining Application is found, or is adjacent to another person's Mining Site of Minerals that are found in the same type of ore deposit where the Mineral which is the subject of said Mining Application is found, the mining

- of Minerals in the relevant Mining Application Areas does not significantly interfere with the implementation of the Mining by other persons;
- (vii) The mining of Minerals in the Mining Application Area of the relevant application is found to have economic value, and does not have an adverse effect on public welfare by harming health and hygiene, resulting in the destruction of facilities for public use or any facility equivalent to this, disrupting the protection of cultural property, parks or hot spring resources or impairing the profit of agriculture, forestry or other industries; and
  - (viii) In addition to what is listed in the preceding items, the mining of Minerals in the Mining Application Area of the relevant application is not extremely unsuitable in light of domestic and foreign social and economic circumstances and likely to hinder the promotion of public interest.
- (4) The provisions of paragraphs (1) through (4) of Article 23, Article 24, Article 25, paragraph (1), Article 26 and Article 37 shall apply mutatis mutandis to the application prescribed in paragraph (1).

(Deemed Duration of Prospecting Rights Belonging to a Holder of Prospecting Rights Who is a Specified Developer)

Article 42 If the application prescribed in paragraph (1) of the preceding Article is filed, the prospecting right shall be deemed to remain effective until a notice of dismissal of or non-permission for the application is received or the establishment of a digging right for the Mineral is registered, even after the expiration of the duration of the prospecting right.

### **Section 3 Changes of Mining Rights**

(Joint Holders of Mining Rights)

- Article 43 (1) Those who jointly hold Mining Rights (hereinafter referred to as "Joint Holders of Mining Rights") must designate one of them as their representative pursuant to the procedures specified by Ordinance of the Ministry of Economy, Trade and Industry and notify the Minister of Economy, Trade and Industry of said representative.
- (2) If the notification pursuant to the preceding paragraph is not made, the Minister of Economy, Trade and Industry shall designate the representative.
  - (3) The change of the representative mentioned in the preceding two paragraphs above shall not become effective unless the Minister of Economy, Trade is notified of such change.
  - (4) The representative shall represent the Joint Holder(s) of Mining Rights to the State.
  - (5) The Joint Holder(s) of Mining Rights shall be deemed to have concluded a partnership agreement.

(Increase or Decrease of the Scale of Mining Sites)

- Article 44 (1) Holders of Mining Rights whose Mining Rights have been established pursuant to the provisions of Article 21, paragraph (1) may file an application for an increase or decrease of the scale of their Mining Sites.
- (2) When the holders of digging rights intend to file an application for a decrease of the scale of Mining Sites for digging rights mortgaged pursuant to the provisions of the preceding paragraph, they may not file their application unless they are approved by mortgagees in advance.
- (3) The provisions of Articles 21 and 22, Articles 24 to 28, Article 29, paragraph (1) (excluding item (iii)) and paragraph (2), and Article 37 shall apply mutatis mutandis to the applications prescribed in paragraph (1) above.

(Applications for Increase or Decrease of the Scale of Mining Sites)

- Article 45 (1) When the holders of Mining Rights who have Mining Sites within the specified zone intend to increase or decrease the scale of said Mining Sites, they must file an application with and obtain permission from the Minister of Economy, Trade and Industry, pursuant to the procedures specified by Ordinance of the Ministry of Economy, Trade and Industry.
- (2) The Minister of Economy, Trade and Industry must not grant permission for the application prescribed in the preceding paragraph, unless such application is found to satisfy the following requirements:
- (i) The Mining Applicant for the relevant application has a sufficient financial foundation and technical capability to properly carry out reasonable development of Minerals in the specified zone;
  - (ii) The Mining Applicant for the relevant application has sufficient social credibility;
  - (iii) When the Mining Application Area for the relevant application overlaps with another person's Mining Site of Minerals that are found in different types of ore deposits than those where the Mineral which is the subject of said Mining Application is found, or is adjacent to another person's Mining Site of Minerals that are found in the same type of ore deposit where the Mineral which is the subject of said Mining Application is found, the mining of Minerals in the relevant Mining Application Areas does not significantly interfere with the implementation of the Mining of other persons;
  - (iv) The mining of Minerals in the Mining Application Area of the relevant application is found to have economic value, is not harmful to health and hygiene, does not result in the destruction of facilities for public use or any facility equivalent to this, does not disrupt the protection of cultural property, parks or hot spring resources, or impair the profit of agriculture, forestry and other industries, and does not have an extremely adverse effect on public

welfare; and

- (v) In addition to what is listed in the preceding items, the mining of Minerals in the Mining Application Area of the relevant application is not extremely unsuitable in light of domestic and foreign social and economic circumstances, nor is it likely to hinder the promotion of public interest.
- (3) The provisions of Article 24, paragraph (1) of Article 25, Article 26, Article 37, and paragraph (2) of the preceding Article shall apply *mutatis mutandis* to the application prescribed in paragraph (1).

(Increase of the Scale of Excavation Sites)

Article 46 (1) Holders of digging rights whose digging rights have been established pursuant to the provisions of Article 21, paragraph (1) (hereinafter referred to as "Holders of General Digging Rights") may, in cases where related digging areas are adjacent to Mining Sites of other persons where the targeted Minerals of digging areas are found in the same type of ore deposit, and if the ore deposit cannot be completely developed unless excavation is carried out into the adjacent Mining Site due to the location and shape of ore deposit, file an application to increase the scale of their Mining Sites by specifying the ore deposit to obtaining the approval of the holder of the Mining Rights and the mortgagee of the adjacent Mining Site. In this case, the holder of the Mining Rights and the mortgagee may not refuse to give such approval without justifiable grounds for doing so.

- (2) Regarding the application prescribed in the preceding paragraph, the provisions of paragraph (2) of Article 22, Articles 24 through 28, and Article 29, paragraph (1) (limited to the portions pertaining to items (v) through (viii)) and paragraph (2) shall not apply *mutatis mutandis* irrespective of the provisions of Article 44, paragraph (3).

Article 47 (1) Holders of General Digging Rights as prescribed in paragraph (1) of the preceding Article may file an application for a decision by the Minister of Economy, Trade and Industry, if the approval prescribed in said paragraph cannot be obtained.

- (2) The Minister of Economy, Trade and Industry must, when they have received an application for a decision pursuant to the preceding paragraph, deliver copies of the application to the holder of the Mining Rights and mortgagee of the adjacent Mining Site, request the attendance of the parties concerned, and hold a public hearing of their opinions.
- (3) The Minister of Economy, Trade and Industry must, when they intend to hold a hearing of opinions pursuant to the provisions of the preceding paragraph, notify the parties concerned of the outline of the matters in question and the date and place for said hearing of opinions by one week prior to the hearing,

and also make a public notification of this.

- (4) When a hearing of opinions is held pursuant to the provisions of paragraph (2) above, the evidence of the matters in question shall be presented to the parties concerned and interested parties, and the opportunity to state their opinion shall be given to them.
- (5) The Minister of Economy, Trade and Industry shall, when they have made a decision as prescribed in paragraph (1) above, deliver certified copies of the written order to the parties concerned.
- (6) When a decision order is made pursuant to the preceding paragraph, it shall be deemed that the holder of the Mining Rights and mortgagee of the adjacent Mining Site have given their approval.

(Orders to Increase or Decrease the Scale of Mining Sites)

Article 48 (1) When the location and shape of the digging area of a Holders of General Digging Rights are different from that of an ore deposit and it is found that the ore deposit cannot be completely developed unless the location and shape of the digging area are changed, the Minister of Economy, Trade and Industry may order the relevant Holders of General Digging Rights to file an application to increase or decrease the scale of the digging area to make the location and shape thereof conform with that of the ore deposit.

- (2) The provisions of Article 31, paragraph (2) shall apply mutatis mutandis to the case specified in the preceding paragraph.
- (3) The Minister of Economy, Trade and Industry must, when they intend to give orders pursuant to the provisions of paragraph (1) above, conduct a hearing irrespective of the classification of procedures for making a statement of opinion as prescribed in Article 13, paragraph (1) of the Administrative Procedure Act (Act No. 88 of 1993).
- (4) The Minister of Economy, Trade and Industry must, when they intend to conduct a hearing as prescribed in the preceding paragraph, provide notice of said hearing pursuant to Article 15, paragraph (1) of the Administrative Procedure Act, and make a public notification of the outline of the matters in question and the date and place for said hearing of opinions by one week prior to the hearing.
- (5) The conducting of proceedings on the day of the hearing prescribed in paragraph (3) above must be open to the public.
- (6) If interested parties in such disposition request for their participation in the process of the hearing pursuant to Article 17, paragraph (1) of the Administrative Procedure Act, the chairperson of the hearing prescribed in paragraph (3) above must permit their participation.

(Orders for Digging Applications)

Article 49 (1) When it is found that the presence of Minerals in the prospecting area of a holder of prospecting rights, whose prospecting rights have been established pursuant to the provisions of Article 21, paragraph (1) (hereinafter referred to as the "Holder of General Prospecting Rights") is evident and the prospecting area is appropriate for establishment of digging rights in consideration of the amount, amount, quality, etc of the Minerals, the Minister of Economy, Trade and Industry may give an order to file an application for establishment of digging rights.

(2) The Minister of Economy, Trade and Industry must, when they intend to give orders pursuant to the provisions of the preceding paragraph, conduct a hearing irrespective of the classification of procedures for making a statement of opinion pursuant to Article 13, paragraph (1) of the Administrative Procedure Act.

(3) The provisions of paragraphs (4) through (6) of the preceding Article shall apply mutatis mutandis to the hearing to be conducted pursuant the orders prescribed in the provisions of paragraph (1) above.

#### (Division and Merging of Mining Sites)

Article 50 (1) Holders of General Digging Rights may file an application for the division of Mining Sites or merging of Mining Sites of Minerals that are found in the same type of ore deposit.

(2) Holders of General Digging Rights may file an application to divide a Mining Site and merge a part of such Mining Site with another Mining Site which has Minerals that are found in the same type of ore deposit,, or separate off parts of more than one Mining Sites which have Minerals that are found in the same type of ore deposit and merge them into one Mining Site.

(3) The provisions of Articles 21 and 37 shall apply mutatis mutandis to the application prescribed in the preceding two paragraphs.

Article 51 Regarding digging rights on which a mortgage is established, Holders of General Digging Rights may not file the applications prescribed in paragraph (1) or (2) of the preceding Article unless they have been given approval by mortgagees and have concluded agreements with them on the priority of the mortgages in advance.

#### (Transfer of Mining Rights)

Article 51-2 (1) When a transfer of Mining Rights is intended to be made, the person who intends to receive the transfer of said Mining Rights must file an application with and obtain permission from the Minister of Economy, Trade and Industry.

(2) Any person who intends to file an application pursuant to the provisions of

the preceding paragraph must submit an written application, stating the registration number of the Mining Right and other particulars specified by Ordinance of the Ministry of Economy, Trade and Industry, to the Minister of Economy, Trade and Industry, pursuant to the procedures specified by Ordinance of the Ministry of Economy, Trade and Industry.

- (3) The Minister of Economy, Trade and Industry must not grant permission for the application pursuant to the provisions of paragraph (1), unless they find such application to satisfy the following requirements:
- (i) The person who intends to receive the transfer of the Mining Rights pertaining to the relevant application has a financial foundation and technical capability enough to properly carry out the reasonable development of the Minerals which are the subject of said Mining Rights;
  - (ii) The person who intends to receive the transfer of the Mining Rights pertaining to the relevant application has sufficient social credibility;
  - (iii) The person who intends to receive the transfer of the Mining Rights pertaining to the relevant application does not fall under any of (a) through (c) of Article 29, paragraph (1), item (iii); and
  - (iv) In addition to what is listed in the preceding items, the mining of Minerals by the person who intends to receive the transfer of the Mining Rights pertaining to the relevant application is not extremely unsuitable in light of the domestic and foreign social and economic circumstances and likely to hinder the promotion of public interest.
- (4) The provisions of paragraphs (1) through (4) of Article 23 and Article 37 shall apply mutatis mutandis to the application prescribed in paragraph (1).

(General Succession, Including Inheritance, of Mining Rights)

- Article 51-3 (1) Those who have acquired Mining Rights due to general succession, including inheritance, must notify the Minister of Economy, Trade and Industry to that effect within three months from the date of such acquisition, pursuant to the procedures specified by Ordinance of the Ministry of Economy, Trade and Industry.
- (2) When the Minister of Economy, Trade and Industry finds that the notification made pursuant to the preceding paragraph satisfies all of the following requirements, they must notify the person who made such notification to that effect, and when they find that said notification fails to satisfy any of the following requirements, they must notify the person who made such notification to the effect that such person should transfer the Mining Right within the period specified by Ordinance of the Ministry of Economy, Trade and Industry, which is a period that is normally deemed necessary for transferring Mining Rights:
- (i) The person, who acquired Mining Rights pertaining to the relevant



notification, has a sufficient financial foundation and technical capability to properly carry out reasonable development of the Mineral which is the subject of said Mining Rights;

- (ii) The person, who acquired Mining Rights pertaining to the relevant notification, has sufficient social credibility;
- (iii) The person, who acquired Mining Rights pertaining to the relevant notification, does not fall under any of (a) through (c) of Article 29, paragraph (1), item (iii); and
- (iv) The mining of Minerals by the person who acquired Mining Rights pertaining to the relevant notification is not extremely unsuitable in light of domestic and foreign social and economic circumstances, nor is it likely to hinder the promotion of public interest.

(Rescission and Other Dispositions)

Article 52 The Minister of Economy, Trade and Industry must, when they have permitted the establishment of Mining Rights, the increase or decrease of the scale of Mining Sites, or the division or merging of Mining Sites, or the transfer of Mining Rights by mistake, make dispositions to correct said mistake such as the rescission or changing of such Mining Rights.

Article 53 When the mining of Minerals is found to be harmful to health and hygiene, result in the destruction of facilities for public use or any facility equivalent to this, to disrupt the protection of cultural property, parks or hot spring resources, or impair the profit of agriculture, forestry and other industries, and to have an extremely adverse effect on public welfare, the Minister of Economy, Trade and Industry must make dispositions to decrease the scale of such part of the Mining Site or rescind Mining Rights thereof.

Article 53-2 (1) The State must compensate holders of Mining Rights (holders of Mining Rights and holders of Mining Lease Rights in cases where Mining Lease Rights are established for part of the Mining Site which was decreased through a disposition, or in the Mining Site where Mining Rights are rescinded) for losses caused by a decrease of the scale of Mining Sites or rescission of Mining Rights through the disposition prescribed in the provisions of the preceding Article.

- (2) The losses to be compensated for pursuant to the provisions of the preceding paragraph shall be the losses that would generally be caused by the decrease of the scale of Mining Sites or rescission of Mining Rights pursuant to the provisions of the preceding Article.
- (3) If there is any person who significantly benefits from the decrease of the scale of Mining Sites or rescission of Mining Rights pursuant to the provisions of the

preceding Article, the Minister of Economy, Trade and Industry may have such person pay part or all of the compensation prescribed in the provisions of paragraph (1) above in relation to the extent that said person benefits.

- (4) The amount of compensation prescribed in the provisions of paragraph (1) above and that of payment prescribed in the provisions of the preceding paragraph shall be decided by the Minister of Economy, Trade and Industry by listening to the opinion of the Advisory Committee for Natural Resources and Energy.
- (5) Any person who has an objection to the decision set forth in the preceding paragraph may request an increase in compensation or a decrease of the amount to be borne by filing an action within six months from the day on which they come to know of the decision.
- (6) In the action prescribed in the preceding paragraph, the State shall be the defendant.
- (7) When Mining Sites are reduced through a disposition pursuant to the provisions of the preceding Article or a mortgage is arranged on rescinded digging rights, the State must deposit the compensation, except for cases where approval is given by the mortgagee.
- (8) The mortgagee in the preceding paragraph may exercise their rights on the compensation deposited pursuant to the provisions of the preceding paragraph.

