

Chapter 2 General Remarks (Following Establishment of the Reconstruction Agency)

Section 3 Legal system

(1) Overview

In the wake of the Great East Japan Earthquake, various legal measures were required to restore and reconstruct disaster-affected areas, rebuild the lives of disaster victims, revitalize industries and livelihoods, and respond to the nuclear disaster. Some of them were enacted as special legislation specifically for the Great East Japan Earthquake, while others were enacted or amended as general laws that were not limited to the Great East Japan Earthquake. A simple summation of these measures amounts to 47 as shown in the following list (Figure 2-3-1).

Laws that were enacted or amended to strengthen disaster management and mitigation measures nationwide or to revise nuclear energy policy based on the lessons learned from the Great East Japan Earthquake but do not target the Great East Japan Earthquake and similar laws are not included on the list as a general rule, but they are mentioned in “subsequent amendments, etc.” in commentaries on related laws when appropriate. In addition, laws that have undergone successive amendments are summarized in one item, and major revisions are appropriately discussed as “subsequent revisions, etc.” in the commentary on the original enactment or revision laws.

(2) Diet Situation, etc.

The Great East Japan Earthquake occurred during the 177th Diet, and a Special Committee on Reconstruction after the Great East Japan Earthquake was established in both the House of Representatives and the House of Councillors in order to formulate comprehensive measures for reconstruction (The House of Representatives’ committee was established on May 19, 2011, and the House of Councillors’ committee on June 13, 2011). The Diet session was extended for 70 days from the original date of June 22.

During the same Diet, while the ruling parties (Democratic Party of Japan and the People’s New Party) held a majority in the House of Representatives, they lost their majority in the House of Councillors following the July 2010 election, resulting in a so-called “divided Diet.”

Against the backdrop of a divided Diet and the urgent need for measures to cope with the issues facing the Diet, many laws were enacted as lawmaker-initiated legislation, or amendments were made to bills submitted by the Cabinet (28 Cabinet-submitted bills (including 7 amended by Diet members) and 19 pieces of lawmaker-member legislation).

The following table shows the number of laws that were enacted in each Diet, most of which were enacted during the 177th Diet at the time of the disaster.

• 177th Diet (January 24–August 31, 2011)	: 27
• 178th Diet (September 13–September 30, 2011)	: 2
• 179th Diet (October 20–December 9, 2011)	: 9
• 180th Diet (January 24–September 8, 2012)	: 6
• 183rd Diet (January 28–June 26, 2013)	: 1
• 185th Diet (October 15–December 8, 2013)	: 1
• 187th Diet (September 29–November 21, 2014)	: 1

(3) Summary by type

This section explains the history and purpose of the legislation, the overview of the legislation, the results of their application, and subsequent amendments of each law in the following categories.

1) Laws regarding the jurisdiction of the Reconstruction Agency

Sections 1 to 6 describe in detail the laws regarding the jurisdiction of the Reconstruction Agency, including the laws that form the basic framework for reconstruction policies. Section 2 of Chapter 2 describes the Act for Establishment of the Reconstruction Agency (Act No. 125 of 2011).

2) Legislative measures concerning recovery projects, urban development, and business revitalization

Sections 7 to 13 are legislative measures related to restoration projects, urban development, and business revitalization. For recovery projects and disaster waste disposal in disaster-affected areas, the administrative functions of municipalities were lost, and a massive amount of work, which was beyond the capacity of the municipalities, was required; therefore, it became necessary for the prefectural and national governments to handle some of the work on behalf of the municipalities. In addition, due to the outflow of people from urban areas and production bases due to the tsunami, a new concept and legal framework for disaster management urban development, such as the drastic reorganization of local land use, became necessary.

3) Legislative measures related to temporary special provisions for earthquake damage

In sections 14 through 21, legislative measures related to temporary special provisions for earthquake damage are examined. There has traditionally been a system to increase the amount of government subsidies for disaster recovery projects related to extremely severe disasters; however, additional measures and special subsidies and burden reduction for disaster victims became necessary in a wide range of fields, from restoration of public facilities to social insurance because of the enormous damage caused by the Great East Japan Earthquake. In addition, special provisions concerning the treatment of missing persons for municipal bonds and various benefits for which death is the reason for payment were necessary.

4) Legislative measures related to nuclear disasters

Sections 22 through 30 cover legislation related to nuclear disasters. With regard to the nuclear disaster, issues unforeseen by existing laws arose, such as how to guarantee and expedite the massive compensation by nuclear operators, how radioactive materials dispersed over a wide area should be decontaminated and disposed of, and how to provide administrative services to residents who had evacuated over a wide area, and these issues required the creation of a new legal framework. The Act on Special Measures for the Reconstruction and Revitalization of Fukushima (Act No. 25 of 2012) and the Act on Promotion of Support Measures for the Lives of Disaster Victims to Protect and Support Children and Other Residents Suffering Damage due to Tokyo Electric Power Company's Nuclear Accident (Act No. 48 of 2012) are discussed in detail in sections 4 and 5.

5) Other legislative measures

Sections 31 through 47 cover other legislative measures. It was necessary to implement measures to secure financial resources for reconstruction, establish special provisions for the national accounting system and local allocation tax, address issues under civil law such as inheritance, and strengthen the creditworthiness of financial institutions in disaster-affected areas.

6) Deregulation, etc.

In Section 48, the Cabinet Office's "Deregulation by Ministries and Agencies in Relation to the Great East Japan Earthquake" (released on April 19, 2011, updated on December 12, 2012) describes deregulation implemented in response to the earthquake, including legal measures under cabinet orders.¹ This document contains some of the legislative measures that overlap with Section 16, etc., but it was decided to include it in full, without omitting

¹ <https://www.cao.go.jp/sasshin/kisei-seido/publication/shinsai.html> (browsed July 19, 2023)

redundancies, because it is a valuable document that comprehensively covers deregulation, etc., by the government at that time. In addition, it also describes civil law measures that were not legislative measures or deregulation, but were implemented as measures related to legal issues.

Figure 2-3-1 List of laws related to the Great East Japan Earthquake

(Items for which the number is underlined are lawmaker-initiated legislation, and items for which the number is underlined with a broken line are cabinet-submitted acts; the responsible ministry or agency is indicated in angle brackets)

No.	Name of Act	Date promulgated	Overview
<u>1</u>	Basic Act on Reconstruction in Response to the Great East Japan Earthquake (Act No. 76 of 2011) < Reconstruction Agency >	June 24, 2011	Stipulates the basic principles, securing of funds, development of a system of special zones for reconstruction, and other basic matters, related to reconstruction following the Great East Japan Earthquake, as well as the basic policy on the establishment of the Reconstruction Agency.
<u>2</u>	Act for Establishment of the Reconstruction Agency (Act No. 125 of 2011) < Reconstruction Agency >	December 16, 2011	Stipulates the establishment and duties of the Reconstruction Agency and the affairs under its jurisdiction to the extent necessary to do that, as well as matters concerning the organization necessary to efficiently perform the administrative affairs under its jurisdiction.
<u>3</u>	Act on Special Zones for Reconstruction in Response to the Great East Japan Earthquake (Act No. 122 of 2011) < Reconstruction Agency >	December 14, 2011	Stipulates the basic policy for special zones for reconstruction, approval of reconstruction promotion plans and special measures (those for regulations and procedures, special tax provisions, interest subsidies), special measures pertaining to the implementation of land restructuring plans (those for regulations and taxation), reconstruction grants, etc., to promote efforts for reconstruction following the Great East Japan Earthquake.
<u>4</u>	Act on Special Measures for the Reconstruction and Revitalization of Fukushima (Act No. 25 of 2012) < Reconstruction Agency >	March 31, 2012	Stipulates the formulation of basic guidelines for the reconstruction and revitalization of Fukushima and creation of Fukushima reconstruction and revitalization plans, Prime Minister's approval of those plans, and special measures for the reconstruction and revitalization of zones where evacuation orders have been lifted or are to be lifted and reconstruction and revitalization of industry following the nuclear disaster based on the Fukushima reconstruction and revitalization plans approved by the Prime Minister in order to promote the reconstruction and revitalization of Fukushima following the nuclear accidents.
<u>5</u>	Act on Promotion of Support Measures for the Lives of Disaster Victims to Protect and Support Children and Other Residents Suffering Damage due to Tokyo Electric Power Company's Nuclear Accident (Act No. 48 of 2012) < Reconstruction Agency >	June 27, 2012	Stipulates basic principles, responsibilities of the national government, and formulation of basic guidelines by the government to promote measures such as livelihood support for disaster victims of the Tokyo Electric Power Company's nuclear accident mainly targeting voluntary evacuees.
<u>6</u>	Act on Corporation for Revitalizing Earthquake-affected Business (Act No. 113 of 2011) < Reconstruction Agency >	November 28, 2011	Stipulates the establishment of the Organization for Supporting the Turnaround of Businesses Damaged by the Great East Japan Earthquake, and operations such as the purchase of debt from financial institutions to resolve the double loan problem of businesses that incurred excessive debts due to the Great East Japan Earthquake and to revitalize them.
Legislative measures concerning recovery projects, urban development, and business revitalization			
7	Act on Work Taken over by the State, etc., for Disaster Recovery Projects for Public Civil Engineering Facilities Damaged by the Great East Japan Earthquake (Act No. 33 of 2011) < Ministry of Land, Infrastructure, Transport and Tourism >	April 29, 2011	Stipulates measures for the national government or prefecture to undertake disaster recovery projects for public civil engineering facilities (fishing ports, erosion control, ports and harbors, roads, seashores, landslide prevention, sewerage, river and steep slope failure prevention) and construction work related these projects on behalf of local governments damaged by the Tohoku-Pacific Ocean Earthquake.
8	Act on Special Provisions Concerning Building Restrictions in Urban Areas Severely Damaged by the Great East Japan Earthquake (Act No. 34 of 2011) < Ministry of Land, Infrastructure, Transport and Tourism >	April 29, 2011	Stipulates measures to enable restrictions or prohibition on construction for a limited period of time by designating areas that meet certain requirements if urban areas were severely damaged by the Tohoku-Pacific Ocean Earthquake and it is deemed necessary for city planning and unavoidable for the sound reconstruction of urban areas.

No.	Name of Act	Date promulgated	Overview
9	Act on Special Measures for the Land Improvement Act for Dealing with the Great East Japan Earthquake (Act No. 43 of 2011) < Ministry of Agriculture, Forestry and Fisheries >	May 2, 2011	Stipulates measures such as those that enable the smooth implementation of emergency disaster recovery and salt removal by the national government and other entities and land readjustment projects in conjunction with these projects to cope with the disaster caused by the tsunami due to the Great East Japan Earthquake and to resume farming as soon as possible.
10	Act on Special Measures Concerning the Disposal of Disaster Waste Generated by the Great East Japan Earthquake (Act No. 99 of 2011) < Ministry of the Environment >	August 18, 2011	Stipulates special provisions and other measures that the national government should take to dispose of disaster waste on behalf of municipalities that suffered damage in light of the fact that managing waste generated by the Great East Japan Earthquake is an urgent issue.
11	Act on the Promotion of Tsunami Countermeasures (Act No. 77 of 2011) < Cabinet Office (in charge of disaster management) >	June 24, 2011	Expresses the basic recognition that the national government's response to the tsunami until that time was insufficient and stipulates that the national government provide financial assistance to local governments for the preparation of hazard maps and that November 5 be designated as Tsunami Disaster Prevention Day.
12	Act on Regional Development for Tsunami Disaster Prevention (Act No. 123 of 2011) < Ministry of Land, Infrastructure, Transport and Tourism >	December 14, 2011	Stipulates the formulation of basic guidelines by the Minister of Land, Infrastructure, Transport and Tourism, the formulation of promotion plans by municipalities, special measures for promotion planning areas, and matters concerning city planning related to tsunami disaster management base urban area development facilities for a single housing complex as well as matters related to the management of tsunami protection facilities, development of warning and evacuation systems in tsunami disaster warning areas, and restrictions on certain development activities and construction of structures in tsunami disaster special warning areas in order to protect the lives, bodies and properties of the people from tsunami-caused disasters.
13	Act on Preparation, etc., of Related Acts in Association with the Enforcement of the Act on Regional Development for Tsunami Disaster Prevention (Act No. 124 of 2011) < Ministry of Land, Infrastructure, Transport and Tourism >	December 14, 2011	Stipulates necessary matters concerning the Flood Control Act, Expropriation of Land Act, City Planning Act, and other related laws accompanying the Act on Regional Development for Tsunami Disaster Prevention coming into effect.
Legislative measures related to temporary special provisions for earthquake damage			
14	Act on Temporary Special Provisions of Acts Related to National Tax, in Relation to Victims, etc. of the Great East Japan Earthquake (Act No. 29 of 2011) < Ministry of Finance >	April 27, 2011	Stipulates special provisions to the tax system, including special provisions for the deduction for miscellaneous losses and deduction for losses carried forward, and special measures related to the tax system, including refund of corporate tax due to the carryback of earthquake losses, exemption of residence requirement for special measures related to gift tax on housing acquisition funds, etc., and refund of automobile weight tax for affected vehicles as an emergency response to tax payers affected by the Great East Japan Earthquake.
15	Act for Partial Revision of Temporary Special Provisions for Tax-related Legislation Related to Great East Japan Earthquake Disaster Victims (Act No. 119 of 2011) < Ministry of Finance >	December 14, 2011	Stipulates tax system-related special measures, such as raising the ceiling and deduction rate for home loans for the repurchase of housing, etc., and creating a special zone for reconstruction tax system, which includes new location promotion tax system to reduce the burden on Great East Japan Earthquake disaster victims and others and further promote reconstruction efforts.
16	Act on Special Fiscal Aid and Subsidies for Recovery from the Great East Japan Earthquake (Act No. 40 of 2011) < Cabinet Office (in charge of disaster management) >	May 2, 2011	Stipulates measures related to reducing the burden of special financial support subsidies for entities such as local governments and people who pay social insurance premiums and providing special financial support for people working in the agricultural, fisheries, and forestry industries and at small and medium enterprises in order to respond to the Great East Japan Earthquake.
17	Act for Partial Revision of the Local Tax Act (Act No. 30 of 2011) < Ministry of Internal Affairs and Communications >	April 27, 2011	Stipulates tax-system special measures, including exemption from such taxes as fixed-asset tax in regions that sustained major damage from the Great East Japan Earthquake, making loans for such activities as repurchasing housing eligible for home loan deduction, and real estate acquisition tax exemption for the acquisition of replacement assets for disaster-affected agricultural land in order to lessen the burden on Great East Japan Earthquake victims, etc., and promote reconstruction efforts.

No.	Name of Act	Date promulgated	Overview
18	Act for Partial Revision of the Local Tax Act and the Act on Special Fiscal Aid and Subsidies for Recovery from the Great East Japan Earthquake to Deal with the Disaster Caused by the Nuclear Power Station Accident following the Great East Japan Earthquake (Act No. 96 of 2011) < Ministry of Internal Affairs and Communications >	August 12, 2011	Stipulates tax-system special measures, including the exemption from fixed-assets taxes, etc., exemption of such taxes as the real estate acquisition tax when purchasing replacement assets, and exemption from such taxes as the car tax for disposed of cars and revenue decrease compensation measures for local government bonds in such areas as those designated no-entry zones in order to address the damage caused by nuclear power station accident following the Great East Japan Earthquake.
19	Act on Special Provisions for the Issue of Passports in Relation to Victims of the Great East Japan Earthquake (Act No. 64 of 2011) (* abolished in April 2022) < Ministry of Foreign Affairs >	June 8, 2011	Stipulates special measures that make it possible to issue to disaster victims who lost or burned their general passport due to the Great East Japan Earthquake special disaster passports that are valid until the same date as that of the original passport without collecting any government fees.
20	Act on Special Provisions Concerning Local Government Bonds Related to Merged Municipalities Damaged by the Great East Japan Earthquake (Act No. 102 of 2011), etc. ² (* Name changed to the Act on Special Provisions for Local Government Bonds Concerning Merged Municipalities Due to Great East Japan Earthquake by 2012 amendment. And the name was changed to Act on Special Provisions for Local Government Bonds Concerning Merged Municipalities Due to Great East Japan Earthquake, etc. by 2018 amendment.) < Ministry of Internal Affairs and Communications >	August 30, 2011 (Act amended June 27, 2012)	Extends the period that municipalities permitted to issue merger special provisions bonds in FY2011 an additional 5 fiscal years from 10 fiscal years in light of the actual conditions of merged municipalities after the Great East Japan Earthquake. The 2012 amended act not only extends the period that merged municipalities that are not in disaster-affected areas can issue merger special provision bonds 5 fiscal years from 10 fiscal years and extends the period that merged municipalities in disaster-affected areas can issue merger special provision bonds 5 years from 15 fiscal years in order to address various issues, including difficulty in undertaking such projects as public facility development projects based on municipality construction plans even in merged municipalities that are not in disaster-affected areas. Moreover, the 2018 amended act extends the period that merged municipalities that are not in disaster-affected areas can issue merger special provision bonds 5 fiscal years from 15 fiscal years and extends the period that merged municipalities in disaster-affected areas can issue merger special provision bonds 5 years from 20 fiscal years.
21	Act for Partial Revision of the Act on Special Measures for Promotion for Independence for Underpopulated Areas (Act No. 39 of 2012) < Ministry of Internal Affairs and Communications >	June 27, 2012	Specifies that the period the law is effective is extended five years, until March 31, 2021, as a result of repeated deliberations of the various party's Diet groups in response to strong desire of disaster-affected municipalities and others to extend the life of the Act on Special Measures for Promotion for Independence for Underpopulated Areas because it was difficult to implement measures in an integrated and planned manner during the period of the act (March 31, 2016) as depopulation response projects were expected to be dramatically behind schedule as a result of the Great East Japan Earthquake.
Legislative measures related to nuclear disasters			
22	Act on Emergency Measures Related to Damage Caused by the 2011 Nuclear Accident (Act No. 91 of 2011) < Ministry of Education, Culture, Sports, Science and Technology >	August 5, 2011	Specifies aid to local governments that establish provisional refund payments from the national government and nuclear power accident damage emergency response fund to cover damage caused by a specified accident as an emergency response measure related to damage in light of special circumstances, such as the need to provide quick relief to those who suffered damage due to the nuclear power station accident and need for time to pay compensation for specified nuclear power damage.
23	Nuclear Damage Compensation Facilitation Corporation Act (Act No. 94 of 2011) (* Name changed to Nuclear Damage Compensation and Decommissioning Facilitation Corporation Act) < Cabinet Office (Office in charge of Nuclear Damage Compensation and Decommissioning Facilitation Corporation) >	August 10, 2011	Stipulates such matters as the establishment of the Nuclear Damage Compensation Facilitation Corporation, accumulation of the amount to be paid to the corporation, and the corporation's support for nuclear power plant operators in order to build a system that can handle payment of compensation for damage from the nuclear accident into the future based on the idea of mutual support by nuclear power plant operators in light of the possibility that there may be massive compensation for damages related to nuclear power plant businesses.

² Act for Partial Revision of Act on Special Provisions Concerning Local Government Bonds Related to Merged Municipalities Damaged by the Great East Japan Earthquake (Act No. 36 of 2012) and Act for Partial Revision of Act on Special Provisions Concerning Local Government Bonds Related to Merged Municipalities Accompanying the Great East Japan Earthquake (Act No. 19 of 2018; lawmaker-member legislation)

No.	Name of Act	Date promulgated	Overview
24	Act on Special Provisions for Administrative Disposition Related to Residents Who Evacuated to Deal with the Disaster Caused by the Nuclear Power Station Accident Following the Great East Japan Earthquake and on Measures Related to Relocating Residents (Act No. 98 of 2011) < Ministry of Internal Affairs and Communications >	August 12, 2011	Stipulates special provisions that make it possible for local governments of where people evacuate to handle administrative work for residents who evacuated and measures for persons who change their address because many residents evacuated to outside the municipality they lived in or were forced to change their address because of the disaster caused by the nuclear power station accident.
25	Act on Special Measures Concerning the Handling of Environmental Pollution by Radioactive Materials Discharged by the Nuclear Power Plant Accident Associated with the Tohoku District Off the Pacific Ocean Earthquake That Occurred on 11 March 2011 (Act No. 110 of 2011) < Ministry of the Environment >	August 30, 2011	Clarifies responsibilities of the national government, local governments, nuclear power plant operators, and citizens regarding dealing with the environmental pollution caused by radioactive materials from the nuclear power station accident, and stipulates such matters as the designation of contaminated waste countermeasure areas, special decontamination areas, etc. and the division of roles for waste treatment and decontamination, etc., to swiftly reduce the impact of environmental pollution caused by radioactive materials released by the accident on human health and the living environment.
26	Act for Partial Revision of the Act on Japan Environmental Safety Corporation (Act No. 120 of 2014) < Ministry of the Environment >	November 27, 2014	Clarifies legal responsibilities of the national government regarding securing interim storage and final disposal sites and stipulates that the Japanese Environmental Storage and Safety Corporation (JESCO) will handle such operations as the interim storage and collection and transportation of removed soil as commissioned by the national government in order to ensure proper interim storage and promptly reduce the impact of environmental pollution caused by radioactive materials released by the nuclear power station accident on human health and the living environment.
27	Act on Special Provisions for the Suspension of the Expiration of Rights Related to the Use of Mediation Procedures for Settlement by the Dispute Reconciliation Committee for Nuclear Damage Compensation Regarding Disputes over Nuclear Damage Compensation Related to the Great East Japan Earthquake (Act No. 32 of 2013) (* eliminated in December 2018) < Ministry of Education, Culture, Sports, Science and Technology >	June 5, 2013	Stipulates that if a person who filed a petition for settlement mediation takes legal action regarding a claim that was the subject of the settlement mediation within one month from the date of receiving the notice, the action shall be deemed to have been filed at the time of filing the petition for settlement mediation with regard to the interruption of the statute of limitations so that victims of the nuclear power station accident are able to use the settlement mediation procedures of the Dispute Reconciliation Committee for Nuclear Damage Compensation without fear of the statute of limitations expiring.
28	Act on Measures to Realize Early and Reliable Compensation for Nuclear Damage Caused by the Nuclear Power Station Accident following the Great East Japan Earthquake and Special Provisions on Extinctive Prescription, etc., of the Right to Claim Compensation Related to that Nuclear Damage (Act No. 97 of 2013) (* Name changed to Act on Measures and Special Provisions on Statute of Limitations, etc., of the Right to Claim Compensation Related to that Nuclear Damage to Realize Early and Certain Compensation for Nuclear Damage Caused by the Nuclear Power Station Accident following the Great East Japan Earthquake) < Ministry of Education, Culture, Sports, Science and Technology >	December 11, 2013	Stipulates the extension of the short-term statute of limitations to “10 years” and starting point as “when the damage occurs” in light of the fact that the disaster caused by the nuclear power station accident was unprecedented in scale and duration, that many people who suffered damage from the nuclear accident are hindered in gathering evidence that is the basis for calculating the amount of damage they suffered as they are still forced to endure a difficult evacuation life, and that it takes time for individual victims to claim compensation for damage from the nuclear accident that differs in nature and degree at the same time.

No.	Name of Act	Date promulgated	Overview
<u>29</u>	Act on the National Diet TEPCO Fukushima Nuclear Power Station Accident Investigation Commission (Act No. 112 of 2011) * Expired October 2012	October 7, 2011	Stipulates the establishment of the TEPCO Fukushima Nuclear Power Station Accident Investigation Commission in the Diet as a measure within one year from the Act coming into effect in order to investigate the direct or indirect causes of the nuclear power station accident and to conduct studies to inquire into and verify measures taken by the relevant administrative organs, etc., in response to such the accident, and to make recommendations on policies and measures that should be taken to prevent nuclear power station accidents, etc., including the review of basic policies on nuclear power and the ideal form of administrative organizations in charge of matters related to such policies, based on the results of such investigations, and thereby contribute to the enhancement and strengthening of the legislative and administrative oversight functions on nuclear power by the Diet.
<u>30</u>	Act for Partial Revision of the Diet Act (Act No. 111 of 2011)	October 7, 2011	Stipulates measures regarding establishing a joint council of the House Steering Committees of both houses concerning the TEPCO Fukushima Nuclear Power Station accident within the Diet as a measure during the period that the Fukushima Nuclear Power Station Accident Investigation Commission Act is in effect.
Other legislative measures			
<u>31</u>	Act on Special Measures for Securing Financial Resources Necessary to Respond to the Great East Japan Earthquake (Act No. 42 of 2011) < Ministry of Finance >	May 2, 2011	Stipulates such matters as transfers from the Fiscal Loan Fund Account of the Special Account for Fiscal Investment and Loan and the Foreign Exchange Fund Special Account to the general account, and payments to the national treasury by the Japan Railway Construction, Transport and Technology Agency and the Japan Expressway Holding and Debt Repayment Agency to secure the financial resources for the first supplementary budget for 2011.
<u>32</u>	Act on Special Measures for Securing Financial Resources Necessary to Implement Measures for Reconstruction following the Great East Japan Earthquake (Act No. 117 of 2011) < Ministry of Finance >	December 2, 2011	Stipulates such matters as the establishment of measures related to non-tax income (transfer from the special account for fiscal investment and loans to the special account for the National Debt Consolidation Fund and transfer of ownership of national stocks) and a special income tax for reconstruction (2.1% for 25 years) and a special corporate tax for reconstruction (10% for three years, abolished one year early in 2014), and the issuance and redemption of reconstruction bonds in order to secure the financial resources necessary for reconstruction.
<u>33</u>	Act on Temporary Special Provisions for Local Tax Related to Securing the Financial Resources Necessary for Disaster Prevention Measures Implemented by Local Governments for Reconstruction Following the Great East Japan Earthquake (Act No. 118 of 2011) < Ministry of Internal Affairs and Communications >	December 2, 2011	Stipulates special measures for the Local Tax Act that adds 500 yen to both the individual prefectural residents tax and individual municipal residents tax as a temporary measure to secure financial resources for the national disaster management project.
<u>34</u>	Act on Special Provisions for the Reduction of the Monthly Allowance of Diet Members to Contribute to the Recovery and Reconstruction from the Disaster Caused by the Tohoku-Pacific Ocean Earthquake, etc., in 2011 (Act No. 11 of 2011)	March 31, 2011	Stipulates that the monthly amount of the annual allowance of the Speaker, Vice Speaker and Members of each House from April to September 2011 will be reduced by 500,000 yen each to contribute to the early reconstruction and rehabilitation of people's lives.
<u>35</u>	Act on the Revision of Remuneration of National Public Servants and Temporary Special Provisions (Act No. 2 of 2012), etc. ³ < Cabinet Secretariat, Cabinet Personnel Bureau*, Ministry of Defense, Ministry of Internal Affairs and Communications > < Ministry of Justice > * Ministry of Internal Affairs and Communications when formulated	February 29, 2012	Revises salaries in light of the September 2011 National Personnel Authority (NPA) recommendation and stipulates special provisions related to the salary of national public servants for FY2012 and FY2013 in order to reduce labor costs for national public servants for various reasons, including responding to the Great East Japan Earthquake (9.77% reduction in the monthly salary of employees equivalent to or higher than the director of a department of the ministry).

³ Act Partially Amending the Act on the Compensation of Judges (Act No. 4 of 2012) and Act Partially Amending the Act on the Salaries of Public Prosecutors (Act No. 5 of 2012)

No.	Name of Act	Date promulgated	Overview
36	Act for Partial Revision of the Act on Special Accounting (Act No. 15 of 2012) < Ministry of Finance >	March 31, 2012	Stipulates such matters as the establishment, management, and accounting for (revenue and expenditures) of special accounting for reconstruction from the Great East Japan Earthquake and the elimination of special accounting for reconstruction when the Reconstruction Agency is disbanded, which is included in the supplementary provisions, to clarify accounting related to reconstruction projects in light of the provisions of Article 17, paragraph (2) of the Supplementary Provisions of the Act on Securing Financial Resources for Reconstruction (Act No. 117 of 2011).
37	Act on Special Provisions of the Civil Code Concerning Period for Acceptance or Renunciation of Inheritance Accompanying the Great East Japan Earthquake (Act No. 69 of 2011) < Ministry of Justice >	June 21, 2011	Stipulates the extension until November 30, 2011, of the period for acceptance or renunciation of inheritance for victims of the Great East Japan Earthquake who come to know that inheritance commenced for them on or after December 11, 2010, in order to prevent heirs who are victims of the Great East Japan Earthquake from being disadvantaged by missing the period for acceptance or renunciation of inheritance.
38	Act for Partial Revision of Act on Provision of Disaster Condolence Grant (Act No. 86 of 2011) < Cabinet Office (in charge of disaster management)* > * Ministry of Health, Labour and Welfare when amended	July 29, 2011	Stipulates that siblings who lived with or shared the livelihood of the deceased at the time of their death are added to the scope of surviving family members eligible for disaster condolence money under certain conditions and applies this to disasters that occur after the Great East Japan Earthquake.
39	Act for Partial Revision of Act on Provision of Disaster Condolence Grant and Act on Support for Reconstructing Livelihoods of Disaster Victims (Act No. 100 of 2011) < Cabinet Office (in charge of disaster management)* > * Ministry of Health, Labour and Welfare and Cabinet Office (in charge of disaster management) when amended.	August 30, 2011	Stipulates that the seizure of condolence money for disasters, condolence money for disaster disabilities, and support money for rebuilding the lives of disaster victims is prohibited in order to ensure the payment of condolence money to surviving families of those who have died in disasters, condolence money to those who have suffered serious mental or physical disabilities as a result of disasters, and support for rebuilding the lives of those who have suffered serious damage to their livelihoods as a result of natural disasters.
40	Act on Prohibition of Seizures, etc. of Donations Related to the Great East Japan Earthquake (Act No. 103 of 2011) < Cabinet Office (in charge of disaster management)* > * Ministry of Health, Labour and Welfare when amended	August 30, 2011	Stipulates that the seizure of donations related to the Great East Japan Earthquake is prohibited so that disaster victims, etc., can use the donations themselves in light of the purpose of donations related to the Great East Japan Earthquake.
41	Act on Special Provisions of Services of the Japan Legal Support Center for the Assistance of Victims of the Great East Japan Earthquake (Act No. 6 of 2012) < Ministry of Justice >	March 29, 2012	Stipulates that legal assistance, assistance in legal representation, assistance in document preparation, and assistance in legal consultation with regard to civil court proceedings and ADR will be provided for victims of the Great East Japan Earthquake (regardless of their financial resources) for 3 years as special provisions for the work of the Japan Legal Support Center to support victims of the Great East Japan Earthquake so that victims of the Great East Japan Earthquake can smoothly utilize court procedures and other legal dispute resolution and the services of lawyers.
42	Act for Partial Revision of Act on Special Provisions to Reinforce Financial Function to Reinforce the Management Foundation of Financial Institutions in Response to the Great East Japan Earthquake and Act on Special Measures for Promotion of Organizational Restructuring of Financial Institutions (Act No. 80 of 2011) < Financial Services Agency >	June 29, 2011	Stipulates special provisions regarding the earthquake, such as clarifying that the responsibility of management will not be questioned when earthquake special provision financial institutions, etc., plan to receive capital from the government in order to geographically maintain and strengthen financial functions in the extensive disaster-affect regions and to establish a framework to provide depositors with a sense of security at a time of concern about the various impacts of the Great East Japan Earthquake on financial functions.

No.	Name of Act	Date promulgated	Overview
43	Act for Partial Revision of Act on Enhancement and Restructuring of Credit Business Conducted by The Norinchukin Bank and Specified Agricultural and Fishery Cooperative Savings Insurance Cooperation, etc. (Act No. 89 of 2011) < Ministry of Agriculture, Forestry and Fisheries >	August 3, 2011	Stipulates special provisions concerning maintaining and strengthening the financial functions related to agriculture and fisheries with an eye toward relaunching and rebuilding the management of fisheries and farmers at a time of massive damage to fisheries and farmers due to the Great East Japan Earthquake and enhancing the equity capital of specified agricultural and fishery cooperatives in order to strengthen their credit business so that they can establish a framework to give a sense of security to savers, such as fishers and farmers.
44	Act on Special Provisions, etc., for the Total Amount of Local Allocation Tax for Fiscal 2011 (Act No. 41 of 2011) (* Name changed to Act on Special Provisions, etc., for the Total Amount of FY2011 Local Allocation Tax in Response to Great East Japan Earthquake based on 40) < Ministry of Internal Affairs and Communications >	May 2, 2011	Stipulates special provisions to add 120 billion yen to the total amount of FY2011 local allocation tax and use the full additional amount for special allocation tax as supplementary measures for local finance in accordance with the first supplementary budget for FY2011 in order to respond to the special fiscal needs associated with the Great East Japan Earthquake.
45	Act for Partial Revision of Act on Special Provisions, etc., for the Total Amount of Local Allocation Tax for Fiscal 2011 (Act No. 116 of 2011) < Ministry of Internal Affairs and Communications >	December 2, 2011	Increases the total amount of FY2011 local allocation tax to 1,663.5 billion and stipulates special provisions concerning such issues as the timing of decisions regarding the special local allocation tax for recovery from earthquake disaster as supplementary measures for local finance in accordance with the FY2011 third supplementary budget in order to make it possible to allocate reconstruction special local allocation tax to meet the special financial needs, etc., to undertake reconstruction projects and other projects related to the Great East Japan Earthquake.
46	Act on Special Provisions for Treatment of Surplus Related to Account Settlement of Revenue and Expenditure for Fiscal 2010 (Act No. 88 of 2011) < Ministry of Finance >	July 29, 2011	Stipulates that Article 6, Paragraph 1 of the Public Finance Act (Act No. 34 of 1947), which stipulates that an amount not less than 1/2 of the surplus when settling revenue and expenditure accounts must be allocated to bond redemptions or loan repayments, will not be applied to the FY2010 surplus so as not to rely on the issuance of new government bonds as source of funds for the 2011 second supplementary budget.
47	Act on Temporary Special Provisions on Election Dates, etc. for Members and Heads of Local Governments Due to the 2011 Tohoku-Pacific Ocean Earthquake (Act No. 2 of 2011), etc. ⁴ * (Name changed to the Act on Temporary Special Provisions on Election Dates, etc. for Members and Heads of Local Governments Due to the Great East Japan Earthquake) < Ministry of Internal Affairs and Communications >	March 22, 2011	Stipulates disaster-related special provisions for areas that suffered severe damage from the Tohoku-Pacific Ocean Earthquake, including postponing the date of the unified local elections expected to be held in April 2011.

