

Order for Enforcement of the Companies Act

(Cabinet Order No. 364 of December 14, 2005)

The Cabinet hereby enacts this Cabinet Order pursuant to the provisions of the Companies Act (Act No. 86 of 2005).

(Consent to the Provision of Matters to Be Stated in Writing by
Electromagnetic Means)

Article 1 (1) A person (referred to as the "Provider" in the following paragraph) who intends to provide the matters listed in the following provisions by electromagnetic means (meaning the Electromagnetic Means prescribed in Article 2, item (xxxiv) of the Companies Act (hereinafter referred to as the "Act"); the same shall apply hereinafter) shall, as provided by Ordinance of the Ministry of Justice, indicate to the intended recipient of said matters the type and details of Electromagnetic Means used, and shall obtain consent therefrom in writing or by Electromagnetic Means in advance:

- (i) Article 59, paragraph (4) of the Act;
- (ii) Article 74, paragraph (3) of the Act (including the cases where it is applied mutatis mutandis pursuant to Article 86 of the Act);
- (iii) Article 76, paragraph (1) of the Act (including the cases where it is applied mutatis mutandis pursuant to Article 86 of the Act);
- (iv) Article 203, paragraph (3) of the Act;
- (v) Article 242, paragraph (3) of the Act;
- (vi) Article 310, paragraph (3) of the Act (including the cases where it is applied mutatis mutandis pursuant to Article 325 of the Act);
- (vii) Article 312, paragraph (1) of the Act (including the cases where it is applied mutatis mutandis pursuant to Article 325 of the Act);
- (viii) Article 555, paragraph (3) of the Act (including the cases where it is applied mutatis mutandis pursuant to Article 822, paragraph (3) of the Act);
- (ix) Article 557, paragraph (1) of the Act (including the cases where it is applied mutatis mutandis pursuant to Article 822, paragraph (3) of the Act);
- (x) Article 677, paragraph (3) of the Act;
- (xi) Article 721, paragraph (4) of the Act;
- (xii) Article 725, paragraph (3) of the Act;
- (xiii) Article 727, paragraph (1) of the Act;
- (xiv) Article 739, paragraph (2) of the Act.

(2) The Provider who has obtained consent pursuant to the provisions of the preceding paragraph shall not provide the relevant matters to the recipient set forth in the same paragraph by Electromagnetic Means if said recipient has

indicated in writing or by Electromagnetic Means to the effect that he/she is not to be provided with said matters by Electromagnetic Means; provided, however, that this shall not apply in the case where said recipient gives his/her consent again pursuant to the provisions of said paragraph.

(Consent to Notification by Electromagnetic Means)

Article 2 (1) A person who intends to issue a notice by Electromagnetic Means under the provisions listed below (referred to as the "Notice Issuer" in the following paragraph) shall, as provided by Ordinance of the Ministry of Justice, indicate to the intended recipient of said notice the type and details of Electromagnetic Means used, and shall obtain consent therefrom in writing or by Electromagnetic Means in advance:

- (i) Article 68, paragraph (3) of the Act (including the cases where it is applied mutatis mutandis pursuant to Article 86 of the Act);
- (ii) Article 299, paragraph (3) of the Act (including the cases where it is applied mutatis mutandis pursuant to Article 325 of the Act);
- (iii) Article 549, paragraph (2) of the Act (including paragraph (4) of the same Article (including the cases where it is applied mutatis mutandis pursuant to Article 822, paragraph (3) of the Act) and the cases where it is applied mutatis mutandis pursuant to Article 822, paragraph (3) of the Act);
- (iv) Article 720, paragraph (2) of the Act.

(2) The Notice Issuer who has obtained consent pursuant to the provisions of the preceding paragraph shall not issue a notice to the recipient set forth in the same paragraph by Electromagnetic Means if said recipient has indicated in writing or by Electromagnetic Means to the effect that he/she is not to receive said notice by Electromagnetic Means; provided however, that this shall not apply in the case where said recipient gives his/her consent again pursuant to the provisions of said paragraph.

(Registration of Investigative Bodies for Electronic Public Notices and the Amount of Fees Pertaining to Applications for Renewal Thereof)

Article 3 The amount of fees specified by Cabinet Order, set forth in Article 942, paragraph (2) of the Act (including the case where it is applied mutatis mutandis pursuant to Article 945, paragraph (2) of the Act), shall be 420,600 yen.

(The Valid Period of Registration for Investigative Bodies for Electronic Public Notices)

Article 4 The period specified by Cabinet Order under Article 945, paragraph (1) of the Act shall be three years.