Article 54 If the mining of Minerals significantly interferes with the Mining conducted by other persons, the Minister of Economy, Trade and Industry may decrease the scale of the responsible part of Mining Sites through a disposition or rescind said Mining Rights, if they find that there is no other way to eliminate such interference.

Article 55 If holders of Mining Rights fall under any of the following items, the Minister of Economy, Trade and Industry may rescind said Mining Rights:

- (i) They come to fall under (a) or (c) of Article 29, paragraph (1), item (iii);
- (ii) They do not comply with the order issued pursuant to the provisions of Article 48, paragraph (1) or Article 49, paragraph (1);
- (iii) They failed to make the notification pursuant to the provisions of Article 51-3, paragraph (1);
- (iv) Their Mining Rights have not been transferred within the period specified in Article 51-3, paragraph (2)
- (v) They do not start business in violation of paragraph (1) or (2) of Article 62, or they continue to suspend business operations for one year or longer in violation of paragraph (3) of said Article;
- (vi) They conduct Mining without any operational plan as prescribed in Article 63 or Article 63-2;

- (vii) They do not comply with the orders issued pursuant to the provisions of Article 120; and
- (viii) They do not comply with the orders issued pursuant to the provisions of paragraph (2) of Article 33, Article 34 or Article 35 of the Mining Safety Act (Act No. 70 of 1949).

Article 56 (1) The Minister of Economy, Trade and Industry must, when they intend to decrease the scale of Mining Sites through a disposition pursuant to the provisions of Article 53 or 54, conduct a hearing irrespective of the classification of procedures for statements of opinion as prescribed in Article 13, paragraph (1) of the Administrative Procedure Act.

(2) The provisions of paragraphs (4) through (6) of Article 48 shall apply mutatis mutandis to the hearings pertaining to dispositions prescribed in the provisions of Article 53, 54 or the preceding Article.

(3) Regarding application of the provisions of Article 15, paragraph (3) of the Administrative Procedure Act in cases where the location of the person subject to the disposition pursuant to the provisions of Articles 53, 54 or the preceding Article is not identified, the expression "by posting a notice at the posting area of the office of the administrative agency" shall be deemed to be replaced with "by posting a notice at the posting area of a city office or town hall or any facility equivalent thereto in the vicinity of the Mining Applicant's address mentioned in the Mining registry, and also by publishing the details and outline of the notice in an official gazette, " and the expression "when two weeks have passed since the starting day of posting the notice" shall be deemed to be replaced with "on whichever is later between the day when 14 days have passed since the starting day of posting the notice, and the day of publication of the notice in an official gazette."

#### (Rescission of Digging Rights and Mortgages)

Article 57 (1) The Minister of Economy, Trade and Industry must, when they have registered the extinction of digging rights through rescission, immediately notify the mortgagee thereof.

(2) The mortgagee may apply to auction digging rights within 30 days from the day of arrival of the notice prescribed in the provisions of the preceding paragraph; provided, however, that this shall not apply in cases of rescission of digging rights pursuant to the provisions of Articles 52 through 54.

(3) It shall be deemed that the digging rights remain effective within the scope of the purpose of the auction in the period prescribed in the preceding paragraph or until the day when the procedures for the auction are concluded.

(4) When a purchaser has paid the costs, it shall be deemed that the rescission of digging rights has not become effective.

- (5) The proceeds from the auction shall be appropriated to the payment of the expenses of the auction and that of obligation to the mortgagee, and the remainder shall belong to the national treasury.

(Waiver of Digging Rights and Mortgages)

Article 58 The provisions of the preceding Article shall apply *mutatis mutandis* to cases where the Minister of Economy, Trade and Industry registers extinction of digging rights due to a waiver.

## **Section 4 Registration of Mining Rights**

(Registration)

Article 59 (1) The following particulars shall be registered with the Mining registry:

- (i) Establishment of and changes to Mining Rights, extension of the duration, transfer, extinction, and restriction on dispositions thereof;
  - (ii) Withdrawal of Joint Holders of Mining Rights;
  - (iii) Establishment of and changes to mortgages on digging rights, and restrictions on the transfer, extinction and disposition thereof.
- (2) The registration made pursuant to the provisions of the preceding paragraph shall replace a registry.
- (3) The rules on registration shall be prescribed by Cabinet Order.
- (4) Regarding dispositions concerning registration made pursuant to the provisions of paragraph (1) above, the provisions of Chapter II and Chapter III of the Administrative Procedure Act shall not apply.
- (5) Regarding the Mining registry, the provisions of the Act on Access to Information Held by Administrative Organs (Act No. 42 of 1999) shall not apply.
- (6) Regarding retained personal information (meaning the retained personal information prescribed in Article 2, paragraph (3) of the Act on the Protection of Personal Information Held by Administrative Organs (Act No. 58 of 2003)) recorded in the Mining registry, the provisions of Chapter IV of said Act shall not apply.

(Effect of Registration)

Article 60 The particulars listed in paragraph (1) of the preceding Article shall not become effective unless they are registered, except for cases of extinction of Mining Rights as a result of the withdrawal of Joint Holders of Mining Rights due to general succession, including inheritance or death; extinction of a mortgage due to the extinction merged or secured obligation; or the expiration of duration of the mortgage.

(Change of Indications)

Article 61 The Minister of Economy, Trade and Industry must, when they find that the name or land classification, boundary or area of the location of Mining Site are different from those listed in the map of the Mining Site, correct the map and register the changes made to the Mining Rights, and then notify the holder of Mining Rights thereof.

## **Section 5 Implementation of Mining**

(Obligation to Initiate Business)

Article 62 (1) Holders of Mining Rights must start business operations within six months from the day of registration of establishment or the transfer of Mining Rights.

(2) If holders of Mining Rights cannot start business operations within the period prescribed in the preceding paragraph due to unavoidable circumstances, they must specify the period and give the grounds for this, and receive authorization from the Minister of Economy, Trade and Industry.

(3) If holders of Mining Rights intend to continue to suspend business operations for one year or longer, they must specify the period and give the grounds for this, and receive authorization from the Minister of Economy, Trade and Industry.

(4) When holders of Mining Rights start business operations that they suspended based on the authorization prescribed in the provisions of the preceding paragraph, they must notify the Minister of Economy, Trade and Industry thereof without delay.

(Operational Plan)

Article 63 (1) Holders of general prospecting rights must formulate their operational plans pursuant to the procedures specified by Ordinance of the Ministry of Economy, Trade and Industry before starting their businesses operations, and submit them to the Minister of Economy, Trade and Industry. The same shall apply when operational plans are changed.

(2) Holders of General Digging Rights must formulate their operational plans pursuant to the procedures specified by Ordinance of the Ministry of Economy, Trade and Industry before starting their business operations, and receive authorization from the Minister of Economy, Trade and Industry. The same shall apply when operational plans are changed.

(3) The holders of Mining Rights as prescribed in the preceding two paragraphs must not conduct Mining unless they make the notification pursuant to the provisions of paragraph (1) above or comply with the operational plans that are

authorized pursuant to the provisions of the preceding paragraph.

Article 63-2 (1) The holders of Mining Rights whose Mining Rights have been granted pursuant to the provisions of paragraph (3) or (7) of Article 40 must formulate their operational plans in line with the content of the business plan prescribed in Article 39, paragraph (2) pursuant to the procedures specified by Ordinance of the Ministry of Economy, Trade and Industry before starting their business operations, and receive authorization from the Minister of Economy, Trade and Industry. The same shall apply when operational plans are changed.

(2) The holders of digging rights whose digging rights have been established pursuant to the provisions of Article 41, paragraph (1) must formulate their operational plans in line with the business plan prescribed in paragraph (2) of said Article pursuant to the procedures specified by Ordinance of the Ministry of Economy, Trade and Industry, and receive authorization from the Minister of Economy, Trade and Industry. The same shall apply when operational plans are changed.

(3) The holders of Mining Rights as prescribed in the preceding two paragraphs must not conduct Mining unless they comply with their operational plans that are authorized pursuant to the provisions of the preceding two paragraphs.

Article 63-3 When the Mining Rights which have been established pursuant to the provisions of paragraph (3) or (7) of Article 40 or Article 41, paragraph (1) have been transferred, the operational plans for which the holders of Mining Rights prior to the transfer thereof have obtained approval pursuant to paragraph (1) or (2) of the preceding Article shall be deemed to be the operational plans for which the persons who received the transfer of such Mining Rights have obtained authorization, and the provisions of paragraph (3) of said Article shall apply.

#### (Restrictions on Mining)

Article 64 Holders of Mining Rights must obtain the approval of competent agencies or administrators when they mine Minerals at places located within 50 meters, both on the Earth's surface and underground, from railroads, tracks, roads, waterworks, waterways, ports and harbors, rivers, lakes, swamps, ponds, bridges, banks, dams, irrigation and drainage facilities, parks, cemeteries, schools, hospitals, libraries, and other facilities and buildings for public use, except for in cases where they are given permission or authorization under the provisions of other laws and regulations; provided, however, that such competent agencies or administrators may not refuse to give such approval without justifiable grounds for doing so.

Article 64-2 (1) Holders of Mining Right may file an application for a decision by the Minister of Economy, Trade and Industry, if they cannot obtain approval from administrators as prescribed in the preceding Article.

(2) The provisions of paragraphs (2) through (6) of Article 47 shall apply *mutatis mutandis* to the decision prescribed in the provisions of the preceding paragraph.

(3) The Minister of Economy, Trade and Industry must, when they make the decision prescribed in the provisions of paragraph (1) above, receive approval from the Environmental Dispute Coordination Committee in advance.

(Mining in Overlapping Mining Sites)

Article 65 Holders of General Digging Rights who filed an application for an increase of the scale of Mining Sites to overlap with adjacent Mining Sites pursuant to the provisions of Article 46, paragraph (1) and received registration thereof may not carry out excavation into an ore deposit other than those ore deposits that are specified upon approval under said paragraph in the overlapping areas: provided, however, that this shall not apply after extinction of the Mining Rights of adjacent Mining Sites.

Article 66 (1) If Mining Sites of Minerals that are found in different types of ore deposits overlap, the holder of Mining Rights whose day of obtaining the registration of establishment of Mining Rights or that of changes thereof due to an increase of the scale of Mining Sites in the overlapping areas is later than that of the other holder of Mining Rights, said holder may not mine any Minerals in the overlapping areas unless they obtain approval from said other holder; provided, however, that the holder of Mining Rights whose day of obtaining the registration of establishment of Mining Right or that of changes thereof due to an increase of the scale of Mining Sites is earlier may not refuse to give such approval without any justifiable grounds for doing so.

(2) If Mining Sites of Minerals that are found in different types of ore deposits overlap, and the holders of Mining Rights obtained the registration of establishment of Mining Rights or that of changes thereof due to an increase of the scale of Mining Sites in the overlapping areas on the same day, they may not mine any Mineral in the overlapping areas unless one holder consults with and reaches agreement with the other holders.

(3) If a Holder of General Prospecting Rights files a Digging Application for Minerals that are found in the same type of ore deposit in an overlapping part of their prospecting area during the duration of their prospecting rights and obtains permission for it, it shall be deemed, in applying of the provisions of the preceding two paragraphs, that the registration of establishment of digging

rights or that of changes thereof due to an increase of the scale of digging areas was made on the day when the registration of establishment of prospecting rights or that of changes thereof due to an increase of the scale of prospecting areas was made only in relation to the overlapping areas.

- (4) If the approval prescribed in the provisions of paragraph (1) above cannot be obtained, or if the consultation prescribed in the provisions of paragraph (2) cannot be arranged or no agreement can be reached, holders of Mining Rights may file an application for a decision by the Minister of Economy, Trade and Industry.
- (5) The provisions of paragraphs (2) through (6) of Article 47 shall apply *mutatis mutandis* to the decision prescribed in the provisions of the preceding paragraph.

(Change of Type of Minerals)

Article 67 Holders of Mining Rights must, when they intend to mine in their Mining Sites other Minerals that are found in the same type of ore deposit of the Minerals registered, make a notification to the Minister of Economy, Trade and Industry with a written explanation and have the presence of such Minerals confirmed.

(Mining Office)

Article 68 When holders of Mining Rights have started their business operations, they must establish Mining offices without delay at the location of their Mining Sites or in their vicinity, and notify the Minister of Economy, Trade and Industry of their locations, and the date of commencement of said business.

(Prospecting Schedule)

Article 69 Holders of prospecting rights must prepare prospecting schedules pursuant to the procedures specified by Ordinance of the Ministry of Economy, Trade and Industry, and keep them at their Mining offices.

(Survey Maps of the Interior of Mining Pits and Mining Registry)

Article 70 Holders of digging rights must prepare a survey map of the interior of mining pits, and Mining registries pursuant to the procedures specified by Ordinance of the Ministry of Economy, Trade and Industry, and keep them at their Mining offices.

(Periodical Reports)

Article 70-2 (1) Holders of Mining Rights whose Mining Rights have been established pursuant to the provisions of paragraph (3) or (7) of Article 40 or Article 41, paragraph (1) must report to the Minister of Economy, Trade and



Industry on the status of the Mining of the Specified Minerals in the Mining Sites pertaining to the relevant Mining Rights, the conditions of the ore deposit of the Specified Minerals, and other particulars specified by Ordinance of the Ministry of Economy, Trade and Industry, for each period specified by Ordinance of the Ministry of Economy, Trade and Industry and pursuant to the procedures specified by Ordinance of the Ministry of Economy, Trade and Industry.

- (2) The provisions of the preceding paragraph shall apply mutatis mutandis to cases where the holders of Mining Rights whose Mining Rights have been established pursuant to the provisions of Article 21, paragraph (1) have had the presence of the Specified Mineral confirmed pursuant to the provisions of Article 67.

### **Chapter III Mining Lease Rights**

(Nature of Rights)

Article 71 Mining Lease Rights shall be deemed to be real rights, and provisions related to real property shall be applied mutatis mutandis to them unless otherwise provided for in this Act.

Article 72 Mining Lease Rights cannot become the subject of rights other than inheritance, or other forms of general succession,

(Mining Lease Area)

Article 73 The boundaries of sites of Mining Lease Rights (hereinafter referred to as "Mining Lease Sites") shall be established using straight lines, and boundary lines shall continue directly below the boundaries on the surface of the Earth.

(Establishment of Rights)

Article 74 Mining Lease Rights may be established with specific ore deposits as their subject.

Article 75 Two or more Mining Lease Rights may not be established in the same area of the same Mining Site; provided, however, that this shall not apply to the preceding Article.

(Duration and Extension Thereof)

Article 76 (1) The duration of Mining Lease Rights shall be ten years or less, from the day of registration.

- (2) The duration referred to in the provisions of the preceding paragraph may be

extended upon its expiration.

- (3) A duration extended pursuant to the provisions of the preceding paragraph cannot be extended for more than five years.
- (4) Holders of Mining Lease Rights and Holders of General Digging Rights must, when they intend to extend the duration thereof pursuant to the provisions of paragraph (2) above, apply with attached contracts to and receive authorization from the Minister of Economy, Trade and Industry pursuant to the procedures specified by Ordinance of the Ministry of Economy, Trade and Industry.