⁴ Act for Partial Revision of Act on Temporary Special Provisions on Election Dates, etc. for Members and Heads of Local Governments Due to the 2011 Tohoku-Pacific Ocean Earthquake (Act No. 55 of 2011) and Act for Partial Revision of Act on Temporary Special Provisions on Election Dates, etc. for Members and Heads of Local Governments Due to the Great East Japan Earthquake (Act No. 92 of 2011) (lawmaker-member legislation)

1. Basic Act on Reconstruction in Response to the Great East Japan Earthquake (Act No. 76 of 2011)

(1) Background for formulating and purpose for enacting

After the disaster, the government made every effort possible to undertake an initial and emergency response, including search and rescue, emergency restoration, and support for evacuees. At the same time, however, there was a need to establish a system for the government's reconstruction in order to make progress toward reconstruction. In the Diet, it was pointed out that enacting the Basic Law for Reconstruction and establishing the system were slow compared to the Great Hanshin-Awaji Earthquake, and regarding the system, there were calls for dedicated administrative organization to be established for various reasons, including damage that exceeded that of the Great Kanto Earthquake, and various points were referred to, including the Imperial Reconstruction Agency and the Great Hanshin-Awaji Earthquake.⁵ On the other hand, there was an opinion that a headquarters system should be adopted instead of establishing a new administrative organization in view of the functionality of administrative organizations and other factors.⁶

Under these circumstances, the government clarified the basic principles for reconstruction of the disaster-affected regions in the Office for Preparation of a Bill for Reconstruction of the Affected Areas, etc. established in the Cabinet Secretariat on April 5, 2011, proceeded with the examination of a bill to establish the basic framework for the reconstruction-related organizations, and on May 13, 2011, the Cabinet approved the Legislative Bill for the Basic Guidelines and Organization for Reconstruction in Response to the Great East Japan Earthquake (hereinafter referred to as the "Government Draft") and submitted it to the 177 Diet ordinary session.

This Government Draft established provisions regarding the basic principles for reconstruction in the disaster-affected regions, measures to be taken by the national government, and the establishment of reconstruction headquarters in accordance with the Act on Basic Policy and Organization for Reconstruction in the Great Hanshin-Awaji Earthquake (Act No. 12 of 1995. Hereinafter referred to as "Hanshin-Awaji Reconstruction Law"). The following were given as the basic principles for reconstruction of disaster-affected regions.

- ① Fundamental measures, not merely recovery from the disaster, should be promoted.
- ② In addition to securing the appropriate roles of and collaboration and cooperation between the national government and local governments and the mutual collaboration and cooperation among local governments throughout Japan, the will of the residents of disaster-affected regions should be respected.
- ③ Mutual solidarity of the people should form the foundation of efforts.
- ④ Leading measures that contribute to solving the issues faced by Japan, such as declining population, as well as challenges common to all humankind, such as restrictions on the use of energy and environmental impacts, should be undertaken.
- ⑤ Measures to create safe communities and jobs, revitalize society and the economy, promote local culture, and maintain and strengthen bonds between local communities should be promoted.

In addition, provisions not appearing in the Hanshin-Awaji Reconstruction Act include measures to be taken by local governments, the establishment of the Reconstruction Design Council in Response to the Great East Japan Earthquake (an equivalent committee was established by Cabinet Order for the Great Hanshin-Awaji Earthquake), and an organization of a council system for reconstruction from the nuclear power station accident. In addition, supplementary provisions stipulate that the establishment of the Reconstruction Agency to plan and draft matters necessary for unifying the measures of each administrative department for reconstruction, as well as to conduct overall coordination, should be considered, and that necessary legislative measures should be taken within 1 year after the enforcement of the Act.

However, various points were pointed out in the Diet, such as that it is a refashioning of the Hanshin-Awaji Reconstruction Act and that it did not take into account the differences between the two disasters.⁷ In addition, media reports pointed out that it took time to submit the bill, that a stronger promotion system should be established, and that excessive energy should not be devoted to the creation of "vessels."

⁵ Toranosuke Katayama (Sunrise Party of Japan) May 1, 2011 (Minutes of the 177th Diet (Councillors) Budget Committee Meeting No. 13, p. 37), etc.

⁶ Teru Fukui (Liberal Democratic Party), March 23, 2011 (Minutes of the 177th Diet (Councillors) Cabinet Committee, No. 2, p. 11), Toranosuke Katayama (Sunrise Party of Japan), May 1, 2011 (Minutes of the 177 Diet (Councillors) Budget Committee, No. 13, p. 38), etc.

⁷ Shigeru Ishiba (Liberal Democratic Party), May 19, 2011 (minutes of the 177th Diet plenary session (House of Representatives), No. 21, p. 3), etc.

Figure 2-3-2 Comparison of timeline of government response to the Great East Japan Earthquake and Great Hanshin-Awaji Earthquake

	1995 Great Hanshin-Awaji Earthquake	2011 Great East Japan Earthquake
Earthquake hits	January 17 Earthquake hits	March 11 Earthquake hits
	February 15 Hanshin-Awaji Reconstruction Committee established (cabinet ordinance)	
One month later	February 17 <u>Cabinet decided on Hanshin-Awaji Reconstruction Bill and submits it to Diet</u>	April 11 Reconstruction Design Council established (cabinet decision)
	February 22 The Act is passed	
	February 24 The Act was promulgated and enacted and the Reconstruction Headquarters was established	
2 months later		May 13 <u>Government bill approved by the Cabinet and submitted it to the Diet</u>

Figure 2-3-3 Comparison of Main Provisions of the Hanshin-Awaji Reconstruction Act and Government Draft

	Act on Basic Policy and Organization for Reconstruction in the Great Hanshin-Awaji Earthquake (Act No. 12 of 1995) ^{*1}	Legislative Bill for the Basic Guidelines and Organization for Reconstruction in Response to the Great East Japan Earthquake (hereinafter referred to as "the Government Draft")
Purpose	<ul style="list-style-type: none"> Promptly promote reconstruction in the Hanshin-Awaji region 	<ul style="list-style-type: none"> Promptly promote reconstruction in disaster-affected regions <u>Sound development of a national economy for both current and future generations and improvement of the lives of Japanese</u>
Basic principles	<ul style="list-style-type: none"> Appropriate division of duties and cooperation between the national government and local governments and respect for the wishes of residents <u>Swift promotion of rebuilding lives, economic reconstruction, and safe town development</u> <u>Revitalization of a vibrant Kansai region</u> 	<ul style="list-style-type: none"> <u>Promotion of fundamental measures that are not limited to simple recovery from the earthquake</u> Appropriate division of duties and cooperation between the national government and local governments, and respect for the wishes of residents of disaster-affected regions <u>Mutual solidarity of the people and voluntary cooperation among diverse actors</u> <u>Efforts regarding advanced measures to contribute to the solutions to common issues faced by humanity</u>
Measures by the government and other entities	<ul style="list-style-type: none"> Implement national government measures necessary for reconstruction in line with basic principles 	<ul style="list-style-type: none"> Implement national or <u>local government</u> measures necessary for reconstruction in line with basic principles
Reconstruction organizations	<ul style="list-style-type: none"> Hanshin-Awaji Reconstruction Headquarters established in the Prime Minister's Office 	<ul style="list-style-type: none"> Reconstruction Headquarters in Response to the Great East Japan Earthquake established in Cabinet
Affairs under its jurisdiction	<ul style="list-style-type: none"> Comprehensive coordination related to reconstruction measures implemented by related administrative organs 	<ul style="list-style-type: none"> <u>Planning, formulation, and overall cooperation of basic guidelines for reconstruction measures</u> Promotion and overall coordination of reconstruction measures undertaken by relevant administrative organs
Organization	<ul style="list-style-type: none"> Director-General: Prime Minister Deputy Director-General: <u>Minister of State</u>^{*2} Headquarters members: All ministers of states than the above 	<ul style="list-style-type: none"> Director-General: Prime Minister Deputy Director-General: <u>Chief Cabinet Secretary and Minister of State for Reconstruction</u> Headquarters members: All ministers of states than the above, etc.
Local organization	-	<ul style="list-style-type: none"> Local Response Headquarters established as a regional organization of the Headquarters
Meetings, etc.	- ^{*3}	<ul style="list-style-type: none"> Established Great East Japan Earthquake Reconstruction Design Council. Established councils related to reconstruction of areas affected by the nuclear power station accident.
Supplementary Provisions	<ul style="list-style-type: none"> Expires on the date five years from the date the Act comes into effect. 	<ul style="list-style-type: none"> Implementation of legislative measures necessary to establish the Reconstruction Agency within one year after the law comes into effect

*1 Came into effect on February 24, 1995.

*2 Chief Cabinet Secretary and Minister of State for Reconstruction following the Great Hanshin-Awaji Earthquake (National Land Agency Director since restructuring of the Cabinet on August 8, 1995)

*3 Hanshin-Awaji Reconstruction Committee was established by cabinet order (February 15, 1995)

Regarding basic principles and organizational structure for reconstruction following the Great East Japan Earthquake, the Liberal Democratic Party submitted the Basic Bill for Reconstruction and Revitalization of the Great East Japan Earthquake (hereinafter referred to as the “LDP Draft”) to the Diet on May 18, 2011, and New Komeito announced the Outline of the Basic Act on Reconstruction in Response to the Great East Japan Earthquake (hereinafter referred to as the “New Komeito Draft”) on the May 19.

The LDP Draft stated as its basic principle that reconstruction and revitalization from the Great East Japan Earthquake should be carried out with the aim of achieving the ideal state of Japan in the middle of the 21st century, and it was decided to establish the Great East Japan Reconstruction and Revitalization Board as separately provided for by law. In the Government Draft, the Reconstruction Agency was in charge of the overall coordination of various administrative entities, but the Great East Japan Earthquake Reconstruction and Revitalization Board was in charge of administrative work related to the implementation of measures.

New Komeito Draft touted the basic principle of “reconstruction of human beings.” In addition, as separately provided for by law, the Great East Japan Earthquake Reconstruction Agency was established with jurisdiction over implementation of measures and designated Great East Japan Earthquake Special Zones for Reconstruction.

In addition, both the LDP Draft and the New Komeito Draft stipulated the issuance of bonds, which was not included in the Government Draft.

(2) Background of Diet deliberations, promulgation, and implementation

At the plenary session of the House of Representatives held on May 19, the establishment of the Special Committee on Reconstruction after the Great East Japan Earthquake was approved, and there was an explanation of the Government Draft, the LDP Draft, and the “Bill for Partial Revision of the Cabinet Act and the Act for Establishment of the Cabinet Office” (submitted by the Cabinet), and related questions were handled.⁸ At the Special Committee on Reconstruction After the Great East Japan Earthquake meeting held the following day (May 20), the reason for the 3 bills and “Request for Approval for the Establishment of a Local Response Headquarters Based on Provisions of Article 156, paragraph (4) of the Local Autonomy Act,” which was attached to the Government Draft, was explained, and from May 23 through May 25, questions regarding the 3 drafts were handled, and questions for unsworn witnesses, which included people involved in commerce, agriculture, and fisheries in disaster-affected areas, were handled. On May 27, the governors of the three prefectures of Iwate, Miyagi and Fukushima Prefectures and members of the committee exchanged opinions.

Subsequently, the DPJ, LDP, and New Komeito began deliberations among the ruling and opposition parties on May 30 to reconcile the Government Draft, LDP Draft, and New Komeito Draft, and a total of six working-level meetings were held from the May 31 to June 6, resulting in a three-party agreement on the revised bill on the June 7.

In response, at the June 9 meeting of the Special Committee on Reconstruction after the Great East Japan Earthquake, the Government Draft and the LDP Draft were withdrawn, and the DPJ, LDP, and New Komeito jointly submitted a draft of the Basic Act on Reconstruction in Response to the Great East Japan Earthquake. The bill added provisions concerning the issuance of reconstruction bonds and special zones for reconstruction, which had not been included in the Government Draft, and stipulated that the Reconstruction Agency would be in charge of affairs related to the implementation of measures in addition to the overall coordination function. On the same day, the committee approved the draft bill by a majority vote.⁹ At the same time, “Request for Approval for the Establishment of a Local Response Headquarters Based on Provisions of Article 156, paragraph (4) of the Local Autonomy Act,” which was attached to the draft submitted by the three Diet groups was referred to the committee.

This bill was also approved by a majority vote at the plenary session of the House of Representatives on June 10, and on June 13, at the plenary session of the House of Councillors, the establishment of the Special Committee for Reconstruction after the Great East Japan Earthquake (House of Councillors) was approved, and the purpose of the bill was explained and questioned. At the Special Committee on Reconstruction after the Great East Japan Earthquake (House of Councillors), the reason for proposing the bill was explained on the same day, questions and answers were handled starting the following day, June 14, and the bill was approved by a majority vote on the June 20; on the same day, the bill was approved and enacted at the plenary meeting of the House of Councillors by a majority vote, and was promulgated and came into effect on the June 24.

The following are the main points of Diet discussion regarding the Basic Act on Reconstruction in Response to the Great East Japan Earthquake (Act 76 of 2011, hereinafter referred to as the “Basic Act”).

⁸ Discussions revolved around increasing the number of State Ministers, Special Advisers to the Prime Minister, Senior Vice-Ministers of the Cabinet Office and Parliamentary Vice-Ministers of the Cabinet Office to cope with the Great East Japan Earthquake.

⁹ The Your Party and the Communist Party opposed the proposal because it suggested raising taxes to finance reconstruction.

1) Establishment of the Reconstruction Agency

Regarding the national government's organization responsible for reconstruction, the Government Draft stipulated that the Reconstruction Headquarters, headed by the Prime Minister, would be responsible for planning and formulating measures and coordinating among ministries and agencies, and that local response headquarters would be established in disaster-affected areas to coordinate among local offices of government agencies and ministries and agencies. In addition, the supplementary provisions stated that ideally the Reconstruction Agency, which would succeed the Reconstruction Headquarters, should be established within 1 year after a comprehensive study. In contrast, the LDP Draft called for the establishment of the Great East Japan Reconstruction and Revitalization Board within the Cabinet under the leadership of the State Minister in charge of reconstruction, as an organization to formulate and implement basic plans for reconstruction in an integrated manner, and New Komeito Draft also called for the Great East Japan Earthquake Reconstruction Agency to play a role up to the implementation of measures.

As a result of reconciling these differences, the bill submitted by the three Diet groups on June 9 set basic guidelines on the establishment of the Reconstruction Agency in Chapter 4 of the main rules, and provisions were made for the earliest possible transition from the Reconstruction Headquarters to the Reconstruction Agency. In addition to planning, formulation, and overall coordination of measures for reconstruction from the earthquake, the entity was also given jurisdiction to carry out affairs related to the implementation of measures for reconstruction and other necessary affairs. At the plenary session of the House of Councillors on June 13, people who had submitted the bill gave the following points as why establishing the Reconstruction Agency was important.

- To establish a super government agency to overcome the negative effects of the vertical divisions of each ministry and agency related to reconstruction measures, and to promptly respond to the needs of disaster victims and local governments as the government by ascertaining their needs in a one-stop unified manner
- To have the Reconstruction Agency possess the authority to not only undertake planning, formulating, and integrated coordination, which were the roles of the Reconstruction Headquarters, but also undertake so-called management affairs, affairs related to implementing measures.
- To establish an organ above administrative organs that is not on the same footing as normal ministries and agencies but is located within the Cabinet, like the Cabinet Office, and conduct affairs under the direction and supervision of the Minister of State for Reconstruction, who manages all affairs as ordered by the Prime Minister, the responsible minister.¹⁰

2) Creation of the Special Reconstruction Zone System

Article 10 of the bill submitted by the three Diet groups stipulated the creation of a Special Reconstruction Zone System, which was included in the New Komeito Draft.

At the plenary session of the House of Councillors on June 13, Diet members who had submitted the bill provided the following explanation:

- Based on the requests by the local governments in disaster-affected regions, the bill stipulates the promotion of efforts to undertake reconstruction following the Great East Japan Earthquake that leverage local creativity through the special reconstruction zone system, and that comprehensive consideration would be given to a special reconstruction zone system to achieve that and necessary legislative measures would be promptly taken.
- Both DPJ and LDP understood New Komeito's assertion and included it in the bill.¹¹

Furthermore, at the House of Councillors' Special Committee on Reconstruction after the Great East Japan Earthquake, issues such as how to move forward with creating special reconstruction zone system was deliberated on, and Chief Cabinet Secretary Edano noted the following:

- Compared to the existing structural reform zone system, special zones for reconstruction would have to include special provisions related to a wide range of regulations and various support measures for disaster-affected regions as options in order to create a mechanism to promote reconstruction efforts through local creativity.

¹⁰ Katsunobu Kato (Liberal Democratic Party), June 13, 2011 (Minutes of the 177th Plenary Session of the Diet (Councillors), No. 21, p. 8).

¹¹ Noritoshi Ishida (New Komeito Party), June 13, 2011 (Minutes of the 177th Plenary Session of the Diet (Councillors), No. 21, p. 9).

- For the time being, under the Reconstruction Headquarters, the state minister in charge of reconstruction and the secretariat under the minister of state would operate the special zone system in a unified manner, and that he requests the Diet start deliberations on such matters as the concrete content of the bill as quickly as possible.¹²

3) Source of funds for reconstruction

At a meeting of the Special Committee on Reconstruction after the Great East Japan Earthquake (House of Representatives) held on May 23, when the Government Draft and LDP Draft were discussed, many people pointed out the lack of clear provisions in the government proposal regarding the financial resources for reconstruction; Prime Minister Kan Naoto expressed his views on the “reconstruction and revitalization bonds” stipulated in the LDP Draft, the thorough reduction of expenditures proposed in the New Komeito Draft, and the issuance of reconstruction bonds subject to Diet approval, and based on the agreement reached by the 3 parties, Prime Minister Kan stated that he would like to proceed with consideration based on a common approach.^{13 14}

In light of these discussions, Article 7 of the draft bill submitted by the three Diet groups stipulates that measures to secure funds should include reductions in expenditures based on a thorough review of the budget for measures other than those related to reconstruction, as well as the active use of funds related to fiscal investment and loans, as well as private-sector funds, and Article 8 stipulates the following:

- Reconstruction bonds will be issued as specified separately by law.
- Reconstruction bonds will be managed separately from other government bonds, and the process for redemption will be clearly provided in advance through measures specified separately by law and other measures.

¹² Chief Cabinet Secretary Edano (DPJ), June 15, 2011 (Minutes of the 177th Diet Session of the Special Committee on Reconstruction after the Great East Japan Earthquake, No. 3, p. 24)

¹³ In “Regarding First Supplementary Budget for FY2011” (April 29, 2011: agreement between the Democratic Party of Japan Policy Research Chairperson, the Liberal Democratic Party Policy Research Chairperson, and the New Komeito Policy Research Chairperson), it is stated that “the financial resources necessary for recovery and reconstruction will be covered by the reduction of existing expenditures and the issuance of government bonds for reconstruction, etc. JGBs for reconstruction will be managed separately from existing JGBs to ensure their purchase and redemption”.

¹⁴ On May 23, 2011, Prime Minister Kan Naoto (DPJ) stated, “While it is true that financial resources are not given in much detail in the Government Draft, your party, LDP, DPJ have reached agreement, and the Policy Research Council Chairmen of the parties have also reached agreement, and I would like our party, too, to carry out the policies based on a common approach; therefore, although it is not included in the Government Draft, the LDP has adopted such an approach.” (Minutes of the 177th Diet Special Committee on Reconstruction after the Great East Japan Earthquake (House of Representatives), No. 2, p. 28)

Figure 2-3-4 Comparison of Government Draft, LDP Draft, New Komeito Draft and Basic Act

	Government Draft	LDP Draft	New Komeito Bill	Basic Act	
Basic principles	Basic principle for reconstruction of disaster-affected regions <ul style="list-style-type: none"> Promotion of basic measures not limited to recovery from the disaster Leading efforts that contribute to solutions to common issues to all humans 	Basic principles for reconstruction and revitalization following the Great East Japan Earthquake <ul style="list-style-type: none"> Achieve the ideal form of Japan for the middle of the 21st century 	Basic principles of reconstruction following the Great East Japan Earthquake <ul style="list-style-type: none"> “Human Reconstruction” that shines on each individual Consideration for reconstruction of areas affected by the nuclear disaster 	Basic principles of reconstruction following the Great East Japan Earthquake <ul style="list-style-type: none"> Fundamental measures that include not only disaster recovery but also revitalization of a vibrant Japan Reconstruction of each individual and realization of the ideal Japan in the middle of the 21st century Leading efforts that contribute to solutions to common issues to all humans Consideration for reconstruction of areas affected by the nuclear disaster 	
Duties, etc.	<ul style="list-style-type: none"> Implementation of necessary measures by the national government and local governments 	<ul style="list-style-type: none"> Formulation of the national government’s and local governments’ reconstruction and revitalization basic plans Implementation of necessary measures by national and local governments Mutual assistance of the people 	<ul style="list-style-type: none"> Formulation of the government’s basic reconstruction guidelines and local government’s reconstruction plans Mutual assistance of the people 	<ul style="list-style-type: none"> Formulation of the national government’s basic guidelines for reconstruction Implementation of necessary measures by the national government and local governments Mutual assistance of the people 	
Financial resources	-	<ul style="list-style-type: none"> Issuance of reconstruction and revitalization bonds 	<ul style="list-style-type: none"> Issuance of reconstruction bonds 	<ul style="list-style-type: none"> Issuance of reconstruction bonds 	
Special zones	-	-	<ul style="list-style-type: none"> Designation of special zones by other laws 	<ul style="list-style-type: none"> Creation of special zone system by other laws 	
Organization	<ul style="list-style-type: none"> Reconstruction Headquarters in Response to the Great East Japan Earthquake 	<ul style="list-style-type: none"> Great East Japan Earthquake Reconstruction and Revitalization Board 	<ul style="list-style-type: none"> Great East Japan Earthquake Reconstruction Agency 	<ul style="list-style-type: none"> Great East Japan Earthquake Reconstruction Headquarters (abolished when the Reconstruction Agency was established) 	<ul style="list-style-type: none"> Reconstruction Agency (established by separate law)
Jurisdiction	<ul style="list-style-type: none"> Planning and formulation of basic policies and overall coordination Promotion and overall coordination of reconstruction measure implementation by relevant administrative organs 	<ul style="list-style-type: none"> Planning, formulation, and overall coordination related to reconstruction and revitalization Implementation of measures 	<ul style="list-style-type: none"> Planning, formulation, and overall coordination related to reconstruction Implementation of measures 	<ul style="list-style-type: none"> Planning, formulation, and overall coordination related to Basic Guidelines for Reconstruction Promotion and overall coordination of reconstruction measure implementation by relevant administrative organs 	<ul style="list-style-type: none"> Planning, formulation, and overall coordination related to reconstruction Implementation of measures
Structure	<ul style="list-style-type: none"> Director-General: Prime Minister, Deputy Director-General: Chief Cabinet Secretary and Minister of State for Reconstruction 	<ul style="list-style-type: none"> Broad appointment of human resources from within and outside administrative organs 	<ul style="list-style-type: none"> Appointment of a dedicated state minister in charge of the Reconstruction Agency Broad appointment of human resources 	<ul style="list-style-type: none"> Director-General: Prime Minister, Deputy Director-General: Chief Cabinet Secretary and Minister of State for Reconstruction 	-
Local	<ul style="list-style-type: none"> Local Response Headquarters 	<ul style="list-style-type: none"> Regional Reconstruction and Revitalization Office 	<ul style="list-style-type: none"> Regional branch offices 	<ul style="list-style-type: none"> Local Response Headquarters 	(took over from the Reconstruction Headquarters)
Meetings, etc.	<ul style="list-style-type: none"> Reconstruction Design Council in Response to the Great East Japan Earthquake Organs within the councils for reconstruction in areas affected by the nuclear disaster 	<ul style="list-style-type: none"> Great East Japan Earthquake Reconstruction and Revitalization Committee 	<ul style="list-style-type: none"> Great East Japan Earthquake Reconstruction Committee 	<ul style="list-style-type: none"> Reconstruction Design Council in Response to the Great East Japan Earthquake Organs within the councils for reconstruction in areas affected by the nuclear disaster 	(took over from the Reconstruction Headquarters)
Local	<ul style="list-style-type: none"> Implementation of legislative measures necessary to establish the Reconstruction Agency within one year after the law comes into effect 	<ul style="list-style-type: none"> Gradual transfer of affairs under the jurisdiction and authority of the Reconstruction and Revitalization Board to disaster-affected prefectures and municipalities 			

(3) Overview of laws and details of measures

1) Overview and purpose

The Basic Act stipulates basic matters, such as basic principles for reconstruction, how the organization should be, and the securing of funds, for the prompt promotion of reconstruction from the Great East Japan Earthquake and the revitalization of a vibrant Japan. In addition, as noted above, as a result of efforts to reconcile the Government Draft, the LDP's draft, and New Komeito Draft, DPJ, LDP, and New Komeito jointly submitted a draft of the bill.

Specifically, the draft bill included provisions stipulating the establishment of the Reconstruction Headquarters in Response to the Great East Japan Earthquake in the Cabinet, and the basic policy regarding establishing the Reconstruction Agency to take off the headquarters work as well as the issuance of reconstruction bonds and creation of a special zones for reconstruction, which were stipulated in separate acts.

2) Basic principles, national government's responsibilities, etc.

Article 2 of the act gives the following as the basic principles of reconstruction following the Great East Japan Earthquake.

- ① Should build a new regional society and be conducted with a vision of Japan which is appropriate for the mid-21st century by promoting fundamental countermeasures not limited to simply recovery from the disaster but with an eye toward revitalizing a vibrant Japan and measures that facilitate every individual to overcome the disaster and lead a prosperous life
- ② Should ensure appropriate division of duties and collaboration and cooperation between the national government and local governments and mutual collaboration and cooperation among local governments throughout Japan, respect the will of the people of disaster-affected regions, and reflect the opinion of diverse Japanese, including women, children, and people with disabilities
- ③ On the basis of a spirit of solidarity and cooperation among the people of Japan, including disaster victims
- ④ Should include advance measures that contribute to solutions to issues faced by Japan, including addressing the issue of shrinking population and development of trans-border socioeconomic activities, and common problems of all people, such as food shortages, constraint in the use of electricity, and environmental impact
- ⑤ Should promote measures for safe local development, creation of jobs, revitalization of society and the economy, maintenance and strengthening of cultural promotion and bonds, and realization of symbiotic society

In addition, Article 3 through Article 5 of the act stipulates the following.

- Stipulating basic guidelines related to reconstruction following the Great East Japan Earthquake as a responsibility of the national government and formulation of necessary measures
- Formulation of necessary measures based on these basic guidelines as a responsibility of local governments
- Support for disaster victims and efforts to establish other mutual support based on the spirit of mutual aid and solidarity

3) Basic measures

a. Securing funds for reconstruction

Article 7 of the Act stipulates that the national government shall endeavor to secure funds for reconstruction following the Great East Japan Earthquake by reducing expenditures related to reconstruction and measures other than those related thereto, and by actively utilizing funds related to fiscal investment and loans and private funds.

In addition, Article 8 provides that the national government shall issue reconstruction bonds as separately provided for by law, and that the reconstruction bonds shall be managed separately from other public bonds, and that the route for their redemption shall be clarified in advance by taking measures separately provided for by law and other measures.

Based on these provisions, and in light of the Basic Guidelines for Reconstruction in Response to the Great East Japan Earthquake (decided by the Reconstruction Headquarters in Response to the Great East Japan Earthquake on July 29, 2011 and revised on August 11, 2011), the Act on Special Measures Concerning Securing Financial Resources Necessary to Implement Measures for Reconstruction Following the Great East Japan Earthquake (Act No. 117 of 2011), which stipulates measures related to non-tax revenues, the creation of a special reconstruction tax, and the issuance of reconstruction bonds, was promulgated and came into effect on December 2, 2011, with the aim of legislating financial resources for reconstruction following the Great East Japan Earthquake.

b. Creation of Special Zones for Reconstruction

Article 10 of the Basic Act stipulates that at the request of local governments in disaster-affected regions, the national government shall promote efforts for the reconstruction from the Great East Japan Earthquake that make the most of local creativity by utilizing programs that apply special provisions on regulations and other special measures only in those areas, and shall comprehensively review the program in each special zone for reconstruction necessary for this purpose and promptly take legislative measures.

Based on these provisions, and in light of the Basic Guidelines for Reconstruction in Response to the Great East Japan Earthquake (decided by the Reconstruction Headquarters in Response to the Great East Japan Earthquake on July 29, 2011 and revised on August 11, 2011), the Act on Special Zones for Reconstruction in Response to the Great East Japan Earthquake (Act No. 122 of 2011) was promulgated on December 14, 2011 and came into effect on December 26, 2011.

4) Establishment of the Reconstruction Headquarters in Response to the Great East Japan Earthquake

Articles 11 to 23 of the Act stipulate the establishment of the Reconstruction Headquarters in Response to the Great East Japan Earthquake and the affairs and organization under its jurisdiction as follows.

- The Reconstruction Headquarters in Response to the Great East Japan Earthquake (hereinafter referred to as the “Headquarters”) will be established in the Cabinet.
- The Headquarters shall manage matters pertaining to the planning, drafting and overall coordination of basic policies concerning measures for reconstruction following the Great East Japan Earthquake stipulated in Article 3 of the Act.
- The Director-General shall be the Prime Minister, and the Deputy Directors-General shall be the Chief Cabinet Secretary and the Minister of State for Reconstruction in the Great East Japan Earthquake.
- Members shall be as follows:
 - All Ministers of State other than the Director-General and the Deputy Director-General
 - Persons appointed by the Prime Minister from among the Deputy Chief Cabinet Secretary, state ministers or parliamentary vice-ministers of the relevant ministries and agencies, or the heads of relevant administrative organs other than the Ministers of State
- Local response headquarters shall be established as a regional organization of the Headquarters in locations as required, and the head of the local response headquarters shall be a person designated by the Prime Minister from among state ministers and parliamentary vice-minister of the relevant ministries and agencies.¹⁵
- The Great East Japan Earthquake Reconstruction Design Council are to be established as an advisory body to the Headquarters to study and deliberate on important matters concerning the reconstruction of the disaster-affected regions, and when it is deemed necessary to conduct special studies and deliberations on important matters concerning the reconstruction of the areas damaged by the nuclear power station accident, a council organization provided for by cabinet order shall be established.¹⁶

Also see Chapter 1, Section 2 and Chapter 2, Section 2 for information on reconstruction organizations at the time of the Reconstruction Headquarters in Response to the Great East Japan Earthquake.

¹⁵ The name, location, and jurisdictional district of the local response headquarters are to be specified by government order, and the Iwate Local Response Headquarters, Miyagi Local Response Headquarters, and Fukushima Local Response Headquarters were established in accordance with the Ordinance on Reconstruction Headquarters in Response to the Great East Japan Earthquake (Government Order No. 182 of 2011) that was promulgated and came into effect on June 24, 2011.

¹⁶ The Great East Japan Earthquake Reconstruction Design Council was convened before the enactment of the Basic Act based on the “Convening of the Reconstruction Planning Council for the Great East Japan Earthquake” (Cabinet decision, April 11, 2011), but became a statutory council after the enactment of the Act.

5) Establishment of the Reconstruction Agency

Article 24 of the Act stipulates the following as the basic policy concerning the establishment of the Reconstruction Agency.

- The Reconstruction Agency will be established within the Cabinet for a limited period as provided for separately by law.
- The Reconstruction Agency is in charge of planning, drafting and overall coordination of measures for reconstruction following the Great East Japan Earthquake, as well as administrative work related to their implementation.
- The Headquarters will be abolished upon the establishment of the Reconstruction Agency, and the functions of the Headquarters and the organizations located there shall be taken over by the Reconstruction Agency and the organizations located there.
- The Reconstruction Agency shall be established as soon as possible, and the national government shall consider necessary measures and implement legislative measures as soon as possible.

Pursuant to these stipulations and following necessary examination, the Act for Establishment of the Reconstruction Agency (Act No. 125 of 2011) was promulgated on December 16, 2011 and came into effect on February 10, 2012.

Figure 2-3-5 Comparison of the Government Draft and Basic Act

Government Draft	Basic Act (when established)
<p>(Purpose)</p> <p>Article 1 In consideration of the fact that the Great East Japan Earthquake was an unprecedented disaster due to extensive damage affecting a vast area and with all the characteristics of a compound disaster consisting of an earthquake, tsunami and nuclear accident, the purpose of this Act is <u>to clarify the basic principles regarding reconstruction of disaster-affected regions and to contribute to the sound development of the people's economy and rebuilding of livelihoods for present and future generations by stipulating the establishment of a Reconstruction Headquarters in Response to the Great East Japan Earthquake and other matters.</u></p>	<p>Chapter I General Provisions</p> <p>(Purpose)</p> <p>Article 1 In consideration of the fact that the Great East Japan Earthquake caused an <u>unprecedented national crisis</u> due to extensive damage affecting a vast area and with all the characteristics of a compound disaster consisting of an earthquake, tsunami and nuclear accident, the purpose of this Act is <u>to promote a smooth and prompt reconstruction following the Great East Japan Earthquake and the revitalization of a vibrant Japan by way of setting forth basic principles on reconstruction in response to the Great East Japan Earthquake, securing financial resources for the reconstruction, creating a System of Special Zones for Reconstruction and deciding on other fundamental issues so as to create an economy and society where current and future generations can lead safe and prosperous lives and by way of deciding on basic guidelines regarding the establishment of a Reconstruction Headquarters in Response to the Great East Japan Earthquake and a Reconstruction Agency.</u></p>
<p>(Basic Principles)</p> <p>Article 2 The <u>reconstruction disaster-affected regions</u> will be implemented based on the following basic principles:</p> <p>(i) Taking into account the fact that the unprecedented disaster resulted in enormous damage, where countless lives were lost, and where numerous people were deprived of their basic living infrastructure and were forced to evacuate the disaster-affected regions, and that the disaster's influence extends over the entire nation, with economic stagnation in the disaster-afflicted areas affecting business activities and peoples' lives nationwide, fundamental measures that are not limited to simple recovery from the earthquake <u>should be promoted</u> with the understanding and cooperation of the general people. For this purpose, know-how should be drawn from within and without of the administration and applied to the reconstruction.</p> <p>(ii) The appropriate allocation of roles and mutual collaboration between the national government and local governments, and the opinions of the residents in disaster-affected regions should be respected. To this end, consideration should be given to local governments which are not fully functional due to the damage caused by the disaster.</p> <p>(iii) On the basis of a <u>mutual solidarity of the people</u>, the people, entrepreneurs and diverse entities in the private sector should collaborate voluntarily and play their roles accordingly.</p> <p>(iv) Innovative measures should be implemented to contribute to the resolution of the challenges that Japan is facing, such as a declining birthrate and aging population, a <u>decreasing population</u>, as well as to the resolution of global challenges common to all humankind, constraint in the use of electricity and environmental impact.</p> <p>(v) The following measures should be promoted:</p> <p>(a) Measures to create safe communities where everyone can enjoy a sense of security for years and decades to come.</p> <p>(b) Measures to create employment opportunities in the disaster-affected regions and to restore a sustainable and vibrant society and economy.</p> <p>(c) Measures to <u>promote</u> regional culture and to maintain and strengthen bonds in communities</p> <p>(vi) The measures outlined above should be implemented for the reconstruction of areas affected by the disaster due to the accident at the nuclear power facilities, while taking into account the progress already made in recovering from said disaster.</p>	<p>(Basic Principles)</p> <p>Article 2 The <u>reconstruction in response to the Great East Japan Earthquake</u> will be implemented based on the following basic principles.</p> <p>(i) Taking into account the fact that the unprecedented disaster resulted in enormous damage, where countless lives were lost, and where numerous people were deprived of their basic living infrastructure and were forced to evacuate the disaster-affected regions, and that the disaster's influence extends over the entire nation, with economic stagnation in the disaster-afflicted areas affecting business activities and peoples' lives nationwide, <u>the reconstruction should aim to build new communities, with a vision of Japan which is appropriate for the mid-21st century, based on the understanding and cooperation of the people, by promoting dramatic measures for the revitalization of a vibrant Japan which are not limited to a recovery from the disaster by simply restoring affected facilities to their original state, as well as reconstruction measures which aim to facilitate every individual to overcome the disaster and lead a prosperous life.</u> For this purpose, know-how should be drawn from within and without of the administration and applied to the reconstruction.</p> <p>(ii) The appropriate allocation of roles and mutual collaboration between the national government and local governments as well as mutual collaboration between local governments should be assured, and the opinions of the residents in the disaster-afflicted regions should be respected <u>and the opinions of a wide range of people including women, children, and persons with disabilities should be taken into account.</u> To this end, consideration should be given to local governments which are not fully functional due to the damage caused by the disaster.</p> <p>(iii) On the basis of a <u>spirit of solidarity and cooperation among the people of Japan including those directly and those not directly affected by the disaster</u>, the people, entrepreneurs and diverse entities in the private sector should collaborate voluntarily and play their roles accordingly.</p> <p>(iv) Innovative measures should be implemented to contribute to the resolution of the challenges that Japan is facing, such as a declining birthrate and aging population, a <u>decreasing population, progress in trans-border socioeconomic activities and other issues</u>, as well as to the resolution of global challenges common to all humankind, such as <u>food shortages</u>, constraint in the use of <u>electricity and other</u> types of energy, environmental impacts, global warming and other issues.</p> <p>(v) The following measures should be promoted:</p> <p>(a) Measures to create safe communities where <u>preventive measures against damage due to earthquakes and other natural disasters are effective</u> and everyone can enjoy a sense of security for years and decades to come.</p> <p>(b) Measures to create employment opportunities in the disaster-affected regions and to restore a sustainable and vibrant society and economy.</p> <p>(c) Measures to <u>promote</u> regional culture, to maintain and strengthen bonds in communities as well as to <u>create a society of harmonious coexistence.</u></p> <p>(vi) The measures outlined above should be implemented for the reconstruction of areas affected by the disaster due to the accident at the nuclear power facilities, while taking into account the progress already made in recovering from said disaster.</p>
<p>(National Government Measures)</p> <p>Article 3 Based on the basic principles set forth in the preceding Article, the national government shall implement measures stipulated by law and other measures necessary for the <u>reconstruction of disaster-affected regions.</u></p>	<p>(Responsibilities of the National Government)</p> <p>Article 3 Based on the basic principles set forth in the preceding Article, the national government has the responsibility for <u>demonstrating a vision of Japan which is appropriate for the mid-21st century, as well as for deciding on basic guidelines for measures for the reconstruction in response to the Great East Japan Earthquake (hereinafter referred to as the "Basic Guidelines for Reconstruction in Response to the Great East Japan Earthquake") and, based thereon, to take the necessary measures as specified separately by an act and other measures for the reconstruction in response to the Great East Japan Earthquake.</u></p>
<p>(Local Government Measures)</p> <p>Article 4 Based on the basic principles set forth in Article 2, local governments shall implement measures necessary for the <u>reconstruction of disaster-affected regions.</u></p>	<p>(Responsibilities of Local Governments)</p> <p>Article 4 Based on the principles set forth in Article 2 <u>and on the basis of the Basic Guidelines for Reconstruction in Response to the Great East Japan Earthquake</u>, local governments have the responsibility to take the necessary measures <u>for the reconstruction in response to the Great East Japan Earthquake in a well-planned and comprehensive manner.</u></p>
	<p>(Efforts of the People)</p> <p>Article 5 Based on the basic principles set forth in Article 2, <u>and in the spirit of mutual support and solidarity, the people of Japan are to make every effort to help and support those affected by the disaster.</u></p>

Government Draft	Basic Act (when established)
	<p><u>Chapter 2 Basic Measures</u> (Prompt Implementation of Reconstruction Measures)</p> <p><u>Article 6 The national government shall strive for a smooth and flexible execution of the measures pursuant to the provisions of Article 3, in order to promptly implement measures for the reconstruction in response to the Great East Japan Earthquake.</u> (Measures for Securing Financial Resources)</p> <p><u>Article 7 The national government will secure financial resources for the reconstruction in response to the Great East Japan Earthquake by taking a number of measures including the following:</u> (i) Carrying out a thorough review of budgets for measures other than reconstruction measures or those related thereto, as well as reducing expenditures for such other measures. (ii) Fully utilizing funds related to the fiscal investment and loan program as well as funds from the private sector. (Issuance of Reconstruction Bonds, etc.)</p> <p><u>Article 8 The national government will issue government bonds (hereinafter referred to as "Reconstruction Bonds") as specified separately by an act in order to secure the necessary funds for the reconstruction in response to the Great East Japan Earthquake.</u> 2. <u>The national government will manage the Reconstruction Bonds distinctly from other bonds and clarify the redemption schedule in advance by taking a number of measures including those specified separately by an act.</u> (Transparent National Money Flow for Reconstruction)</p> <p><u>Article 9 Based on the understanding that the people of Japan including those directly and those not directly affected by the disaster bear the task of reconstruction in response to the Great East Japan Earthquake, the national government will clarify the national money flow for the reconstruction, including setting out the relationship between national and local government finances.</u> (Creation of System of Special Zones for Reconstruction)</p> <p><u>Article 10 On the basis of proposals from local governments in disaster-affected regions, the national government will promote the undertaking of efforts for the reconstruction in response to the Great East Japan Earthquake which leverages local creativity, by providing a system of special arrangements for deregulation and other measures in designated areas (hereinafter referred to as the "System of Special Zones for Reconstruction"), and will examine the System of Special Zones for Reconstruction, as necessary to this end, in a comprehensive manner by taking the necessary legislative measures promptly.</u></p>
<p><u>(Establishment of the Reconstruction Headquarters in Response to the Great East Japan Earthquake)</u> Article 5 The Reconstruction Headquarters in Response to the Great East Japan Earthquake (hereinafter referred to as the "Headquarters") shall be established in the Cabinet. (Affairs under the jurisdiction of Reconstruction Headquarters in Response to the Great East Japan Earthquake) Article 6 The Headquarters shall be in charge of the following affairs. (i) Affairs related to planning, drafting, and overall coordination of basic policies concerning measures for reconstruction following the Great East Japan Earthquake (ii) Affairs concerning the promotion of the implementation of measures for the reconstruction in disaster-affected regions taken by the relevant administrative organs, including the national government's support for the reconstruction projects carried out by the relevant local governments, and the comprehensive coordination thereof (iii) In addition to the affairs given in item (ii) above, affairs assigned to the Headquarters pursuant to the provisions of laws and regulation (Director-General of the Reconstruction Headquarters in Response to the Great East Japan Earthquake) Article 7 The Headquarters shall be headed by the Director-General of the Reconstruction Headquarters for the Great East Japan Earthquake (hereinafter referred to as "Director-General of the Headquarters"), and the Prime Minister shall serve in this capacity. 2 The Director-General of the Headquarters shall be in charge of the affairs of the Headquarters and direct and supervise members of the Headquarters. (Deputy Director-General of the Reconstruction Headquarters for the Great East Japan Earthquake) Article 8 A Deputy Director-General of the Reconstruction Headquarters in Response to the Great East Japan Earthquake (hereinafter referred to as "Deputy Director-General of the Headquarters") shall be assigned to the Headquarters, and the Chief Cabinet Secretary and the Minister of State for Reconstruction in Response to the Great East Japan Earthquake ("Minister of State" means a Minister of State whose duty is to assist the Prime Minister in the promotion of measures for the reconstruction of disaster-affected regions by order of the Prime Minister) shall serve in this capacity. 2 The Deputy Director-General of the Headquarters shall support the duties of the Director-General of the Headquarters. (Members of the Reconstruction Headquarters in Response to the Great East Japan Earthquake) Article 9 Members of the Reconstruction Headquarters in Response to the Great East Japan Earthquake (hereinafter referred to as "Members of the Headquarters") shall be assigned to Headquarters. 2 The following persons shall serve as Members of the Headquarters. (i) All ministers of state other than the Director-General of the Headquarters and Deputy Directors-General of the Headquarters (ii) Persons appointed by the Prime Minister from among the Deputy Chief Cabinet Secretary, state ministers or parliamentary vice-ministers of relevant ministries and agencies, or the heads of relevant administrative organs other than the ministers of state (Secretary) Article 10 A secretary shall be assigned to the Headquarters. 2 The secretary shall be appointed by the Prime Minister from members of related administrative organs. 3 The secretary shall help the Director-General of the Headquarters, Deputy Directors-General of the Headquarters, and Members of the Headquarters.</p>	<p><u>Chapter 3 Reconstruction Headquarters in Response to the Great East Japan Earthquake</u> (Establishment) Article 11 The Reconstruction Headquarters in Response to the Great East Japan Earthquake (hereinafter referred to as the "Headquarters") shall be established in the Cabinet. (Affairs under its jurisdiction) Article 12 The Headquarters shall be in charge of the following affairs. (i) Affairs related to planning, drafting, and overall coordination of Basic Guidelines for Reconstruction in Response to the Great East Japan Earthquake (ii) Affairs concerning the promotion of the implementation of measures for the reconstruction in response to the Great East Japan Earthquake taken by the relevant administrative organs, including the national government's support for the reconstruction projects carried out by the relevant local governments, and the comprehensive coordination thereof (iii) In addition to the affairs given in item (ii) above, affairs assigned to the Headquarters pursuant to the provisions of laws and regulation (Director-General of the Reconstruction Headquarters in Response to the Great East Japan Earthquake) Article 13 The Headquarters shall be headed by the Director-General of the Reconstruction Headquarters for the Great East Japan Earthquake (hereinafter referred to as "Director-General of the Headquarters"), and the Prime Minister shall serve in this capacity. 2 The Director-General of the Headquarters shall be in charge of the affairs of the Headquarters and direct and supervise members of the Headquarters. (Deputy Director-General of the Reconstruction Headquarters for the Great East Japan Earthquake) Article 14 Deputy Directors-General of the Reconstruction Headquarters in Response to the Great East Japan Earthquake shall be assigned to the Headquarters (hereinafter referred to as "Deputy Director-General of the Headquarters"), and the Chief Cabinet Secretary and the Minister of State for Reconstruction in Response to the Great East Japan Earthquake ("Minister of State" means a Minister of State whose duty is to assist the Prime Minister in the promotion of measures for reconstruction following the Great East Japan Earthquake by order of the Prime Minister) shall serve in this capacity. 2 The Deputy Director-General of the Headquarters shall support the duties of the Director-General of the Headquarters. (Members of the Reconstruction Headquarters in Response to the Great East Japan Earthquake) Article 15 Members of the Reconstruction Headquarters in Response to the Great East Japan Earthquake (hereinafter referred to as "Members of the Headquarters") shall be assigned to Headquarters. 2 The following persons shall serve as Members of the Headquarters. (i) All ministers of state other than the Director-General of the Headquarters and Deputy Directors-General of the Headquarters (ii) Persons appointed by the Prime Minister from among the Deputy Chief Cabinet Secretary, state ministers or parliamentary vice-ministers of relevant ministries and agencies, or the heads of relevant administrative organs other than the ministers of state (Secretary) Article 16 A secretary shall be assigned to the Headquarters. 2 The secretary shall be appointed by the Prime Minister from members of related administrative organs. 3 The secretary shall help the Director-General of the Headquarters, Deputy Directors-General of the Headquarters, and Members of the Headquarters.</p>

Government Draft	Basic Act (when established)
<p>(Local Response Headquarters)</p> <p>Article 11 Local response headquarters shall be established in necessary locations as local organs so that the Headquarters can allot some of the affairs stipulated in Article 6 (excluding item (i)).</p> <p>2 The name of the local response headquarters, location, and area it has jurisdiction over shall be stipulated by government order.</p> <p>3 A Director General of the Local Response Headquarters shall be appointed to the Local Response Headquarters by the Prime Minister from among state ministers, parliamentary vice-ministers, and other officials of relevant ministries and agencies.</p> <p>4 The Director General of the Local Response Headquarters shall be in charge of the affairs of the Local Response Headquarters when ordered by the Director-General of the Headquarters.</p> <p>5 Persons shall be assigned to the Local Response Headquarters as Members of the Local Response Headquarters, and they shall be appointed by the Prime Minister from among the heads and staff of the national government's relevant regional administrative organs.</p> <p>(Establishment of the Great East Japan Earthquake Reconstruction Design Council, etc.)</p> <p>Article 12 A Great East Japan Earthquake Reconstruction Design Council shall be established in the Headquarters.</p> <p>2 The Great East Japan Earthquake Reconstruction Design Council shall be in charge of the following affairs.</p> <p>(i) Studying and deliberating on important matters concerning the <u>reconstruction of disaster-affected regions</u> when consulted by the Director-General of the Headquarters, and proposing matters that are deemed necessary for this purpose to the Director-General of the Headquarters</p> <p>(ii) Studying and deliberating on the state of implementing measures for <u>reconstruction of disaster-affected regions</u>, and if deemed necessary, providing opinions to the Director-General of the Headquarters</p> <p>3 The Great East Japan Earthquake Reconstruction Design Council shall consist of the chairperson and no more than 25 committee members.</p> <p>4 The chairperson and committee members shall be appointed by the Prime Minister from heads of related local governments and persons with excellent insight.</p> <p>(Council Organization for Reconstruction of Areas Damaged by the Accident at Nuclear Power Facilities)</p> <p>Article 13 In addition to what is provided for in paragraph (1) of the preceding Article, if it is found to be necessary in order to have the Headquarters conduct a special study and deliberation on important matters concerning the reconstruction of regions that sustained damage due to the accident at the nuclear power station in light of the status of the disaster reconstruction efforts, etc., a council organization consisting of the heads of the relevant local governments and persons with excellent insight into nuclear-related technology and the economic conditions, etc. of the disaster-affected regions may be established in the Headquarters, pursuant to the provisions of government order. In this case, studies and deliberations by said organs shall be conducted based on the results of studies and deliberations by the Great East Japan Earthquake Reconstruction Design Council.</p>	<p>(Local Response Headquarters)</p> <p>Article 17 Local response headquarters shall be established in necessary locations as local organs so that the Headquarters can allot some of the affairs stipulated in Article 12 (excluding item (i)).</p> <p>2 The name of the local response headquarters, location, and area it has jurisdiction over shall be stipulated by government order.</p> <p>3 A Director General of the Local Response Headquarters shall be appointed to the Local Response Headquarters by the Prime Minister from among state ministers, parliamentary vice-ministers, and other officials of relevant ministries and agencies.</p> <p>4 The Director General of the Local Response Headquarters shall be in charge of the affairs of the Local Response Headquarters when ordered by the Director-General of the Headquarters.</p> <p>5 Persons shall be assigned to the Local Response Headquarters as Members of the Local Response Headquarters, and they shall be appointed by the Prime Minister from among the heads and staff of the national government's relevant regional administrative organs.</p> <p>(Establishment of the Great East Japan Earthquake Reconstruction Design Council, etc.)</p> <p>Article 18 A Great East Japan Earthquake Reconstruction Design Council shall be established in the Headquarters.</p> <p>2 The Great East Japan Earthquake Reconstruction Design Council shall be in charge of the following affairs.</p> <p>(i) Studying and deliberating on important matters concerning the <u>reconstruction following the Great East Japan Earthquake</u> when consulted by the Director-General of the Headquarters, and proposing matters that are deemed necessary for this purpose to the Director-General of the Headquarters</p> <p>(ii) Studying and deliberating on the state of implementing measures for <u>reconstruction following the Great East Japan Earthquake</u>, and if deemed necessary, providing opinions to the Director-General of the Headquarters</p> <p>3 The Great East Japan Earthquake Reconstruction Design Council shall consist of the chairperson and no more than 25 committee members.</p> <p>4 The chairperson and committee members shall be appointed by the Prime Minister from heads of related local governments and persons with excellent insight.</p> <p>(Council Organization for Reconstruction of Areas Damaged by the Accident at Nuclear Power Facilities)</p> <p>Article 19 In addition to what is provided for in paragraph (1) of the preceding Article, if it is found to be necessary in order to have the Headquarters conduct a special study and deliberation on important matters concerning the reconstruction of regions that sustained damage due to the accident at the nuclear power station in light of the status of the disaster reconstruction efforts, etc., a council organization consisting of the heads of the relevant local governments and persons with excellent insight into nuclear-related technology and the economic conditions, etc. of the disaster-affected regions may be established in the Headquarters, pursuant to the provisions of government order. In this case, studies and deliberations by said organs shall be conducted based on the results of studies and deliberations by the Great East Japan Earthquake Reconstruction Design Council.</p>

Government Draft	Basic Act (when established)
	<p>Chapter 4 Basic Guidelines on Establishment of the Reconstruction Agency</p> <p><u>Article 24 The Reconstruction Agency (meaning an administrative organ which carries out the affairs prescribed in paragraph (3); the same applies hereinafter) will be established in the Cabinet, as specified separately by an act.</u></p> <p><u>2 The Reconstruction Agency will be established for a fixed period of time.</u></p> <p><u>3 The Reconstruction Agency will undertake the following affairs regarding national measures to be implemented proactively and integrally for the reconstruction in response to the Great East Japan Earthquake and will be organized to ensure the efficient and smooth implementation of such affairs:</u></p> <p><u>(i) Affairs concerning the planning, drafting and overall coordination of measures for the reconstruction in response to the Great East Japan Earthquake.</u></p> <p><u>(ii) Affairs concerning the implementation of measures for the reconstruction in response to the Great East Japan Earthquake.</u></p> <p><u>(iii) Other affairs as necessary for the reconstruction in response to the Great East Japan Earthquake.</u></p> <p><u>4 The Headquarters will be abolished upon the establishment of the Reconstruction Agency, and the functions of the Headquarters, Local Response Headquarters, and Great East Japan Earthquake Reconstruction Design Council, etc., and other organs within the Headquarters will be taken over by the Reconstruction Agency and the organizations established therein.</u></p>
<p>Supplementary Provisions (Date the Act will come into effect)</p> <p>Article 1 This Act will come into effect as of the date of promulgation.</p> <p>(Review)</p> <p><u>Article 2 The national government, while taking into consideration the status of this Act coming into effect and other factors, will review the ideal administrative organization for promoting measures for the reconstruction of disaster-affected regions, and establish the Reconstruction Agency (meaning an administrative organization that plans, drafts, and comprehensively coordinates matters necessary for unifying the measures of each administrative department for the reconstruction of specified areas damaged by the Great East Japan Earthquake. The same shall apply hereinafter.), limit the period for the establishment of the Reconstruction Agency, and comprehensively consider other necessary matters concerning the Reconstruction Agency, and is to implement necessary legislative measures based on the results of the review, aiming to do so within one year from the enforcement of this Act.</u></p>	<p>Supplementary Provisions This Act will come into effect as of the date of promulgation.</p>

(4) Process and overview of amendments, etc.

Article of 8 of the supplementary provisions of the Act for Establishment of the Reconstruction Agency, which came into effect on February 10, 2012, eliminated Chapter 3 of the Act (Articles 11 through 23), which stipulates items regarding the Headquarters. At the same time, Article 10-2 of the act added a provision to the effect that until the abolishment of the Reconstruction Agency, the government must report annually to the Diet on the status of reconstruction following the Great East Japan Earthquake.

(5) Actual application

See Chapter 1, Section 2 for details of the application of the law.

2. Act for Establishment of the Reconstruction Agency (Act No. 125 of 2011)

The act is discussed in Chapter 2, Section 2.

3. Act on Special Zones for Reconstruction in Response to the Great East Japan Earthquake (Act No. 122 of 2011)

(1) Act on Special Zones for Reconstruction in Response to the Great East Japan Earthquake

1) Background for formulating and purpose for enacting

Article 10 of the Basic Act on Reconstruction in Response to the Great East Japan Earthquake (Act No. 76 of 2011; hereinafter referred to as the “Basic Act on Reconstruction”), which was promulgated on June 24, 2011, stipulates that “at the request of local governments in the disaster-affected regions, the national government shall promote efforts for the reconstruction from the Great East Japan Earthquake that leverage local creativity by utilizing a system that applies special measures to regulations and other special measures for that area, and shall comprehensively examine the system of special zones for reconstruction necessary for this purpose and promptly take legislative measures.” In addition, the Great East Japan Earthquake Reconstruction Design Council proposed (June 25, 2011) that use of the “special zone” method is effective for urban development and economic revitalization in disaster-affected areas.

The Basic Guidelines for Reconstruction in Response to the Great East Japan Earthquake (decided by the Reconstruction Headquarters in Response to the Great East Japan Earthquake on July 29, 2011) positions the following as measures that will strongly support local area driven reconstruction: the creation of a special reconstruction zone system to leverage local creativity and implement integrated, prompt proposals from disaster-affected areas not bound by traditional ideas, such as bold exemptions to regulations and systems that are not limited to that areas, establishment of highly flexible grants that make it possible to introduce various necessary for reconstruction under the reconstruction plan stipulated by local governments.

2) Diet deliberations

a. Background of Diet deliberations, promulgation, and implementation

The Great East Japan Earthquake caused unprecedented damage to each region, and in order to accelerate reconstruction, it was necessary to implement bold measures limited to the region, regardless of precedent or existing frameworks. In addition, since the state of damage and the direction of reconstruction vary from region to region, custom-made systems that utilize the local creativity of each region were required, and at the same time, a system that comprehensively applies all special provisions for regulations and procedures, as well as special tax, fiscal and financial provisions, was also required in order to minimize the burden on disaster-affected local governments and enable prompt responses.

Based on this idea, the Bill on Special Zones for Reconstruction in Response to the Great East Japan Earthquake was submitted to the Diet on October 28, 2011. Amendments were deliberated on during a review of the bill by the House of Representatives’ Special Committee on Reconstruction after the Great East Japan Earthquake, and on November 29, members of the DPJ and Independent Group, the LDP and Independent Group, New Komeito, the People’s New Party and New Party Japan, and Sunrise Party of Japan submitted an amended bill, which included items related to proposals for new regulations and special measures, items related to the obligation to respect the results of consultations between national and local councils, and matters related to reconstruction grants. Both the amended bill and the original bill without amendments were unanimously approved by the committee and at a plenary session of the House of Representatives and sent to the House of Councillors. In the House of Councillors, after an explanation of the purpose of the bill was provided and questions handled at a plenary session held on November 30, the Special Committee on Reconstruction after the Great East Japan Earthquake held a hearing on the purpose of the bill, related questions were handled, and the bill was then approved unanimously. The bill was unanimously passed and came into effect at the plenary session on December 7.

Background of Diet deliberations

- November 18, 2011 Deliberations at the House of Representatives
- November 18, 2011 Hearing on purpose of the bill at the House of Representatives’ Special Committee on Reconstruction after the Great East Japan Earthquake

- November 21, 22, 24, and 25, 2011 Deliberations at House of Representatives' Special Committee on Reconstruction after the Great East Japan Earthquake (before amendments to the bill)
- November 29, 2011, three amended bills submitted at House of Representatives' Special Committee on Reconstruction after the Great East Japan Earthquake Amended draft and original draft, excluding amendments, submitted by the five Diet groups (DPJ and Independent Group, LDP and Independent Group, New Komeito, People's New Party and New Party Nippon Group, and Sunrise Party of Japan) were approved unanimously. At the same time, 7 resolutions were attached (unanimously).
- November 29, 2011 Amendments approved at plenary session of House of Representatives
- November 30, 2011 Deliberations at plenary session of House of Councillors
- November 30, 2011 Briefing on the purpose of the bill at the House of Councillors' Special Committee on Reconstruction after the Great East Japan Earthquake
- December 1, 2011 Deliberations at House of Councillors' Special Committee on Reconstruction after the Great East Japan Earthquake
- December 2, 2011 Amended bill submitted to and rejected by majority in opposition of House of Councillors' Special Committee on Reconstruction after the Great East Japan Earthquake House of Representative's amended bill passed (unanimously) At the same time, 8 resolutions were attached (unanimously)
- December 7, 2011, Deliberations completed at plenary session of House of Councillors
- December 14, 2011 Promulgated
- December 26, 2011 Comes into effect

b. Overview of Act

The overall overview of the Act on Special Zones for Reconstruction in Response to the Great East Japan Earthquake (Act No. 122 of 2011; hereinafter referred to as the "Act on Special Zones for Reconstruction") at the time of its enforcement is as follows.

First, in accordance with the basic principles of the Basic Act on Reconstruction and based on the Basic Guidelines for Reconstruction in Response to the Great East Japan Earthquake, the national government must establish Basic Guidelines for Special Zones for Reconstruction, which include measures to be implemented by the government for the smooth and prompt promotion of reconstruction in response to the Great East Japan Earthquake.

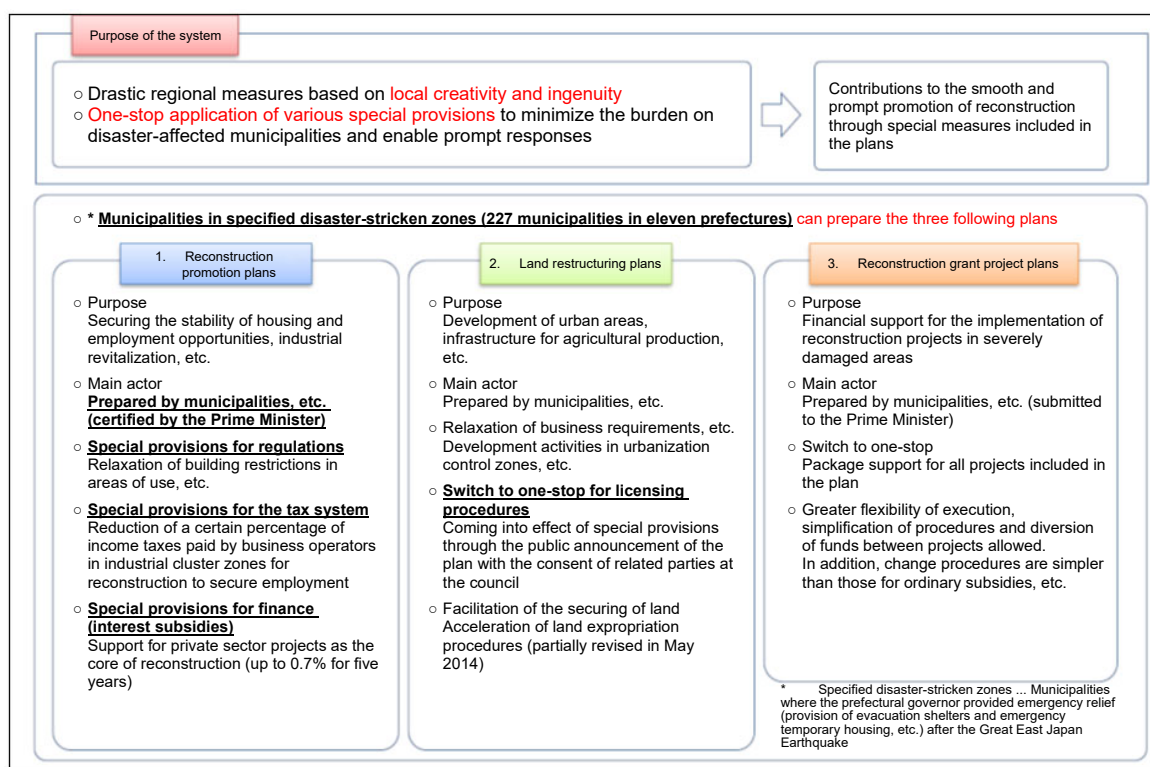
Second, this made it possible for local governments in disaster-affected regions (222 municipalities (227 municipalities since February 2012)) to prepare reconstruction promotion plans independently or jointly with other local governments and receive approval from the Prime Minister, and once approved, special measures for various regulations and procedures and tax and financial support measures could be applied.

In addition, in order to promote reconstruction by leveraging local creativity, local governments in disaster-affected regions could make proposals to the government on special measures for new regulations and other measures, and if national and local councils are established, they are allowed to submit special opinions on reconstruction to the Diet.

Third, municipalities in disaster-affected regions that have areas in which it is necessary to carry out projects related to the development of urban areas and projects related to the development of infrastructure for agricultural production may prepare reconstruction development plans independently or jointly with prefectures, and if land restructuring plans are made public after the necessary procedures such as consultation, special measures, such as deeming that approval for basic land use plan changes and land use has been granted may be applied.

Fourth, municipalities in disaster-affected regions can not only prepare reconstruction grant project plans for projects necessary to reconstruct areas where a considerable number of houses, etc., sustained significant damage from the Great East Japan Earthquake and submit those plans to the Prime Minister, independently or with the prefecture but also receive reconstruction grants that can be allocated to expenses necessary to implement projects and other items related to the submitted plan within the limits of the national budget.

Figure 2-3-6 Overview of Great East Japan Earthquake Reconstruction special zone system



Source) Reconstruction Agency material

c. Main issues during Diet deliberations and Diet-member amendments

During deliberations on the Act on Special Zones for Reconstruction, questions were asked about ensuring the effectiveness of national and local councils, the reason for the establishment of special measures for regulations related to the Fisheries Act, and the use of reconstruction grants.

The main amendments made to the bill by the House of Representatives are as follows.

- ① Provisions were added to allow approved local governments, etc. to submit special opinions on special measures for new regulations and other matters to the Diet and to take necessary legislative measures when the Diet receives such opinions and deems them necessary.
- ② The following provisions were added: the Prime Minister, etc. shall promptly take the necessary legislative measures, etc. when necessary when an agreement is reached at the national and local councils that hold consultations on the promotion of measures for reconstruction; and the Prime Minister shall report the results of the consultations of the councils to the Diet, and the Diet shall take the necessary legislative measures when it finds it necessary upon receipt of the report.
- ③ In addition to adding core projects that are implemented voluntarily and independently in line with the characteristics of the region to so-called benefit promotion projects, one item included in reconstruction grant funded project plans, provisions were added that make it possible to provide reconstruction grants for items related to measures implemented by specified local governments regarding damage that nuclear power station operator should pay compensation for when deemed necessary by the national government.

3) Background and overview of amendments

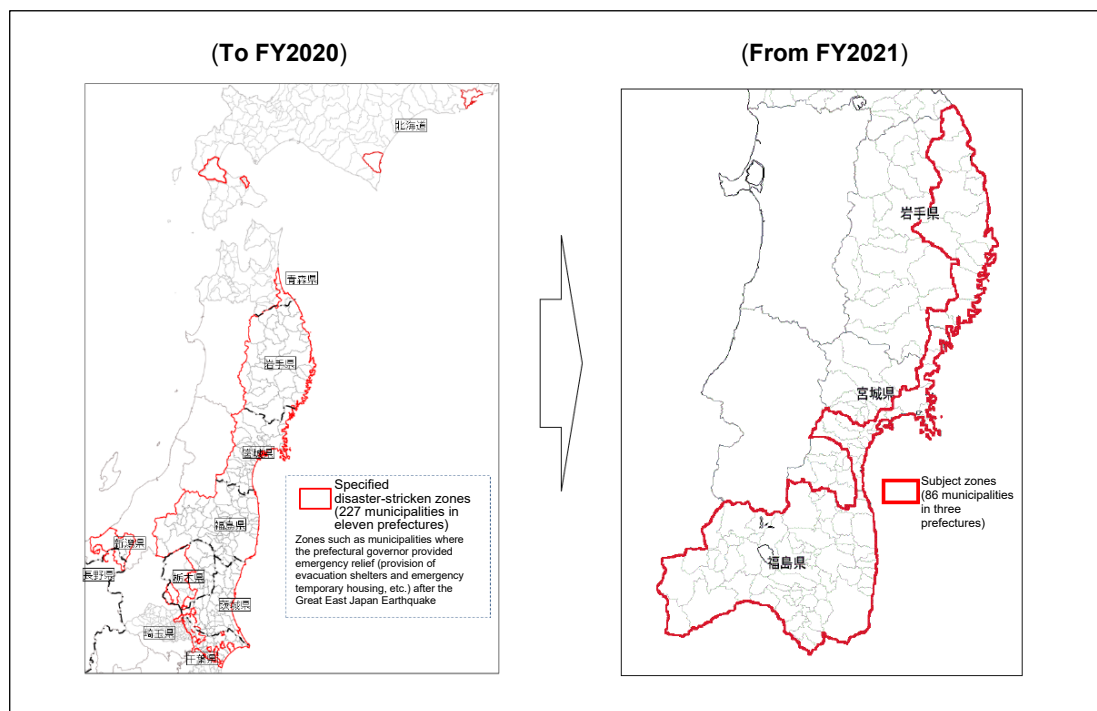
The Act on Special Zones for Reconstruction was effectively amended by 2014 amendments and 2020 amendments to the Act on Special Zones for Reconstruction. The following is an overview of priority of targeted areas in the 2020 amended Act on Special Zones for Reconstruction. The 2014 amended Act on Special Zones for Reconstruction is discussed in detailed in (5) Land Restructuring Plans.