(Application for the Establishment of Rights)

Article 77 (1) Those who intend to become holders of general Mining Lease Rights and holders of digging rights must, when they intend to create said Mining Lease Rights, submit the application, with reference made to the following particulars, to the Minister of Economy, Trade and Industry and attach a map of the area under application and a document giving reasons for requiring the establishment of Mining Lease Rights, and a contract in relation to the establishment pursuant to the procedures specified by Ordinance of the Ministry of Economy, Trade and Industry, and receive authorization from the Minister of Economy, Trade and Industry:

- (i) Location of the application zone;
  - (ii) Area of the application zone;
  - (iii) Name of the Mineral to be mined;
  - (iv) Registration number of digging rights;
  - (v) Ore deposit (if specified);
  - (vi) Duration;
  - (vii) Mining lease fee and the timing and method of payment thereof, if such fee is to be paid; and
  - (viii) Name and address.
- (2) When they intend to create Mining Lease Rights with specific ore deposits as the subject, they must also submit their application with maps of ore deposits and a written explanation thereof attached, in addition to the documents prescribed in the preceding paragraph.
  - (3) The Minister of Economy, Trade and Industry must not authorize any application filed pursuant to the provisions of paragraph (1) above, unless they find that such application satisfies the following requirements:
    - (i) It is necessary in order to allow for the mining of residual Minerals and economically develop Minerals in parts of other Mining Sites in relation to the relevant application;
    - (ii) The person who intends to become the holder of Mining Lease Rights pertaining to the relevant application has a sufficient financial foundation

- and technical capability to properly implement the economical development set forth in the preceding item; and
- (iii) The person who intends to become the holder of Mining Lease Rights pertaining to the relevant application does not fall under any of (a) through (c) of Article 29, paragraph (1), item (iii);
- (4) If those who intend to become a holder of Mining Lease Rights do not pay the registration and license tax pursuant to the procedures specified by Ordinance of the Ministry of Economy, Trade and Industry within 30 days from the day when they received notification of the authorization of establishment of Mining Lease Rights, the approval shall cease to be effective.

(Increase or Decrease of the Scale of Mining Lease Sites)

- Article 78 (1) Holders of Mining Lease Rights and Holders of General Digging Rights may increase or decrease the scale of their Mining Lease Sites.
- (2) The provisions of the preceding Article shall apply mutatis mutandis to the increase or decrease of the scale of Mining Lease Sites.

(Succession of the Effects of Actions)

- Article 79 (1) When Mining Lease Rights are established or the scale of Mining Lease Sites are increased, the procedures and other actions taken by Holders of General Digging Rights pursuant to the provisions of this Act shall be effective for holders of Mining Lease Rights within the scope of Mining Lease Rights.
- (2) When Mining Lease Rights have become extinct or Mining Lease Sites are decreased in scale, the procedures and other acts taken by holders of Mining Lease Rights pursuant to the provisions of this Act shall be effective for Holders of General Digging Rights within the scope of the digging right established pursuant to the provisions of Article 21, paragraph (1) (hereinafter referred to as a "General Digging Right"); provided, however, that, this shall not apply to cases where Mining Lease Rights have become extinct due to the extinction of General Digging Rights.

(Change of Digging Rights and Mining Lease Rights)

- Article 80 Holders of General Digging Rights must, when they intend to file an application for a decrease in scale of or division of Mining Lease Sites, obtain the approval of the holders of Mining Lease Rights in advance. The same shall apply to the waiver of General Digging Rights in cases of Mining Lease Rights over General Digging Rights.

(Request for Extinction)

- Article 81 In cases where holders of Mining Lease Rights are to pay Mining lease charges but they delay such payment, Holders of General Digging Rights may

demand said payment by specifying a period of three months or longer in which to make said payment, and if the holders of Mining Lease Rights do not make such payment within the specified period, the Holders of General Digging Rights may request the extinction of the Mining Lease Rights of such holders,.

(Waivers)

Article 82 When holders of Mining Lease Rights have to pay Mining lease fees, they may not waive their Mining Lease Rights unless they give prior notice of said waiver six months in advance or pay six-month's worth of Mining lease fees that are not yet due; provided, however, that this shall not apply if it becomes impossible to achieve the purpose of establishment of the Mining Lease Rights because of unavoidable circumstances such as the occurrence of natural disasters.

(Rescission)

Article 83 (1) When holders of Mining Lease Rights fall under any of the following items, the Minister of Economy, Trade and Industry may rescind their Mining Lease Rights:

- (i) They come to fall under (a) or (c) of Article 29, paragraph (1), item (iii);
  - (ii) They conduct Mining without the operational plans prescribed in of Article 63, paragraph (2) as applied mutatis mutandis pursuant to Article 87;
  - (iii) They do not start business operations or they continue to suspend business operations for six months or longer in violation of the provisions of Article 86;
  - (iv) They do not comply with the orders prescribed in the provisions of Article 33, paragraph (2), Article 34 or Article 35 of the Mining Safety Act.
- (2) The provisions of paragraphs (4) through (6) of Article 48 shall apply mutatis mutandis to hearings to be held for the rescission of Mining Lease Rights under the provisions of the preceding paragraph.

(Registration)

- Article 84 (1) The establishment and change of Mining Lease Rights, the extension of their duration, and their transfer and extinction due to general succession, including inheritance, shall be registered in the Mining registry.
- (2) The registration pursuant to the provisions of the preceding paragraph shall replace a registry.
- (3) The rules on registration shall be prescribed by Cabinet Order.
- (4) Regarding dispositions concerning the registration made pursuant to the provisions of paragraph (1) above, the provisions of Chapter II and Chapter III of the Administrative Procedure Act shall not apply.

(Effect of Registration)

Article 85 The particulars listed in paragraph (1) of the preceding Article shall not become effective unless they are registered, except for in the case of the extinction of Mining Lease Rights caused by changes of Mining Lease Rights or extinction of General Digging Rights due to general succession, including inheritance, decrease of the scale of digging areas of the Holders of General Digging Rights, expiration of the duration of rights, or the extinction of Mining Lease Rights due to a merger.

(Obligation to Initiate Business)

Article 86 (1) Holders of Mining Lease Rights must start business operations within six months from the day of registration of the establishment or transfer of Mining Lease Rights.

(2) Holders of Mining Lease Rights must not continue to suspend business operations for six months or longer.

(Application, Mutatis Mutandis)

Article 87 The provisions of Article 17, Article 20, paragraphs (1) through (4) of Article 23, Article 26, paragraphs (1) through (4) of Article 43, Articles 52 through 54, paragraphs (1) and (2) of Article 56, Article 61, paragraphs (2) and (3) of Article 63, Article 64, Article 64-2, Article 68 and Article 70 shall apply mutatis mutandis to Mining Lease Rights and Mining business by holders of Mining Lease Rights.

## **Chapter IV Recommendations and Consultation**

(Exchange or Sale of Mining Rights)

Article 88 If the Minister of Economy, Trade and Industry finds it possible to economically and efficiently develop ore deposits and promote public interest by having holders of Mining Rights exchange or sell their Mining Rights in an area in which there are Mining Sites of Minerals that are found in the same type of ore deposits are complex and interrelated, they may give recommendations to such holders of Mining Rights concerning the exchange or sale of their Mining Rights.

(Increase or Decrease of the Scale of Mining Sites)

Article 89 (1) When the location and shape of a Mining Site is different from that of an ore deposit, in cases when the digging areas of the Holders of General Digging Rights where Minerals that are found in the same type of ore deposit are found to be adjacent to each other, and it is found that said ore deposit cannot be completely developed unless the location and shape of the Mining

Site are changed, the Minister of Economy, Trade and Industry may recommend that the Holders of General Digging Rights concerned hold a consultation with each other regarding application for the mutual increase or decrease of the scale of their respective Mining Sites in order to have the location and shape of their Mining Sites correspond with that of the ore deposit.

- (2) When the location and shape of a Mining Site is different from that of an ore deposit in cases when the digging areas of Minerals that are found in the same type of ore deposit are adjacent to each other, and it is found that said ore deposit cannot be completely developed unless the location and shape of the Mining Site are changed, the Holders of General Digging Rights concerned may hold a consultation with each other regarding application for the mutual increase or decrease of the scale of their respective Mining Sites in order to have the location and shape thereof correspond with that of the ore deposit.
- (3) Regarding the applications to be filed based on the consultation prescribed in the provisions of the preceding two paragraphs, the provisions of Article 22, Articles 24 through 28, and Article 29, paragraph (1) (limited to the portions pertaining to items (iv) through (viii)) and paragraph (2) shall not apply, irrespective of the provisions of Article 44, paragraph (3).
- (4) The applications to be filed based on the consultation prescribed in the provisions of paragraph (1) or (2) above must be jointly filed by the parties concerned.

#### (Application for a Decision)

Article 90 If the consultation pursuant to the provisions of paragraph (1) or (2) of the preceding Article cannot be carried out or no agreement can be reached, the parties concerned may file an application for a decision by the Minister of Economy, Trade and Industry pursuant to the procedures specified by Ordinance of the Ministry of Economy, Trade and Industry.

#### (Hearing of Opinions)

Article 91 (1) The Minister of Economy, Trade and Industry must, when they have received an application for a decision pursuant to the provisions of the preceding Article, deliver copies of the application to the relevant Holders of General Digging Rights and mortgagees thereof and holders of the Mining Lease Rights thereof, and request the attendance of the parties concerned and hold a public hearing of their opinions.

- (2) The Minister of Economy, Trade and Industry must, when they intend to hold a hearing of opinions prescribed in the preceding paragraph, notify the parties concerned of the outline of the matters in question and the date and place for said hearing of opinions by one week prior to the hearing date, and also make a public notification of this.

(3) In a hearing of opinions prescribed in paragraph (1) above, the evidence of the matters in question shall be presented to the parties concerned and other interested parties, and the opportunity to state their opinion must be given to them.

(Prohibition of Dispositions)

Article 92 When an application for a decision is filed pursuant to the provisions of Article 90, Holders of General Digging Rights may not transfer or change their General Digging Rights until a decision to refuse the application is made, until the decision ceases to be effective pursuant to the provisions of Article 99, or until changes to General Digging Rights are registered based on a decision.

(Decisions)

Article 93 The Minister of Economy, Trade and Industry must specify the following particulars and decide on the mutual increase or decrease of the scale of Mining Sites:

- (i) Location of the Mining Sites;
- (ii) Registration numbers of the relevant General Digging Rights;
- (iii) Description of changes to the General Digging Rights; and
- (iv) Consideration, timing and method of payment thereof.

(Method of Decisions)

Article 94 (1) The decision prescribed in the preceding Article must be provided in the form of a document and be accompanied with the reason for the decision.  
(2) The Minister of Economy, Trade and Industry must, when they have made a decision prescribed in the preceding Article, deliver copies of the written decision to the parties concerned.

(Effects of Decisions)

Article 95 (1) When a decision prescribed in Article 93 is made, it shall be deemed that an agreement on the mutual increase or decrease of the scale of Mining Sites has been reached between the parties concerned.  
(2) When an agreement is deemed to have been reached pursuant to the provisions of the preceding paragraph, one of the parties concerned may file an application independently for an increase or decrease of the scale of Mining Sites irrespective of the provisions of Article 89, paragraph (4).

(Increase or Decrease of the Scale of Mining Sites and Mining Lease Rights)

Article 96 (1) Regarding the areas where Mining Lease Rights are established among the digging areas of Holders of General Digging Rights, when a decrease of the scale of a Mining Site is registered based on the decision

prescribed in Article 93, such Mining Lease Rights shall remain effective over the General Digging Rights of which the area of Mining Sites have increased to the same extent as the corresponding decrease of the scale of Mining Lease Sites due to the decrease of the scale of Mining Sites.

- (2) The Minister of Economy, Trade and Industry must specify the ratio of Mining lease charges to be paid by holders of Mining Lease Rights to each of the Holders of General Digging Rights upon making a decision, when the Mining Lease Right remains effective over two or more General Digging Rights in cases where a decision on the mutual increase or decrease of the scale of Mining Sites is made pursuant to the provisions of Article 93.

(Action for Objection to Amounts of Consideration)

Article 97 (1) Those who among the decisions made pursuant to the provisions of Article 93 object to the amount of consideration, may request to increase or decrease such prices by filing an action within six months from the day of receipt of transcripts of the written decision.

- (2) In the action prescribed in the preceding paragraph, those who have applied for a decision pursuant to the provisions of Article 90 or the Holders of General Digging Rights concerned shall be the defendants.

(Deposit of Consideration)

Article 98 (1) In the following cases, those who pay consideration must deposit said consideration:

- (i) Those who are to receive consideration refuse to receive it or are unable to receive it;
  - (ii) Actions for objection to the amount of consideration among the decisions made are taken; or
  - (iii) There is a mortgage on the General Digging Right concerned; provided, however, that, this shall not apply if approval is obtained from the mortgagee.
- (2) In the case specified in item (iii) of the preceding paragraph, the mortgagee may exercise their right over deposits.

(Invalidation of Decisions)

Article 99 If those who are to pay consideration do not pay or deposit all of the consideration within the payment period, which is specified by the decision made in accordance with Article 93, the decision shall cease to be effective.

(Changes to Operational Plans)

Article 100 (1) If it is found that the Mining Sites cannot be completely developed unless the operational plans of holders of prospecting rights whose



prospecting rights have been established pursuant to the provisions of paragraph (3) or (7) of Article 40 (hereinafter referred to as the "Specified Holders of Prospecting Rights" in this Article) are changed, the Minister of Economy, Trade and Industry may recommend that such Specified Holders of Prospecting Rights change their operational plans.

- (2) If it is found that ore deposits of Mining Sites or Mining Lease Sites cannot be completely developed unless the operational plans of holders of digging rights or Mining Lease Rights are changed, the Minister of Economy, Trade and Industry may recommend that such holders of digging rights or Mining Lease Rights change their operational plans.
- (3) If Specified Holders of Prospecting Rights or holders of digging rights or Mining Lease Rights do not change their operational plans within 60 days from the day on which they are given the recommendation pursuant to the provisions of the preceding two paragraphs, the Minister of Economy, Trade and Industry may order them to change their operational plans.
- (4) The Minister of Economy, Trade and Industry must, when they give the order pursuant to the provisions of the preceding paragraph, conduct a hearing irrespective of the classification of procedures for giving a statement of opinion pursuant to the provisions of Article 13, paragraph (1) of the Administrative Procedure Act.
- (5) The provisions of paragraphs (4) through (6) of Article 48 shall apply mutatis mutandis to the hearing pertaining to the order prescribed in the provisions of paragraph (3) above.

## **Chapter IV-2 Exploration of Minerals**

(Permission for the Exploration of Minerals)

- Article 100-2 (1) Those who intend to carry out the exploration of Minerals (meaning investigations into the geological structure, etc. that are necessary for developing Mineral resources (limited to investigations that do not accompany the mining of Minerals) and which employ a seismic survey method or a method specified by Ordinance of the Ministry of Economy, Trade and Industry as that which uses a fixed area on a continuous basis; hereinafter simply referred to as "Exploration"), must file applications with and obtain permission from the Minister of Economy, Trade and Industry.
- (2) Those who intend to file an application pursuant to the provisions of the preceding paragraph must submit an application, with reference made to the following particulars, to the Minister of Economy, Trade and Industry, with drawings attached that show the area where the Exploration is intended to be carried out, pursuant to the procedures specified by Ordinance of the Ministry of Economy, Trade and Industry:

- (i) Location of the zone of application;
  - (ii) Period of Exploration;
  - (iii) Method of Exploration;
  - (iv) Name and address; and
  - (v) Other particulars specified by Ordinance of the Ministry of Economy, Trade and Industry.
- (3) The Minister of Economy, Trade and Industry must, when they have granted the permission as prescribed in paragraph (1), issue a certificate of permission.
- (4) When the person who has received the issuance of a certificate of permission pursuant to the provisions of the preceding paragraph carries out Exploration pertaining to such permission, they must carry said certificate of permission.
- (5) The reissuance and return of a certificate of permission provided for in paragraph (3) and other procedural particulars concerning certificates of permission shall be specified by Ordinance of the Ministry of Economy, Trade and Industry.

(Requirements for Granting Permission for Exploration)

Article 100-3 The Minister of Economy, Trade and Industry must not grant permission for the application prescribed in paragraph (1) of the preceding Article, unless such application is found to satisfy the following requirements:

- (i) The method of Exploration pertaining to the relevant application satisfies the standards specified by Ordinance of the Ministry of Economy, Trade and Industry;
- (ii) The person concerned with the relevant application does not fall under any of the following categories:
  - (a) A person who has committed any of the offenses as provided for in this Act, has been sentenced to punishment and for whom two years have not yet passed since the day on which the execution of the sentence has been completed or the sentence has become no longer applicable;
  - (b) A person whose permission has been rescinded pursuant to the provisions of Article 100-5 (excluding item (iii)), and for whom two years have not yet passed since the date of such rescission; or
  - (c) A corporation, any of whose officers who execute its business fall under either (a) or (b);
- (iii) The Exploration pertaining to the relevant application is to be conducted within the Mining Site of other persons and does not significantly interfere with the Mining of other persons in said Mining Site;
- (iv) The Exploration pertaining to the relevant application does not result in the destruction of facilities for public use or any facility equivalent to this, does not disrupt the protection of cultural property, parks or hot spring resources, or impair the profit of agriculture, forestry and other industries,

- and does not have an extremely adverse effect on public welfare; and
- (v) In addition to what is listed in the preceding items, the Exploration pertaining to the relevant application is not extremely unsuitable in light of domestic and foreign social and economic circumstances, nor is it likely to hinder the promotion of public interest.

(Permission for Change, etc.)

- Article 100-4 (1) When those who have obtained the permission prescribed in Article 100-2, paragraph (1) intend to change the particulars set forth in the items (excluding item (iv)) of paragraph (2) of said Article that are related to said permission, they must obtain permission from the Minister of Economy, Trade and Industry pursuant to the procedures specified by Ordinance of the Ministry of Economy, Trade and Industry; provided, however, that, this shall not apply to the minor changes specified by Ordinance of the Ministry of Economy, Trade and Industry.
- (2) The provisions of the preceding paragraph shall apply mutatis mutandis to the permission prescribed in the preceding paragraph.
- (3) A person who has obtained the permission prescribed in Article 100-2, paragraph (1) must, when any changes have been made to the particulars set forth in item (iv) of paragraph (2) of said Article, or they have made the minor changes specified by Ordinance of the Ministry of Economy, Trade and Industry as prescribed in the proviso to paragraph (1), notify the Minister of Economy, Trade and Industry to that effect without delay.

(Rescission of Permission for Exploration)

- Article 100-5 When a person who has obtained the permission prescribed in Article 100-2, paragraph (1) falls under any of the following items, the Minister of Economy, Trade and Industry may rescind the permission granted pursuant to said paragraph:
- (i) When the method of Exploration employed by the person no longer satisfies the requirement set forth in Article 100-3, item (i);
- (ii) When the person comes to fall under (a) or (c) of Article 100-3, item (ii);
- (iii) When the Exploration carried out by the person no longer conforms with any of item (iii) or (iv) of Article 100-3;
- (iv) When the person has violated the conditions imposed on the permission pursuant to the provisions of Article 100-7, paragraph (1); or
- (v) When the person has obtained the permission prescribed in Article 100-2, paragraph (1) or paragraph (1) of the preceding Article by means of deception or other wrongful practice.

(Measures Against Violations)

Article 100-6 The Minister of Economy, Trade and Industry may order a person who falls under any of the following items to discontinue the work pertaining to the relevant violation, remove the equipment or items used for Exploration in relation to the violation, or restore the original state prior to said exploration:

- (i) A person who has carried out the Exploration in violation of the provisions of Article 100-2, paragraph (1) or Article 100-4, paragraph (1); or
- (ii) A person who has violated the conditions imposed on the permission pursuant to the provisions of paragraph (1) of the following Article.

(Conditions for Permission)

Article 100-7 (1) Conditions may be imposed on the permission prescribed in Article 100-2, paragraph (1) or Article 100-4, paragraph (1), and such conditions may be changed.

- (2) The conditions set forth in the preceding paragraph shall be the minimum necessary in light of the purpose of the permission or for securing the implementation of the particulars pertaining to said permission, and must not impose any undue obligation on the person who obtained said permission.

(Mergers or Division of Corporations that Obtained Permission for Exploration)

Article 100-8 (1) In cases of the merging of a corporation which has obtained the permission prescribed in Article 100-2, paragraph (1) (in cases of the merging of a corporation which has obtained the permission prescribed in said paragraph with a corporation which has not obtained the permission prescribed in said paragraph, excluding cases where the corporation which has obtained the permission prescribed in said paragraph survives) or the division of a corporation which has obtained the permission prescribed in said paragraph (limited to cases where such corporation maintains all of Exploration business pertaining to such permission succeeded to), if the approval of the Minister of Economy, Trade and Industry has been obtained, the corporation that survives after the merger, the corporation established by the merger, or the corporation that succeeded to all of the relevant business shall succeed to the status of the person who has obtained the permission prescribed in said paragraph.

- (2) The provisions of Article 100-3 (limited to the portion pertaining to item (ii) or (v)) shall apply mutatis mutandis to the approval set forth in the preceding paragraph. In this case, the phrase "The person concerned with the relevant application" in item (ii) of said Article shall be deemed to be replaced with "The corporation that survives after the merger, the corporation established by the merger, or the corporation that succeeds to all of Exploration business pertaining to the permission through a division."

(Inheritance from the Person Who Obtained Permission for Exploration)

- Article 100-9 (1) In cases where the person who obtained the permission prescribed in Article 100-2, paragraph (1) dies, if the heir (in cases where there are two or more heirs, when the heir who is to succeed to the Exploration business pertaining to said permission has been selected by unanimous consent, such heir; hereinafter the same shall apply in this Article) intends to continue to carry out the Exploration business pertaining to said permission, such heir must file an application for approval with and obtain approval from the Minister of Economy, Trade and Industry within 60 days after the death of the decedent.
- (2) In cases where the heir has filed the application for approval as prescribed in the preceding paragraph, the permission prescribed in Article 100-2, paragraph (1) which has been granted to the decedent shall be deemed to have been granted to such heir, during the period from the death of the decedent until the day on which the heir obtains the approval or a notice not to grant said approval.
- (3) The provisions of Article 100-3 (limited to the portions pertaining to (a) and (b) of item (ii), and item (v)) shall apply mutatis mutandis to the approval set forth in paragraph (1).
- (4) The heir who has obtained the approval set forth in paragraph (1) shall succeed to the status of the person who obtained the permission prescribed in Article 100-2, paragraph (1) pertaining to the decedent.

(Special Provisions in Relation to the State)

Article 100-10 Exploration to be conducted by a national government organ shall not be required to receive the permission prescribed in Article 100-2, paragraph (1). In this case, when such national government organ intends to carry out such Exploration, it must consult with the Minister of Economy, Trade and Industry in advance.

(Report of Results of Exploration)

Article 100-11 When the Minister of Economy, Trade and Industry finds it necessary in understanding the status of the presence of Minerals, or to secure the proper implementation of Exploration, they may order the person who has obtained the permission prescribed in Article 100-2, paragraph (1) to report the results of such Exploration, pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry.

## **Chapter V Use and Expropriation of Land**

(Entry into Land)

Article 101 (1) When it is necessary for surveying and on-the-spot investigation concerning Mining, those who intend to create their Mining Rights or those who intend to become holders of Mining Lease Rights, Mining Applicants, and holders of Mining Rights or Mining Lease Rights may enter the land of other persons or fell obtrusive bamboo and trees with the permission of the Minister of Economy, Trade and Industry.

(2) When applications for the permission prescribed in the preceding paragraph are filed, the Minister of Economy, Trade and Industry must notify owners and possessors of land and owners of bamboo and trees therein to that effect, and give them the opportunity to submit their written opinion.

(3) When those who are given the permission prescribed in paragraph (1) above enter the land of other persons or fell bamboo and trees, they must notify the owners and possessors of land and owners of bamboo and trees therein in advance.

Article 102 Those who intend to enter the land of other persons or fell bamboo and trees pursuant to the provisions of the preceding Article must carry a document that proves that permission was given by the Minister of Economy, Trade and Industry, and present it if requested to do so by possessors of land or owners of bamboo and trees.

Article 103 Those who enter the land of other persons or those who fell bamboo and trees pursuant to the provisions of Article 101 must compensate for losses caused by said entry and felling.

(Purpose of Use)

Article 104 When it is necessary and appropriate to use the land of other persons in their Mining Sites or Mining Lease Sites or in the vicinity thereof for the following purposes, and it is extremely difficult to substitute said land with other land, holders of Mining Rights or Mining Lease Rights may use the land of other persons:

- (i) To open a pithead or a well;
- (ii) To mine Minerals by open-pit mining;
- (iii) To install machinery and equipment necessary for prospecting or the mining of Minerals;
- (iv) To establish an area or dumping ground to stock or dump timber, explosives, fuels, carbide and other important materials, Minerals, earth and stones, slag or ash;
- (v) To install a facility for dressing or smelting;
- (vi) To open a railroad, a track, a cableway, a pipeline for oil or combustible

- natural gas, a road, a waterway, a harbor, a channel, a pond or a well, or an electric facility;
- (vii) To install a facility necessary for the prevention or restoration of mining pollution; or
- (viii) To build an office for Mining, or accommodation or a health and hygiene facility for those who are engaged in Mining.

(Purpose of Expropriation)

Article 105 Holders of digging rights may expropriate the land of other persons in cases where the land of other persons is used for the following purposes in their Mining Sites or in the vicinity thereof, and as a consequence the characteristics of the land are changed and restoration of the land to its original condition is extremely difficult, yet it is still necessary and appropriate to use the land for this purpose and it is extremely difficult to substitute said land with other land:

- (i) Open a pithead or a well;
- (ii) Establish an area or dumping ground to dump earth and stones or slag;
- (iii) Install a facility for dressing or smelting; or
- (iv) Open a railroad, a track, a cableway, road, waterway, harbor, channel, or pond or well.

(Permission and Public Notification)

Article 106 (1) Holders of Mining Rights or Mining Lease Rights must, when they intend to use or expropriate the land of other persons pursuant to the provisions of the preceding two Articles, file applications with and receive permission from the Minister of Economy, Trade and Industry pursuant to the procedures specified by Ordinance of the Ministry of Economy, Trade and Industry.

- (2) When applications for permission are filed pursuant to the provisions of the preceding paragraph, the Minister of Economy, Trade and Industry must consult with the governors of the prefectures concerned, request the attendance of holders of Mining Rights or Mining Lease Rights, owners of land and those who have any rights concerning the land, and hold a public hearing of their opinions.
- (3) The Minister of Economy, Trade and Industry must, when they intend to hold a hearing of opinions pursuant to the provisions of the preceding paragraph, notify the parties concerned of the outline of matters in question and the date and place of the hearing of opinions by one week prior to the hearing, and also make a public notification of this.
- (4) When a hearing of opinions is conducted pursuant to the provisions of paragraph (2) above, the evidence of the matters in question shall be presented

to the parties concerned, and the opportunity to state their opinion must be given to them.

(5) The Minister of Economy, Trade and Industry must, when they have given the permission prescribed in paragraph (1) above, make a public notification of the following particulars:

(i) Name and address of those who intend to use or expropriate the land:

(ii) Purpose of use or expropriation;

(iii) Location and area of the land to be used or expropriated; and

(iv) Place where the drawings that show the land to be used or expropriated are available for public inspection

(6) The Minister of Economy, Trade and Industry must, when they have given the permission prescribed in paragraph (1) above, immediately notify the mayors of municipalities where the land to be used or expropriated is located through the prefectural governors concerned, and send them the drawings that show said land.

#### (Reservation of Procedures for Use or Expropriation)

Article 106-2 (1) Holders of Mining Rights or Mining Lease Rights may reserve the procedures for use or expropriation concerning all or part of the land that they intend to use or expropriate after the permission prescribed in paragraph (1) of the preceding Article is granted.

(2) Holders of Mining Rights or Mining Lease Rights must, when they intend to reserve the procedures for use or expropriation pursuant to the provisions of the preceding paragraph, submit a written application with a statement to that effect concurrently with the application prescribed in paragraph (1) of the preceding Article, pursuant to the procedures specified by Ordinance of the Ministry of Economy, Trade and Industry.

(3) When applications are filed pursuant to the provisions of the preceding paragraph, the Minister of Economy, Trade and Industry must also make a public notification of or notify of the reservation of procedures for use or expropriation after the permission prescribed in paragraph (1) of the preceding Article is granted, and the area of land where such procedures are reserved, together with the public notification or notification prescribed in the provisions of paragraph (5) or (6) of the preceding Article.

#### (Application of the Land Expropriation Act)

Article 107 (1) Regarding use or expropriation of land pursuant to the provisions of Article 104 or 105, the provisions of the Land Expropriation Act (Act No. 219 of 1951) shall apply unless otherwise provided for in this Act.

(2) Regarding the use or expropriation of land pursuant to the provisions of Article 104 or 105, when permission or public notification is given pursuant to



the provisions of paragraph (1) or (5) of Article 106, the business shall be deemed to be certified pursuant to the provisions of Article 20 of the Land Expropriation Act or a public notification shall be deemed to have been given for the certification of business pursuant to the provisions of Article 26, paragraph (1) of said Act; the notice pursuant to the provisions of Article 106, paragraph (6) shall be deemed to be the notice pursuant to the provisions of Article 26-2, paragraph (1) of said Act; the drawings that are sent to mayors of municipalities pursuant to the provisions of Article 106, paragraph (6) shall be deemed to be the drawings to be made available for public inspection pursuant to the provisions of Article 26-2, paragraph (2) of said Act; and the public notification pursuant to the provisions of paragraph (3) of the preceding Article shall be deemed to be the public notification pursuant to the provisions of Article 33 of said Act.

- (3) The Minister of Economy, Trade and Industry must, when they have given the public notification pursuant to the provisions of Article 106, paragraph (5), send copies of the documents related to the permission of use or expropriation of land to the Environmental Dispute Coordination Commission or the Expropriation Commission when requested to do so by these commissions irrespective of the provisions of paragraphs (2) and (3) of the said Act.

(Use of Water)

Article 108 The provisions concerning the use and expropriation of land shall apply *mutatis mutandis* to the right of use of water.

## **Chapter VI Compensation for Mining Pollution**

### **Section 1 Obligation for Compensation**

(Obligation for Compensation)

Article 109 (1) If other persons suffer damage caused by the excavation of land to mine Minerals, the discharge of mine water or wastewater, deposits of waste rock or slag, or the discharge of metallurgical smoke, such damage shall be compensated by the holder of Mining Rights in the Mining Sites concerned at the time of the occurrence of damage (or the holder of Mining Lease Rights, if a Mining Lease Right is established in the Mining Site concerned), or if the Mining Rights have already become extinct at the time of the occurrence of damage, such damage shall be compensated by the holder of Mining Rights in the Mining Site concerned at the time of extinction of the Mining Rights (or the holder of Mining Lease Rights, if a Mining Lease Right was established in the Mining Site concerned at the time of extinction of the Mining Right).

- (2) In the case referred to in the preceding paragraph, if damage is caused by the work conducted by holders of Mining Rights or Mining Lease Rights in two or

more Mining Sites or Mining Lease Sites, each of the holders of the Mining Rights or Mining Lease Rights shall have the obligation to jointly and severally compensate for said damage. The same shall apply to cases where it cannot be established that the damage was caused by the work of one of the holders of Mining Rights or Mining Lease Rights in two or more Mining Sites or Mining Lease Sites.

- (3) In the cases specified in the preceding two paragraphs, if a Mining Right is transferred after occurrence of damage, the holders of the Mining Right at the time of and after the occurrence of damage shall have the obligation to jointly and severally compensate for said damage, or if a Mining Lease Right was established after the occurrence of damage, the holder of the Mining Right at the time of the occurrence of said damage and the person who became the holder of the Mining Lease Right after the occurrence of damage shall have the obligation to jointly and severally compensate for said damage.
- (4) In cases where a holder of a Mining Lease Right is to compensate for damage pursuant to the provisions of paragraph (1) or (2) above, the holder of Mining Rights and the succeeding holder thereof in the Mining Site where the Mining Lease Right was established at the time of the occurrence of damage shall have the obligation to jointly and severally compensate for said damage, and in cases where the Mining Right already became extinct at the time of the occurrence of damage, the holder of the Mining Right at the time of the extinction of the Mining Rights and the holder of the Mining Lease Right shall have the obligation to jointly and severally compensate for the damage.
- (5) Regarding the compensation prescribed in the preceding four paragraphs, the obligation of Joint Holders of Mining Rights or Joint Holders of Mining Lease Rights (meaning those who share Mining Lease Rights) shall be collective.