In light of conceptions, including substantial progress with reconstruction and entering the final stage of construction for areas damaged by the earthquake and tsunami as a result of unprecedented assistance for the damage caused by the Great East Japan Earthquake and the full launch of reconstruction and revitalization in areas affected by the nuclear disaster, the following points regarding special zones for reconstruction were included in the Basic Guidelines for Reconstruction in Response to the Great East Japan Earthquake after the “Reconstruction and Revitalization Period” (decided by the Cabinet on December 20, 2019): regarding Act on Special Zones for Reconstruction, “for regulatory special provisions, land restructuring plans, and financial special provisions, continue to provide the necessary support after prioritizing targeted regions while taking into consideration the state of reconstruction up to the present and expectation of necessary projects,” and “regarding the special zones for reconstruction taxes, because despite the dramatical decline in population, workplaces, etc., in areas that sustained major damage from the tsunami, it will take time to construct infrastructure through rezoning projects, etc., and there is expected to be regions where companies have not located to, measures such as amending the Act on Special Zones for Reconstruction and extending the period that the taxes can be applied after prioritizing targeted regions will be considered so that regions that sustained major damage can continue to steadily work to revitalize industry.”

As a result, in order to promote reconstruction from the Great East Japan Earthquake in a focused and effective manner, the Act to Amend the Act on Special Zones for Reconstruction, etc., of 2020 was enacted, which includes the necessary legal provisions for the mechanisms, organizations, and financial resources to support reconstruction after the first reconstruction/revitalization period. The act, which came into effect in April 2021, prioritizes regions where special measures can be utilized.

Specifically, Article 4, paragraph (1) of the Act on Special Zones for Reconstruction stipulates that areas for which reconstruction promotion plans can be prepared and that continue to face numerous reconstruction issues shall be prioritized in light of such factors as the state of reconstruction at that time and expected projects, and 12 municipalities in the coastal areas of Iwate Prefecture, 15 municipalities in the coastal areas of Miyagi Prefecture, and 59 municipalities in Fukushima Prefecture were designated as such zones (they are stipulated in the Order for Enforcement of the Act on Special Zones for Reconstruction).

Figure 2-3-7 Changes in the zones for which reconstruction promotion plans can be prepared



Source) Reconstruction Agency material

4) Actual application

As of September 2022, 307 reconstruction promotion plans had been prepared in seven prefectures of Aomori, Iwate, Miyagi, Fukushima, Ibaraki, Tochigi, and Chiba.

Furthermore, projects included in land restructuring plans were being undertaken in 1,034 areas in the three prefectures of Iwate, Miyagi, and Fukushima as of September 2022.

Reconstruction promotion plans and land restructuring plans are contributing to revitalizing industry in disaster-affected areas and achieving the goal of reconstruction urban development. For example, as of September 2022, more than 6,000 people had been designated as being eligible for tax special provisions, and investments by designated person totaled more than 4 trillion yen. Furthermore, total investments in projects that financial special provisions were applied to total 1 trillion yen.

In the following, after mentioning the proposed system for special measures for new regulations, etc., an overview, application, and impact of the regulatory special provisions, financial special provisions, and special land restructuring plan provisions are described. The tax system for special zones for reconstruction and reconstruction grants are not discussed here, but in Chapter 2, Section 4, and Chapter 3, Section 1, respectively.

(2) Proposal System for Special Measures for New Regulations

It is necessary to respect the wishes of the residents of the disaster-affected regions and promote the special reconstruction zone system by making use of local creativity. For this reason, Article 11 of the Act on Special Zones for Reconstruction allows entities such as specified local governments to propose special measures for new regulations and other items to the Prime Minister.

In addition, Article 12 of the Act on Special Zones for Reconstruction allows the Prime Minister, Ministers of State designated by the Prime Minister, and the heads of approved local governments, etc. to establish councils to hold necessary consultations on the development of special measures for new regulations, etc. for each prefectural area.

The national and local councils on proposals for special provisions for new regulations, etc., met two times through 2022 as follows:

a. Miyagi Prefecture National and Local Council

On August 7, 2012, the Prime Minister, Governor of Miyagi Prefecture, and the heads of 34 municipalities in Miyagi Prefecture established a council of national and local governments in Miyagi Prefecture to discuss proposals for special measures for new regulations submitted by Miyagi Prefecture.

The four proposals from Miyagi Prefecture were ① a special provision to promote projects that encourage collective relocation for disaster management through the application of a special deduction (50 million yen deduction is applied to the sale of land where residents relocate to under a project to encourage collective relocation for disaster management), ② a special provision to promote the use of 45 feet containers, ③ expansion of the scope of subsidies for the development of nursery schools to ensure nursery services, and ④ extension of the period of tax special measures in special zones for reconstruction and relaxation of the requirements to be eligible for those measures.

Regarding ①, a request was made for tax reform in FY2013, and tax measures were implemented based on Miyagi Prefecture's proposal. Regarding ② and ③, it was decided that Miyagi Prefecture should examine using the current system of grants and subsidies, and existing tax system, since these could be used, and the FY2013 budget request was not made. Regarding ④, measures to loosen application requirements for the new location promotion system were implemented based on Article 40 of the Act on Special Zones for Reconstruction.

b. Iwate Prefecture National and Local Council

On September 11, 2013, the Prime Minister and Governor of Miyagi Prefecture established the Iwate Prefecture National and Local Council. In addition, the council was convened on September 17 and deliberated on special measures for new regulations proposed by Iwate Prefecture.

Iwate Prefecture proposed special measures to establish an independent distributed energy system that makes use of renewable energy (wind power and geothermal). The prefecture proposed that although authorized reconstruction promotion plans that stipulate renewable energy-based power generation must be approved pursuant to Article 15-2, paragraph (1) of the Agricultural Promotion Area Restructuring Act and Article 4, paragraph (1) or Article 5, paragraph (1) of the Cropland Act, assuming doing so does not hinder the securing of good farmland, the plans should be deemed to have been approved.

Subsequently, on November 15, 2013, the Act on Promoting Generation of Electricity from Renewable Energy Sources Harmonized with Sound Development of Agriculture, Forestry and Fisheries was enacted in the 185th extraordinary session of the Diet, creating a nationwide system for handling the development of renewable energy power generation facilities under the farmland diversion permit system.

(3) Regulatory special measures

Special provisions on regulations are provided for in Articles 14 to 36 of the Act on Special Zones for Reconstruction, and a total of 20 special provisions were established.

As of the end of March 2022, a total of 42 reconstruction promotion plans had been approved based on special provisions for regulations (Aomori Prefecture, 1; Iwate Prefecture, 8; Miyagi Prefecture, 18; Fukushima Prefecture, 6; Ibaraki Prefecture, 6; Tochigi Prefecture, 1; Chiba Prefecture, 2). Since multiple special provisions can be incorporated in reconstruction promotion plans, it is often the case that multiple special provisions for regulations are incorporated in one plan.

An overview of each special provision to regulations and description of the results of application are provided below in the order of article.

1) Special Zone Demarcated Fishery Rights License Project (Article 14 of the Act on Special Zones for Reconstruction)

a. Overview

This special provision is based on Article 14 of the Act on Special Zones for Reconstruction. The special provision was deleted because the provision that the special provision targeted was abolished by the Act for Partial Revision of the Fishery Act, etc. (Act No. 95 of 2018. Hereinafter referred to as “Revised Fishery Act”).

The Fishery Act prior to the revision by the Revised Fishery Act (Act No. 267 of 1949, hereinafter referred to as the “Old Fishery Act”), stipulated that marine animal and plant aquaculture business for fishing grounds of a certain coastal area that involves laying fish tanks or rafts be conducted based on the fishery rights licensed by the governor to ensure the stable use by fisheries (Articles 9 and 10 of the Fishery Act), and it was stipulated that the license of the Governor be “given in order of priority” (Article 15 of the Fishery Act). With regard to the “specified demarcated fishery rights,” which covers the business of marine animal and plant aquaculture, local fishery cooperatives that do not operate fishery themselves were stipulated as top ranked (Article 18 of the Fishery Act) and, in fact, obtained almost all licenses.

The Sanriku region is one of the major production regions for the aquaculture industry in Japan, and the industry sustained unprecedented damage, including devastating damage to aquaculture facilities and the death of many fishermen, making it difficult for the industry to recover on its own as there was no prospect for the industry to secure workers. In regions where it was difficult for local fishermen to resume aquaculture on their own as they faced various challenges, including securing aquaculture facilities and workers, the issue was moving forward with such efforts as undertaking reconstruction with the cooperation and support of others, including corporations outside

the region.

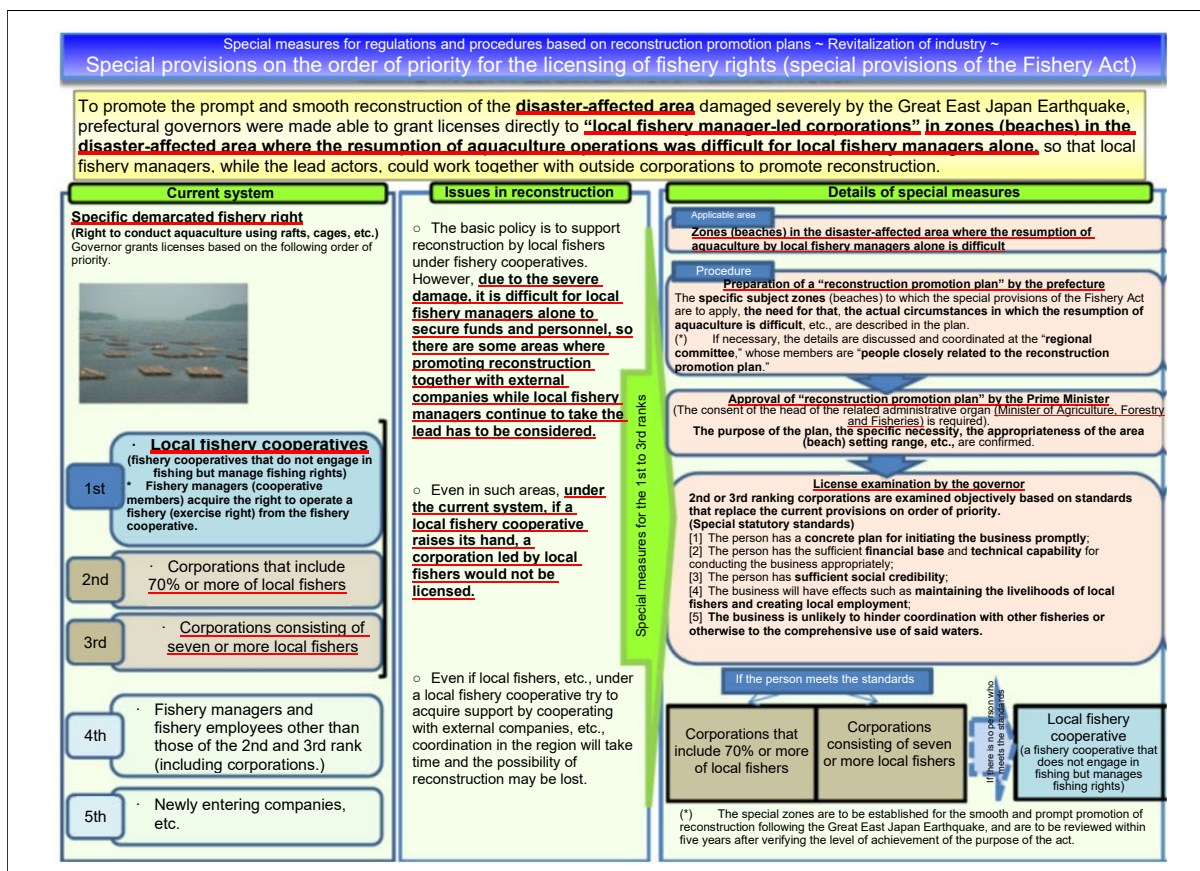
This special provision makes it possible for the prefectural governor to directly grant a license to a corporation mainly consisting of local fishery operators, and in the case of reconstruction promotion plans approved by the Prime Minister that stipulate a license for specified demarcated fishery rights pertaining to local areas where aquaculture industry reconstruction by local fishery operators on their own was deemed difficult, corporations that mainly consisted of local fishery operators and met screening criteria concerning economic foundation and cooperation with fisheries would not be subject to fishery rights priority regulations but could be given top priority and granted a license as the top priority business.

In Diet deliberations when the legislation was enacted, there were concerns about the collapse of order on the coast and the loss of jobs for local fishermen considering the special provision that the prefectural governor could grant licenses as first priority to corporations 70% or more of whose members were local fishermen and corporations with seven or more local fishermen. In response to this, the Minister of Agriculture, Forestry and Fisheries at that time expressed his opinion that provisions would be added to meet the concerns of the fishermen, including cooperating with other fisherman on the requirements for corporations that governors could directly provide licenses to and making only corporations that meet statutory criteria, such as having an economic foundation, being eligible.

b. Actual application and impact

There was one reconstruction promotion plan that included this special provision. Miyagi Prefecture formulated a reconstruction promotion plan for specified demarcated fishing license business in order to increase fishery production in the area, maintain the livelihoods of local fishermen, and create employment opportunities, and this plan was approved by the Prime Minister on April 23, 2013.

Figure 2-3-8 Overview of Special Zone Demarcated Fishery Right License Project



Source) Reconstruction Agency material

2) Project for Developing Buildings for Reconstruction (Article 15 of the Act on Special Zones for Reconstruction)

a. Overview of special provisions

This special provision, a measure based on Article 15 of the Act on Special Zones for Reconstruction, allows the construction of structures for use other than those specified in the land use guidelines and the Building Standards Act.

Under the ordinary system, Article 48 of the Building Standards Act and Appended Table 2 stipulate structures for use and other items that can be built based on the use area specified in city plans; however, Article 48, paragraphs (1) through (13) stipulate that buildings for use that are restricted in each use area can be built or their use changed if the permission of the specified administrative agency is obtained.

Under this special provision, if a reconstruction promotion plan that stipulates basic guidelines on the development of structures related to a project for developing buildings for reconstruction has been approved by the Prime Minister, restrictions on use may be eased if the specified administrative agency approves the plan by deeming it compliant with the basic guidelines on the development of structures.

b. Actual application and impact

By March 2023, nine reconstruction promotion plans had been approved and utilized by six local governments.

In Iwate Prefecture, three local governments made use of the special provision: ① Kamaishi City (approved in August 2012, the plan made it possible to develop commercial facilities in exclusive industrial zones) and ② Rikuzentakata City (approved in March 2018, the plan made it possible to develop structures with a total floor area of more than 3,000 m² in part of a category 1 residential area), and ③ Rikuzentakata City (approved in February 2021, the plan made it possible to develop a building with a total of work floor area of more than 150 m² in a factory that uses motor in one part of a commercial zone).

In Miyagi Prefecture, six local governments made use of the special provision: ① Shichigahama Town (approved in September 2012, the plan made it possible to build offices of a certain size the same as category-2 medium-rise residential building on elevated land areas in the center of the city (category-2 medium-rise residential building)), ② Onagawa City (approved in November 2012, the plan made it possible to build such facilities as fisheries related facilities and marine product processing facilities, in part of the category-2 residential zone and commercial zone), ③ Minami Sanriku Town (approved in October 2013, the plan loosened use restriction to promote the establishment of marine product processing plan in part of a category-2 resident zone), ④ Onagawa City (approved in September 2014, the plan promoted the construction of hotels and offices in category-1 and category 2 medium high rise residential zone), ⑤ Natori City (approved in November 2014, made it possible to build marine product processing facilities in part of the Yuriage District category-1 residential zone), ⑥ Minami Sanriku Town (approved in December 2015, loosed land use restriction to promote the quick establishment of factories for local companies). This special provision was not used by local governments in Fukushima Prefecture.

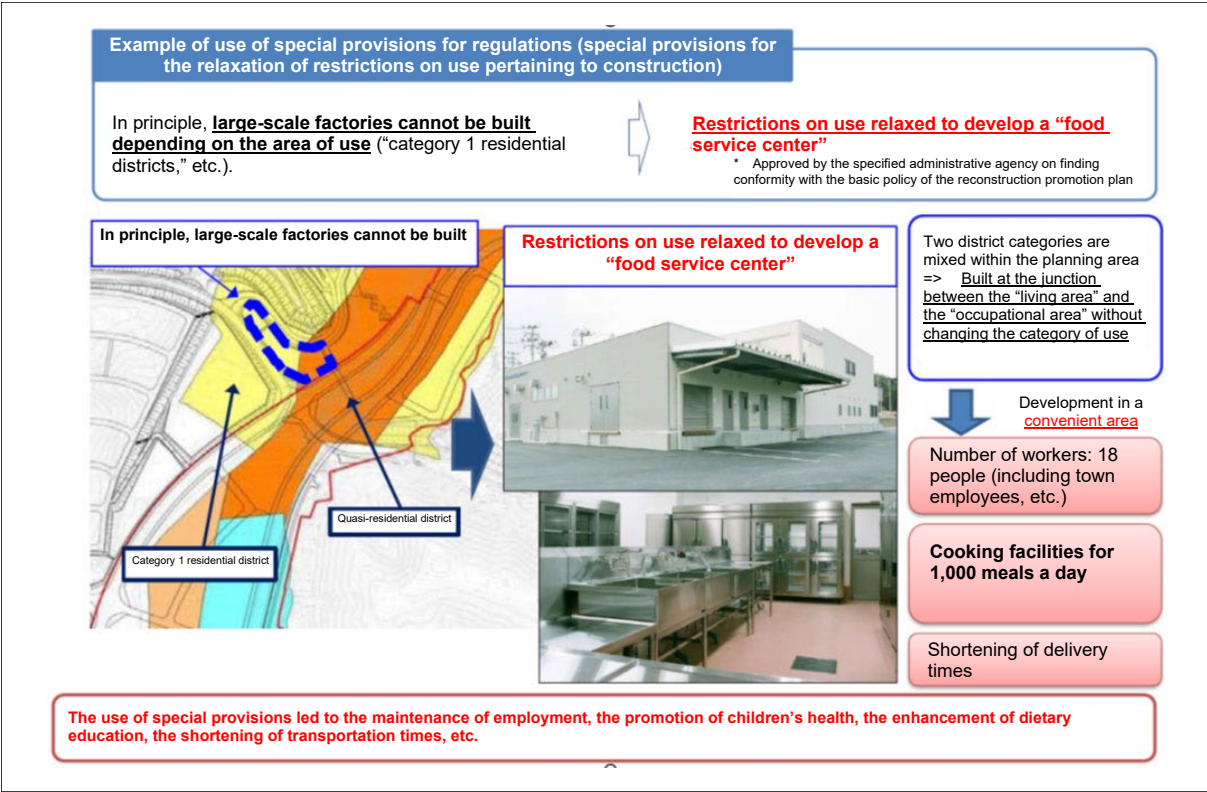
The special provision has been used throughout the reconstruction period as can be seen in the fact that the special provision was not only used extensively through 2015 but was also used in Rikuzentakata City, Iwate Prefecture, in 2021, 10 years after the disaster.

Local governments had the following evaluation of the special provision's impact: "The local purchase rate in FY2008, before the earthquake, was 78.7%, but that rose to 91.8% in FY2014 for new stores as a result of the use of special provision"; "Using the special provision made it possible to quickly undertake construction without having to wait to change the land use. About 4,000 people visited the facilities in the first month after they opened, which translates into several tens of thousands of visitors a year, and the special provision has contributed to lively market because of expected inflow of people to other stores and facilities in the city."¹⁷

This special provision was used by numerous local governments, as discussed above, and has contributed to reconstruction urban development in disaster-affected areas.

¹⁷ This is based on a questionnaire of municipalities conducted by the Reconstruction Agency's Special Reconstruction Zone Team.

Figure 2-3-9 Examples of use for projects related to developing reconstruction structures



Source) Reconstruction Agency material

Figure 2-3-10 Examples of use



Source) Reconstruction Agency material

3) Project for Developing Buildings for Reconstruction in Special Use Zones (Article 16 of the Act on Special Zones for Reconstruction)

a. Overview of special provisions

This measure is based on Article 16 of the Act on Special Zones for Reconstruction.

Article 49, paragraph (1) of the Building Standards Act stipulates that for specific-use zones stipulated by a city plan, it is possible to stipulate by local government ordinance necessary provisions related to restricting or prohibiting the construction of structures for that specific use as supplements to the designation of specific-use zones.

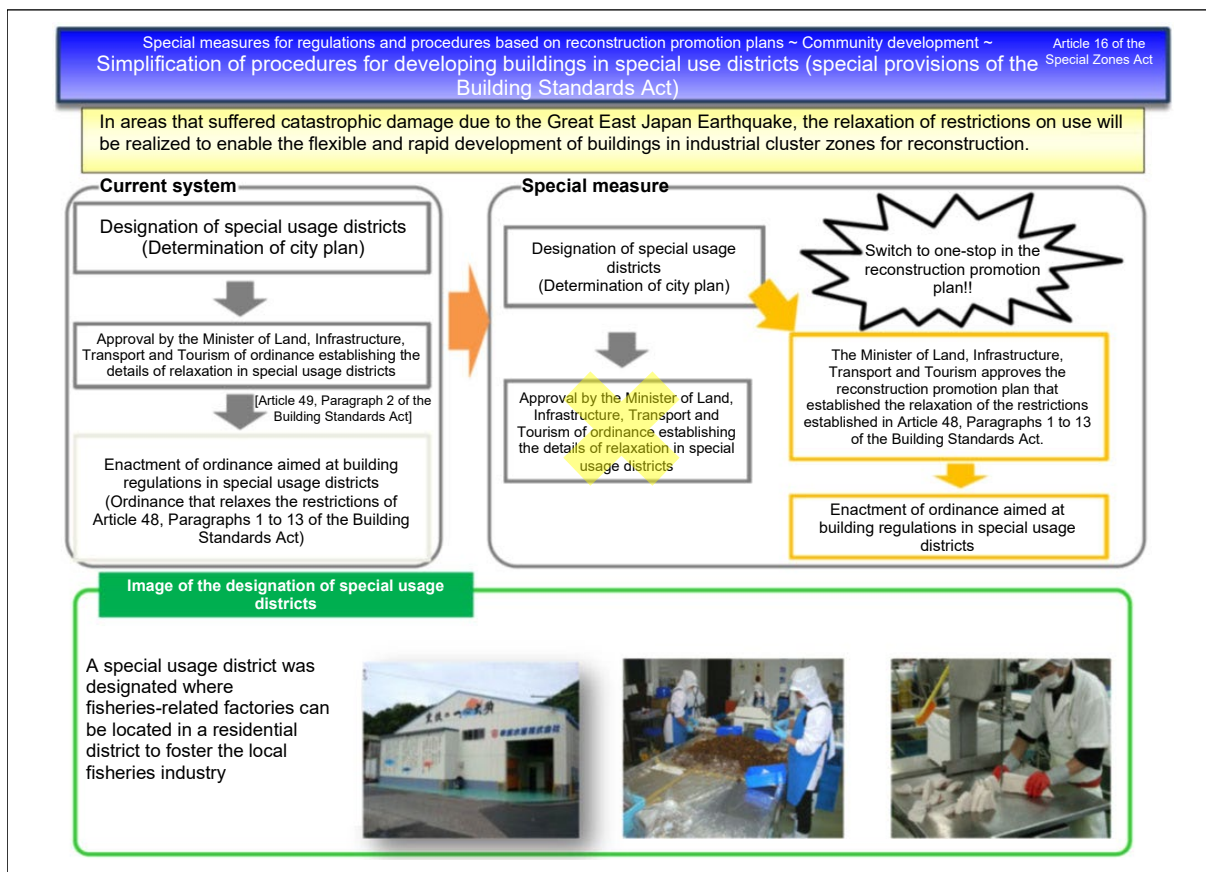
For reconstruction promotion plans that stipulate the loosening of restrictions on the use of structures by ordinance pursuant to Article 49, paragraph (2) of the Building Standards Act, this special provision makes it unnecessary to obtain the approval of the Minister of Land, Infrastructure, Transport and Tourism stipulated in the Building Standards Act as the approval stipulated in Article 49, paragraph (2) is deemed to have been obtained if approved by the Prime Minister.

b. Actual application and impact

There are no cases when this special provision was used because local governments did not create reconstruction promotion plans.

This special provision was not used since it merely simplified procedures to obtain approval from the Minister of Land, Infrastructure, Transport and Tourism, not completely eliminate the need for approval, and did not actually loosen any regulations; thus, it had a minor impact, and there was no need for it. Other possible reasons it was not used are that there were never any projects to loosen restrictions on special-use zones in the first place, and some municipalities in the disaster-affected areas enacted ordinances to restrict the construction in special-use districts after the earthquake.

Figure 2-3-11 Overview of Project for Developing Buildings for Reconstruction in Special Use Zones



Source) Reconstruction Agency material

4) Projects using emergency temporary buildings (Article 17 of the Act on Special Zones for Reconstruction)

a. Overview

Article 85, paragraph (2) of the Building Standards Act (Act No. 201 of 1950), stipulates that emergency temporary structures constructed in the event of a disaster are exempted from building confirmation procedures and certain technical standards, but the structures must be removed within two years and three months (Paragraphs 3 and 4 of the same article). The Great East Japan Earthquake damaged stores, factories, schools, social welfare facilities, etc. which were important social infrastructure in the region. This special provision was established because there were areas where it was considered difficult to construct the required number of permanent buildings that comply with the Building Standards Act within two years and three months considering the actual conditions, including a shortage of land due to the extensive flooded areas due to the tsunami and the progress of reconstruction. With this special provision, if reconstruction promotion plans that specify the location, use, and life of emergency temporary structures (excluding housing) set forth in Article 85, paragraph (2) of the Building Standards Act that are intended to remain for more than two years and three months are approved by the Prime Minister, the life of the emergency temporary structure can be extended for up to one year if within the relevant period if the specified administrative agency determines this will not hinder safety, fire prevention, and health, which also applies to cases where the life is further extended.

The Building Standards Act was partially amended on May 31, 2022, based on the Act on the Revision, etc. of Related Acts to Promote Reform for Increasing Independence and Autonomy of Local Communities (Act No. 44 of 2022; 12th Omnibus Decentralization Act), and this special provision in Article 17 of the Act on Special Zones for Reconstruction was deleted because disaster-affected area special provisions concerning extending the life of emergency temporary structures was introduced nationwide.

b. Actual application and impact

Each prefecture and municipality drew up reconstruction promotion plans, and this special provision was applied to more than 700 buildings, making it the most widely used special provisions of regulations based on the Act on Special Zones for Reconstruction.

The following 12 reconstruction promotion plans were approved: ① Iwate Prefecture Reconstruction Promotion Plan No. 8 (original plan approved in May 2013, 12 rounds of revisions approved through February 2022), ② Miyagi Prefecture Reconstruction Promotion Plan No. 21 (original plan approved in April 2013, seven rounds of revisions approved through March 2021), ③ Ishinomaki City (Miyagi Prefecture) Reconstruction Promotion Plan No. 24 (original plan approved in April 2013, nine rounds of revisions approved through March 2021), ④ Shiogama City, Miyagi Prefecture Reconstruction Promotion Plan No. 26 (original plan approved in September 2013 and revision approved in March 2015), ⑤ Sendai City Reconstruction Promotion Plan No. 33 (original plan approved in January 2014), ⑥ Iwanuma City (Miyagi Prefecture) Reconstruction Promotion Plan No. 51 (original plan approved in June 2015), ⑦ Minamisoma City (Fukushima Prefecture) Reconstruction Promotion Plan No. 5 (original plan approved in July 2012, seven rounds of revisions approved through March 2022), ⑧ Fukushima Prefecture Reconstruction Promotion Plan No. 18 (original plan approved in July 2013, 19 rounds of revisions approved through February 2022), ⑨ Ibaraki Prefecture Reconstruction Promotion Plan No. 3 (original plan approved in January 2013, revisions approved in March 2016), ⑩ Mito City (Ibaraki Prefecture) Reconstruction Promotion Plan No. 10 (original plan approved in May 2013, revisions approved in November 2015), ⑪ Ishioka City (Ibaraki Prefecture) Reconstruction Promotion Plan No. 17 (original plan approved in March 2015, revisions approved in December 2017), ⑫ Takanezawa Town (Tochigi Prefecture) Reconstruction Promotion Plan No. 1 (original plan approved in November 2012), and special provisions were applied to emergency temporary buildings approved in each plan.

Structures that this exemption was applied included ones for a wide range of uses that extended from public structures to private-sector business structures, including temporary government buildings, offices for post offices, etc., public transportation related offices, employee dormitories, temporary school building, temporary offices, facilities for the elderly, temporary stores, temporary workplaces, etc., and this contributed to the stable supply of services necessary for daily life during the recovery and reconstruction period. This exception was actively made use of because there was a need for temporary staff dormitories because many local governments received staff from other prefectures, and many accommodation facilities in the city were damaged. Even 10 years after the disaster, staff for soft projects such as mental care and community revitalization continued to be dispatched, and this special

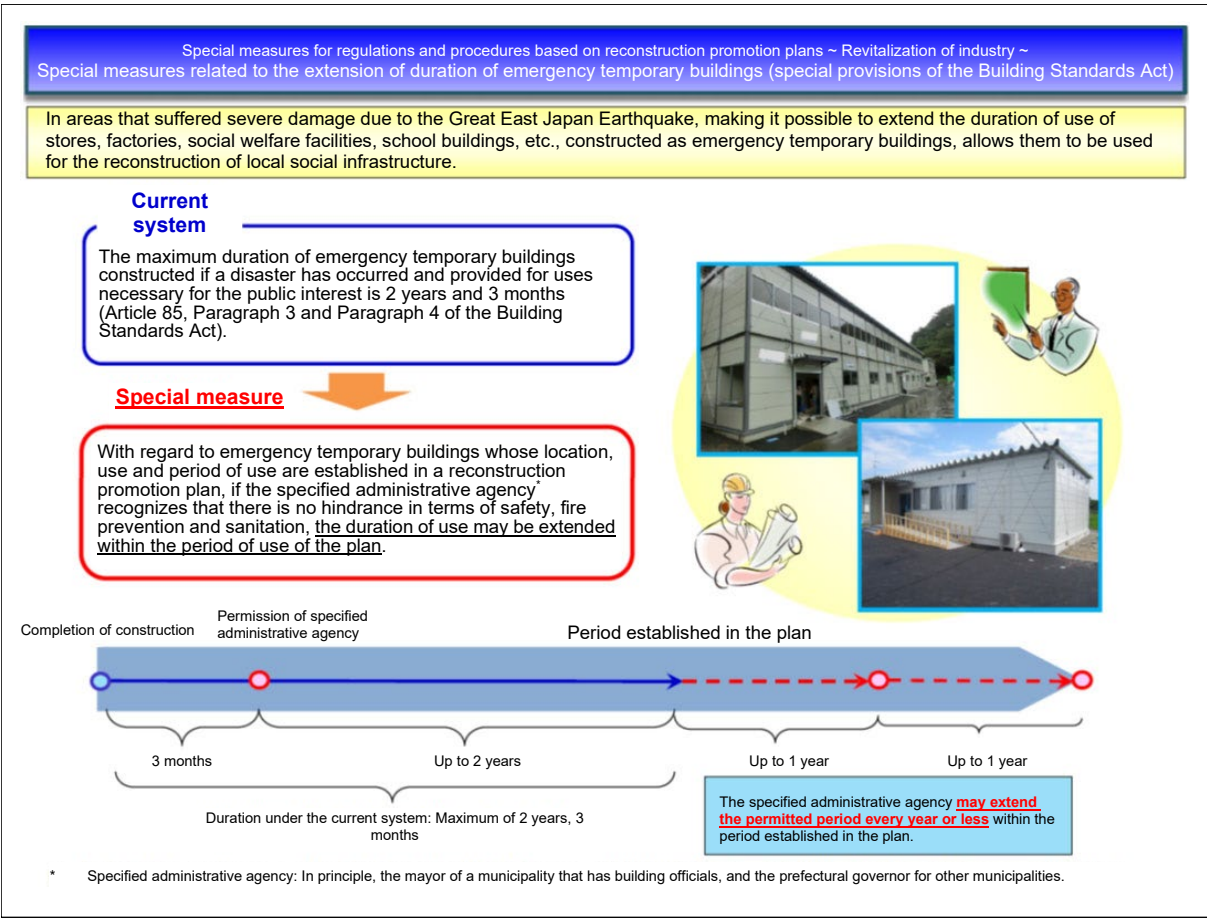
provision has been used continuously.

In Fukushima Prefecture, a number of temporary facilities, such as waste incineration facilities (crushing and sorting of debris and other disaster waste, storing ash before transferring to interim storage facility, etc.) and decontamination inspection facilities (for example, to screen vehicles when they pass through difficult-to-return areas) were built due to the nuclear disaster and will continue to exist for various reasons, such as the approval of plans through 2031.

Local governments that took advantage of the special provision made the following comments: “The special provision made it possible to ensure a stable supply of resident services,” “It was possible for disaster-affected business operators to extend the period until the main restoration by utilizing special provisions,” “Applying the special provision to educational facilities made it possible to maintain schools that support the community and played a major role.”¹⁸

As stated above, this special provision contributed to revitalization of industry in disaster-affected areas, etc., and was applied in an extremely large number of disaster-affected local governments throughout Japan through 2022.

Figure 2-3-12 Overview of projects that use emergency temporary structure



Source) Reconstruction Agency material

Figure 2-3-13 Examples of use



¹⁸ This is based on a questionnaire of municipalities conducted by the Reconstruction Agency’s Special Reconstruction Zone Team.

Source) Reconstruction Agency material

5) Projects for ensuring the transportation using roads in disaster-affected areas (Article 18 of the Act on Special Zones for Reconstruction)

a. Overview

This measure is based on Article 18 of the Act on Special Zones for Reconstruction. This special provision is related to such matters as approval of business plan related to businesses that provide carrier services for ride-sharing by general passengers.

Pursuant to Article 4, paragraph (1) of the Road Traffic Act (Act No. 183 of 1951), a person who intends to provide motor carrier services for ride-sharing by general passengers must submit an application, which includes a business plan and other items concerning matters such as routes, names and locations of business offices, and the number of business vehicles to be assigned to each business office to the Minister of Land, Infrastructure, Transport and Tourism and obtain permission.

When a person who has obtained a license to provide motor carrier services for ride-sharing by general passengers intends to change their business plan, they must obtain approval from the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provision of Article 15, paragraph (1) of the Road Traffic Act.

In disaster-affected areas that were severely damaged by the Great East Japan Earthquake, securing daily transportation between temporary housing and living facilities became an issue, and discussions were held on reviewing general bus routes as an integral part of reconstruction urban development measures in disaster-affected areas.