(Share of Costs and Claims for Reimbursement)

- Article 110 (1) Regarding the joint obligors prescribed in the provisions of paragraph (2) of the preceding Article, it shall be presumed that their share of the costs is equal.
- (2) In the case specified in paragraph (3) of the preceding Article, if the obligation of compensation is fulfilled by those who accepted Mining Rights or those who became holders of Mining Lease Rights after the occurrence of damage, they may claim reimbursement of the costs from those who are to compensate for damage pursuant to the provisions of paragraph (1) or (2) of the preceding Article. The same shall apply in cases where the obligation of compensation is fulfilled by holders of Mining Rights in the cases specified in paragraph (4) of the preceding Article.

(Compensation)

Article 111 (1) Damage must be compensated for in a fair and appropriate manner.

(2) Damage shall be compensated for by money; provided, however, that when the original state can be restored without requiring an extremely large amount of expense relative to the amount of compensation, the aggrieved party may demand restoration to said original state.

(3) If those who have an obligation to compensate file their applications, the court may, when it finds appropriate, order restoration instead of monetary compensation irrespective of the provisions of the preceding paragraph.

(Standards of Compensation)

Article 112 (1) The Minister of Economy, Trade and Industry may formulate fair and appropriate general standards concerning the scope and methods of compensation for damage upon consultation with the Advisory Committee for Natural Resources and Energy and publicize such standards to contribute to the prevention or solution of disputes over compensation for damage.

(2) No one shall be bound by the standards prescribed in the preceding paragraph.

(Consideration for Compensation)

Article 113 If there is any cause attributable to an aggrieved party concerning the occurrence of damage, the court may take such cause into consideration in order to specify the responsibility and scope of compensation for damage. The same shall apply to cases where natural disasters and other force majeure are found.

(Schedule of Compensation for Damage)

Article 114 (1) In cases where the amount of compensation for damage is scheduled, if the amount is extremely unsuitable, the parties concerned may request to increase or decrease said amount.

(2) The payment of compensation scheduled for the damage of land or buildings shall also become effective for those who acquired the rights of the land or buildings thereafter, if the cause and description of the damage subject to compensation and the scope and amount of compensation are registered pursuant to Cabinet Order.

(Extinctive Prescription)

Article 115 (1) The right to seek compensation for damage shall become extinct due to prescription if an aggrieved party does not make a claim for damages within three years from the day on which they came to know of the damage or of the person who has the obligation to compensate for said damage. The same

shall apply when 20 years have passed since the occurrence of said damage.

- (2) Regarding damage in progress, the period prescribed in the preceding paragraph shall commence from the day when the progress thereof ceases.

(Exclusion from Application)

Article 116 The provisions in this Chapter shall not apply to on-the-job injuries, diseases and the death of those who are engaged in Mining.

## **Section 2 Deposit of Collateral**

(Deposit)

Article 117 (1) Holders of Mining Rights or Mining Lease Rights who intend to mine coal or lignite must deposit a certain amount of money every year in proportion to the quantity of coal or lignite mined in the previous year pursuant to the procedures specified by Ordinance of the Ministry of Economy, Trade and Industry to ensure compensation for damage caused in the Mining Sites concerned or Mining Lease Sites concerned.

- (2) The amount of money to be deposited pursuant to the provisions of the preceding paragraph shall be specified every year by the Minister of Economy, Trade and Industry for each Mining Site or each Mining Lease Site, with said amount not exceeding 20 yen per ton of coal or lignite mined within the previous year.

- (3) The Minister of Economy, Trade and Industry may, when they find it necessary to ensure compensation for damage caused in the Mining Sites concerned or Mining Lease Sites concerned, order holders of Mining Rights or Mining Lease Rights who intend to mine Minerals other than coal and lignite to deposit the amount of money, which is specified and does not exceed one-hundredth of the value of Minerals mined within the previous year in the Mining Sites concerned or Mining Lease Sites concerned.

- (4) The money to be deposited pursuant to the provisions of paragraph (1) or the preceding paragraph may be substituted by national government bonds equivalent to this amount of money (including those of which the ownership of rights is determined by the entries or records in the transfer account book pursuant to the provisions of Act on Transfer of Corporate Bonds, etc. (Act No. 75 of 2001)).

Article 118 (1) Regarding the right to seek compensation for damage, an aggrieved party shall have the right with higher priority than other persons to receive payment of the money deposited to ensure compensation for damage caused in the Mining Sites concerned or Mining Lease Sites concerned pursuant to the provisions of the preceding Article.

- (2) The procedures for execution of the rights prescribed in the preceding paragraph shall be prescribed by Cabinet Order.

(Recovery)

Article 119 In the following cases, holders of Mining Rights or Mining Lease Rights or those who used to be holders of Mining Rights or Mining Lease Rights may recover the money they deposited pursuant to the procedures specified by Ordinance of the Ministry of Economy, Trade and Industry upon approval by the Minister of Economy, Trade and Industry:

- (i) Damage in the Mining Site concerned or Mining Lease Sites concerned is compensated for;
- (ii) No damage is caused for ten years after extinction of Mining Rights or extinction of Mining Lease Rights due to a decrease in the scale of Mining Sites.

(Suspension of Business Operations)

Article 120 If those who are required to deposit money do not deposit said money, the Minister of Economy, Trade and Industry may order them to suspend their business operations.

(Transfer of Rights)

Article 121 (1) When holders of Mining Rights transfer their Mining Rights, the right to the money they deposited shall be thereby transferred to transferees.  
(2) When Mining Lease Rights become extinct, the right to the money deposited shall be transferred to holders of Mining Rights, except for in the case of the extinction of Mining Lease Rights due to the extinction of Mining Rights or a decrease of the scale of Mining Sites.

### **Section 3 Mediation in Settlements**

(Application for Mediation of Settlements)

Article 122 If a dispute arises concerning compensation for mining pollution, the parties concerned may file an application with the Minister of Economy, Trade and Industry for the mediation of settlement pursuant to the procedures specified by Ordinance of the Ministry of Economy, Trade and Industry.

(Preparation of a List of Mediators)

Article 123 (1) The Minister of Economy, Trade and Industry shall commission up to 15 mediator candidates every year, and must prepare a list thereof.  
(2) The candidate mediators prescribed in the preceding paragraph must be commissioned from those who represent public interest in general and those

who have knowledge and experience about mining, agriculture, forestry and other industries.

(Designation of Mediators)

Article 124 (1) The Minister of Economy, Trade and Industry must, when an application is filed pursuant to the provisions of Article 122, designate five or fewer mediators from those who are listed in the list prescribed in paragraph (1) of the preceding Article.

(2) In the case referred to in the preceding paragraph, if mining pollution involves agriculture, forestry or other industries, at least one of the mediators must be designated from those who have knowledge and experience of the industry concerned.

(Duty of Mediators)

Article 125 Mediators must endeavor to investigate the facts of disputes in detail and have cases settled in a fair manner.

## **Chapter VII Appeal**

(Commencement of Hearings of Opinions)

Article 126 When an application for the examination of or objection to a disposition pursuant to the provisions of this Act or an order based on this Act is filed, the Minister of Economy, Trade and Industry must commence with a hearing of opinions within 30 days from the day of reception of said application for examination or objection, except for in cases where they dismiss it .

Article 127 (1) The Minister of Economy, Trade and Industry must specify the date and place of the hearing of opinions prescribed in the preceding Article, and notify the applicant for examination or the petitioner for objection.

(2) The Minister of Economy, Trade and Industry must, when they have made the notice pursuant to the provisions of the preceding paragraph, make a public notification of the outline of the matter in question, and the date and place of the hearing of opinions.

(Participation)

Article 128 In addition to the applicant for examination or petitioner for objection, those who intend to participate in the hearing prescribed in Article 126 and state their opinion must file an application for participation as an interested party with the Minister of Economy, Trade and Industry with a document that state the reason for said interest and the outline of their arguments, and receive permission from the Minister of Economy, Trade and

Industry.

(Presentation of Evidence, etc.)

Article 129 In the hearing prescribed in Article 126, the applicant for examination or petitioner for objection, the other party in the disposition concerned, and those who participate in the hearing pursuant to the provisions of preceding Article must be given the opportunity to present evidence and state their opinion concerning the matters in question.

(Stay of Execution and the Public Notification and Notice of Rescission)

Article 130 The Minister of Economy, Trade and Industry must, when they have granted a stay of execution of a disposition pertaining to an application for examination pursuant to the provisions of Article 34 of the Administrative Appeal Act (Act No. 160 of 1962), or stayed an execution of disposition pertaining to the objection pursuant to the provisions of Article 34 of said Act as applied mutatis mutandis pursuant to Article 48 of said Act, present a public notification thereof, and notify the applicant for examination or the petitioner for objection and the other party of the disposition concerned. The same shall apply to cases where a stay of execution is rescinded pursuant to the provisions of Article 35 of the said Act (including the cases where applied mutatis mutandis pursuant to Article 48 of said Act).

(Public Notification of the Outline of Determinations or Decisions)

Article 131 (1) The Minister of Economy, Trade and Industry must, when they have made a determination or a decision, make a public notification of the outline thereof.

(2) Transcripts of written determinations or decisions must also be sent to those who participated pursuant to the provisions of Article 128.

(Procedures for the Hearing of Opinions)

Article 132 In addition to what is provided for in this Chapter, other procedures for the hearing prescribed in Article 126 shall be prescribed by Ordinance of the Ministry of Economy, Trade and Industry.

(Application for a Ruling)

Article 133 The following persons may file an application for a ruling with the Environmental Dispute Coordination Commission:

(i) Any person who has an objection to the permission prescribed in Article 21, paragraph (1) (including cases where applied mutatis mutandis pursuant to Article 44, paragraph (1); the same shall apply in the following item) (limited to cases where the objection is based on the grounds that the requirements

- set forth in Article 29, paragraph (1) (including cases where applied mutatis mutandis pursuant to Article 44, paragraph (3); the same shall apply in said item) (limited to the portion of the requirements which pertains to Article 29, paragraph (1), item (viii); the same shall apply in the following item) have not been satisfied);
- (ii) Any person who has an objection to the non-permission issued pursuant to Article 21, paragraph (1) on the grounds that the requirements set forth in Article 29, paragraph (1) have not been satisfied;
  - (iii) Any person who has an objection to the permission prescribed in paragraph (3) or (7) of Article 40 (limited to cases where the objection is based on the grounds that the requirements set forth in paragraph (1) of said Article (limited to the portion pertaining to item (v) of said paragraph; the same shall apply in the following item) have not been satisfied);
  - (iv) Any person who has an objection to the non-permission issued pursuant to Article 40, paragraph (5) (including cases where applied mutatis mutandis pursuant to paragraph (8) of said Article) on the grounds that the requirements set forth in paragraph (1) of said Article have not been satisfied;
  - (v) Any person who has an objection to the permission issued pursuant to Article 41, paragraph (1) (limited to cases where the objection is based on the grounds that the requirements set forth in paragraph (3) of said Article (limited to the portion pertaining to item (vii) of said paragraph; the same shall apply in the following item) have not been satisfied);
  - (vi) Any person who has an objection to the non-permission issued pursuant to Article 41, paragraph (1) on the grounds that the requirements set forth in paragraph (3) of said Article have not been satisfied;
  - (vii) Any person who has an objection to the permission issued pursuant to Article 45, paragraph (1) (limited to cases where the objection is based on the grounds that the requirements set forth in paragraph (2) of said Article (limited to the portion pertaining to item (iv) of said paragraph; the same shall apply in the following item) have not been satisfied);
  - (viii) Any person who has an objection to the non-permission issued pursuant to Article 45, paragraph (1) on the grounds that the requirements set forth in paragraph (2) of said Article have not been satisfied;
  - (x) Any person who has an objection to the decrease of the scale of Mining Sites or Mining Lease Sites or the rescission of Mining Rights or Mining Lease Rights pursuant to the provisions of Article 53 (including cases where applied mutatis mutandis pursuant to Article 87);
  - (x) Any person who has an objection to the permission issued pursuant to Article 100-2, paragraph (1) or Article 100-4, paragraph (1) (limited to cases where such objection is based on the grounds that the requirements set forth



in Article 100-3 (including the cases where applied *mutatis mutandis* pursuant to Article 100-4, paragraph (2); the same shall apply in the following item) (limited to the portion of the requirements which pertains to item (iv) of Article 100-3; the same shall apply in the following item) have not been satisfied);

- (xi) Any person who has an objection to the non-permission issued pursuant to Article 100-2, paragraph (1) or Article 100-4, paragraph (1) on the grounds that the requirements set forth in Article 100-3, have not been satisfied;
- (xii) Any person who has an objection to the rescission of the permission prescribed in Article 100-2, paragraph (1) pursuant to the provisions of Article 100-5 on the grounds that Article 100-3, item (iv) is no longer satisfied;
- (xiii) Any person who has an objection to the permission or non-permission issued pursuant to Article 106, paragraph (1); and
- (xiv) Any person who has an objection to the ruling on determinations concerning the use or expropriation of land applied pursuant to the provisions of Article 107, paragraph (1).

#### (Restrictions on Appeals)

Article 134 (1) In cases where an application for ruling may be filed pursuant to the provisions of the preceding Article, no appeal may be raised pursuant to the Administrative Appeal Act.

- (2) The provisions of Article 18 of the Administrative Appeal Act shall apply *mutatis mutandis* to cases where the administrative agency ordering the disposition has made mistakes in instructing applications for examinations, or objections may be filed with regard to the disposition prescribed in the preceding Article.
- (3) Regarding the application for examination of or objection to the decisions pursuant to Article 93, any objection against values among such decisions may not be used as a reason for an objection against said decision.
- (4) Regarding the application for a ruling on determinations concerning the use or expropriation of land pursuant to the provisions of the Land Expropriation Act that is applied in accordance with the provisions of Article 107, paragraph (1), any objection against compensation for loss may not be used as a reason for an objection against said determination.

#### (Relationship between Appeals and Actions)

Article 135 An action for the rescission of dispositions pursuant to the provisions of this Act or those of an order based on this Act may not be filed before the determination or decision about the application for an examination or objection concerning said disposition is made.

## Chapter VIII Auxiliary Provisions

(Fees)

Article 136 The following persons must pay the fees that are prescribed by Cabinet Order in consideration of actual costs:

- (i) Persons who file an application for the extension of the duration of their prospecting rights pursuant to the provisions of Article 18, paragraph (2);
- (ii) Persons who file a Mining Application pursuant to the provisions of Article 21, paragraph (1);
- (iii) Persons who file an application for the increase or decrease of the scale of Mining Application Areas pursuant to the provisions of Article 30, paragraph (1);
- (iv) Persons who file a Mining Application pursuant to the provisions of Article 39, paragraph (1);
- (v) Persons who file an application for the establishment of digging rights pursuant to the provisions of Article 41, paragraph (1);
- (vi) Persons who file an application for increase or decrease of the scale of Mining Sites pursuant to the provisions of Article 44, paragraph (1);
- (vii) Persons who file an application for the increase or decrease of the scale of Mining Sites pursuant to the provisions of Article 45, paragraph (1);
- (viii) Persons who file an application for the division or merger of digging areas pursuant to the provisions of paragraph (1) or (2) of Article 50;
- (ix) Persons who file an application for permission for the transfer of Mining Rights pursuant to the provisions of Article 51-2, paragraph (1);
- (x) Persons who make the notification pursuant to the provisions of Article 51-3, paragraph (1);
- (xi) Persons who file an application for decisions pursuant to the provisions of Article 66, paragraph (4);
- (xii) Persons who make a notification pursuant to the provisions of Article 67;
- (xiii) Persons who file an application for the extension of the duration of their Mining Lease Rights pursuant to the provisions of Article 76, paragraph (4);
- (xiv) Persons who file an application for authorization of the establishment of Mining Lease Rights pursuant to the provisions of Article 77, paragraph (1);
- (xv) Persons who file an application for an increase or decrease of the scale of Mining Lease Sites pursuant to the provisions of Article 78, paragraph (1);
- (xvi) Persons who file an application for a decision pursuant to the provisions of Article 90;
- (xvii) Persons who file an application for permission to enter land or fell bamboo and trees pursuant to the provisions of Article 101, paragraph (1);
- (xviii) Persons who file an application for permission to use or expropriate land

pursuant to the provisions of Article 106, paragraph (1); and  
(xix) Persons who make a request for an on-the-spot investigation pursuant to the provisions of Article 186, paragraph (1).