Under this special provision, when a reconstruction promotion plan that includes a project to ensure road transportation in disaster-affected areas has been approved by the Prime Minister after obtaining the consent of the Minister of Land, Infrastructure, Transport and Tourism, the necessary procedures are deemed to have been completed for such projects that require approval pursuant to Article 15, paragraph (1) of the Road Traffic Act or notification pursuant to paragraph (3) or (4) of the same article.

b. Actual application and impact

There are no cases when this special provision was used because local governments did not create reconstruction promotion plans.

Several local governments pointed out that after the earthquake, the Ministry of Land, Infrastructure, Transport and Tourism responded quickly by shortening the normal processing period based on the Road Traffic Act, which made it possible to flexibly operate bus routes and other services in disaster-affected areas, and thus there was no need to use this special provision.

6) Projects for providing public housing, etc. to disaster victims (articles 19 to 21 of the Act on Special Zones for Reconstruction)

a. Overview

This measure is based on Article 19 through Article 21 of the Act on Special Zones for Reconstruction.

One of the purposes of the Act on Public Housing (Act No. 193 of 1951) is to provide low income earners who are in need of housing with low-rent housing, and government subsidies are provided when local governments develop public housing, etc. Therefore in addition to setting qualifications for residents, such as income requirements, the act establishes a transfer period for public housing and limits the use of proceeds from the sale of such facilities to the development of public housing and other facilities, and other purposes.

In the areas affected by the Great East Japan Earthquake, in addition to extensive damage to housing, a considerable number of people, including those engaged in primary industries, lost their jobs; thus creating an environment that enables disaster victims to rebuild their lives in their local areas by building a large amount of disaster public housing in the short term was necessary to move reconstruction forward.

The short-term housing shortage caused by the earthquake disaster was expected to make it difficult for even people who would not normally be eligible for public housing, such as those with a certain level of income, to find housing, and thus in disaster-affected regions, it was necessary to allow a wide range of persons struggling to find housing to move into public housing.

On the other hand, the population of disaster-affected regions is expected to decline in the future, and it is forecasted that after a certain period of time, there will be a supply-demand gap for public housing (vacant units), which would have been impossible in normal times, leading to an increase in management costs borne by housing operators.

When moving forward with efforts to ensure a large supply of disaster public housing, it was necessary to create an environment in which after disaster public housing is constructed, it will be possible to flexibly transfer and sell public housing according to the supply and demand of public housing in order to dispel the concerns of business entities.

In light of the above situation, for reconstruction promotion plans that stipulate projects for providing public housing to disaster victims and are approved by the Prime Minister, special measures concerning loosening qualifications for living in public housing, etc., shortening the period that disposal of property is restricted, and loosening restriction on the use of the compensation for transfer can be applied.

The special provisions are as followings: ① persons who have lost their housing due to the Great East Japan Earthquake are deemed to meet other requirements if they meet the housing hardship requirements (Article 20 of the Act on Special Zones for Reconstruction); ② the period of restricted transfer of public housing and other items is reduced from 1/4 of the useful life to 1/6; compensation for the transfer can be used not only for the construction of public housing but also expenses necessary to implement projects based on the local housing plan.

The Act on Special Zones for Reconstruction sets the period that special provision ① can be applied to March 11, 2021, 10 years after the disaster, and the special provision was deleted at the end of that period.

b. Actual application and impact

Among the special provisions based on the Act on Special Zones for Reconstruction, this one was extensively used as each prefecture and municipality developed reconstruction promotion plans and applied the special provision to many public housing.

The following six reconstruction promotion plans were approved: ① Iwate Prefecture Reconstruction Promotion Plan No. 10 (original plan approved in August 2013, and two rounds of revisions approved through March 2020), ② Miyagi Prefecture Reconstruction Promotion Plan No. 28 (original plan approved in October 2013), ③ Fukushima Prefecture Reconstruction Promotion Plan No. 17 (original plan approved in July 2013), ④ Ibaraki Prefecture Reconstruction Promotion Plan No. 12 (approved in September 2013, revisions approved in June 2014), ⑤ Asahi City (Chiba Prefecture) Reconstruction Promotion Plan No. 1 (original plan approved in February 2013), and ⑥ Katori City (Chiba Prefecture) Reconstruction Promotion Plan No. 2 (approved in August 2013).

As of March 2019, the provision was applied to 1,910 households in Iwate Prefecture, 5,714 households in Miyagi Prefecture, 1,076 households in Fukushima Prefecture, and 13 households in Ibaraki Prefecture. In terms of shortening the transfer period, 120 residences in the three disaster-affected prefectures were transferred by March 2022, including a 2018 transfer in Minamisoma City, Fukushima Prefecture (wood structure whose restriction on transfer was reduced to five years from 7.5 years), the first transfer since the earthquake.

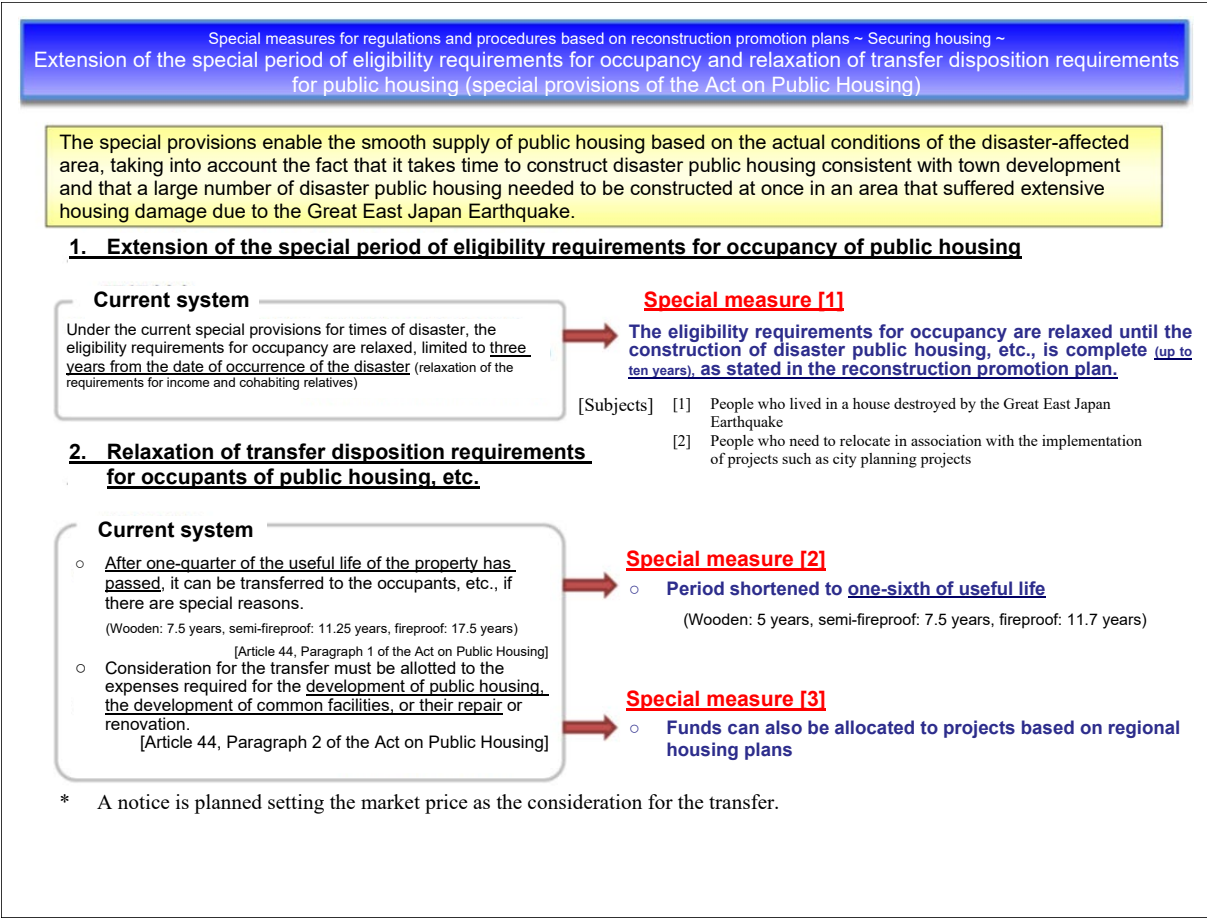
The restricted transfer period for fire-resistant structures is usually 17.5 years, and even when the restrictions were loosened, it is still 11.7 years later, and thus this is a special provision that is still needed 10 years after the disaster.

Local governments that made use of this special provision had the following comments: “We were able to aid disaster victims who could not originally use public housing, and it also helped end temporary housing,” and “Qualification screening for pre-occupancy registration was simplified, which helped facilitate the determination of the number of units to be built and the start of construction.”¹⁹

As mentioned above, this special provision was utilized by many local governments and contributed to securing housing in disaster-affected areas.

¹⁹ This is based on a questionnaire of municipalities conducted by the Reconstruction Agency’s Special Reconstruction Zone Team.

Figure 2-3-14 Overview of projects to supply public housing to disaster victims, etc.



7) Projects related to public housing management, etc., to promote reconstruction (Article 22 of Act on Special Zones for Reconstruction)

a. Overview

One of the purposes of the Act on Public Housing is to ensure that housing is provided to low income earners who are in need of housing at low rent, and national government subsidies are provided for constructing public housing.

In addition, the approval of the Minister of Land, Infrastructure, Transport and Tourism is required in the following cases: ① when public housing will no longer be used because it would be difficult to use even if repaired because of damage from the disaster or other reason, ② when public housing is used as a group home for social welfare services, and ③ when there is a change in entity managing the project related to public housing, etc.

In addition, when a municipality applies for approval for ① to ③, it must go through the prefecture, and for ① and ③, it must consult with the Minister of Health, Labour and Welfare.

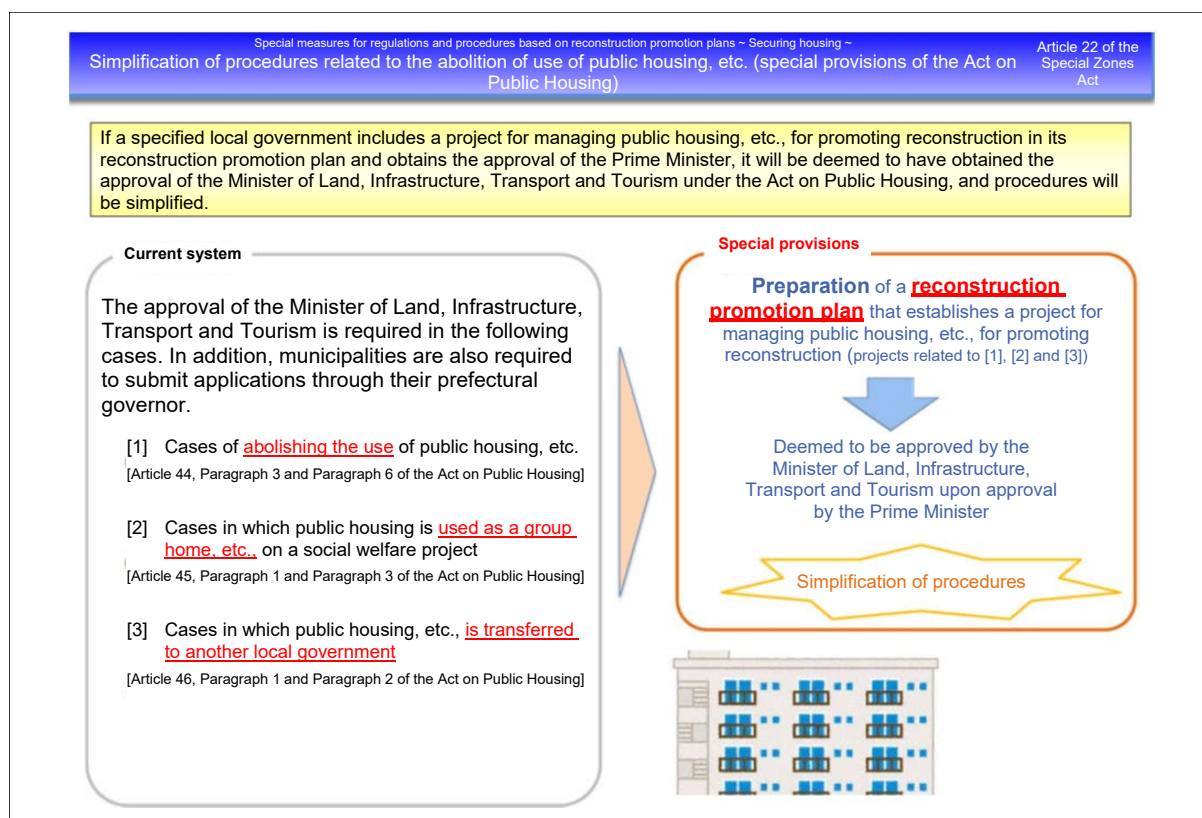
With this special provision, if specified local governments include projects related to public housing management, etc., to promote reconstruction in its reconstruction promotion project and obtain the approval of the Prime Minister, the plan is deemed to have obtained the approval related to ① through ③ from the Minister of Land, Infrastructure, Transport and Tourism.

b. Actual application and impact

There are no cases when this special provision was used because local governments did not create reconstruction promotion plans.

The reason why this special provision was not utilized is that it simplifies procedures by making it possible to omit Minister of Land, Infrastructure, Transport and Tourism's approval, but it does not actually relax any regulations; therefore, there was no need to make use of the Act on Special Zones for Reconstruction as the impact of the special provision was minor as the act was intended to be flexible in terms of procedures for ending the use of the public housing.

Figure 2-3-16 Overview of projects related to public housing management, etc., to promote reconstruction



Source) Reconstruction Agency material

8) Projects for developing facilities that supply food, etc. (Articles 23 to 27 of the Act on Special Zones for Reconstruction)

a. Overview

In areas damaged by the Tohoku-Pacific Ocean tsunami, agriculture, forestry and fisheries are key industries, and not only farmland but also processing facilities and similar facilities were severely damaged. For this reason, restoring the ability of disaster-affected regions to supply food and reconstruct their local agriculture, forestry and fisheries by promptly restoring damaged food supply facilities, such as processing facilities for agricultural, forestry and fishery products, was important to quickly reconstruct disaster-affected areas.

However, in disaster-affected regions, facilities were relocated from coastal areas to inland areas in order to reduce the risk of tsunami disasters, but because land for facilities in inland areas has always been limited, and construction of temporary housing, etc., took priority, there were demands to use farmland and forests, which exist in many inland areas, for facilities. However, the Cropland Act (Act No. 229 of 1952) restricts approval for converting good farmland, and the conversion of such land for such facilities as fisheries industry-related facilities is not permitted in principle. In addition, the various systems made it necessary to seek approval to convert agricultural land or develop forest land for each facility, and there were concerns that this would hinder swift reconstruction.

In light of these circumstances, this special provision stipulates that if a municipality damaged by the tsunami prepared a reconstruction promotion plan that specifies a project for developing facilities that supply food, etc. (a project to develop facilities that contribute to securing a stable supply of food or the reconstruction of local agriculture, forestry and fisheries (facilities for the supply of food, etc.) within the municipality) and received approval from the Prime Minister, the procedures related to the conversion of farmland and development of forest land for the development of such facilities are unified through discussions at regional councils meetings, and only if certain requirements, such as non-substitutability are satisfied, the development is permitted even if it is good farmland.

Furthermore, municipalities that prepared reconstruction promotion plans approved by the Prime Minister must prepare implementation plans for the project for developing facilities that supply food, etc., in consultation with entities involved in the farmland conversion approval and forest land development procedures (governors, prefectural agricultural councils, academic experts on forests and forestry, etc.) at the regional council.

Through a series of procedures, it is possible to loosen the approval criteria for farmland conversion for facilities such as those related to food supply included in the plan, and to make the approval procedures for farmland conversion or forest land development a one-stop process.

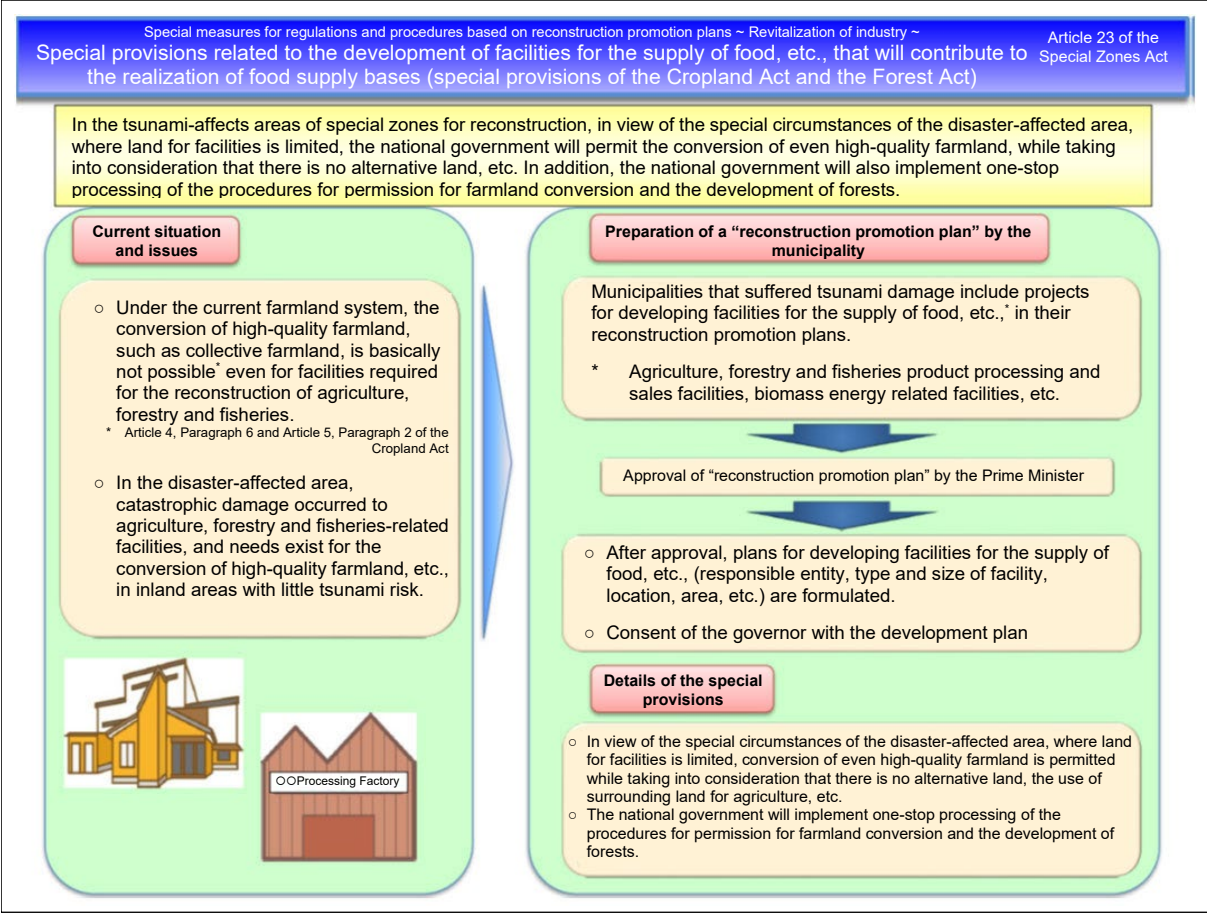
b. Actual application and impact

In Ishinomaki City, Miyagi Prefecture, a reconstruction promotion plan was prepared and approved by the Prime Minister on March 23, 2012, in order to promote the rapid development of drying, preparation, and storage facilities using this special provision. This is the only one reconstruction development plan prepared that included such items. Although Ishinomaki City prepared the above plan, no deregulation was ultimately carried out using this special provision.

Ishinomaki City's reconstruction promotion plan was developed to be consistent with the land use guidelines in the land restructuring plan with the Kitakami and Kahoku areas of Ishinomaki City as the areas covered in the plan, and to promote larger cultivated land plots and the use and integration of cultivated land through their agricultural production infrastructure development project as well as to revitalize agriculture as a core industry through the development of such facilities as joint drying, preparation, and storage facilities, and contribute to the revitalization of local area and rebuild communities area. The district, which had played an important role as a food supply base for the Ishinomaki region, was severely damaged by the disaster, such as agricultural equipment being washed away, and because it would be difficult to maintain people's desire to continue to farm if each farmer was individually responsible for agricultural equipment, such as drying and preparation equipment; thus, it was planned to generate various benefits, such as greater efficiency, by batch drying, preparing, and storing a larger volume of crops.

As for why this special provision was not ultimately utilized, it was necessary to complete a series of procedures after developing a reconstruction promotion plan, including holding deliberations with the regional council, creating a food supply facility development plan, and holding deliberations on the plan with the prefecture in order to utilize this special provision, and there were no substantial change in procedures and burden from normal procedures based on the Cropland Act, which were the main law.

Figure 2-3-17 Overview of projects for developing facilities that supply food, etc.



Source) Reconstruction Agency material

9) Industrial cluster projects for reconstruction (Article 28 of the Act on Special Zones for Reconstruction)

a. Overview

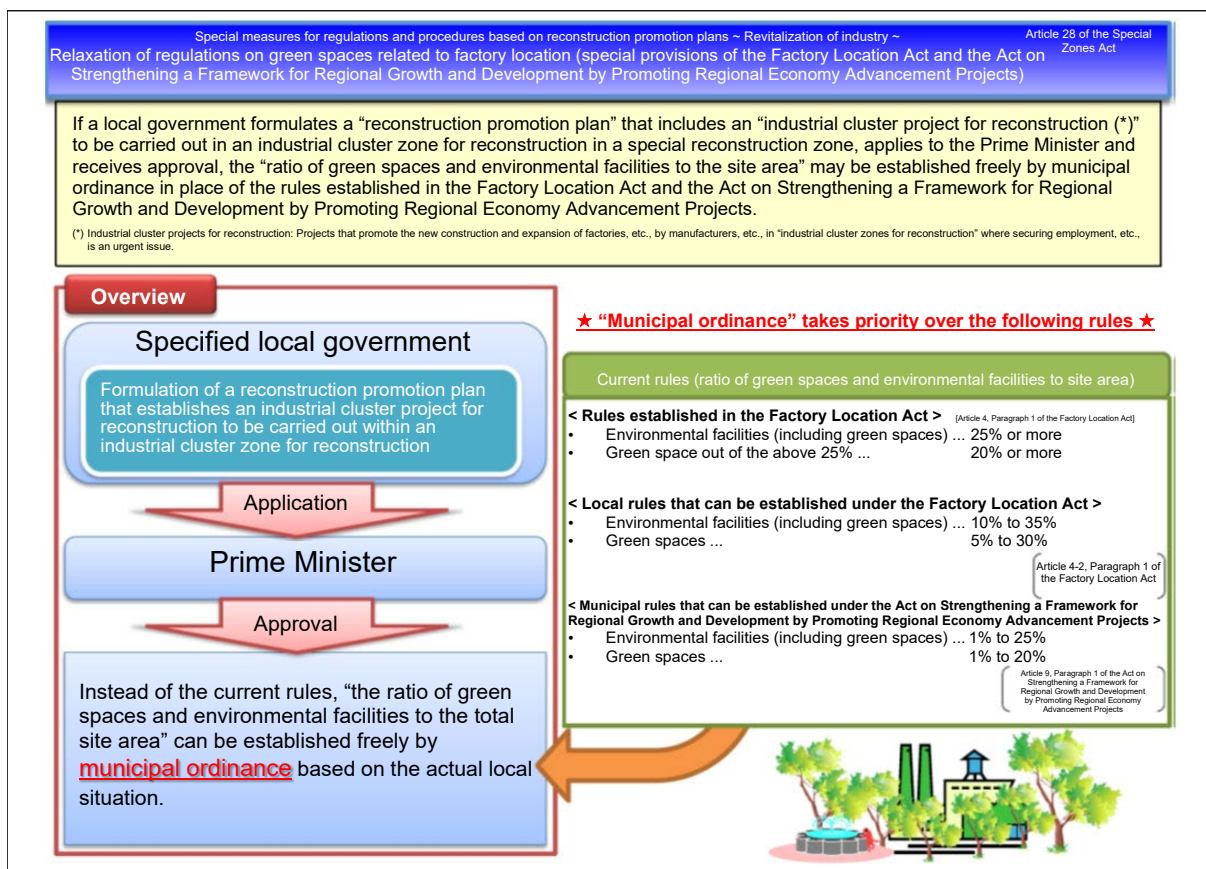
This special provision, which is based on Article 28 of the Act on Special Zones for Reconstruction, makes it possible for local governments to set green space ratio that are less than that for green space areas based on such laws as the Factory Location Act.

The Factory Location Act (Act No. 24 of 1959) stipulates such matters as the public announcement of national government's rules concerning green area for factories, and recommendations and orders for changes by mayors of municipalities (including mayors of special wards) directed at factories of a certain size or larger that do not comply with the rules, in order to ensure that factories are located appropriately while preserving the environment.

In addition, the Act on Strengthening a Framework for Regional Growth and Development by Promoting Regional Economy Advancement Projects (Act No. 40 of 2007) includes special measures to enable ordinances to specify applicable rules in lieu of the rules under the Factory Location Act within the scope of standards set by the national government for each current type of land use in order to encourage "regional economy advancement projects" that create high value added by utilizing regional characteristics and have considerable economic effects on local businesses.

A special measure was formulated that if a reconstruction promotion plan based on the Act on Special Zones for Reconstruction includes areas that were severely damaged by the tsunami or other disaster caused by the Great East Japan Earthquake and particularly require industrial zones to be created and revitalized for any of various reasons, such as securing employment in the area, and has been approved by the Prime Minister, the municipalities that prepared the plan and received the approval may stipulate standards such as the green space area ratio appropriate for actual state of reconstruction in the area by ordinance regardless of the current state of land use.

Figure 2-3-18 Overview of reconstruction industrial cluster projects



Source) Reconstruction Agency material

b. Actual application and impact

This special provision was one of the most frequently used special provisions for regulations based on the Act on Special Zones for Reconstruction as it was applied to more than 150 projects in reconstruction promotion plans prepared by each prefecture.

This special provision was applied to matters such as the location of factories and other facilities for the following three approved reconstruction promotion plans by setting an ordinance: ① Aomori Prefecture Reconstruction Promotion Plan No. 1 (original plan approved in March 2012), ② Miyagi Prefecture Reconstruction Promotion Plan No. 1 (original plan approved in February 2012, seven rounds of revisions approved through April 2021), and ③ Ibaraki Prefecture Reconstruction Promotion Plan No. 1 (original plan approved in March 2012, revisions approved in September 2012).

These three prefectures formulated reconstruction promotion plans that made use of this special provision along with tax-related special provision, and the plans were prepared as early as FY2011. In Miyagi Prefecture, which made particularly extensive use of the special provision, several local governments considered making use of the provision for factory locations even 10 years after the disaster.

However, both Iwate Prefecture and Fukushima Prefecture did not formulate reconstruction plans that made use of this special provision. Even before the earthquake, the Factory Location Act and the Act on Formation and Development of Regional Industrial Clusters through Promotion of Establishment of New Business Facilities, etc. (Act No. 40 of 2007) set special measures that allowed municipalities to loosen requirements by setting standards by ordinance, and it is possible that several municipalities had already established ordinances.

Local governments that took advantage of this special measure made the following evaluations: “Being able to reduce the cost of green space development to a certain extent lessened the burden on companies and contributed to the creation of an environment conducive to locating in the area,” “There were some factories that it would have been difficult to find a location for without loosening green space area standards,” “It led to the early reopening of businesses that had been displaced by the earthquake,” and “The special measure under the special reconstruction zone system was one of the decisive factors in deciding on the location.”²⁰

As mentioned above, this special provision has been utilized by many local governments and reduced the burden on businesses; thus contributing to the creation of an environment conducive to locating factories in areas and the revitalization of industries in the disaster-affected areas.

Figure 2-3-19 Examples of use



Source) Reconstruction Agency material

²⁰ This is based on a questionnaire of municipalities conducted by the Reconstruction Agency’s Special Reconstruction Zone Team.

10) Specified hydroelectric power project (Articles 29 to 32 of the Act on Special Zones for Reconstruction)

a. Overview

This is a special measure based on Articles 29 to 32 of the Act on Special Zones for Reconstruction.

The River Act (Act No. 167 of 1964) requires the following procedures when the Minister of Land, Infrastructure, Transport and Tourism, etc., decides on approval related to water use in order to conduct appropriate river management: ① deliberate with related administrative organs, ② obtain the opinions of the heads of related local governments, ③ make notification if applying to use water, ④ obtain the approval of the Minister of Land, Infrastructure, Transportation, and Tourism. In addition, the Electricity Business Act (Act No. 170 of 1964) requires governors of prefectures that have received an application for approval to use water for power generation to take such steps as obtaining the opinion of the Minister of Economy, Trade and Industry.

This special provision simplifies these procedures in order to promote the introduction of small hydropower generation in disaster-affected regions.

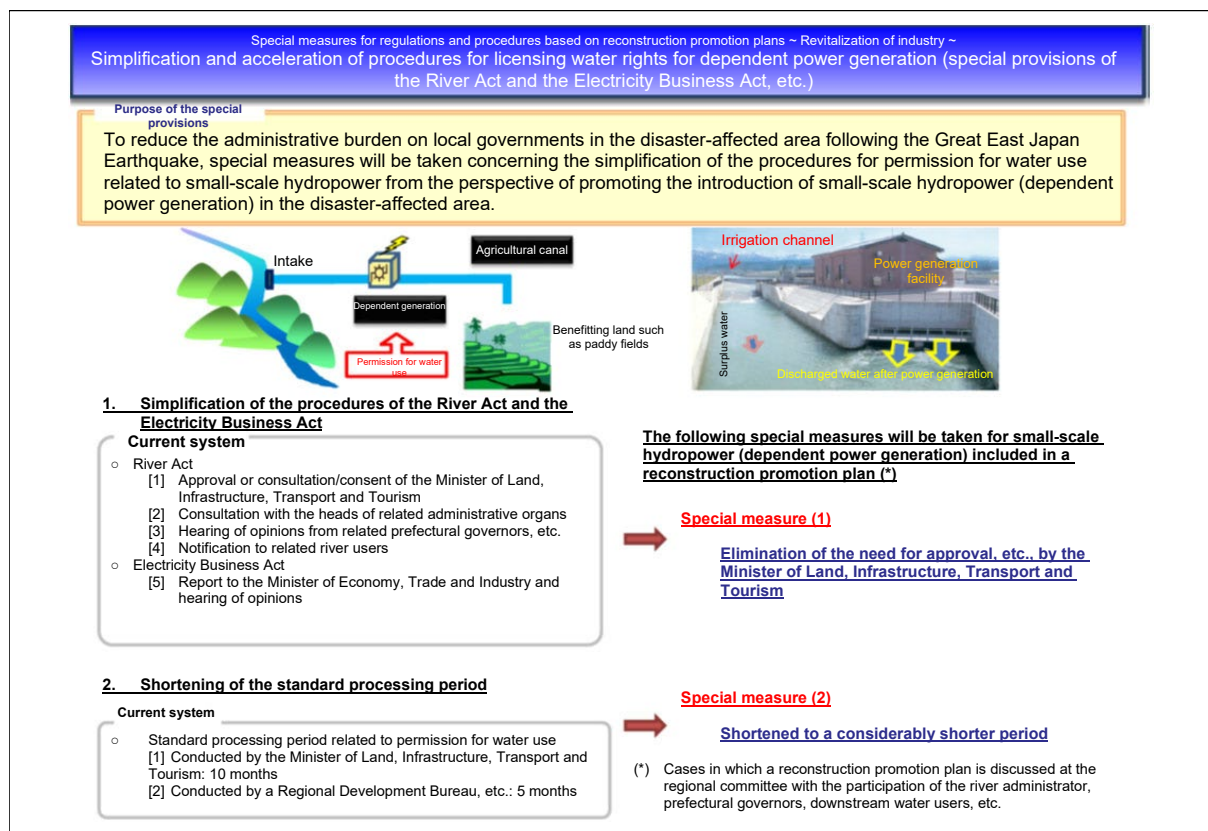
Special provisions, such as eliminating the need for deliberations with the head of related administrative organs when a designated local government seeks approval for a reconstruction promotion plan that stipulates a specified hydropower electric generation project from the Prime Minister.

This special provision was removed pursuant to Act No. 35 of 2013 as it was introduced nationwide.

b. Actual application and impact

There are no cases when this special provision was used because local governments did not create reconstruction promotion plans.

Figure 2-3-20 Overview of specified hydroelectric projects



Source) Reconstruction Agency material

11) Disaster-affected railway relocation projects (Article 33 of the Act on Special Zones for Reconstruction)

a. Overview

This measure is based on Article 33 of the Act on Special Zones for Reconstruction.

Pursuant to the provision of Article 3, paragraph (1) of the Railway Business Act (Act No. 92 of 1986), a person who intends to operate a railway business must submit a plan, etc., concerning basic business matters to the Minister of Land, Infrastructure, Transport and Tourism and obtain approval. Furthermore, if the person who received approval to operate a railway business (railway business operator) intends to change the basic business plan, they must obtain the approval of the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provision of Article 7, paragraph (1) of the said Act.

With this special provision, if a reconstruction promotion plan that stipulates a railway relocation project for a disaster-affected area is approved by the Prime Minister with the consent of the Minister of Land, Infrastructure, Transport and Tourism, the approval under Article 7, paragraph (1) of the Railway Business Act for the railway relocation project for a disaster-affected area specified in the plan is deemed to have been obtained or submitted.

b. Actual application and impact

There are no cases when this special provision was used because local governments did not create reconstruction promotion plans.

In many cases, railways were restored using their existing tracks, which was probably because procedures were carried out swiftly under the ordinary Railway Business Act.

12) Regional development projects (Article 34 of the Act on Special Zones for Reconstruction)

a. Overview

This measure is based on Article 34 of the Act on Special Zones for Reconstruction.

Since the purpose of the defined contribution pension system is to secure income after retirement, withdrawal from the pension system before reaching the age of 60 is not generally permitted; however when the amount of assets is small, payment of a lump-sum withdrawal refund is permitted in special cases at the time of retirement, etc. (Articles 2-2 and 3 of the Supplementary Provisions of the Defined Contribution Pension Act (Act No. 88 of 2001)).

In order to promote reconstruction in disaster-affected areas, it is important to promote regional development projects that take advantage of the characteristics of each region, and when undertaking such projects, not only public support but also the active participation of the private sector and local residents is essential.

Since defined contribution pension funds are originally intended to be used for pension funds after retirement, there are restrictions on withdrawing funds before retirement (payment as a lump-sum withdrawal payment), but this special measure loosens this restriction so that those who lost their jobs due to the earthquake can use the defined contribution pension funds that they have accumulated through their own efforts for reconstruction (regional development projects). This will encourage residents of disaster-affected areas to actively participate in reconstruction using their own funds.

This special provision loosens requirements for lump-sum withdrawal payment from the defined contribution pension plan (provides lump-sum withdrawal payments) for parties who are expected to make invest in business entities or participate in projects related to reconstruction efforts that local governments have included in their special district plans (revitalization of fisheries, creation of employment opportunities, reconstruction of tourism resources, etc.).

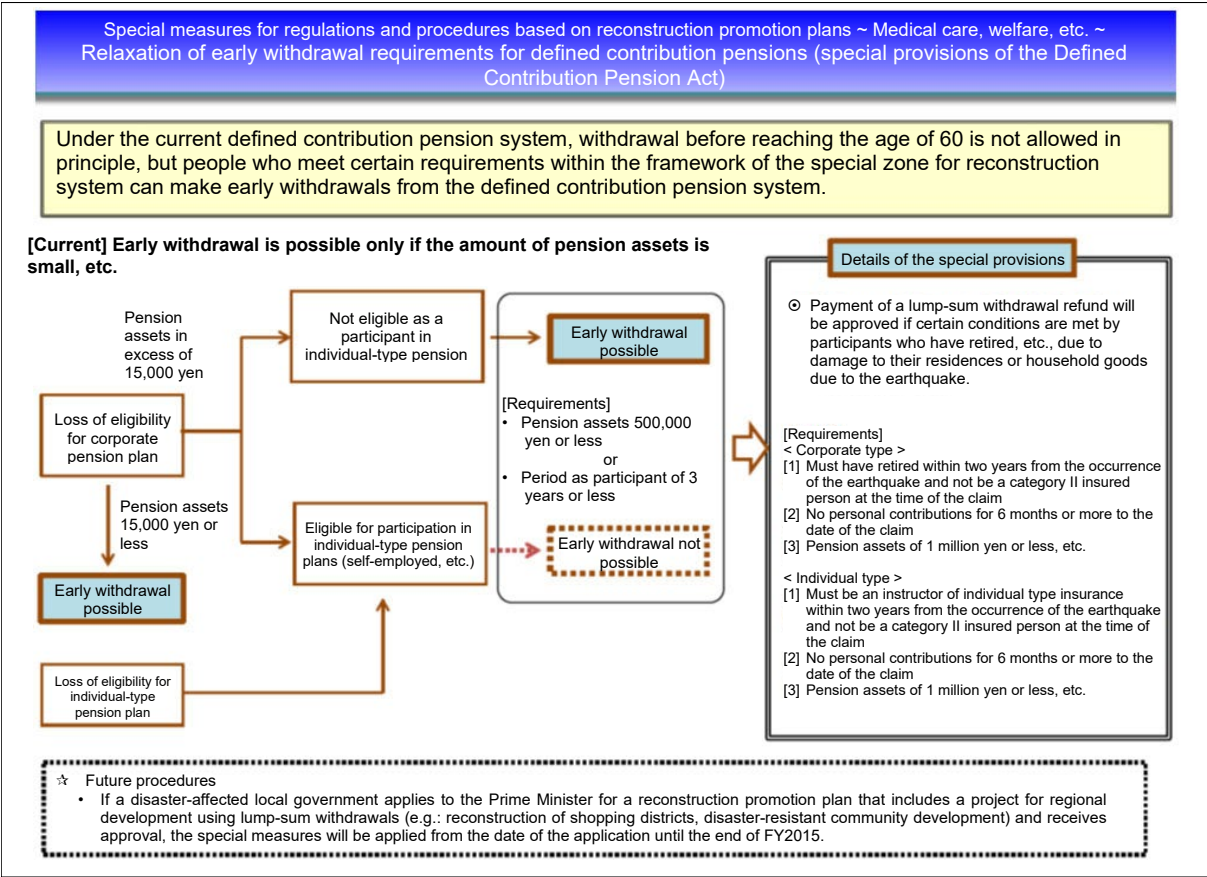
The provisions of the Act on Special Zones for Reconstruction were set to expire on March 11, 2021, and were deleted when they expired.

If specified local governments have obtained the Prime Minister's approval for a reconstruction promotion plan that provides for regional development projects, persons who had an address in the area specified in the reconstruction promotion plan as of March 11, 2011, can request the payment of a lump-sum withdrawal payment and use the money for activities such as the revitalization of the local community until March 31, 2016.

b. Actual application and impact

The following four approved reconstruction promotion plans made use of this special provision: ① Iwate Prefecture Reconstruction Promotion Plan No. 7 (original plan approved in April 2013), ② Miyagi Prefecture Reconstruction Promotion Plan No. 20 (original plan approved in March 2013), ③ Fukushima Prefecture Reconstruction Promotion Plan No. 6 (original plan approved in August 2012), and ④ Ibaraki Prefecture Reconstruction Promotion Plan No. 2 (original plan approved in October 2012).

Figure 2-3-21 Overview of regional development projects



Source) Reconstruction Agency material

13) Projects to temporarily install objects for reconstruction (Article 4 of the Act on Special Zones for Reconstruction in Response to the Great East Japan Earthquake Enforcement Order (Cabinet Order No. 409 of 2011))

a. Overview

This special provision loosens restrictions on the use of urban parks for the temporary stores, etc.

Pursuant to the Urban Parks Act Enforcement Order (Cabinet Order No. 290 of 1956), the use of the parks is permitted for ① the object or facility pertaining to the application for approval is any of the objects or facilities listed in the items of Article 7 of the Urban Parks Act (those that have an extremely public nature, the installation of the object or facility is similar to the original use of urban parks, and the installation of the object or facilities does not significantly impair the utility of urban parks, etc.), ② the use of the city park does not significantly hinder the public's use of the city park and is deemed to be unavoidable, and ③ the use of city park conforms to the technical standards specified by Cabinet Order.

The Great East Japan Earthquake damaged or destroyed many stores and factories, and it was necessary to quickly construct facilities necessary to revitalize the lives of local residents and the local economy in order to undertake smooth and swift reconstruction of the region. However, there were areas where there was also a lack of land to reconstruct or newly establish such facilities. According to this rule, emergency temporary stores, etc., that are not emergency temporary housing cannot be designated as dedicated-use structures unless they are designated by ordinance, and even if they are designated as dedicated-use structures by ordinance, there are restrictions on the use of urban parks, such as the upper limit of the building coverage ratio.

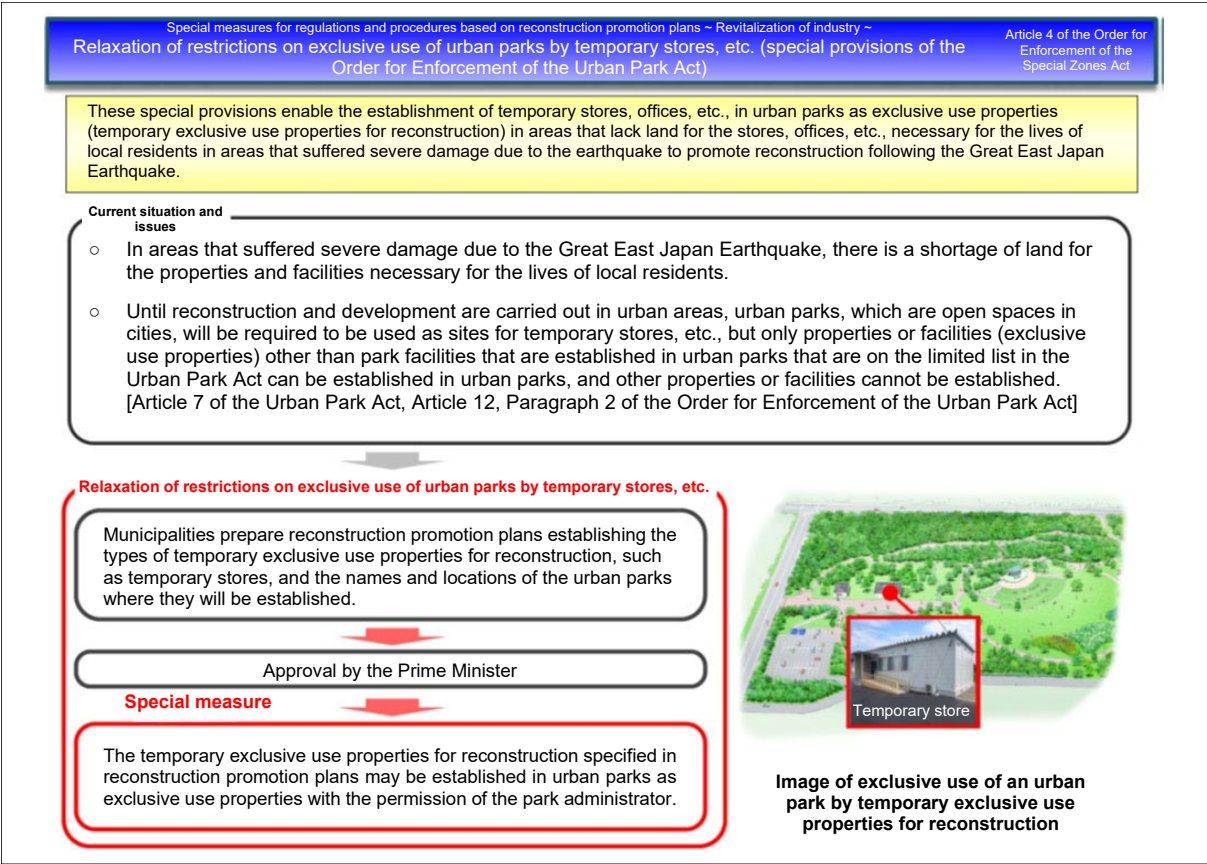
In light of this, the special provision provides that if a reconstruction promotion plan that includes a project to establish temporary stores, etc., necessary for smooth and swift reconstruction within a city park as a temporary structures for reconstruction in an area where there is a shortage of land necessary for the establishment of structures or facilities necessary for the lives of local residents, is approved by the Prime Minister, such structures or facilities may be permitted as structures in a city park.

b. Actual application and impact

There are no cases when this special provision was used because local governments did not create reconstruction promotion plans.

Since the earthquake, the location of temporary stores has been selected based on customer convenience, parking lots, ease of access to electricity and gas, etc., and in many cases it is not possible to effectively secure such locations in urban parks, and there was probably no need to utilize the special provision.

Figure 2-3-22 Overview of projects to temporarily install objects for reconstruction



14) Project to ensure regional medical care (measures related to the special provisions of the ministerial order stipulated in Article 2, paragraph (4) of the Act on Special Zones for Reconstruction in Response to the Great East Japan Earthquake and Article 1 of the order that stipulates reconstruction promotion projects that those measures are applied to (Cabinet Office Ordinance and Ministry of Health, Labour and Welfare Order No. 9 of 2011; hereinafter referred to as “Ministry of Health, Labour and Welfare Order Special Provision Order”).)

a. Overview

Article 19, paragraph (5) and Article 50 of the Medical Care Act Enforcement Order (Ministry of Health, Labour Welfare Order No. 50 of 1948) stipulate that hospitals must have a number of medical care workers calculated based on the average number of in-patients, out-patients and prescriptions handled in the previous fiscal year.

When projects to secure hospitals that will provide the necessary medical care for the smooth and swift promotion of reconstruction and reconstruction promotion plans that specify the period for such projects are approved by the Prime Minister, for hospitals within the prefecture that are deemed necessary by the prefectural governor based on certain applications, etc., the special provision makes it possible ① to use the number of inpatients, etc., calculated using an appropriate method depending on actual conditions of the region when calculating the number of medical care workers to be allocated; and ② to relax the criteria for allocating medical doctors to 90% of the normal level (but not less than three), subject to cooperation with other medical institutions, etc.

b. Actual application and impact

Each prefecture drew up a reconstruction promotion plan, and this special provision was the most often used special provision for rules based on the Act on Special Zones for Reconstruction.

The provision was applied to the following three approved reconstruction promotion plans in the particular prefecture: ① Iwate Prefecture Reconstruction Promotion Plan No. 1 (original plan approved in February 2012, two rounds of revisions approved through February 2020), ② Miyagi Prefecture Reconstruction Promotion Plan No. 6 (original plan approved in April 2012, two rounds of revisions approved through January 2020), and ③ Fukushima Prefecture Reconstruction Promotion Plan No. 3 (original plan approved in March 2012, three rounds of revisions approved through March 2021).

Based on the reconstruction promotion plans of each prefecture, standards regarding such matters as the allocation of doctors and others were loosened for two facilities in Miyagi Prefecture and nine facilities in Fukushima Prefecture.

For Miyagi Prefecture, the plan was approved for the whole prefecture for the period from April 2012 through March 2017.

Because two hospitals were temporarily unable to meet the criteria for medical institutions due to an increase in the number of patients and difficulty in securing medical personnel, a system was established to enable prefectural residents to receive necessary medical care by utilizing the special provisions in FY2012.

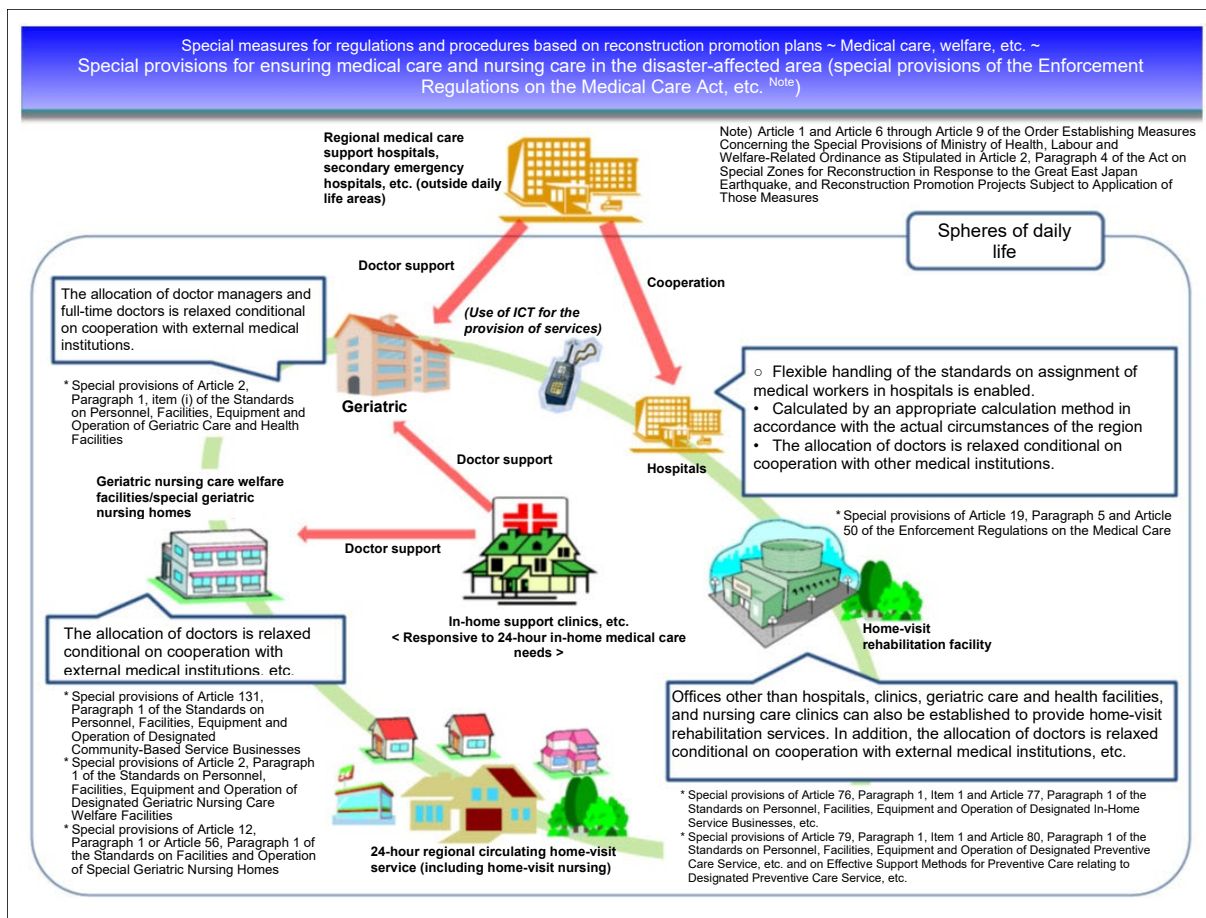
For Fukushima Prefecture, the plan was approved in 2012 and continued to be implemented in 2023 after four extensions. In the prefecture, nine hospitals in six cities and towns have used the special provision since FY2012. Most of the facilities stopped using the system in FY2015, but the longest facility used the special provision until March 2017.

In Iwate Prefecture, although the plan was approved, the special provision was not used because the necessary number of doctors could be secured.

One local government that used the special provision praised it by saying, “In the process of rebuilding medical care, there were situations in which medical institutions were temporarily unable to meet the allocation standards, but the special provision enabled hospitals to actively accept patients and created a system for residents to receive necessary medical care.”²¹

²¹ This is based on a questionnaire of municipalities conducted by the Reconstruction Agency’s Special Reconstruction Zone Team.

Figure 2-3-23 Special provisions for ensuring medical care and long-term care in disaster-affected areas (special provisions regarding the Medical Care Act Enforcement Order)



Source) Reconstruction Agency material

15) Medical device production and marketing promotion projects (Article 2 and Article 3 of the Ministry of Health, Labour and Welfare Order Special Provision Order)

a. Overview

The Act on Securing Quality, Efficacy and Safety of Products Including Pharmaceuticals and Medical Devices (Act No. 145 of 1960) stipulates that a holder of marketing authorization of medical devices must appoint a “marketing director of medical devices,” and a manufacturer must appoint a “technical supervisor,” and the requirements to be appointed to the position, one of which having practical experience (three years).

If prefecture obtained approval from the Prime Minister for a reconstruction promotion plan that specifies a medical device production and marketing promotion project, etc. and the period of the project, this special provision loosens the criteria concerning practical experience (three years), which is one of the required qualifications for marketing director of medical devices and technical supervisor, and criteria specified by the prefecture in the reconstruction promotion plan (standards equivalent to the current standards in terms of quality control, health and hygiene, etc.) are applied.

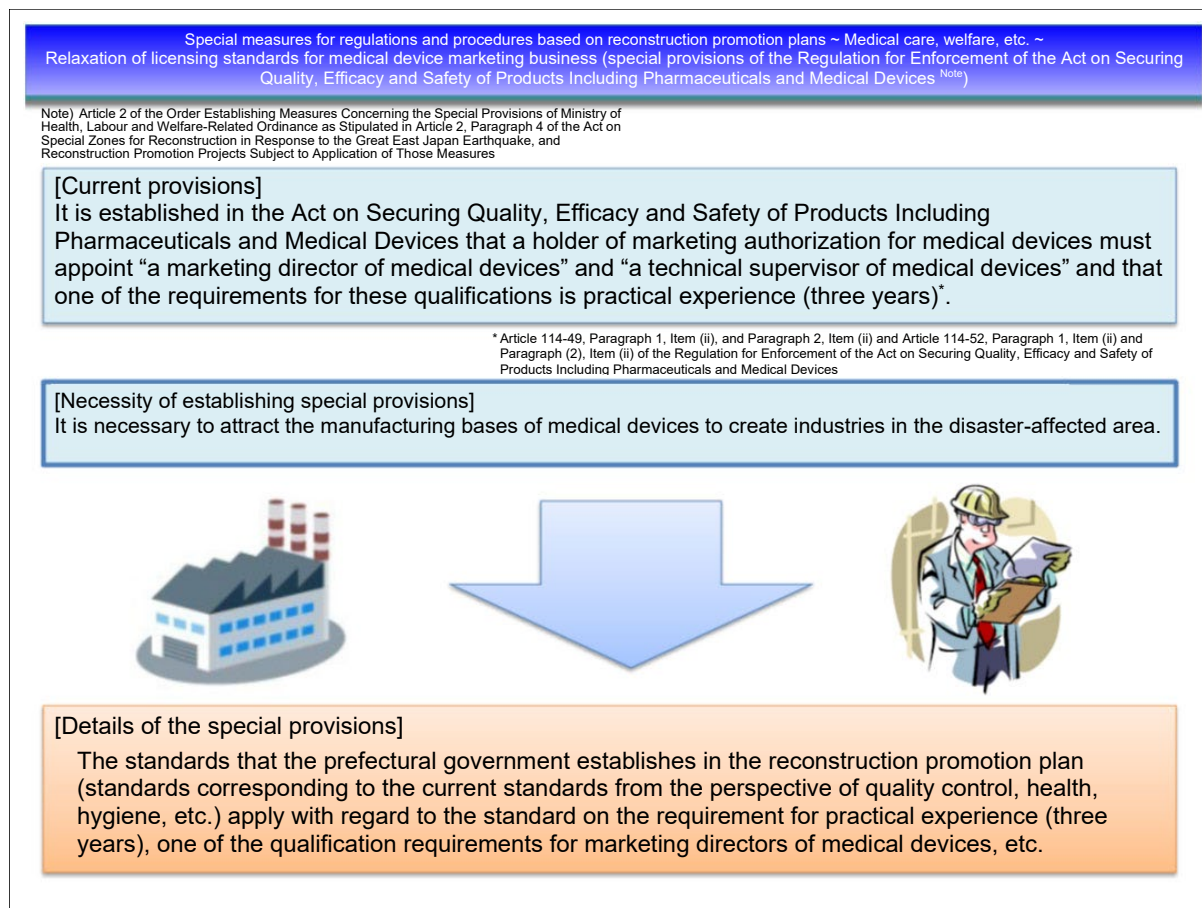
b. Actual application and impact

The provision was applied to the following three approved reconstruction promotion plans in the particular prefecture: ① Iwate Prefecture Reconstruction Promotion Plan No. 2 (original plan approved in March 2012, five rounds of revisions approved through February 2021), ② Miyagi Prefecture Reconstruction Promotion Plan No. 6

(original plan approved in April 2012, two rounds of revisions approved through January 2020), and ③ Fukushima Prefecture Reconstruction Promotion Plan No. 1 (original plan approved in March 2012).

In Iwate Prefecture, such a plan was formulated together with special tax provisions as an industry reconstruction promotion plan.

Figure 2-3-24 Overview of the medical device production and marketing promotion project



Source) Reconstruction Agency material

16) Pharmacy construction projects (Article 4 and Article 5 of the Ministry of Health, Labour and Welfare Order Special Provision Order)

a. Overview

Regulations for buildings and equipment of pharmacies, which stipulate standards for buildings and equipment for pharmacies and stores selling OTC drugs, stipulate standards for the floor area of pharmacies and stores selling OTC drugs, and standards for equipment required to display high-risk OTC drugs.

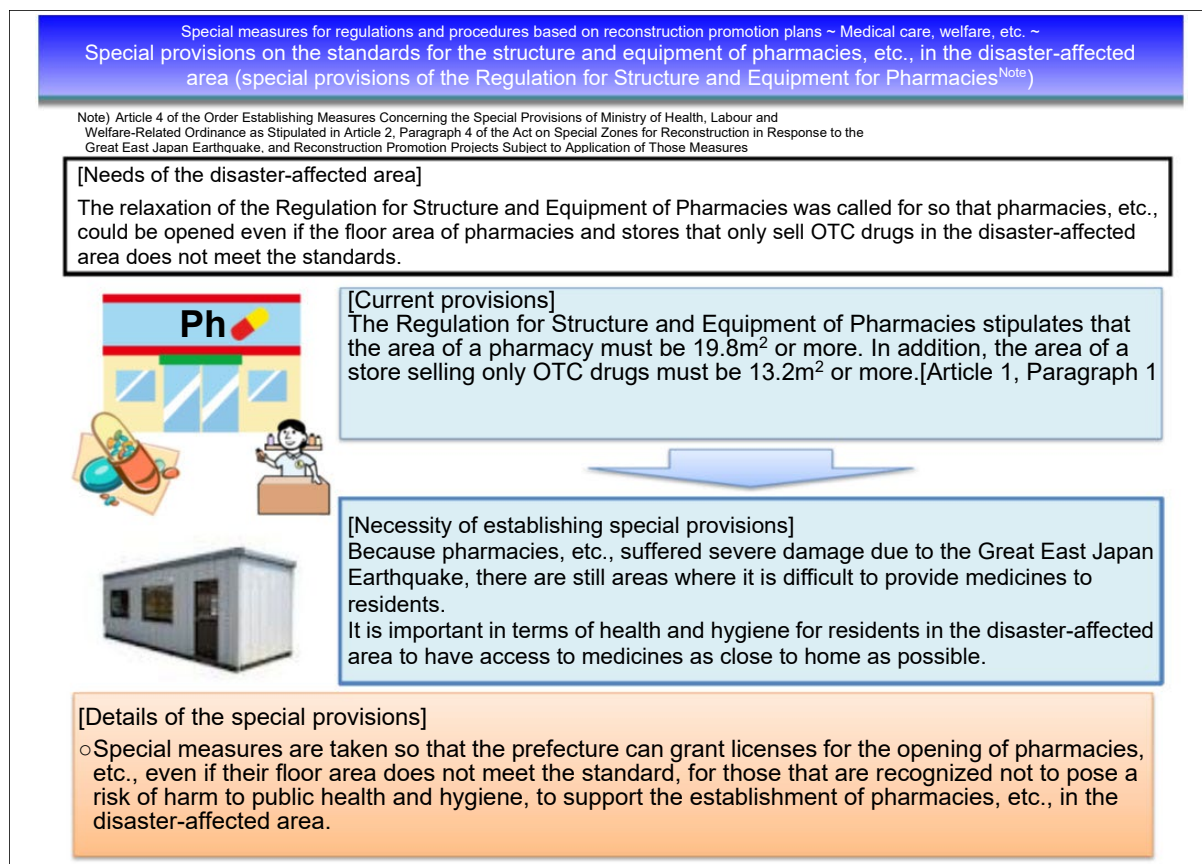
If a prefecture has obtained the approval of the Prime Minister for a reconstruction promotion plan that specifies pharmacy construction projects and the period for such projects, the criteria for floor area, etc., are not applied to pharmacies, etc., related to pharmacy development projects that do not meet the floor space criteria and are found by the governor of the prefecture, etc., to not hinder health and hygiene.

b. Actual application and impact

The following two reconstruction promotion plans were approved: ① Iwate Prefecture Reconstruction Promotion Plan No. 1 (approved in February 2012, two rounds of revisions approved through February 2020) and ② Miyagi Prefecture Reconstruction Promotion Plan No. 6 (approved in April 2012, two rounds of revisions approved through January 2020).

Although the plans were approved, the provisions was not actually applied because pharmacies and other facilities that meet the original area standards were constructed.

Figure 2-3-25 Overview of pharmacy construction projects



Source) Reconstruction Agency material

17) Home-visit rehabilitation office development promotion projects (Article 6 of the Ministry of Health, Labour and Welfare Order Special Provision Order)

a. Overview

Only hospitals, clinics, long-term care health facilities, and long-term care hospitals are permitted to establish designated home-visit rehabilitation offices. In addition, there must be at least one doctor at each office to provide designated home-visit rehabilitation services.

If the Prime Minister approves a reconstruction promotion plan that was submitted for approval and includes projects to promote the development of designated home-visit rehabilitation offices necessary for the smooth and prompt promotion of reconstruction, this special provision loosens requirements regarding establishing designated home-visit rehabilitation offices and the number of physicians to be assigned to each designated home-visit rehabilitation office for designated home-visit rehabilitation offices located in the area that the prefectural governor recognizes as working closely with hospitals, clinics, long-term care health facilities, or medical institutions for long-term care and providing appropriate designated home-visit rehabilitation services.

b. Actual application and impact

The special provision was applied to the following three approved reconstruction promotion plans in the particular prefecture: ① Iwate Prefecture Reconstruction Promotion Plan No. 1 (original plan approved in February 2012, two rounds of revisions approved through February 2020), ② Miyagi Prefecture Reconstruction Promotion Plan No. 6 (original plan approved in April 2012, two rounds of revisions approved through January 2020), and ③

Fukushima Prefecture Reconstruction Promotion Plan No. 3 (original plan approved in April 2012, three rounds of revisions approved through March 2023).

All prefectures quickly formulated plans in 2012. All prefectures also extended the period the special provision was applied when revisions were approved.

The special provision was applied to six offices in Iwate Prefecture, three offices in Miyagi Prefecture, and four offices in Fukushima Prefecture, and the total number of registered users was 910 (as of the end of June 2019).

In Fukushima Prefecture, four offices located in two municipalities made use of this special provision through November 2021. After the end of special use, transitional measures, such as shifting to a home nursing station, were implemented.

Local governments had the following opinions regarding the special provision: “it was possible to attract young and ambitious human resources to open home-visit rehabilitation offices, which revitalized the community, and created employment opportunities for young people,” and “This increased the choice of home services for residents and expanded home nursing care.”²²

The use of this special provision made it possible to ensure the necessary nursing system in disaster-affected areas.

18) Projects to promote the creation of long-term care welfare facilities, etc. (Article 7 of the Ministry of Health, Labour and Welfare Order Special Provision Order)

a. Overview

Welfare facilities for the elderly (special nursing homes for the elderly, etc.) must have the necessary number of physicians to provide the residents with guidance on health management and medical treatment.

If the Prime Minister approves a reconstruction promotion plan that includes projects to promote the development of welfare facilities for the elderly necessary for the smooth and prompt promotion of reconstruction, this special provision makes it possible to flexibly respond to the physician staffing standards for welfare facilities for the elderly located in the area that the prefectural governor (the mayor of municipality for community-based welfare facilities for the elderly) recognizes as working closely with hospitals and welfare facilities for the elderly and providing appropriate health management and treatment services for patients.

b. Actual application and impact

The following three reconstruction promotion plans were approved: ① Iwate Prefecture Reconstruction Promotion Plan No. 1 (original plan approved in February 2012, two rounds of revisions approved through February 2020), ② Miyagi Prefecture Reconstruction Promotion Plan No. 6 (original plan approved in April 2012, two rounds of revisions approved through January 2020), ③ Fukushima Prefecture Reconstruction Promotion Plan No. 3 (original plan approved in April 2012, four rounds of revisions approved through March 2023). Although the plan was approved, none of the prefectures used the system because it was possible to secure the necessary number of doctors.

19) Long-term care health facilities development promotion project (Article 8 of the Ministry of Health, Labour and Welfare Order Special Provision Order)

a. Overview

Long-term care health facilities must have a number of physicians that exceeds the number of residents divided by 100.

²² This is based on a questionnaire of municipalities conducted by the Reconstruction Agency’s Special Reconstruction Zone Team.

If the Prime Minister approves a reconstruction promotion plan that includes projects to promote the development of long-term care health facilities necessary for the smooth and prompt promotion of reconstruction, this special provision makes it possible to flexibly respond to the physician staffing standards for long-term care health facilities located in the area that the prefectural governor recognizes as working closely with hospitals, clinics, long-term care health facilities, or long-term care hospitals and appropriately providing users with nursing care, nursing services based on health management, functional training, other necessary medical care, and support for daily life.

b. Actual application and impact

The following three reconstruction promotion plans were approved: ① Iwate Prefecture Reconstruction Promotion Plan No. 1 (original plan approved in February 2012, two rounds of revisions approved through February 2020), ② Miyagi Prefecture Reconstruction Promotion Plan No. 6 (approved in April 2012, two rounds of revisions approved through January 2020), ③ Fukushima Prefecture Reconstruction Promotion Plan No. 3 (original plan approved in April 2012, four rounds of revisions through March 2023).

In Miyagi prefecture, one office made use of this special provision. The same office made use of the special provision for the period from April to July 2015, but since August, regular physicians were secured, and the special provision was not used after that. Both Iwate Prefecture and Fukushima Prefecture formulated plans, but never made use of the special provision for various reasons, including it being possible to secure the necessary number of physicians.

20) Projects to promote the development of preventive home-visit rehabilitation offices (Article 9 of the Ministry of Health, Labour and Welfare Order Special Provision Order)

a. Overview

Only hospitals, clinics, long-term care health facilities, long-term care health facilities, and long-term care hospitals are permitted to establish designated preventive home-visit rehabilitation to offices. In addition, there must be one or more physicians assigned to each office necessary for each office to provide designated preventive home-visit rehabilitation services.

If the Prime Minister approves a reconstruction promotion plan that was submitted for approval and includes projects to promote the development of designated preventive home-visit rehabilitation offices, this special provision loosens the requirements for opening a designated preventive home-visit rehabilitation offices and the number of physicians required at each office for designated preventive home-visit rehabilitation offices located in the area that the prefectural governor recognizes as working closely with hospitals, clinics, long-term care health facilities, or long-term care hospitals and appropriately providing designated preventive home-visit rehabilitation services.

b. Actual application and impact

This is the same as that for home-visit rehabilitation office development promotion project (17).

(4) Financial special provision (Article 44 of the Act on Special Zones for Reconstruction)

1) Overview

Interest subsidy (Special Reconstruction Zone Support Interest Subsidy) is provided when financial institutions lend the funds necessary to carry out projects that play a central role in achieving the goals of the reconstruction promotion plan, including the creation of employment opportunities in areas covered by the reconstruction promotion plan and other economic and social effects that contribute to the smooth and prompt reconstruction following the Great East Japan Earthquake.

The system of public offering was introduced in November 2012 for the subsidy for interest in special zones for reconstruction, and public offering has been conducted three times every year since FY2013. Since FY2021, in light of the reconstruction situation, the targeted areas were prioritized, and for projects in the inland areas of Fukushima Prefecture, projects that contribute to job opportunity creation were narrowed by raising the total amount of loans from financial institutions to 1 billion yen from 300 million yen, on condition for public offering.

2) State of implementation of specified projects

a. Overall implementation state

As of the end of FY2021, a total of 225 reconstruction promotion plans including special financial provisions (interest subsidy) had been created for areas that Aomori, Iwate, Miyagi, Fukushima, and Ibaraki Prefectures have jurisdiction over. Local governments in the disaster-affected areas made use of regulatory special provisions related to tax and financial special provisions, but also utilized regulatory special provision for projects for the use of emergency temporary buildings and industrial clusters for reconstruction as necessary.

In addition, the total amount of investment in projects that financial special provisions were applied to exceeded 1 trillion yen.