(Correction or Supplementation)

Article 137 If the written applications, notifications and drawings concerning Mining are not complete, the Minister of Economy, Trade and Industry may order the correction thereof or supplementation thereto within a reasonable time limit.

(Notification of Attendance)

Article 138 The Minister of Economy, Trade and Industry may, when they find it necessary to conduct an on-the-spot investigation concerning an application for the establishment of or changes to Mining Rights or Mining Lease Rights, or Mining Sites or Mining Lease Sites, designate the personnel who are to conduct the investigation, the particulars to be investigated, place of attendance, and the date and time of the investigation, and order Mining Applicants, those who intend to become holders of Mining Lease Rights, or holders of Mining Rights or Mining Lease Rights to attend the investigation. In this case, if they are unable to designate the date and time of investigation, they must specify a scheduled date, and order the personnel who are to conduct the investigation to designate the fixed date.

(Dismissal)

Article 139 The Minister of Economy, Trade and Industry must dismiss applications for the establishment or change of Mining Rights in the following cases:

- (i) In cases where the order pursuant to the provisions of Article 25, paragraph (2) is given, the applicant does not submit the documents prescribed in said paragraph by the time limit designated under said paragraph;
- (ii) In cases where the order pursuant to the provisions of Article 26 (including the cases where applied mutatis mutandis pursuant to Article 39, paragraph (4) and Article 41, paragraph (4); hereinafter the same shall apply in this item) is given, the applicant does not submit the design specifications prescribed in Article 26 by the time limit designated under said Article;
- (iii) In cases where the order pursuant to the provisions of Article 137 is given, the applicant does not make any corrections or provide supplementation by the time limit designated under said Article; and
- (iv) In cases where the order pursuant to the preceding Article is given, the applicant is unable to clearly indicate the areas for on-the-spot investigation in an application or does not attend on the date and time designated under

said Article.

(Investigation of Mining Sites, etc.)

- Article 140 (1) Holders of Mining Rights or Mining Lease Rights and other interested parties in neighboring Mining Sites or Mining Lease Sites may request of the Minister of Economy, Trade and Industry an on-the-spot investigation of Mining Sites or Mining Lease Sites of other persons.
- (2) Those who intend to request an on-the-spot investigation as prescribed in the preceding paragraph must submit an application with a written statement of reasons pursuant to the procedures specified by Ordinance of the Ministry of Economy, Trade and Industry.
- (3) Those who intend to request an on-the-spot investigation as prescribed in paragraph (1) above must provide the personnel and articles required for said investigation.

(Public Notification)

Article 141 The Minister of Economy, Trade and Industry must, when they have conducted a disposition pursuant to the provisions of this Act or that of an order based on this Act, make a public notification of the outline thereof pursuant to the procedures specified by Ordinance of the Ministry of Economy, Trade and Industry.

(Posting)

Article 142 When the Minister of Economy, Trade and Industry makes a notification of a disposition pursuant to the provisions of Article 21, paragraph (1) (including cases where applied mutatis mutandis pursuant to Article 30, paragraph (2), Article 44, paragraph (3), or Article 50, paragraph (3)), Article 52, Article 55, of Article 83, paragraph (1) or Article 139, makes a notification pursuant to the provisions of Article 25, paragraph (1), Article 34, paragraph (2), Article 47, paragraph (3) (including cases where applied mutatis mutandis to Article 64-2, paragraph (2) or Article 66, paragraph (5)), Article 57, paragraph (1), Article 91, paragraph (2), Article 101, paragraph (2), or Article 106, paragraph (3) gives an order pursuant to the provisions of Article 31, paragraph (1), Article 32, paragraph (1), Article 33, paragraph (1), Article 48, paragraph (1), Article 49, paragraph (1), Article 137 or Article 138, or delivers transcripts of the written decision pursuant to the provisions of Article 47, paragraph (5) (including cases where applied mutatis mutandis to Article 64-ii, paragraph (2) or Article 66, paragraph (5)) or Article 94, paragraph (2) they must post the description of such notice, such order and the transcripts of such written decision at the posting area of the city office, or town hall or any facility equivalent thereto associated with the location of the address

mentioned in the written application or Mining registry in the case of a Mining Applicant, holder of Mining Rights or a mortgagee, or at the posting area of the city office, or town hall or any facility equivalent to the above associated with the location of the Digging Application Area in the case of the land owner, if the other party or the location thereof is unknown, and publish such posting and the outline thereof in an official gazette. In this case, such notice, such orders and the transcripts of such written decisions shall be deemed to have reached the other party on the day on which 14 days have elapsed from whichever is later of the day of the commencement of posting or the day of publication in an official gazette.

(Compulsory Collection)

- Article 143 (1) When any person does not pay the compensation prescribed in Article 53-2, paragraph (3), the Minister of Economy, Trade and Industry must designate a time limit and demand payment.
- (2) The Minister of Economy, Trade and Industry shall, when they demand payment pursuant to the preceding paragraph, send a demand notice. In this case, the time limit designated in the demand note must be set for a day which is at least ten days after the day when the demand note is sent out.
- (3) If a person who is given a demand to pay the compensation pursuant to the provisions of paragraph (1) does not pay the compensation demanded of them by the time limit specified, the Minister of Economy, Trade and Industry shall make a disposition on such nonpayment by the same procedures as used in the disposition of national tax delinquency.
- (4) The Minister of Economy, Trade and Industry shall, when they have demanded payment pursuant to the provisions of paragraph (1), collect an arrears charge that is calculated based on the number of days from the day following the time limit for payment to the day before payment is actually made, at a rate of 14.5% per annum on the amount of compensation demanded; provided, however, that this shall not apply to the cases prescribed by Ordinance of the Ministry of Economy, Trade and Industry.
- (5) The priority of statutory lien of the compensation prescribed in paragraph (1) above and that of the arrears charge prescribed in the preceding paragraph shall come after national tax and local tax.
- (6) The provisions of Articles 12 and 14 of the Act on General Rules for National Taxes (Act No. 66 of 1962) shall apply mutatis mutandis to the delivery of documents concerning the compensation prescribed in paragraph (1) above and the arrears charge prescribed in paragraph (4) above.

(Reports and Inspection)

- Article 144 (1) The Minister of Economy, Trade and Industry may, to the extent

necessary for enforcing this Act, request reports from holders of Mining Rights or Mining Lease Rights concerning the state of business thereof or have the officials enter the places of business or offices thereof and inspect the state of business or books and documents thereof.

- (2) The Minister of Economy, Trade and Industry may, to the extent necessary for enforcing this Act, order a person who carries out Exploration to report or submit materials regarding their conduct, or have the officials enter the places of business, offices, or automobiles or vessels (hereinafter collectively referred to as "Automobiles, etc." in this paragraph) of said person and inspect the status of their conduct, automobiles, etc., books, documents and other articles, or question the persons concerned.
- (3) The official who enters and conducts inspections as prescribed in the preceding two paragraphs must carry a certificate of identification and present it to the people concerned.
- (4) The authority of inspection prescribed in the provisions of paragraphs (1) and (2) must not be construed as authority approved for criminal investigation.

#### (Delegation of Authority)

Article 145 The authority of the Minister of Economy, Trade and Industry prescribed in this Act may be delegated to the Director of the Regional Bureau of Economy, Trade and Industry, pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry.

#### (Transitional Measures)

Article 146 In cases where an order is established, revised or abolished under the provisions of this Act, the necessary transitional measures (including transitional measures concerning penal provisions) may be prescribed in said order, to the extent considered reasonably necessary for the establishment, revision or abolition of said order.

### **Chapter IX Penal Provisions**

Article 147 (1) Any person who falls under any of the following items shall be punished by either imprisonment with required labor for up to five years or a fine of up to 1,000,000 yen, or by their cumulative imposition:

- (i) A person who violates the provisions of Article 7;
- (ii) A person who knowingly transports, retains, acquires with or without compensation or mediates or arranges the disposal of Minerals pertaining to the offenses specified in the preceding item; or
- (iii) A person who receives permission for the establishment or transfer of Mining Rights by means of deception or other wrongful practice.

- (2) A person who negligently mines into areas outside their own Mining Site or Mining Lease Sites shall be punished by a fine of up to 1,000,000 yen.

Article 148 Any person who falls under any of the following items shall be punished by either imprisonment with required labor for up to five years or a fine of up to 2,000,000 yen, or by their cumulative imposition:

- (i) A person who carries out Exploration in violation of the provisions of Article 100-2, paragraph (1) or Article 100-4, paragraph (1);
- (ii) A person who receives the permission prescribed in Article 100-2, paragraph (1) or Article 100-4, paragraph (1) by means of deception or other wrongful practices; or
- (iii) A person who violates the order issued pursuant to the provisions of Article 100-6.

Article 149 Any person who falls under any of the following items shall be punished by either imprisonment with required labor for up to one year or a fine of up to 500,000 yen:

- (i) A person who violates the provisions of Article 63, paragraph (3) (including the cases where applied mutatis mutandis to Article 87) or Article 63-2, paragraph (3);
- (ii) A person who, in violation of the provisions of Article 64 (including the cases where applied mutatis mutandis to Article 87), mines Minerals;
- (iii) A person who violates an order pursuant to Article 100, paragraph (3); or
- (iv) A person who does not suspend their business operations in violation of an order pursuant to the provisions of Article 120.

Article 150 Any person who falls under any of the following items shall be punished by a fine of up to 300,000 yen:

- (i) A person who violates the provisions of Article 69 or 70 (including the cases where applied mutatis mutandis to Article 87)
- (ii) A person who fails to make a report pursuant to the provisions of Article 70-2 or makes a false report;
- (iii) A person who carries out Exploration without carrying a certificate of permission in violation of the provisions of Article 100-2, paragraph (4);
- (iv) A person who violates the conditions imposed on them pursuant to the provisions of Article 100-7, paragraph (1);
- (v) A person who fails to make a report pursuant to the provisions of Article 100-11 or makes a false report;
- (vi) A person who, in violation of the provisions of Article 102, does not carry documents or does not present them;
- (vii) A person who fails to make a report pursuant to the provisions of Article

- 144, paragraph (1) or makes a false report;
- (viii) A person who refuses, precludes or avoids the inspection pursuant to the provisions of Article 144, paragraph (1); or
- (ix) A person who fails to make a report or submit materials pursuant to the provisions of Article 144, paragraph (2), makes a false report or submits false materials, refuses, precludes or avoids the inspection under the provisions of said paragraph, or fails to give answers to questions asked pursuant to said paragraph, or gives a false answer.

**Article 151** A person who has failed to make the notification pursuant to the provisions of Article 100-4, paragraph (3), or has made a false notification shall be punished by a non-criminal fine of up to 100,000.

**Article 152** When the representative of corporations, agents of corporations or individuals, workers or other employees commit any of the violations set forth in the following items with regard to the business of the said corporations or individual, not only the offender shall be punished but also the said corporation shall be punished by the fine prescribed in the respective items, and the said individual shall be punished by the fines prescribed in the respective Articles:

- (i) Article 147, paragraph (1): a fine of up to 100 million yen;
- (ii) Article 147, paragraph (2) and Articles 148 through 150: a fine prescribed in the respective Articles.

### **Supplementary Provisions**

- (1) The effective date of this Act shall be specified by Cabinet Order within a period not exceeding six months from the date of promulgation.
- (2) The following Acts shall be repealed:  
The Placer Act (Act No. 13 of 1909)

### **Supplementary Provisions [Act No. 220 of June 9, 1951]**

- (1) This Act shall come into effect as of the day of enforcement of the new Act.

### **Supplementary Provisions [Act No. 222 of June 9, 1951] [Extract]**

(Effective Date)

**Article 1** This Act shall come into effect as of October 1, 1951.

(Former Conciliation Case)



Article 13 With regard to conciliation cases received by the court prior to the enforcement of this Act, the provisions in force at that time shall remain applicable.

(Appointment of Conciliation Committee Members, etc.)

Article 14 (1) The conciliation committee members who were appointed under the provisions of the previous act prior to the enforcement of this Act shall be deemed to have been appointed by the provisions of said Act, with regard to the application of this Act.

(2) The conciliation committee members who are appointed under the provisions of this Act after its enforcement shall be deemed to have been selected by the provisions of the previous act, with regard to the application of said Act.

(3) The provisions of the preceding two paragraphs shall apply mutatis mutandis to the appointment of a head conciliator.

(Application of Penal Provisions)

Article 15 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions in force at that time shall remain applicable.

#### **Supplementary Provisions [Act No. 57 of July 9, 1953] [Extract]**

(1) This Act shall come into effect as of the day on which 30 days have elapsed since the day of promulgation; provided, however, that the provisions of paragraph (3) of the Supplementary Provisions shall apply from the first day on which the Treaty of Peace with Japan becomes effective.

(2) With regard to the application of the Labor Standards Act (Act No. 49 of 1947) and the Mining Safety Act (Act No. 70 of 1949), those who may continue to mine Minerals pursuant to the provisions of Article 4 of the Act for Enforcement of the Mining Act (Act No. 290 of 1950) shall be deemed as the holders of the Mining Rights prescribed in Article 2, paragraph (1) of the Mining Safety Act, and the workplaces where they conduct the business of mining shall be deemed as the mines prescribed in paragraph (2) of said Article, and those who are engaged in the business of mining at such workplaces shall be deemed as the mine workers prescribed in paragraph (3) of said Article.

#### **Supplementary Provisions [Act No. 202 of August 13, 1953] [Extract]**

(1) In this Act, the revised provisions in Articles 303, 307 and 310, Article 321-4, paragraph (1), paragraphs (1) and (2) of Article 321-5, and the provisions of paragraph (9) of the Supplementary Provisions shall come into effect as of

January 1, 1954, and other provisions (hereinafter referred to as "Other Provisions") shall come into effect as of the day of promulgation. Of Other Provisions, those provisions other than the revised provisions in Articles 9, 10 and 15, item (xi) of Article 292, Articles 321-8 and 321-13, Article 742-2, 776-2 and the provisions of the Supplementary Provisions shall start applying to the local tax to be imposed for fiscal 1953 (the taxes involved in the corporate income tax imposed on the Central Association of Fishing Vessel Insurance and the enterprise tax on the business conducted by corporations shall be paid in the fiscal year in which January 1, 1953 was included).

**Supplementary Provisions [Act No. 39 of June 30, 1955] [Extract]**

- (1) This Act shall come into effect as of July 1, 1955.
- (13) The provisions of the Act listed in the items of the preceding paragraph after the revision pursuant to the preceding paragraph shall be applied to the arrears charges to be collected after the enforcement of this Act; provided, however, that with regard to all or part of such arrears charges handled prior to the enforcement of this Act, the provisions in force at that time shall remain applicable.

**Supplementary Provisions [Act No. 193 of December 19, 1955]**

(Effective Date)

Article 1 This Act shall come into effect as of February 1, 1956.

(Mining of Uranium Ore and Thorium Ore)

Article 2 Any person or their successor who has been mining uranium ore or thorium ore prior to the enforcement of this Act may continue to mine them for three months from the day of enforcement of this Act, as the provisions in force at that time shall remain applicable. In cases where such person or their successor files an application for the establishment of Mining Rights for uranium ore or thorium ore in the digging area concerned, the same shall apply to such application zone until said application is dismissed, a notice of non-permission is received, the permission ceases to be effective under the provisions of Article 43 of the Mining Act, or the establishment of a Mining Right is registered.

(Right of Priority)

Article 3 If a person or their successor who continues to mine uranium ore or thorium ore six months prior to the enforcement of this Act files an application for the establishment of Mining Rights for uranium ore or thorium ore within

three months from the day of enforcement of this Act, such person shall have the right of priority to other applications (except for the applications filed before the enforcement of this Act and the applications for the establishment of digging rights filed by holders of prospecting rights in their prospecting areas) in such digging areas, irrespective of the provision of Article 27 of the Mining Act, and the provisions of Article 14, paragraph (2) and Articles 16, 29, 30 and 32 of the Mining Act shall not apply to such application.