The amount of loans that these special financial provisions were applied to was largest in the first year, and the number of approved projects was the largest in fiscal 2014.

As reconstruction progresses, both the number of projects and the amount of loans is decreasing, and the COVID-19 pandemic also weighed down actual results in FY2021.

By prefecture, Fukushima Prefecture accounted for about half of the projects, with Miyagi accounting for about 20%, followed by Ibaraki, Iwate and Aomori Prefectures.

b. State of implementation in each region

ア) State of implementation in Aomori Prefecture

There were 11 approved projects in Aomori Prefecture as of the end of FY2019. The projects were implemented in the three municipalities of Misawa City, Hachinohe City, and Oirase Town.

The expected investment is 23.7 billion yen, and total financing of 11.2 billion yen.

Furthermore, the expected number of new jobs is 515. There has been limited use of the system as the investment scale was small.

イ) State of implementation in Iwate Prefecture

By the end of FY2018, Iwate Prefecture had received a total of 20 approvals (five in northern coastal area, nine in the southern coastal area, and six in the southern inland area).

The expected investment amount is 43.1 billion yen in total: 13.7 billion yen in the northern coastal area, 15.1 billion yen in the southern coastal area, and 14.3 billion yen in the inland area. Estimated total financing is 28.8 billion yen, with 5.1 billion yen for the northern coastal area, 11.4 billion yen in the southern coastal area, and 12.3

billion yen for the inland area.

Furthermore, the expected number of new jobs is 1,119. Approved projects in the southern coastal area accounts for more than 40% of the total number of projects, but as a result of the progress of reconstruction, the last approval was in 2018.

ウ) State of implementation in Miyagi Prefecture

The number of approved projects in Miyagi Prefecture was 53 as of the end of FY2000 (10 in the northern coastal area, 25 in the southern coastal area, and 18 in the inland area), and there were none in FY2021.

Expected total investment amount is 263.6 billion yen, with 35.3 billion yen in the northern coastal area, 170.2 billion yen in the southern coastal area, and 58.0 billion yen in the inland areas. Expected total financing is 93.7 billion yen, with 13.1 billion yen in the northern coastal area, 38.7 billion yen in the southern coastal area, and 41.9 billion yen in the inland area.

Furthermore, the expected number of new jobs is 2,545. The largest number of approved projects and expect investment amount was for the southern coastal area, but the largest expected total financing is for the inland area. Approval for a project in the northern coastal area was last given in FY2018, and since FY2019, many projects have been approved in the southern coastal area (five of the seven approved projects are in the southern coastal area).

エ) State of implementation in Fukushima Prefecture

In Fukushima Prefecture, the total number of approved projects was 119 as of the end of FY2021 (13 in the western part of the prefecture, 60 in the central part, and 46 in the coastal area).

The expected investment amount is 437.8 billion yen in total, with 23.9 billion yen in the western part of the prefecture, 147.6 billion yen in the central part of the prefecture, and 266.3 billion yen in the coastal area. Expected total financing is 210.9 billion yen, with 17.3 billion yen in the western part of the prefecture, 80.6 billion yen in the central part of the prefecture, and 113.0 billion yen in the coastal area.

Furthermore, the expected number of new jobs is 3,901. Overall, capital investments are greatest in the coastal area.

オ) State of implementation in Ibaraki Prefecture

In Ibaraki Prefecture, the total number of approved projects was 22 as of the end of FY2019. Expected investment amount totals 322.6 billion yen, and expected total financing totals 76.5 billion yen.

Furthermore, the expected number of new jobs is 1,091. Emergency investments in the early stage of reconstruction accounted for the majority of the approvals, and of the total 22 approvals, six were made in FY2024. Subsequently, the number of approved projects declined as reconstruction progresses, and the last two approvals were provided in FY2019.

Figure 2-3-26 Location of offices included in reconstruction promotion plans (financial special provisions) (Southeastern Aomori Prefecture)



Source) Created using Geospatial Authority maps (web digital map of Japan)

Figure 2-3-27 Location of offices included in reconstruction promotion plan (financial special provisions) (Iwate Prefecture ①, northern and central part)



Source) Created using Geospatial Authority maps (web digital map of Japan)

Figure 2-3-28 Location of offices included in reconstruction promotion plan (financial special provisions) (Iwate Prefecture ①, southern part)



Source) Created using Geospatial Authority maps (web digital map of Japan)

Figure 2-3-29 Location of offices included in reconstruction promotion plan (financial special provisions) (Miyagi Prefecture ①, northern part)



Source) Created using Geospatial Authority maps (web digital map of Japan)

Figure 2-3-30 Location of offices included in reconstruction promotion plan (financial special provisions) (Miyagi Prefecture ②, southern part)



Source) Created using Geospatial Authority maps (web digital map of Japan)

Figure 2-3-31 Location of offices included in reconstruction promotion plan (financial special provisions) (Fukushima Prefecture ① northern part)



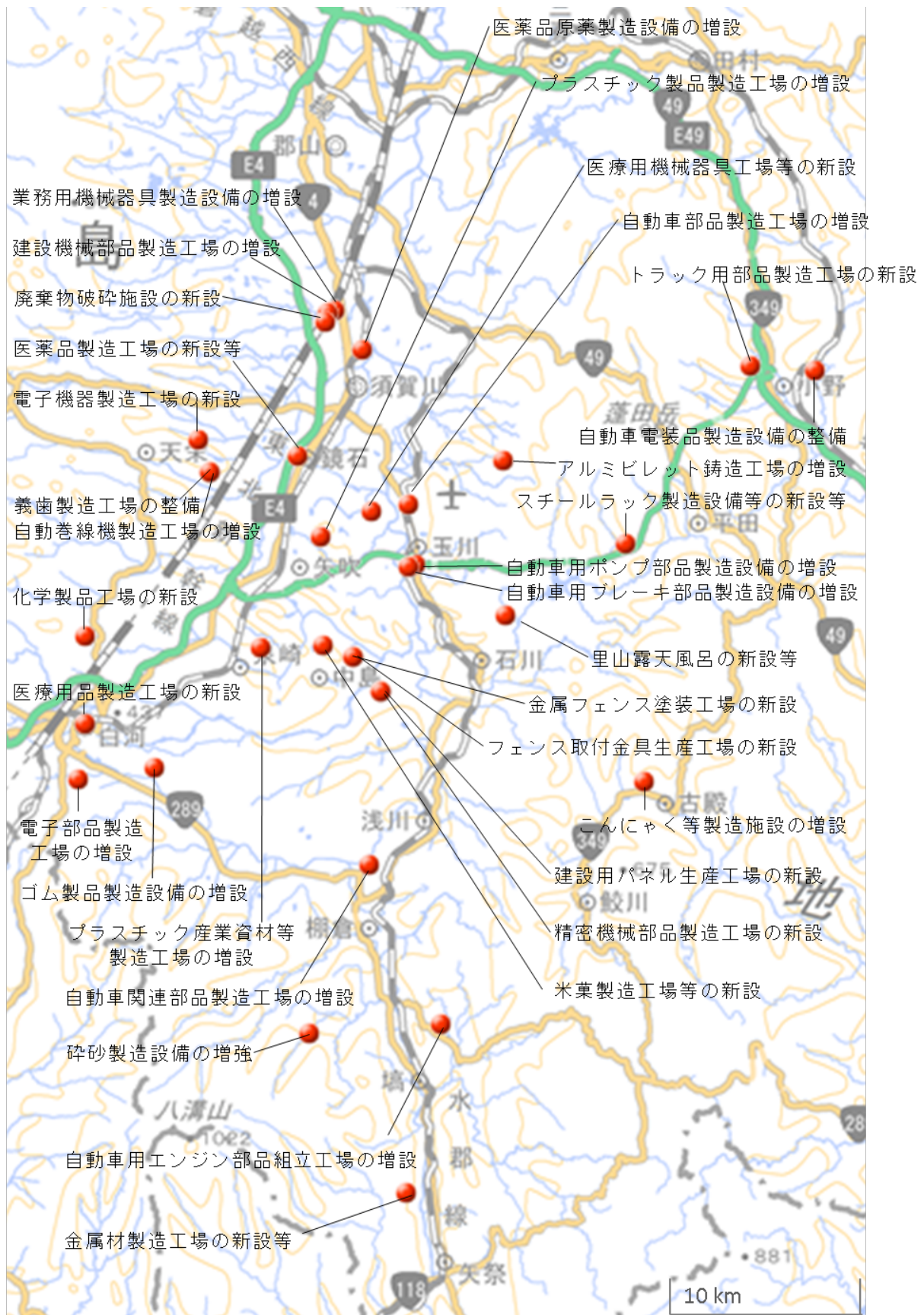
Source) Created using Geospatial Authority maps (web digital map of Japan)

Figure 2-3-32 Location of offices included in reconstruction promotion plan (financial special provisions) (Fukushima Prefecture ②, Southern Hamadori)



Source) Created using Geospatial Authority maps (web digital map of Japan)

Figure 2-3-33 Location of offices included in reconstruction promotion plan (financial special provisions) (Fukushima Prefecture ③, Southern Nakadori)



Source) Created using Geospatial Authority maps (web digital map of Japan)

Figure 2-3-34 Location of offices included in reconstruction promotion plan (financial special provisions) (Fukushima Prefecture ④, Aizu region)



Source) Created using Geospatial Authority maps (web digital map of Japan)

Figure 2-3-35 Location of offices included in reconstruction promotion plan (financial special provisions) (Ibaraki Prefecture)



Source) Created using Geospatial Authority maps (web digital map of Japan)

c. Summary of state of implementation

Expected amount of financing was the greatest in the first fiscal year, and the number of approved projects was the greatest in FY2014. As reconstruction progresses, both the number of loans and the expected amount of financing are trending downward.

If broken by scale of investment, expected financing and expected investment per project was relatively small for Aomori Prefecture and Iwate Prefecture, and the corresponding figures for Ibaraki Prefecture were the largest. The number of new jobs per project was the largest in Ibaraki Prefecture, and Fukushima Prefecture had the smallest number.

The number of approved projects in Aomori Prefecture was the smallest, and investment was the smallest.

In Iwate Prefecture, the number of approved projects was originally small in the northern coastal area and inland area, but as reconstruction progresses, the number of projects in the southern coastal area declined.

In Miyagi Prefecture, there were more approved projects in the coastal area than the inland area, with the coastal area accounting for more than 60% of all projects. Moreover, 70% of the approved projects in the coastal area were in the southern coast area, and there has been a downward trend in the number of approved projects in the northern coastal area.

In Fukushima Prefecture, there were few projects in the western part of the prefecture, with 50% of the approved projects in the central part of the prefecture. Much of the investment was in coastal areas, which also accounted for 60% of expected investments and 50% of financing.

For Ibaraki Prefecture, emergency investments peaked at the beginning of reconstruction, and then the number of approved projects declined as the reconstruction progressed.

Looking a breakdown by industry, 60% of all projects were in manufacturing industries, followed by wholesale and retailing industries. As for the size of individual projects, electric and gas projects were extremely large. Within the manufacturing industry, many of the projects were in the chemical industry, pulp and paper industry, transportation equipment, and food products industries accounted.

This suggests that the system contributed to the restoration and reconstruction of key industries in the region.

In industries with loans of 10 billion yen or less, the ratio of loans eligible for interest subsidy to the total project cost is high, which seems to be contributing to the reconstruction of core corporations in the region.

3) Comparison with Other Subsidy Programs for Disaster Reconstruction

a. Great Hanshin-Awaji Earthquake

ア) Comparison of Great Hanshin-Awaji Earthquake and Great East Japan Earthquake Interest Subsidy Programs

For the Great Hanshin-Awaji Earthquake, there was no interest subsidy programs implemented to support such activities as having local core companies or major companies outside the area establishing operations in the area, such as the Special Reconstruction Zone Support Interest Subsidy Program.

Measures to support SMEs following recent earthquakes that are equivalent to the interest subsidy programs for SMEs during reconstruction following the Great Hanshin-Awaji Earthquake included establishing new financing programs and credit guarantee programs, such as the “Special Loan for Reconstruction of the Great East Japan Earthquake” and “Emergency Guarantee for Reconstruction of the Great East Japan Earthquake,” which meet various financing needs appropriate for the stage of recovery and reconstruction, region, and business type.

Figure 2-3-38 provides a list of the results of interest subsidy projects funded by the Great Hanshin-Awaji Earthquake Reconstruction Fund.

Figure 2-3-36 Interest subsidy program for the Great East Japan Earthquake, etc. ①

Interest subsidy system for special reconstruction zones
The system provides interest subsidies for loans required for projects that are core to the implementation of reconstruction promotion plans for the reconstruction of the disaster-affected area. <u>The payment period is five years and the interest subsidy rate is up to 0.7%.</u>
Interest subsidies for Great East Japan Earthquake Reconstruction Special Loans [*]
The recipients are people whose places of business, etc., were completely destroyed or washed away by the earthquake or tsunami, and who 1) received damage certificates, etc., issued by municipalities, etc., or 2) have places of business in the nuclear power station no-entry zone. The payment period is five years, and the interest subsidy rate is <u>up to 1.4% for three years after taking out the loan, and up to 0.5% thereafter.</u> The maximum loan amount for National Life businesses is 30 million yen. The maximum loan amount for SMEs is 100 million yen.

* Systems operated by the Japan Finance Corporation
Source) created by the Reconstruction Agency

Figure 2-3-37 Interest subsidy program for the Great East Japan Earthquake, etc. ②

東日本大震災復興緊急保証の概要		
1. 制度の概要		
<ul style="list-style-type: none"> ➢ 東日本大震災による著しい被害によって、経営の安定に支障が生じている中小企業・小規模事業者への資金供給の円滑化を図るため、信用保証協会が通常の保証限度額とは別枠で融資額の100%を保証するもの ➢ 「東日本大震災に対処するための特別の財政援助及び助成に関する法律」第128条に規定 		
2. 制度対象者		
利用対象者	要 件	内 容
① 特定被災区域(※1)に事業所を有し、地震・津波等により直接被害を受けた中小企業者。 (原発事故に係る警戒区域等(※2)の公示の際に、当該区域内に事業所を有していた中小企業者を含む。)	<罹災証明書> (写しも可) 警戒区域等の事業者は商業登記簿/納税証明書等	1. 【対象資金】 事業再建資金その他の経営の安定に係る資金 2. 【保証限度額】※一般保証とは別枠 ○普通: 2億円 ○無担保: 8千万円 ○無担保無保証人: 2000万円 } 最大2億8千万円 7) 保証割合は融資額の100% 1) 保険てん補率は90%
② 特定被災区域(※1)に事業所を有し、震災の影響により業況が悪化している中小企業者。	<市区町村長の認定> 最近3か月の売上高等が、被災前の同期と比較して▲10%以上	3. 【保証料率】 0.8%以下 4. 【保証人】 代表者保証のみ(第三者保証人については、原則不要)

※1 特定被災区域(政令指定): 災害救助法が適用された市町村等(岩手県・宮城県・福島県の全域、青森県・茨城県・栃木県・埼玉県・千葉県・新潟県・長野県の一部の市町村)。

※2 警戒区域等: 警戒区域、計画的避難区域、緊急時避難準備区域。

Source) Ministry of Economy, Trade and Industry's "Great East Japan Earthquake Reconstruction Emergency Guarantees"
<https://www.meti.go.jp/press/2020/03/20210319001/20210319001-1.pdf> (browsed July 14, 2023)

Figure 2-3-38 List of system of interest subsidies for the Great Hanshin-Awaji Earthquake

事業名※	内容	申請数 (件)	金額 (百万円)
緊急災害復旧基金利子補給	県・市で創設した緊急災害復旧資金等の借入に対し、 <u>当初3年間2.5%以内の利子補給</u>	24,890	28,548
事業再開発者・新規開業者支援資金利子補給	県・市の特定の制度融資の借入に対し、 <u>当初3年間2.5%以内の利子補給</u>	40	14
政府系中小企業金融機関災害復旧資金利子補給	被災した中小企業の政府系中小企業金融機関(国民生活金融公庫、中小企業金融公庫、商工組合中央金庫)からの借入に対し、 <u>当初3年間2.5%以内の利子補給</u>	8,350	5,605
国民生活金融公庫(衛生災害貸付)融資利子補給	被災した環境衛生関係事業者の国民生活金融公庫(環境衛生資金貸付)災害貸付金に対し、 <u>当初3年間2.5%以内の利子補給</u>	2,895	1,619
環境事業団融資利子補給	被災した中小企業の産業公害防止施策を整備するための環境事業団資金からの借入に対し、 <u>当初3年間2.5%以内の利子補給</u>	0	0
農林漁業関係制度資金利子補給	被災者の復旧資金としての農林漁業制度資金の借入に対し、 <u>当初3年間2.5%以内の利子補給</u> (利子補給対象限度額: 2,000万円)	159	54
港湾運送事業者等復興支援利子補給	被災地域内の港湾運送事業者、海上コンテナ運送事業者の経済変動対策資金融資(県・神戸市制度)の借入に対し、 <u>当初3年間2.5%の利子補給</u>	24	28
民有海岸保全施設復旧融資利子補給	企業等が所有する護岸、岸壁等の海岸保全施設を復旧するための日本政策投資銀行融資の借入に対し、 <u>当初5年間1%の利子補給</u>	8	318
本格復興促進支援利子補給	都市計画事業等の外的要因により、未だ本格復興ができない中小企業者が、事業を本格復興するため政府系金融機関の特定の貸付や県・市の特定の制度融資から借り入れた場合、 <u>当初3年間2.5%以内の利子補給</u>	645	1,860
計		37,011	38,045

* This only lists the interest subsidy projects implemented as industrial policy

Source) “Major Measures Implemented for the Great Hanshin-Awaji Earthquake,” Cabinet Office

1) Comments by experts and others comparing the reconstruction projects for the Great Hanshin-Awaji Earthquake

The following are from interviews with the experts, including university professors, and staff responsible for managing the reconstruction fund.

- Evaluation of the Great East Japan Earthquake reconstruction projects compared to Great Hanshin-Awaji Earthquake
 - For the Great East Japan Earthquake, special reconstruction zone interest subsidy projects and interest rate subsidies for Great East Japan Earthquake, reconstruction special loans were twice that for the Great Hanshin-Awaji Earthquake.
 - However, investments that the interest subsidy program applied to were more than three times greater for the Great East Japan Earthquake as the interest rate applied to subsidies was about 2.5% for the Great Hanshin-Awaji Earthquake but 0.7%-1% for the Great East Japan Earthquake.
 - No major companies relocated to Kobe following the earthquake. Tohoku is working hard to attract companies.
- Lessons
 - For the Great Hanshin-Awaji Earthquake, there were almost no industrial measure options as there was no direct support for disaster-affected businesses.
 - Because most of the disaster victims following the Great Hanshin-Awaji Earthquake were company employees, and it was assumed that they did not need financial support, priority was given to aiding sole proprietors. As a result, local industries declined and the areas became commuter towns for Osaka, undermining their economic independence.
 - Industries exposed to international competition such as steelmaking, rubber, chemicals, and port functions, are sure to suffer when faced with a disaster. A lesson learned from the Great Hanshin-Awaji Earthquake is that companies will never regain competitiveness without proper support because once customers are lost, they never return.
 - Support for industries is effective unless sufficient funds are provided. The Reconstruction Agency's efforts are considered to make substantial contributions because the scale of funds are massive.

b. Other reference (U.S. example)

A look at the distinguishing aspects of financial support for economic reconstruction in the U.S. shows that unlike the interest subsidy program in Japan, the main form of financial support provided to businesses in times of disasters is low-interest loans, and subsidies are also provided to disaster-affected local governments, which can also be used to support economic reconstruction.

However, unlike Japan's financial support, which is aimed at long-term industrial reconstruction, this financial assistance acts as a relief measure for the urgent financial needs of SMEs.

In addition, financing following a disaster is screened and provided directly without involving financial institutions, and the risk of default is borne by the federal government. As a result, loans are subject to minimum income requirements and screening includes such factors as repayment capacity and credit history, and for various reasons, including the fact that only 42% of loans being approved following Hurricane Sandy, it is difficult to think that emergency financing needs for disasters are adequately satisfied.

4) Summary

a. Economic impact of interest subsidiary program

As of the end of FY2021, there were a total of 225 businesses approved to obtain subsidies, and the estimated amount of loans using this system was 400 billion yen or more, which resulted in the creation of expected 9,000 new jobs. Investments totaled more than 1 trillion yen.

b. Evaluation and issues

In FY2018, a verification survey was conducted of businesses that received special zones for reconstruction interest subsidies, and the following are the main responses provided for interview survey of various organizations, etc., and questions on a questionnaire completed by business operators.

ア) Highly praise aspects

- Regarding the method for calculating the economic impact of the interest subsidy program, it would be appropriate to use the amount of eligible financing, not the amount of interest subsidy payments. Using only the amount of interest payments alone leads to an underestimation. It is important to evaluate the part that investments generated.
- The 7,000 new jobs in the disaster-affected area was probably extremely meaningful. For Kobe, employment was not really an issue because Osaka was not damaged.
- Because there is a labor shortage, the 7,000 new jobs may have led to crowding out in the area. Of course, this did not have a negative economic impact for the overall area.

イ) Issues

- Young people quickly quit.
- Despite a desire to increase employment, the positions could not be filled. Inevitably it was necessary to rely on dispatched employees and non-Japanese technical interns.

Figure 2-3-39 Overview of the results of questionnaire of business operators

Whether the program impacted investment decisions	Yes: 75%
Whether the program made it psychologically easier to take out loans	Yes: 86%
Whether the program resulted in larger investments	Yes: 60%
Whether the program resulted in making investments quicker than initially planned	Yes: 54%
Purpose of projects that made use of the programs	Reinforce or expand business: 62%
Current workplace problems	Securing workers: 91%

(Source) created by the Reconstruction Agency

Summarizing the above reveals that the programs had a certain impact on the investment decision of business operators, such as deciding to make investments and increasing the size of loans.

At the fourth meeting of the Expert Panel on Reflection on the Past Decade of Reconstruction Policy following the Great East Japan Earthquake, local financial institutions expressed their opinion that it is not realistic to require a loan amount of 300 million yen or more regardless of region in order to utilize the interest subsidy system in special zones for reconstruction, and that they would like to examine a program that could be used for even smaller loans because it could increase the number of business operators that make use of the program.

Furthermore, during interviews with people with administrative experience, there was the opinion that greater priority should be given to such parties as disaster victims in areas such as the Sanriku coastal area and local small and medium business operators than to attracting companies located in areas around disaster areas and major companies located in Tokyo.

(5) Land Restructuring Plan

1) Overview

In the areas affected by the Great East Japan Earthquake, there was extensive damage to urban areas and agricultural lands over a wide area, including flooding due to the tsunami, liquefaction, and collapse of the ground. In some regions, there were places where it was difficult to rebuild because of the geographical characteristic that there are many mountainous areas and little flat land, and in these places, it was necessary to promote urban and regional development for reconstruction while revising land use, including that for surrounding farmland and forests. In order to proceed smoothly and swiftly with urban and regional development for reconstruction, it was necessary for each local government to quickly and simultaneously handle all the various procedures, such as approval and zoning under individual laws, including the City Planning Act and the Cropland Act, as well as undertake projects that match the actual conditions of the disaster-affected region, such as the integrated exchange and development of urban areas and agricultural land, and the collective relocation of residences in each community.

Land restructuring plans are a system established to respond to these needs, and various types of special provisions necessary to smoothly and swiftly undertake projects were formulated, and these included handling one-stop processing of procedures related to permits and approvals and zoning, relaxing standards related to approval, and utilizing new project methods for the integrated exchange and development of residential land and agricultural land for projects such as urban development and the development of agricultural production infrastructure that are necessary for promoting urban and regional development for reconstruction.

2) Creating land restructuring plans (Article 46 of the Act on Special Zones for Reconstruction)

Land restructuring plans are plans for urban and regional development for the reconstruction of disaster-affected regions that take into consideration the various opinions regarding the areas and include various projects (hereinafter referred to as the “land restructuring projects”) for the development of necessary urban areas and agricultural production infrastructure. By including land restructuring projects in land restructuring plans, various special measures (centralizing, permitting the proxy implementation of, and expediting procedures, and loosening approval standards, etc.) are applied to support their smooth and prompt implementation. For this reason, when it is necessary to employ such special measures to promote urban and regional development for reconstruction, each local government takes the lead in preparing a land restructuring plan.

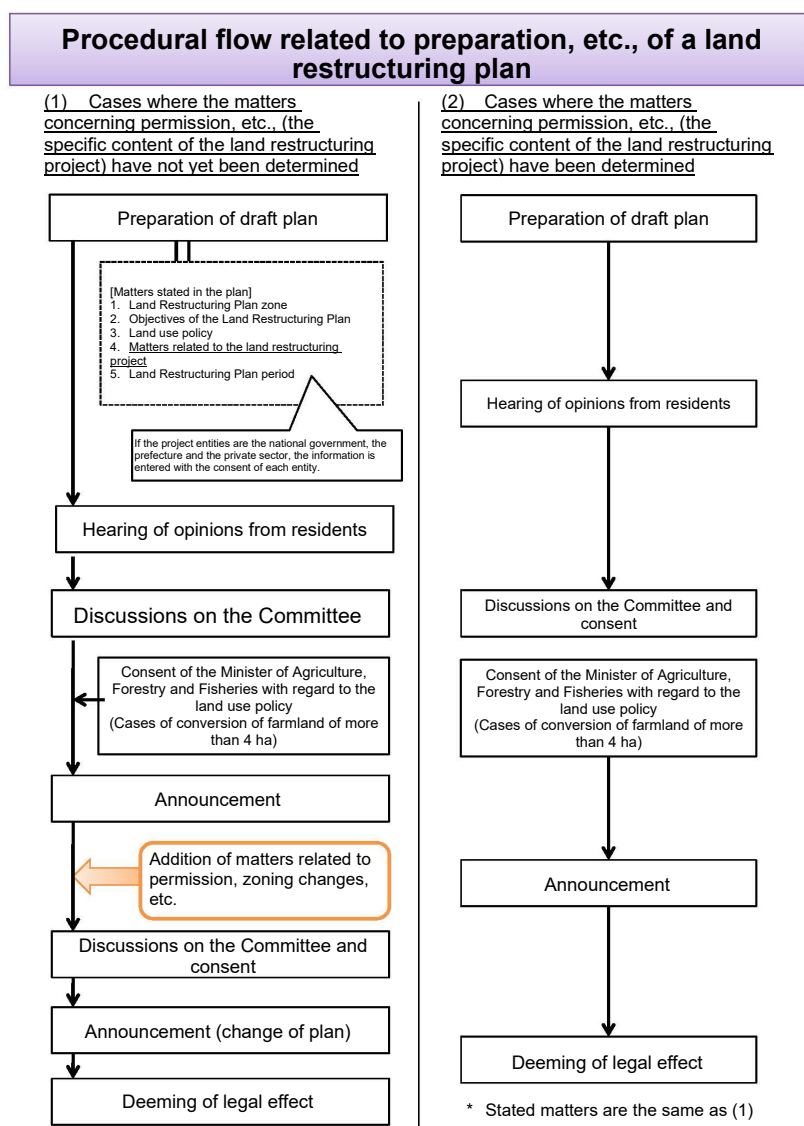
Land restructuring projects are ones for the urban and regional development for reconstruction, and steadily promote the process from conceptualization through implementation while reflecting the opinions of area residents.

Therefore, land restructuring plans can be flexibly revised by adding items that reflect progress with projects through procedures appropriate for the special measures used for those projects, and these plans promote the smooth and prompt implementation of land restructuring plans by flexibly combining and applying necessary special measures.

Land reconstruction plans include the following basic items.

- Land restructuring plan areas
- Land restructuring plan targets
- Land use guidelines
- Matters concerning land restructuring projects
- Period of the land restructuring plan

Figure 2-3-40 Flow of procedures related to formulating the Land Restructuring Plan



Source) “Land Restructuring Plan Preparation Manual (Reference Material)” (pg. 20), Reconstruction Agency
https://www.reconstruction.go.jp/topics/main-cat1/sub-cat1-13/02manual_sankouyoushiki.pdf (browsed July 14, 2023)

3) Role of the Committee for Land Restructuring (Article 47 of the Act on Special Zones for Reconstruction)

In order to formulate and implement effective land restructuring plans, it is necessary to have a mechanism to collect the opinions of a wide range of stakeholders and reflect them in the plans. In addition, in order to handle procedures stipulated in individual laws (approval, zoning, business plans, etc.) in a one-stop manner using the land restructuring plan, it is necessary to establish a forum for the parties concerned with the procedures to gather together and conduct actual coordination.

In order to carry out such work, municipalities or prefectures responsible for preparing the land restructuring plans may organize a Committee for Land Restructuring.

Figure 2-3-41 Role of Committee for Land Restructuring

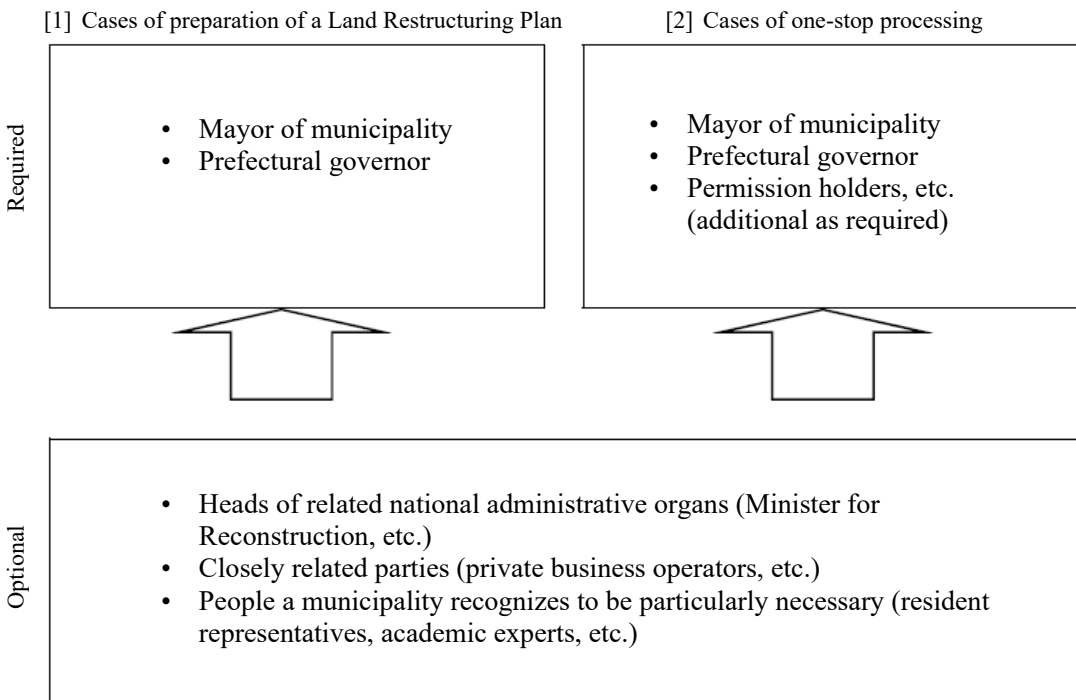


Source) “Act on Special Zones for Reconstruction in Response to the Great East Japan Earthquake Material” (June 2022), Reconstruction Agency
https://www.reconstruction.go.jp/topics/main-cat1/sub-cat1-13/2206_setsumeishiryoku.pdf (browsed July 19, 2023)

The Committee for Land Restructuring is a forum for discussing the following matters, which undertakes its work with a combination of members necessary for the particular matter.

- Necessary items for preparing and implementing land restructuring plans
- Items related to approval, changes in zoning (designated area based on laws), and creation of business plans (items related to one-stop processing)

Figure 2-3-42 Committee members



Source) “Land Restructuring Plan Preparation Manual (Main Text)” (pg. 33), Reconstruction Agency
https://www.reconstruction.go.jp/topics/main-cat1/sub-cat1-13/01manual_honbun.pdf (browsed July 19, 2023)

The number of meetings and consultations with relevant organizations was reduced because consultations with various contact points and procedures such as step-by-step approval are processed simultaneously by carrying out the administrative processing in this way, and for projects requiring approval by the screening committee, which meets once a year, the processing period, which could be as long as 11 months, was shortened due to monthly committee meetings, but there was an opinion that there were no major changes in the volume of documents prepared.

4) Main amendments to laws (Act No. 32 of 2014)

In order to smoothly and swiftly promote land restructuring projects, it is essential to secure the land necessary for the project, a precondition, but in disaster-affected areas, there were many pieces of land for which the owner was unclear, and this was a bottleneck for acquiring land and hindered reconstruction. In light of this situation, it was necessary to accelerate the acquisition of land, and therefore, the Land Acquisition Acceleration Program was formulated to utilize the property management system and land expropriation system, to promote the outsourcing of operations, and to provide practical support, etc., and the results of this program began to show concrete results.

Under such circumstances, there were a large number of cases of land owned by multiple persons, dormant collateral, land whose owners were unknown, etc.; many projects were not subject to the Expropriation of Land Act; and there was an overwhelming shortage of local government officials; and this led to requests for the creation of a legislation to establish a special system for expropriating land that is significantly different from the land expropriation system, which was unable to sufficiently function and appropriately respond to issues.

In response to such requests, in order to further utilize the land expropriation system, to further accelerate the acquisition of land, and to further accelerate the commencement of construction related to land restructuring projects, it became necessary to revise the legal system in order to shorten the time it takes to complete land appropriation procedures and to promote the use of the emergency use system, and the following amendments were made to the law.

- ア For project approval procedures under the Expropriation of Land Act, the obligation to make efforts to obtain project approval within “three months” was shortened to “two months” to speed up the procedure (Article 73-2 of the Act).
- イ When applying for a determination under the Expropriation of Land Act, it is necessary to attach a land record, but among the items to be stated on the determination application, it is possible to omit “the area of the land to be expropriated or used (in cases where land is to be divided, the total area of the land),” “the names and addresses of landowners and related persons who have rights to land” and “estimate and breakdown of compensation for loss for land or rights other than ownership of land” and the attachment of a land record (Article 73-3 of the Act).
- ウ A requirement for starting work for emergency use under the Expropriation of Land Act is “smooth and prompt reconstruction following the Great East Japan Earthquake” (Article 73-2 of the Act), and the requirement for the payer to deposit compensation for loss was loosened from “negligence” to “gross negligence” (Article 73-5 of the Act).
- エ The period of emergency use under the Expropriation of Land Act was extended from “six months” to “one year” (Article 73-2 of the Act), and the time required for a determination was set to no more than “six months” when possible (Article 73-4 of the Act).
- オ Housing complexes with “50 or more units”, a requirement for housing facilities in a single housing complex to be recognized as a city facility, are deemed a small-scale housing facility development project, “five or more units but less than 50 units,” and a city facility (Article 54-2 of the Act).