Article 4 If any person or their successor who continues to possess the right of use of land for acquisition of uranium ore or thorium ore (except for the owner of land) files an application for establishment of Mining Rights for uranium ore or thorium ore within three months from the day of enforcement of this Act, such person shall have the right of priority to other applications (except for the applications filed pursuant to the provisions of the preceding Article, the applications filed before the enforcement of this Act and the applications for the establishment of digging rights filed by holders of prospecting rights in their prospecting areas) in the area of land where such right can be exercised, irrespective of the provisions of Article 27 of the Mining Act, and the provisions of Article 14, paragraph (2) and Articles 16, 29, 30 and 32 of the Mining Act shall not apply to such application; provided, however, that, if the application for the establishment of Mining Rights for uranium ore or thorium ore in the area of such land as prescribed in the preceding Article is permitted, this shall not apply to the provisions of Articles 16, 29 and 30 of said Act.

Article 5 If a landowner of land files an application for the establishment of Mining Rights for uranium ore or thorium ore within three months from the day of enforcement of this Act, such person shall have the right of priority to other applications (except for the applications filed pursuant to the provisions of the preceding two Articles, the applications filed before the enforcement of this Act and the applications for the establishment of digging rights filed by holders of prospecting rights in their prospecting areas) in the area of land owned by them, irrespective of the provisions of Article 27 of Mining Act, and the provisions of Article 14, paragraph (2) and Article 32 of the Mining Act shall not apply to such applications.

(Applications for Overlapping Areas)

Article 6 (1) If a person, who filed an application for the establishment of prospecting rights pursuant to the provisions of Article 3 or 4 of the Supplementary Provisions and obtained the registration of said establishment, files an application for digging rights for uranium ore or thorium ore in their prospecting area, the provisions of Articles 16 and 30 of the Mining Act shall

not apply to the overlapping area.

- (2) If a person, who filed an application for the establishment of prospecting rights pursuant to the provisions of the preceding three Articles and obtained the registration of said establishment, files an application for the establishment of digging rights for uranium ore or thorium ore in an area that includes all of the prospecting area, the provisions of Article 14, paragraph (2) of the Mining Act shall not apply.

Article 7 If a holder of prospecting rights, who is in the digging area involved in the application for the establishment of Mining Rights pursuant to the provisions of Article 3 or 4 of the Supplementary Provisions or in the area of land where said rights can be exercised, or in the prospecting area that overlaps with the Mining Site where they filed an application for establishment of Mining Rights pursuant to the provisions of Article 3 or 4 of the Supplementary Provisions or that of paragraph (1) of the preceding Article, and made registration of the said right that is aimed at the Minerals that are found in the same type of ore deposit as the subject of the prospecting rights, filed an application for the establishment of digging rights for said Minerals as the subject of prospecting rights in the overlapping area, the provisions of Articles 16 and 30 of the Mining Act shall not apply to the overlapping area.

(Mining Rights, etc. in Overlapping Mining Sites)

Article 8 (1) If the Mining Site of a holder of Mining Rights overlaps the digging area involved in the application for the establishment of Mining Rights pursuant to the provisions of Article 3 or 4 of the Supplementary Provisions, or the Mining Site of the Mining Rights of which establishment is registered by filing an application pursuant to the provisions of Article 3 or 4 or Article 6, paragraph (1) of the Supplementary Provisions, they may not mine and acquire uranium ore or thorium ore in the overlapping area, irrespective of the provisions of Article 5 of the Mining Act.

- (2) In addition to the case prescribed in the preceding paragraph, a holder of Mining Rights may not mine and acquire uranium ore or thorium ore that is found in the same type of ore deposit of the Mineral subject to the Mining Rights for three months from the day of enforcement of this Act, irrespective of the provisions of Article 5 of the Mining Act.

Article 9 With regard to a person who filed an application for the establishment of Mining Rights pursuant to the provisions of Article 3 or 4 or Article 6, paragraph (1) of the Supplementary Provisions and obtained the registration of establishment, if their Mining Site overlaps the Mining Site of others targeting Minerals that are found in the same type of ore deposit as uranium ore or

thorium ore, any Mineral other than uranium ore or thorium ore may not be mined and acquired in the overlapping area irrespective of the provisions of Article 5 of the Mining Act.

(Consultation and Decision)

Article 10 (1) If a Mining Site, where an application for establishment of Mining Rights is filed pursuant to the provisions of Article 3 or 4 or Article 6, paragraph (1) of the Supplementary Provisions and the establishment is registered, overlaps another Mining Site, of which the Mining Rights target Minerals that are found in the same type of ore deposit as uranium ore or thorium ore, the holder of Mining Rights, when they intend to mine Minerals in the overlapping area, shall consult with the opposing holder of Mining Rights.

- (2) If the consultation prescribed in the preceding paragraph cannot be arranged or an agreement cannot be reached, holders of the Mining Rights related to the consultation may file an application for a decision by the Director of Regional Bureau of Economy, Trade and Industry.
- (3) The provisions of paragraphs (2) through (6) of Article 47 of the Mining Act shall apply mutatis mutandis to the decision prescribed in the preceding paragraph.

(Compensation)

Article 11 (1) A landowner, who receives by contract or in practice, compensation from those who mine uranium ore or thorium ore or those who have the right of use of land for uranium ore or thorium ore, may demand those who file an application for the establishment of Mining Rights pursuant to the provisions of Article 3 or 4 or Article 6, paragraph (1) of the Supplementary Provisions and obtain the registration of such establishment to pay reasonable compensation for Mining of uranium ore or thorium ore.

- (2) In the case referred to in the preceding paragraph, the landowner may request a holder of Mining Rights to provide reasonable collateral with respect to compensation.
- (3) In the case referred to in the preceding two paragraphs, a holder of Mining Rights may not refuse approval of such demand and request without justifiable grounds for doing so.
- (4) The landowner may, if they cannot obtain the approval prescribed in the preceding paragraph, file an application for a decision by the Director of Regional Bureau of Economy, Trade and Industry.
- (5) The provisions of paragraphs (2) through (6) of Article 47 of the Mining Act shall apply mutatis mutandis to the decision prescribed in the preceding paragraph.

**Supplementary Provisions [Act No. 174 of December 12, 1958]**

- (1) This Act shall come into effect as of the day on which 20 days have elapsed since the day of promulgation.

**Supplementary Provisions [Act No. 148 of April 20, 1959] [Extract]**

(Effective Date)

- (1) This Act shall come into effect as of the day of enforcement of the National Tax Collection Act (Act No. 147 of 1959).

(Transitional Measure for Revision of the Order of Statutory Lien of Public Charges)

- (7) The provisions of respective laws and regulations after the revisions pursuant to the provisions of Chapter II (limited to the part pertaining to the order of statutory lien of collected money) shall apply only to cases where the dividends distribution procedures commence by the procedures for compulsory conversion into money as prescribed in item (xii) of Article 2 of the National Tax Collection Act. With regard to the order of statutory lien of collected money prescribed in relevant laws and regulations in cases where such dividends distribution procedures commenced prior to the enforcement of this Act, the provisions in force at that time shall remain applicable.

**Supplementary Provisions [Act No. 55 of March 31, 1962] [Extract]**

(Effective Date)

- (1) This Act shall come into effect as of April 1, 1962.

**Supplementary Provisions [Act No. 67 of April 2, 1962] [Extract]**

(Effective Date)

Article 1 This Act shall come into effect as of April 1, 1962.

**Supplementary Provisions [Act No. 105 of May 4, 1962] [Extract]**

- (1) This Act shall come into effect as of the day specified by Cabinet Order within a period not exceeding three months from the day of promulgation.

**Supplementary Provisions [Act No. 140 of May 16, 1962] [Extract]**

- (1) This Act shall come into effect as of October 1, 1962.
- (2) Provisions revised by this Act shall apply to the matters which have arisen prior to the enforcement of this Act, unless otherwise provided for in this Supplementary Provisions; provided, however, that any effect caused by the provisions prior to the revision by this Act shall not be precluded.
- (3) With regard to actions actually pending at the time of enforcement of this Act, the provisions in force at that time shall remain applicable irrespective of the provisions revised by this Act that prescribe that such actions may not be filed.
- (4) With regard to the jurisdictions of actions actually pending at the time of enforcement of this Act, the provisions in force at that time shall remain applicable irrespective of the provisions revised by this Act that designate such jurisdictions as exclusive jurisdictions.
- (5) With regard to the time limit for filing an action concerning dispositions or determinations of which the time limit for filing an action as prescribed in the provisions prior to revision by this Act was actually in progress at the time of enforcement of this Act, the provisions in force at that time shall remain applicable; provided, however, that this shall apply only to cases where the time limit for filing an action as prescribed in the provisions revised by this Act is shorter than the time limit for filing an action as prescribed in the provisions prior to revision by this Act.
- (6) With regard to public law related actions concerning dispositions or determinations made prior to the enforcement of this Act, the time limit for filing an action concerning the actions of which the time limit for filing an action is specified by revision by this Act shall commence from the day of the enforcement of this Act.
- (7) With regard to an action for the rescission of disposition or determination actually pending at the time of enforcement of this Act, the provisions in force at that time shall remain applicable irrespective of the provisions revised by this Act that designate one party of such legal relationship as a defendant; provided, however, that the court may allow such action to be changed to a public law related action upon an order brought about at the request of a plaintiff.
- (8) In the case referred to in the proviso to the preceding paragraph, the provisions of the second sentence of Article 18 and paragraphs (2) through (5) of Article 21 of the Administrative Case Litigation Act shall apply mutatis mutandis.

**Supplementary Provisions [Act No. 161 of September 15, 1962] [Extract]**

- (1) This Act shall come into effect as of October 1, 1962.
- (2) Provisions revised by this Act shall apply to the disposition of administrative

agencies before the enforcement of this Act, inaction of administrative agencies pertaining to applications filed prior to the enforcement of this Act, and other matters which have arisen prior to the enforcement of this Act, except as otherwise provided for in the Supplementary Provisions; provided, however, that the effect caused by provisions prior to revision by this Act shall not be precluded.

- (3) With regard to the petitions, applications for examination, objections and other appeals (hereinafter referred to as "Petitions, etc.") filed prior to the enforcement of this Act, the provisions in force at that time shall remain applicable. The same shall apply to the determination, decision and other disposition (hereinafter referred to as "Determination, etc. ") of Petitions, etc., which were filed prior to the enforcement of this Act, or Petitions, etc. filed in the case of objection against a judgment, etc. made after the enforcement of this Act concerning the Petitions, etc. filed prior to the enforcement of this Act.
- (4) As for Petitions, etc. prescribed in the preceding paragraph, the petitions pertaining to dispositions, against which appeals may be filed under the Administrative Appeal Act after the enforcement of this Act, shall be deemed to be appeals filed under the Administrative Appeal Act for the application of acts other than said Act.
- (5) Regarding the Determination, etc. of applications for examination, objections and other appeals to be filed after the enforcement of this Act pursuant to the provisions of paragraph (3) above, no appeal may be entered under the Administrative Appeal Act.
- (6) Regarding the disposition of administrative agencies prior to the enforcement of this Act, for which Petitions, etc. may be filed pursuant to the provisions prior to revision by this Act and of which the period of filing was not specified, the period during which appeals may be filed under the Administrative Appeal Act shall commence from the day of enforcement of this Act.
- (8) With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions in force at that time shall remain applicable.
- (9) In addition to what is provided for in the preceding eight paragraphs, the transitional measures required for the enforcement of this Act shall be prescribed by Cabinet Order.
- (10) If this Act and the Act Coordinating Related Acts Following Enforcement of the Administrative Case Litigation Act (Act No. 140 of 1962) have the revised provisions concerning said related Acts, those Acts shall be revised first by this Act, and then revised by the Act Coordinating Related Acts Following Enforcement of the Administrative Case Litigation Act.

**Supplementary Provisions [Act No. 36 of June 12, 1967] [Extract]**



(1) This Act shall come into effect as of the day of enforcement of the Registration and License Tax Act.

**Supplementary Provisions [Act No. 75 of July 21, 1967]**

(1) This Act (except for Article 1 thereof) shall come into effect as of the day of enforcement of the revised Act.

**Supplementary Provisions [Act No. 13 of April 1, 1970] [Extract]**

(Effective Date)

Article 1 This Act shall come into effect as of the day of promulgation.

(Transitional Measures for Partial Revision of the Act on Temporary Measures Concerning Interest Subsidies for Financing the Construction of Ocean-Going Ships)

Article 4 The provisions of the following Acts after revisions pursuant to the provisions of Articles 6, 20 and 21 shall apply to the calculation of the amount of arrears charges concerning the time limit for payment prescribed in these provisions, which falls on or after the day preceding the date on which the Act comes into effect, and with regard to the calculation of the amount of arrears charges concerning said payment time limit that arrived before said date, the provisions in force at that time shall remain applicable:

(i) and (ii) Omitted.

(iii) Article 189-2, paragraph (4) of the Mining Act.

**Supplementary Provisions [Act No. 52 of June 3, 1972] [Extract]**

(Effective Date, etc.)

Article 1 This Act shall come into effect as of the day specified by Cabinet Order within a period not exceeding 30 days from the date of promulgation.

(Transitional Measures on Disposition, etc. by the Land Coordination Committee or the Central Public Pollution Investigation Commission)

Article 16 (1) Prior to the enforcement of this Act, dispositions and other acts committed by the Land Coordination Committee and the Central Public Pollution Investigation Commission pursuant to the provisions of the Act prior to its revision by this Act shall be deemed to be dispositions and other acts committed by the Environmental Dispute Coordination Commission pursuant to the corresponding provisions of this Act or the Act revised by this Act, except

as otherwise provided by Cabinet Order.

- (2) The applications and other procedures actually filed with the Land Coordination Committee or the Central Public Pollution Investigation Commission at the time of this Act being in effect pursuant to the provisions of the Act prior to its revision by this Act shall be deemed as the procedures filed with the Environmental Dispute Coordination Commission pursuant to the corresponding provisions of this Act or the Act revised by this Act, except as otherwise provided by Cabinet Order.

#### **Supplementary Provisions [Act No. 27 of April 24, 1978] [Extract]**

(Effective Date)

- (1) This Act shall come into effect as of the day of promulgation; provided, however, that the revised provisions of Article 11, paragraph (1) of the Act on Real Estate Appraising and Valuation in Article 1 of this Act, the provisions of Articles 2, 3, 5 and 6, the revised provisions of Article 107, paragraph (1) of the Patent Act in Article 19 of this Act, the revised provisions of Article 31, paragraph (1) of the Utility Model Act in Article 20 of this Act, the revised provisions of paragraphs (1) and (2) of Article 42 of the Design Act in Article 21 of this Act, the revised provisions of paragraphs (1) and (2) of Article 40 of the Trademark Act in Article 22 of this Act, the revised provisions of Article 5, paragraph (2) of the Guide Interpreter Act in Article 28 of this Act, and the provisions of Articles 29 and 30 shall come into effect as of May 1, 1978.

#### **Supplementary Provisions [Act No. 5 of March 30, 1979] [Extract]**

(Effective Date)

- (1) This Act shall come into effect as of the day of enforcement (October 1, 1980) of the Civil Execution Act (Act No. 4 of 1979).

(Transitional Measures)

- (2) With regard to cases of civil execution, exercise of enterprise security rights and the execution of bankruptcy filed before the enforcement of this Act, the provisions in force at that time shall remain applicable.
- (3) The amount of fees or payment to be received by or the amount of expenses to be reimbursed to a court execution officer concerning the cases specified in the preceding paragraph shall be prescribed by the Rules of the Supreme Court irrespective of the provisions of said paragraph.

#### **Supplementary Provisions [Act No. 45 of May 19, 1981] [Extract]**

(Effective Date)

(1) This Act shall come into effect as of the day of promulgation.

**Supplementary Provisions [Act No. 23 of May 1, 1984] [Extract]**

(Effective Date)

(1) This Act shall come into effect as of the day on which 20 days have elapsed since the date of promulgation.

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

(Effective Date)

Article 1 This Act shall come into effect as of the day of enforcement of the Administrative Procedures Act (Act No. 88 of 1993).

(Transitional Measures on Adverse Dispositions Resulting from Consultations, etc.)

Article 2 In cases where procedures for provision of the opportunity for a hearing or explanation pursuant to Article 13 of the Administrative Procedures Act and other procedures equivalent to procedures for the statement of opinions are consulted on and requested of councils and other council system organs pursuant to laws and regulations prior to the enforcement of this Act, the provisions in force at that time shall remain applicable with regard to the procedures for adverse disposition resulting from such consultations and other requests irrespective of the provisions of Acts concerned, revised by this Act.

(Transitional Measures on Penal Provisions)

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

(Transitional Measures on the Reorganization of Provisions Concerning Hearings)

Article 14 It shall be deemed that hearings or public hearings (excluding those pertaining to adverse dispositions) held pursuant to the provisions of Acts concerned prior to the enforcement of this Act or procedures for said hearings are conducted in accordance with the corresponding provisions of Acts concerned, revised by this Act.

(Delegation to Cabinet Order)

Article 15 In addition to what is provided for from Article 2 to the preceding

Article of the Supplementary Provisions, the transitional measures required for the enforcement of this Act shall be prescribed by Cabinet Order.

**Supplementary Provisions [Act No. 105 of November 21, 1997] [Extract]**

(Effective Date)

(1) This Act shall come into effect as of the day of promulgation.

**Supplementary Provisions [Act No. 44 of April 24, 1998] [Extract]**

(Effective Date)

Article 1 This Act shall come into effect as of July 1, 1998.

**Supplementary Provisions [Act No. 43 of May 14, 1999] [Extract]**

(Effective Date)

Article 1 This Act shall come into effect as of the day of enforcement of the Act on Access to Information Held by Administrative Organs (Act No. 42 of 1999; hereinafter referred to as the "Information Disclosure Act").

**Supplementary Provisions [Act No. 102 of July 16, 1999] [Extract]**

(Effective Date)

Article 1 This Act shall come into effect as of the day of enforcement of the Act on the Partial Revision of the Cabinet Act (Act No. 88 of 1999); provided, however, that the provisions listed in the following items shall come into effect as of the day specified by each item concerned:

- (ii) The provisions of paragraphs (1) and (5) of Article 10, paragraphs (1) and (5), Article 14, paragraph (3) and Articles 23, 28 and 30 of the Supplementary Provisions: the day of promulgation.

(Succession of Status as Officials)

Article 3 Persons who were actually the officials of the former Prime Minister's Office and former Ministries of Justice; Foreign Affairs; Finance; Education; Health and Welfare; Agriculture, Forestry and Fisheries; International Trade and Industry; Transport; Posts and Telecommunications; Labor; Construction; or Home Affairs (hereinafter referred as "Former Offices and Ministries" in this Article) before the enforcement of this Act (except for presidents, chairpersons and members of the councils, etc. specified in Article 8 of National Government Organization Act (Act No. 120 of 1948), the members of the Central Disaster Prevention Council, the chairperson and members of the

Japanese Industrial Standards Committee, and other similar persons specified by Cabinet Order) shall be the corresponding officials of the organs prescribed by Cabinet Order and are equivalent to the Former Offices and Ministries they formerly served from among the Cabinet Office and Ministries of Internal Affairs and Communications; Justice; Foreign Affairs; Finance; Education, Culture, Sports, Science and Technology; Health, Labour and Welfare; Agriculture, Forestry and Fisheries; Economy, Trade and Industry; Land, Infrastructure, Transport and Tourism; and the Environment (hereinafter referred as "New Offices and Ministries" in this Article) after the enforcement of this Act or departments and bureaus formed in the New Offices and Ministries with the same working conditions unless other appointments are announced.

(Transitional Measures Prescribed Separately)

Article 30 In addition to what is provided for from Article 2 to the preceding Article, other transitional measures required for the enforcement of this Act shall be prescribed separately by other Acts.

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

(Effective Date)

Article 1 This Act (except for Articles 2 and 3) shall come into effect as of January 6, 2001.

#### **Supplementary Provisions [Act No. 65 of June 12, 2002] [Extract]**

(Effective Date)

Article 1 This Act shall come into effect as of January 6, 2003.

(Transitional Measures on the Application of Penal Provisions)

Article 84 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act (with regard to the provisions listed in the items of Article 1 of the Supplementary Provisions, such provisions: hereinafter the same shall apply in this Article) and acts committed after the enforcement of this Act in cases where the provisions in force at that time shall remain applicable pursuant to the provisions of these Supplementary Provisions, the provisions in force at the time remain applicable.

(Delegation of Other Transitional Measures to Cabinet Orders)

Article 85 In addition to what is provided for in these Supplementary Provisions, other transitional measures required for the enforcement of this Act shall be

prescribed by Cabinet Order.

(Reviews)

Article 86 When five years have passed since the enforcement of this Act, the government shall review the system pertaining to beneficiary protection trusts prescribed in Article 2, paragraph (11) of the new Act on the Transfer of Corporate Bonds, etc. and financial instruments clearing organizations prescribed in Article 2, paragraph (29) of the Financial Instruments and Exchange Act, taking into account the state of enforcement of the new Act on the Transfer of Corporate Bonds, etc., Financial Instruments and Exchange Act and changes in socioeconomic conditions, and shall, when it is deemed necessary to do so, take the required measures based on the review results.

#### **Supplementary Provisions [Act No. 152 of December 13, 2002] [Extract]**

(Effective Date)

Article 1 This Act shall come into effect as of the day of enforcement of the Act on Use of Information and Communication Technology in Administrative Procedures, etc. (Act No. 151 of 2002).

(Transitional Measures on the Application of Penal Provisions)

Article 4 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions in force at that time shall remain applicable.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 5 In addition to what is provided for in the preceding three Articles, other transitional measures required for the enforcement of this Act shall be prescribed by Cabinet Order.

#### **Supplementary Provisions [Act No. 54 of May 30, 2003] [Extract]**

(Effective Date)

Article 1 This Act shall come into effect as of April 1, 2004.

(Transitional Measures on Penal Provisions)

Article 38 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions in force at that time shall remain applicable.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 39 In addition to what is provided for in this Act, other transitional measures required for the enforcement of this Act shall be prescribed by Cabinet Order.

(Reviews)

Article 40 When five years have passed since the enforcement of this Act, the government shall review various financial systems after revision by this Act, taking into account the state of the enforcement of the provisions revised by this Act and changes in socioeconomic conditions, and shall, when it is deemed necessary to do so, take the required measures based on the review results.

#### **Supplementary Provisions [Act No. 61 of May 30, 2003] [Extract]**

(Effective Date)

Article 1 This Act shall come into effect as of April 1, 2004.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 4 In addition to what is provided for in the preceding two Articles, other transitional measures required for the enforcement of this Act shall be prescribed by Cabinet Order.

#### **Supplementary Provisions [Act No. 88 of June 9, 2004] [Extract]**

(Effective Date)

Article 1 This Act shall come into effect as of the day specified by Cabinet Order within a period not exceeding five years from the date of promulgation (hereinafter referred to as the "Date of Enforcement").

(Transitional Measures on Application of Penal Provisions)

Article 135 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act and acts committed after the enforcement of this Act in cases where the provisions in force at that time shall remain applicable pursuant to the provisions of these Supplementary Provisions and where such provisions shall remain in force, the provisions in force at that time shall remain applicable.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 136 In addition to what is provided for in these Supplementary Provisions, other transitional measures required for the enforcement of this Act shall be prescribed by Cabinet Order.

(Reviews)

Article 137 When five years have passed since the enforcement of this Act, the government shall review the settlement system for the transaction of shares, etc. after revision by this Act, taking into account the state of the enforcement of the provisions revised by this Act and changes in socioeconomic conditions, and shall, when it finds it necessary to do so, take required measures based on the review results.

#### **Supplementary Provisions [Act No. 84 of June 9, 2004] [Extract]**

(Effective Date)

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

(Reviews)

Article 50 When five years have passed since the enforcement of this Act, the government shall review the state of enforcement of new Acts and shall, when it finds it necessary to do so, take required measures based on the review results.

#### **Supplementary Provisions [Act No. 94 of June 9, 2004] [Extract]**

(Effective Date)

Article 1 This Act shall come into effect as of April 1, 2005; provided, however, that the provisions of Articles 7 and 28 of the Supplementary Provisions shall come into effect as of the day of promulgation, and the provisions of paragraphs (1) to (5) and (9) to (11) of Article 4 and Articles 5 and 6 of the Supplementary Provisions shall come into effect as of October 1, 2004.

(Transitional Measures on Dispositions, etc.)

Article 26 Dispositions, procedures and other acts committed pursuant to the provisions of respective Acts (including the orders based on such Acts; hereinafter the same shall apply in this Article) before the revisions prior to the enforcement of this Act, which are covered by corresponding provisions of respective Acts after revision, shall be deemed to be committed due to the corresponding provisions of the respective Acts after revision, except as otherwise provided for in these Supplementary Provisions.

(Transitional Measures on Application of Penal Provisions)

Article 27 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions in force at that time shall



remain applicable.

(Cabinet Order Delegation)

Article 28 In addition to what is provided for in these Supplementary Provisions, other transitional measures required for the enforcement of this Act shall be prescribed by Cabinet Order.

(Reviews)

Article 29 When five years have passed since the enforcement of this Act, the government shall review the provisions of the new Mining Safety Act, taking into account the state of the enforcement of the new Mining Safety Act, and shall, when it is deemed necessary to do so, take required measures based on review results.

### **Supplementary Provisions [Act No. 84 of July 22, 2011] [Extract]**

(Effective Date)

Article 1 This Act shall come 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 25 of the Supplementary Provisions shall come into effect as of the date of promulgation.

(Transitional Measures for Partial Revision of the Mining Act)

Article 2 With regard to the duration of Mining Rights which have been registered prior to the enforcement of this Act (hereinafter referred to as "Old Mining Rights") and which are prospecting rights for oils, irrespective of the provisions of Article 18 of the Mining Act revised by the provisions of Article 1 (hereinafter referred to as the "New Mining Act"), the provisions in force at that time shall remain applicable.

Article 3 (1) Old Mining Rights which are Mining Rights for the Specified Minerals prescribed in Article 6-2 of the New Mining Act (hereinafter simply referred to as "Specified Minerals") shall be deemed to have been established pursuant to the provisions of Article 21, paragraph (1) of the New Mining Act.  
(2) The applications for the establishment of Mining Rights pursuant to the provisions of Article 21, paragraph (1) of the Mining Act prior to revision by the provisions of Article 1 (hereinafter referred to as the "Former Mining Act") which have been already filed at the time of the enforcement of this Act, and which are related to the establishment of Mining Rights for Specified Minerals, shall be deemed to be the applications filed pursuant to the provisions of Article 21, paragraph (1) of the New Mining Act.

(3) The holders of prospecting rights whose prospecting rights have been deemed to be established under the provisions of Article 21, paragraph (1) of the New Mining Act pursuant to the provisions of paragraph (1), or the holders of prospecting rights who have been deemed to have filed applications for the establishment of prospecting rights under the provisions of paragraph (1) of said Article pursuant to the preceding paragraph and whose prospecting rights have been established pursuant to the provisions of said paragraph, may file applications for the establishment of prospecting rights under the provisions of paragraph (1) of said Article (limited to prospecting rights for Specified Minerals, which are already the subject of the respective prospecting area, in said prospecting area), irrespective of the provisions of said paragraph.

Article 4 The provisions of Article 51-3 of the New Mining Act shall not apply to cases where the Mining Rights have been acquired by general succession, including inheritance, prior to the date of enforcement of this Act (hereinafter referred to as the "Date of Enforcement").

Article 5 In respect to the rescission of Mining Rights pursuant to the provisions of Article 55 of the New Mining Act made against the holders of Old Mining Rights and rescission of Mining Lease Rights pursuant to the provisions of Article 83 of the New Mining Act made against the holders of Mining Lease Rights who actually exist at the time of the enforcement of this Act, the provisions in force at that time shall remain applicable in regard to the circumstances which arose prior to the Date of Enforcement.

Article 6 The provisions of Article 70-2, paragraph (2) of the New Mining Act shall not apply in cases where the holders of Mining Rights have had the presence of the Specified Mineral confirmed pursuant to the provisions of Article 67 of the Former Mining Act prior to the Date of Enforcement.

Article 7 Any person who is already carrying out the Exploration prescribed in Article 100-2, paragraph (1) of the New Mining Act at the time of the enforcement of this Act may continue to carry out such Exploration for one month from the Date of Enforcement (if a disposition of non-permission has been determined for the application for permission prescribed in said paragraph within such period, for the period until the date of such disposition), irrespective of the provisions of said paragraph. The same shall apply, in cases where such person has filed an application for permission prescribed in said paragraph within said period, and when said period has elapsed, for the period until permission or non-permission is determined for such application.

(Transitional Measures for the Abolition of Petroleum and Combustible Natural Gas Resources Development Act)

Article 8 With regard to the subsidies to holders of Mining Rights of Mining Lease Rights which have been ruled to be granted pursuant to the provisions of Article 16 of the Petroleum and Combustible Natural Gas Resources Development Act prior to abolishment by the provisions of Article 2 before the enforcement of this Act (hereinafter referred to as the "Former Resources Development Act"), the provisions then in force shall remain applicable.

Article 9 With regard to the dispositions, procedures and other actions made pursuant to the provisions of the Former Resources Development Act and on or after the Date of Enforcement in cases where the provisions at that time remain applicable pursuant to the provisions of the preceding Article, the provisions of Article 3 of the Former Resources Development Act shall remain in force.

(Transitional Measures Concerning Dispositions and Applications, etc.)

Article 23 (1) The permission, authorization, other dispositions, or notices given, or any other acts made by the Director of the Regional Bureau of Economy, Trade and Industry pursuant to the provisions of the respective Acts prior to revision before the enforcement of this Act (including orders based on such Acts; hereinafter the same shall apply in this Article) shall be deemed to be the permission, authorization, other dispositions, or notices given, or any other acts made by the Minister of Economy, Trade and Industry, based on the corresponding provisions of the respective Acts revised by this Act.

(2) The applications, notifications and any other acts which have been actually made before the Director of the Regional Bureau of Economy, Trade and Industry pursuant to the provisions of the respective Acts prior to the revision at the time of enforcement of this Act shall, after the enforcement of this Act, be deemed to be the applications, notifications and other acts made before the Minister of Economy, Trade and Industry based on the corresponding provisions of the respective Acts revised by this Act.

(3) Any particulars for which reports, notifications and other procedures must be made to the Director of the Regional Bureau of Economy, Trade and Industry pursuant to the provisions of the respective Acts prior to revision before the enforcement of this Act, and for which such procedures have not been conducted before the Date of Enforcement shall, after the enforcement of this Act, be deemed to be the particulars for which reports, notifications and other procedures must be made to the Minister of the Economy, Trade and Industry pursuant to the corresponding provisions of the respective Acts revised by this Act and for which such procedures have not been conducted, and the provisions

of the respective Act revised by this Act shall apply.

(Transitional Measures Concerning Application of Penal Provisions)

Article 24 With regard to the application of penal provisions to acts committed prior to the Date of Enforcement or acts committed on or after the Date of Enforcement in cases where the provisions prior to revision remain applicable pursuant to the provisions of these Supplementary Provisions, the provisions prior to revision shall remain applicable.

(Delegation to Cabinet Order)

Article 25 In addition to what is provided for in these Supplementary Provisions, transitional measures required for the enforcement of this Act (including transitional measures concerning penal provisions) shall be prescribed by Cabinet Order.

(Reviews)

Article 26 The government shall, in cases where five years have passed since the enforcement of this Act, if it finds it necessary to do so by taking into consideration the state of enforcement of the New Mining Act, review the provisions of the New Mining Act and take required measures based on the review results.