5) Results

c. State of making public Land Restructuring Plans

Figure 2-3-43 State of making public Land Restructuring Plans

State of announcement of Land Restructuring Plans (As of March 31, 2022)

Prefecture	Target municipalities	Project implementation district ^{*1}	Details of land restructuring projects	Special provisions for permits, etc.
Iwate	○ Total of 12 municipalities (Miyako City, Ofunato City, Kuji City, Rikuzentakata City, Kamaishi City, Yamada Town, Otsuchi Town, Iwaizumi Town, Tanohata Town, Fudai Village, Noda Village, Hirono Town)	Total of 272 districts	<ul style="list-style-type: none"> Urban development projects (total of 21 districts in Miyako City, etc.) Collective relocation promotion projects (total of 45 districts in Miyako City, etc.) Projects for the development of urban facilities (total of 95 districts in Miyako City, etc.) Small-scale multi-unit housing and facilities development projects (total of 7 districts in Otsuchi Town) Land improvement projects (total of 3 districts in Kamaishi City, etc.) Projects concerning the development of other facilities (disaster public housing, etc.) (total of 101 districts in Miyako City, etc.) 	<ul style="list-style-type: none"> Deemed conversion permission under the Cropland Act (more than 4 ha)^{*2} (total of 50 districts in Kamaishi City, etc.) Deemed conversion permission under the Cropland Act (no more than 4 ha) (total of 15 districts in Kuji City, etc.) Deemed project approval under the City Planning Act (total of 6 districts in Ofunato City, etc.)
Miyagi	○ Total of 14 municipalities (Sendai City, Ishinomaki City, Shiogama City, Kesennuma City, Natori City, Tagajo City, Iwanuma City, Higashimatsushima City, Watari Town, Yamamoto Town, Shichigahama Town, Rifu Town, Onagawa Town, Minamisanriku Town)	Total of 477 districts	<ul style="list-style-type: none"> Urban development projects (total of 32 districts in Ishinomaki City, etc.) Collective relocation promotion projects (total of 191 districts in Sendai City, etc.) Projects for the development of urban facilities (total of 67 districts in Ishinomaki City, etc.) Land improvement projects (2 districts in Minamisanriku Town, etc.) Project for the development of tsunami protection facilities (1 district in Yamamoto Town) Projects concerning the development of other facilities (disaster public housing, etc.) (total of 184 districts in Sendai City, etc.) 	<ul style="list-style-type: none"> Deemed conversion permission under the Cropland Act (more than 4 ha)^{*2} (total of 230 districts in Kesennuma City, etc.) Deemed conversion permission under the Cropland Act (no more than 4 ha) (total of 5 districts in Shiogama City, etc.) Deemed development permission under the City Planning Act (total of 185 districts in Ishinomaki City, etc.) Deemed construction permission under the City Planning Act (1 district in Sendai City) Deemed construction permission, etc. under the Natural Parks Act (total of 38 districts in Ishinomaki City, etc.)
Fukushima	○ Total of 13 municipalities (Iwaki City, Soma City, Minamisoma City, Kawamata Town, Hirono Town, Naraha Town, Tomioka Town, Kawauchi Village, Okuma Town, Futaba Town, Namie Town, Shinchi Town, Iitate Village)	Total of 284 districts	<ul style="list-style-type: none"> Urban development projects (total of 7 districts in Iwaki City, etc.) Collective relocation promotion projects (total of 42 districts in Iwaki City, etc.) Projects for the development of urban facilities (total of 83 districts in Iwaki City, etc.) Small-scale multi-unit housing and facilities development projects (3 districts in Iwaki City) Land improvement projects (total of 13 districts in Soma City, etc.) Developed residential landslide and collapse countermeasure project (1 district in Naraha Town) Projects concerning the development of other facilities (disaster public housing, etc.) (total of 135 districts in Iwaki City, etc.) 	<ul style="list-style-type: none"> Deemed conversion permission under the Cropland Act (more than 4 ha)^{*2} (total of 127 districts in Soma City, etc.) Deemed conversion permission under the Cropland Act (no more than 4 ha) (1 district in Naraha Town) Deemed development permission under the City Planning Act (total of 25 districts in Iwaki City, etc.)

*1 Number of districts by individual project.

*2 Number of cases of consent based on Article 49, Paragraph 1 of the Act on Special Zones for Reconstruction in Response to the Great East Japan Earthquake.

Source) created by the Reconstruction Agency

d. State of land restructuring plan implementation

ア) Iwate Prefecture

No.	基本データ				事業数	事業区分															
	市町村名	最新計画	最新公表日	計画期間		(1)市街地開発事業	(2)土地改良事業	(3)復興一体事業	(4)集団移転促進事業	(5)住宅地区改良事業	(6)都市施設の整備に関する事業	(7)小規模団地住宅施設整備事業	(8)津波防護施設の整備に関する事業	(9)漁港漁場整備事業	(10)保安施設事業	(11)液状化対策事業	(12)造成地滑動崩落対策事業	(13)地籍調査事業	(14)その他施設の整備に関する事業	合計	
始期	終期																				
1	久慈市	第8回変更	平成29年3月14日	平成23年度	令和2年度	19					7								12	19	
2	野田村	第6回変更	平成30年3月14日	平成23年度	平成30年度	8	1			1	4								2	8	
3	岩手町	第2回変更	平成25年12月11日	平成24年度	平成26年度	5													5	5	
4	富古市	第20回変更	令和3年3月22日	平成23年度	令和8年度	30	2	1		3	7								17	30	
5	山田町	第22回変更	令和4年3月22日	平成23年度	令和4年度	30	4			3	18								5	30	
6	洋野町	当初計画	平成27年10月30日	平成23年度	令和2年度	1					1									1	
7	大槌町	第19回変更	令和4年3月22日	平成24年度	令和4年度	37	6	1		5	16	7							2	37	
8	釜石市	第11回変更	平成28年3月31日	平成23年度	令和元年度	53	5	1		11	16								20	53	
9	大船渡市	第31回変更	令和4年3月22日	平成24年度	令和4年度	44	1			17	11								15	44	
10	陸前高田市	第25回変更	令和3年2月3日	平成23年度	令和3年度	29	2			5	9								13	29	
11	田野畑村	第11回変更	平成29年11月2日	平成24年度	令和2年度	15					5								10	15	
12	普代村	当初計画	平成27年3月27日	平成23年度	令和2年度	1					1									1	
合 計						272	21	3		45	95	7							101	272	

(Source) created by the Reconstruction Agency

イ) Miyagi Prefecture

No.	基本データ					事業数	事業区分														合計
	市町村名	最新計画	最新公表日	計画期間			(1)市街地開発事業	(2)土地改良事業	(3)復興一体事業	(4)集団移転促進事業	(5)住宅地区改良事業	(6)都市施設の整備に関する事業	(7)小規模団地住宅施設整備に関する事業	(8)津波防護施設の整備に関する事業	(9)漁港漁場整備事業	(10)保安施設事業	(11)液状化対策事業	(12)造成地滑動崩落対策事業	(13)地籍調査事業	(14)その他の施設の整備に関する事業	
始期	終期																				
1	仙台市	第14回変更	令和4年8月16日	平成24年度	令和5年度	23				13										10	23
2	石巻市	第30回変更	令和2年1月16日	平成24年度	令和2年度	111	18			50	25									18	111
3	塩竈市	第6回変更	平成27年9月24日	平成24年度	平成27年度	6				2										4	6
4	気仙沼市	第49回変更	令和2年11月9日	平成24年度	令和2年度	123	4	1		50	20									48	123
5	名取市	第19回変更	令和3年6月11日	平成23年度	令和3年度	17	1			2	4									10	17
6	多賀城市	第2回変更	平成31年2月28日	平成25年度	平成31年度	1					1										1
7	岩沼市	第14回変更	令和2年11月5日	平成23年度	令和2年度	9	1			2										6	9
8	東松島市	第21回変更	平成31年4月26日	平成24年度	令和2年度	24	2			8	4									10	24
9	亶理町	第17回変更	令和2年12月23日	平成24年度	令和2年度	19				5	1									13	19
10	山元町	第11回変更	平成31年4月2日	平成23年度	令和2年度	13				3	3	1								6	13
11	七ヶ浜町	第17回変更	令和元年10月3日	平成24年度	平成27年度	19	4			5										10	19
12	利府町	第3回変更	平成26年7月11日	平成24年度	平成27年度	1														1	1
13	女川町	第36回変更	令和3年6月17日	平成23年度	令和3年度	56	1			23	2									30	56
14	南三陸町	第34回変更	平成30年4月2日	平成24年度	令和2年度	56	1	1		28	7									19	56
			合 計			478	32	2		191	67	1								185	478

(Source) created by the Reconstruction Agency

ウ) Fukushima Prefecture

No.	基本データ					事業数	事業区分														合計
	市町村名	最新計画	最新公表日 (計画かひみの日付)	計画期間			(1)市街地開発事業	(2)土地改良事業	(3)復興一体事業	(4)集団移転促進事業	(5)住宅地区改良事業	(6)都市施設の整備に関する事業	(7)小規模団地住宅施設整備事業	(8)津波防護施設の整備に関する事業	(9)漁港漁場整備事業	(10)保安施設事業	(11)状況対策事業	(12)造成地滑動防止対策事業	(13)地盤調査事業	(14)その他施設の整備に関する事業	
				始期	終期																
1	いわき市	第16回変更	令和3年3月10日	平成24年度	令和6年度	71	6			4		50	3						8	71	
2	相馬市	第10回変更	平成29年12月1日	平成24年度	令和元年度	23		1		7		5							10	23	
3	南相馬市	第29回変更	令和2年12月25日	平成23年度	令和4年度	66		11		21									34	66	
4	広野町	第3回変更	令和3年3月16日	平成24年度	令和3年度	8						4							4	8	
5	楡葉町	第11回変更	令和2年10月14日	平成25年度	令和3年度	20				2							1		17	20	
6	新地町	第13回変更	令和4年3月28日	平成24年度	令和3年度	25	1			7		11							6	25	
7	川内村	第2回変更	平成31年3月29日	平成26年度	令和元年度	4													4	4	
8	川俣町	第1回変更	平成28年1月21日	平成26年度	平成28年	3													3	3	
9	大湊町	第15回変更	令和4年2月4日	平成26年度	令和9年度	14						4							10	14	
10	飯舘村	第4回変更	令和2年10月12日	平成26年度	令和3年度	6													6	6	
11	富岡町	第8回変更	平成30年5月30日	平成27年度	令和2年度	13						2							11	13	
12	双葉町	第9回変更	令和3年11月26日	平成28年度	令和8年度	11						5							6	11	
13	浪江町	第9回変更	令和3年12月1日	平成29年度	令和8年度	20		1		1		2							16	20	
合 計						284	7	13		42		83	3				1		135	284	

Source) created by the Reconstruction Agency

6) Special provisions related to basic land use plans (zoning changes) (Article 48 of Act on Special Zones for Reconstruction)

a. Overview

In areas where the land use has changed considerably due to the damage caused by the Great East Japan Earthquake, there is a high possibility that the existing zoning (areas designated by various legal systems) will be significantly changed.

When implementing land restructuring projects, it is necessary to undertake such work as changing zoning in accordance with legal procedures stipulated in the City Planning Act, the Agricultural Promotion Area Restructuring Act, and the Forest Act; however, since the public inspection period and procedures for hearing opinions, etc. related to each law are different and require a period of time, and the administrative functions of some disaster-affected municipalities were significantly impaired, there is a risk that the smooth and swift reconstruction of the region will be hindered if the procedures of the relevant laws are followed.

Therefore, it was decided that zoning changes and other operations can be completed at one time.

The matters related to changes in the land use master plan are as follows, and items other than item 5 can be included if jointly preparing plan since the prefectural governor has the right to make the designation and take other steps. The details of each designation or other matters and the number thereof are as follows.

Figure 2-3-44 Items and number of cases related to the changes in basic land use plan

(As of the end of March 2022)

1	Changes in basic land use plans (National Land Use Planning Act)	147
2	Designation, change, or abolishment of city plan area (City Planning Act)	0
3	Decision or change in city plan (City Planning Act)	172
4	Change in agricultural promotion area (Agricultural Promotion Area Restructuring Act)	7
5	Change in agricultural land use plan (Agricultural Promotion Area Restructuring Act)	17
6	Change in local forest plan area (Forest Act)	150
7	Designation or release of security forest (Forest Act)	58
8	Designation or change in fishing port area or rescission of that designation (Act on Development of Fishing Ports and Grounds)	0

Source) created by the Reconstruction Agency

With regard to the matters set forth in item 3 or items 5 to 7 above, there are considerable restrictions on land-related rights; therefore, when intending to include such matters in the Land Restructuring Plan, they must be made available for public notice and inspection, and the gist of the written opinions submitted in response to the draft of such matters must be discussed.

In addition, the procedures for including the matters set forth in item 3 above in a Land Restructuring Plan are governed by the procedures pertaining to decisions on or amendments to city plans pursuant to the provisions of the City Planning Act and other laws and regulations, in addition to what is provided for in this Act.

b. Impact

When implementing land restructuring projects, elevated land that is not impacted by tsunamis was selected for land for housing complexes included in collective relocation promotion projects, resulting in reduction in forest areas in the Basic Land Use Plan of 591.01 ha; and many urban area development projects and similar projects were carried out in disaster-affected areas in order to reconstruct housing for disaster victims, leading to an increase in urban areas in the Basic Land Use Plan of 1,263.3ha in order to newly create urban areas (as of the end of March 2022).

There were a particularly large number of cases regarding changes in land use basic plans, decisions on or changes to city plans, changes in regional forest planning areas, and designation or rescission of designation of protected forests because many urban area development projects, collective relocation promotion projects, and projects related to the development of urban facilities were carried out when undertaking urban development in land restructuring projects. For disaster-affected local governments, swiftly implementing land restructuring projects

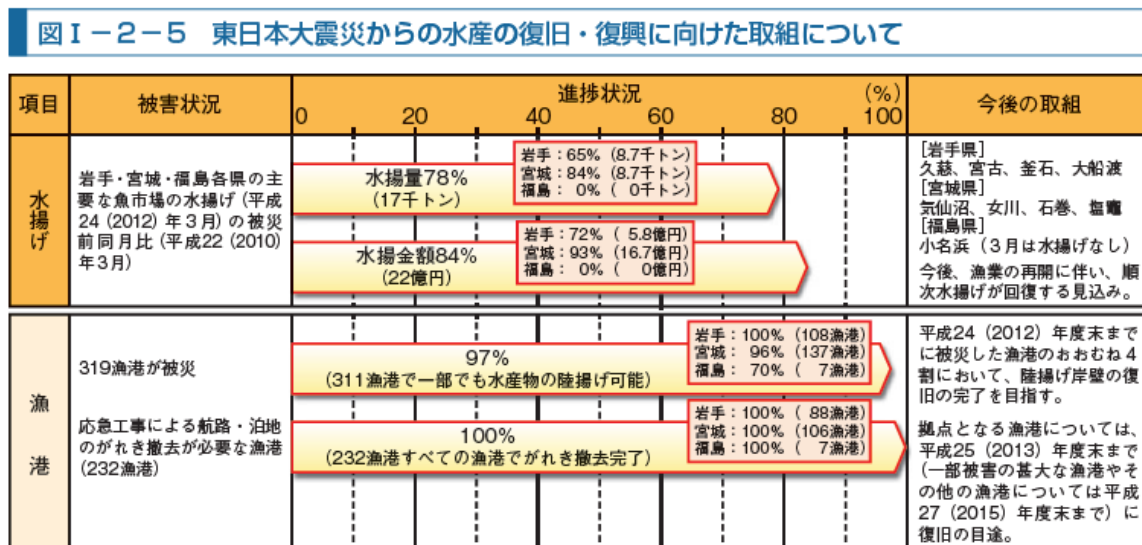
seems to have supported smooth procedures such as for approval.

The number of designations, changes, or abolishment of city planning areas was zero, and of the 40 municipalities that prepared land restructuring plans, seven towns and villages did not designate city plan areas, which was probably because there was no need for changes because city plan areas were generally set, and city plan areas were established over a wide area in the first place.

As for changes to the agricultural land use plans and other items, there were few cases when changes were made when including projects in land restructuring plan or when changes were made using special provisions during or after land restructuring projects were implemented because agricultural land conversion was conducted first and it was normal to do so based on individual laws after the land improvement project or similar project was completed.

Although there were no cases when fishing port areas were designated, changed, or the designation rescinded, and was probably because recovery efforts on the coast of the three disaster-affected areas, which was carried out early in the recovery efforts of the three disaster-affected prefectures without waiting for the Act on Special Zones for Reconstruction in Response to the Great East Japan Earthquake to come into effect because there were relative few land use problems. Iwate Prefecture's "Iwate Prefecture Great East Japan Earthquake Tsunami Recovery Plan" and Miyagi Prefecture's "Miyagi Prefecture Earthquake Recovery Plan" was formulated on August 11, 2011, and October 18, 2011, respectively, and after Fukushima Prefecture's "Fukushima Prefecture Reconstruction Vision," which stipulated basic principles and main measures for reconstruction, was formulated on August 11, 2011, the "Fukushima Prefecture Reconstruction Plan (Phase 1)," which indicated concrete efforts and main projects over 10 years based on the vision, was formulated on December 28, 2011. Based on these plans, the recovery and reconstruction of various fishery-related facilities, etc., were promptly implemented through the ceaseless efforts and accumulated practical work of fishery-related persons in each region since immediately after the Great East Japan Earthquake, and as of April 18, 2012, the recovery status of fishing ports was as follows, and early restoration measures were taken.

Figure 2-3-45 Fisheries recovery and reconstruction efforts after the Great East Japan Earthquake



Source) 2011 "Fisheries White Paper (Chapter 1 Feature Great East Japan Earthquake-Future of Japan's Fisheries Industry Based on Reconstruction Efforts)," Fisheries Agency

https://www.jfa.maff.go.jp/j/kikaku/wpaper/h23/pdf/03_dai1shou.pdf (browsed July 19, 2023)

7) Special Measures for Approval Related to Land Structuring Projects (Article 49 and Article 50 of Act on Special Zones for Reconstruction)

a. Overview

In areas where land use changed considerably due to damage caused by the Great East Japan Earthquake, there were concerns that smooth and prompt reconstruction would be hindered if matters related to the implementation of land restructuring plans, such as approval of development activities in urban areas, approval for agricultural land diversion, approval for development activities in agricultural areas, and approval for development activities in local forest plans were based on procedures in individual laws (laws that stipulated the various procedures).

Therefore, it was decided to make it possible to handle approval procedures stipulated in individual laws at a single venue when implementing land restructuring projects.

The following table shows items related to special provisions for approvals, etc. for land restructuring projects and the number of cases of approval for each.

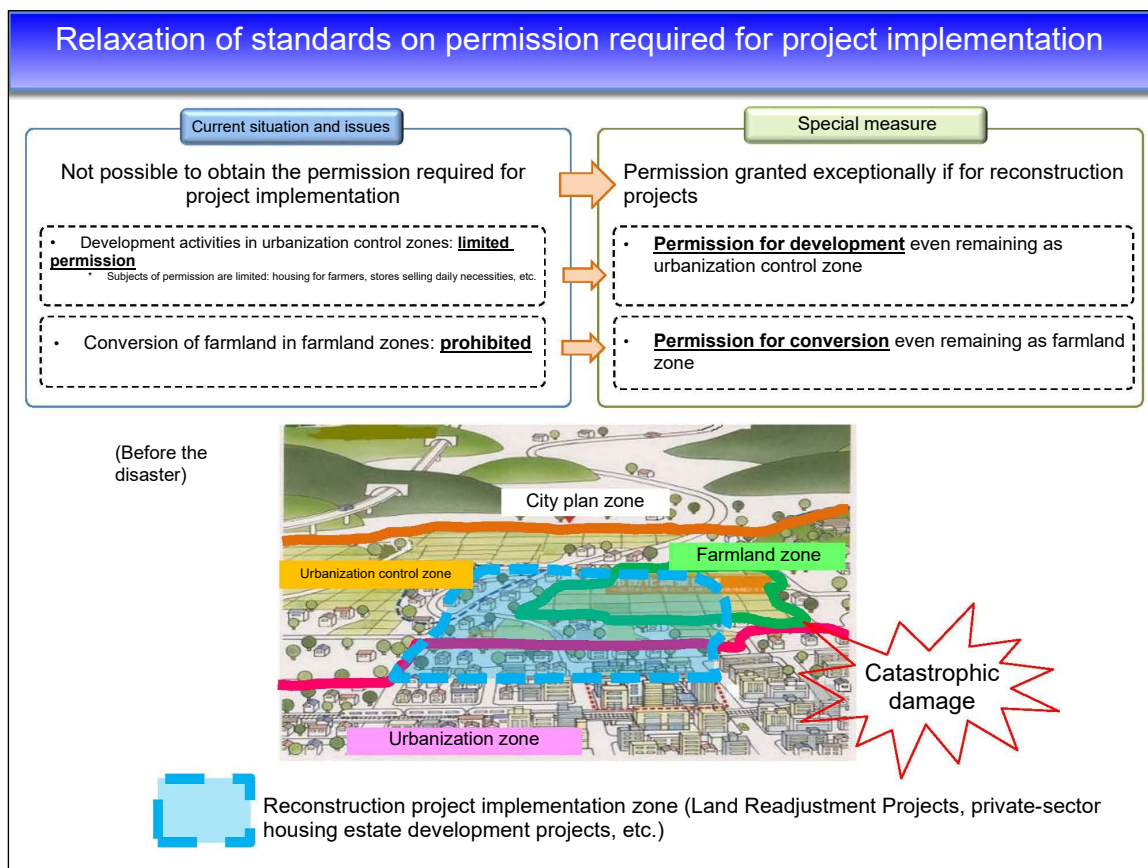
Figure 2-3-46 Items related to special provisions for approval and number of each

1	Consent of the Minister of Agriculture, Forestry and Fisheries under Article 4, paragraph (1) and Article 5, paragraph (1) of the Cropland Act (over 4 ha)	390
2	Approval set forth in Article 29, paragraph (1) or (2) of the City Planning Act	210
3	Approval set forth in Article 43, paragraph (1) of the City Planning Act	1
4	Approval set forth in Article 59, paragraphs (1) through (4) of the City Planning Act	6
5	Approval set forth in Article 4, paragraph (1) or Article 5, paragraph (1) of the Cropland Act (4 ha or less)	21
6	Approval set forth in Article 15-2, paragraph (1) of the Agricultural Promotion Area Restructuring Act	0
7	Approval set forth in Article 10-2, paragraph (1) of the Forest Act	0
8	Approval set forth in Article 34, paragraph (1) or (2) of the Forest Act	0
9	Approval set forth in Article 20, paragraph (3) of the Natural Parks Act or notification set forth in Article 33, Paragraph 1 of the same Act	38
10	Approval set forth in Article 39, paragraph (1) of the Act on Development of Fishing Ports and Grounds	0
11	Approval set forth in Article 37, paragraph (1) of the Port and Harbor Act or notification set forth in Article 38-2, paragraph (1) of the same Act	0

(Source) created by the Reconstruction Agency

- It is necessary to obtain approval from the Minister of Agriculture, Forestry and Fisheries when converting farmland of more than 4 ha, and the conversion of farmland within an agricultural land area is not permitted in principle; therefore, if farmland within an agricultural land area is part of the area covered by a land restructuring plan, this will hinder the progress of the project. Because of this, if a land restructuring plan includes the conversion of more than 4 ha of farmland, it is necessary to obtain the agreement of the Minister of Agriculture, Forestry and Fisheries that the conversion of farmland is necessary and appropriate for reconstruction and that there are no concerns that it will hinder the sound development of agriculture, which makes it possible to convert farmland within an agricultural land area.
In addition, it will be possible to collectively examine the area of land restructuring plan without examining each parcel of farmland.
- Although urbanization control areas are designated as “areas where urbanization should be restricted,” there are cases when it is necessary to develop facilities, etc., within urbanization control areas in order to achieve smooth and prompt reconstruction of disaster-affected regions or reconstruction of the lives of residents in these areas. Therefore, governors of disaster-affected prefectures can agree to approve development activities and construction in urbanization control areas for projects positioned as land restructuring projects based on a land restructuring plan even if all or part of the area where the land restructuring project will be implemented fall in an urbanization control area as long as criteria for development approval, etc., are met.

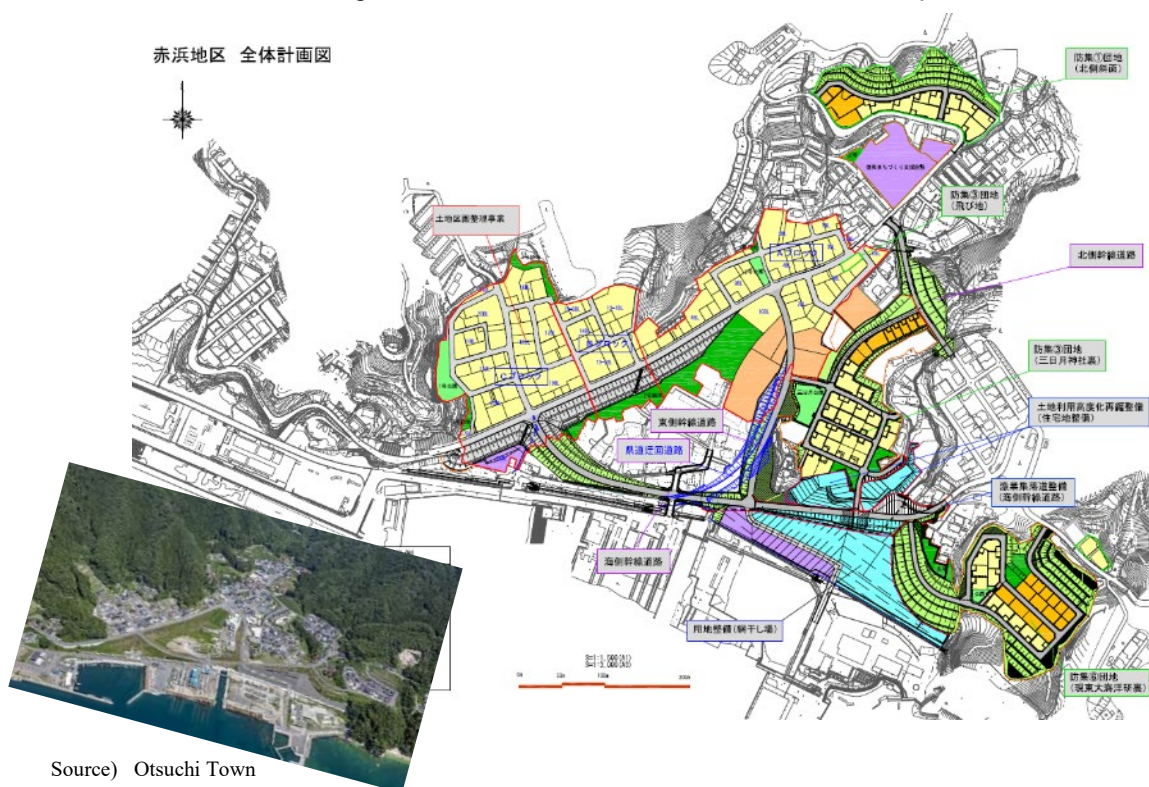
Figure 2-3-47 Loosening of criteria for approval necessary to implement projects



Source) “Special Reconstruction Zone System Explanatory Material (June 2022)” (p. 37), Reconstruction Agency
https://www.reconstruction.go.jp/topics/main-cat1/sub-cat1-13/2206_setsumeishiryoku.pdf (browsed July 19, 2023)

- For single housing complex housing facilities development project for a single housing complex in Otsuchi Town, Kamihei-gun, Iwate Prefecture (Akahama district), the city plan decision and approval of city plan projects were processed simultaneously in a one-stop process (in parallel), rather than in stages, resulting in a significant reduction in the period.

Figure 2-3-48 Akahama District Overall Plan Map



Source) Otsuchi Town

b. Impact

- With regard to farmland conversion, there was the opinion that the burden related to the number of consultations and documents that needed to be prepared was dramatically less compared to normal procedures because approval criteria were those in reconstruction special provisions and screening was done collectively, and thus the special provision was extensively used.

Extensive use was made of this special provision because it takes six to 12 months in total to complete agricultural land conversion procedures as it takes approximately three to six months to complete procedures to remove land from an agricultural land areas within agricultural promotion areas and approximately three to six months to complete the procedures to obtain land conversion approval. Therefore, because there was a desire for quick recovery in disaster-affected areas, the Tohoku Regional Agricultural Administration Bureau issued “Prompt Response to the Procedures for the Conversion of Farmland in Response to the 2011 Tohoku-Pacific Ocean Earthquake Disaster” (Office Communication dated March 18, 2011), which made it possible to simultaneously complete procedures to remove land from agricultural land areas and convert agricultural land, and the Act on Special Zones for Reconstruction stipulated special provisions for agricultural land use, and these reduced the time necessary to complete procedures to as little as two months.

In addition, in Miyagi Prefecture, the number of approved agricultural land conversion applications rose dramatically after the disaster, to 1,753 in FY2011 and 2,380 in FY2013, twice the pre-disaster annual number of about 1,000 through FY2010.

Figure 2-3-49 Number of approved agricultural land conversions in Miyagi Prefecture

表 県内の農地転用許可件数（土砂採取、資材置き場等の一時転用許可を含む）

年度	21	22	23	24	25	26	27	28
件数	972	1,183	1,753	2,238	2,380	2,221	1,865	1,796
面積 (ha)	133	97	173	222	286	287	242	243

Source) “Response in the Agricultural and Livestock Industry”, Miyagi Prefecture
https://www.pref.miyagi.jp/documents/18704/648826_1.pdf (browsed July 19, 2023)

- With regard to development approval (approval under Article 29, paragraph (1) or (2) of the City Planning Act), the number of approvals reached 210 because it was necessary to promote a relatively large number of integrated urban development projects for the reconstruction of the disaster-affected areas. In Iwate Prefecture, there were no cases of such approval because there were some situations when administrative processes related to development activity approval, etc., was transferred to municipalities in 2008 under the Iwate Prefecture Transfer of Authority Promotion Plan, and it was possible to obtain approval within a period that would not hinder the progress of land restructuring projects in municipalities.
- Approval for the construction, etc. of new buildings in urbanization control areas (Article 43, paragraph (1) of the City Planning Act) was granted under the former site utilization projects (community square toilet development project in the Shinhama district) under the project for the development of other facilities in Sendai City, Miyagi Prefecture. The project site is located east of the Sendai East Road between the Natori River and Nanakita River, and is designated as an urbanization control area in Sendai City. When implementing projects, rather than incorporating areas designated as disaster risk areas into urbanization control areas, toilets will be installed in urbanization control areas through the use of the special provisions.

Figure 2-3-50 Approval for construction of new buildings in urbanization control areas



Source) Sendai City

- With regard to project approvals (Article 59 of the City Planning Act), the following six projects were approved in Ofunato City, Iwate Prefecture: Ofunato City Planning Urban Facility School Project No. 1: Akasaki Elementary School and Annex Project, Ofunato City Planning Urban Facility School Project No. 2 Akasaki Junior High School and Annex Project, Single Housing Complex Housing Facilities Development Project (Ando district) and Collective Housing Facility Development Project (Akahama district) (four projects were finally approved by merging projects). In these cases, project approval procedures were carried out with an eye on land expropriation procedures, and the city plan decision and the city plan project approval were handled at the same time with a one-stop process, which shortened the administrative processing period and made it possible for land restructuring projects to benefit from the special provision of the Expropriation of Land Act.

Moreover, according to the local governments, the reason the special provision for project approval (Article 59 of the City Planning Act) was used in only six cases was that they did not have enough time to learn the procedures based on the Act on Special Zones for Reconstruction as they were rushing to implement

reconstruction projects and that attempts were made to accelerate procedures using individual laws, resulting in this special provision not being used.

- There were no cases when approval was provided for development activities in agricultural land areas (Article 15-2, paragraph (1) of the Agricultural Promotion Area Restructuring Act), for development activities in private forests covered in local forest plan (Article 10-2, paragraph (1) of the Forest Act), and for cutting down trees in protected forests (Article 34-1, paragraph (2) of the Forest Act). According to disaster-affected local governments, this was because attempts were made to accelerate normal procedures based on individual laws, which resulted in the special provisions for approval of land restructuring projects not being used.
- Within special areas, etc., under the Natural Parks Act, approval set forth in Article 20, paragraph (3) of the same Act (for newly building, rebuilding, enlarging structures; cutting down trees or bamboo; or similar activities) or approval regarding notification set forth in Article 33, paragraph (1) of the same Act (for newly building, rebuilding, enlarging structures with 13m tall or with a total floor space of 1,000 m²; changing the shape of land; or similar activities), extensive use was made of this special provision, particularly in areas that sustained serious damage from the tsunami because moving housing to elevated land was recommended when implementing such projects as disaster management collective relocation promotion projects.

Figure 2-3-51 Ishinomaki City Ayukawahama District



Source) “State of Reconstruction as Seen from the Air” (June 24, 2020), Reconstruction Agency
https://www.reconstruction.go.jp/topics/main-cat15/aerial/20200626_sorakaramiru3.pdf (browsed July 19, 2023)

- Approval of the fishing port administrator related to building structures in the water area or public space within fishing ports, excavating land, and similar work (Article 39, paragraph (1) of the Act on Development of Fishing Ports and Grounds) was handled as specified in the special provisions related to basic land use plan discussed in 6) above (zoning changes) (Article 48 of the Act on Special Zones for Reconstruction), and the special provision was not used.
- With regard to the approval of the fishing port manager related to construction within the bay or notification to the fishing port manager regarding work within the temporary port area (Article 37, paragraph (1) and Article 38-2, paragraph (1) of the Port and Harbour Act), the special provision was not used because recovery work was already completed before the land restructuring plan was prepared as initial work was started immediately after the earthquake, sea lanes were opened through emergency recovery, recovery construction was quickly

launched, and joint use of seawalls was relaunched within one year of the disaster.

8) Special provisions related to the various projects

a. Special provision related to land readjustment projects

ア) Comprehensive reconstruction project

Comprehensive reconstruction projects are those undertaken in conjunction with the following projects.

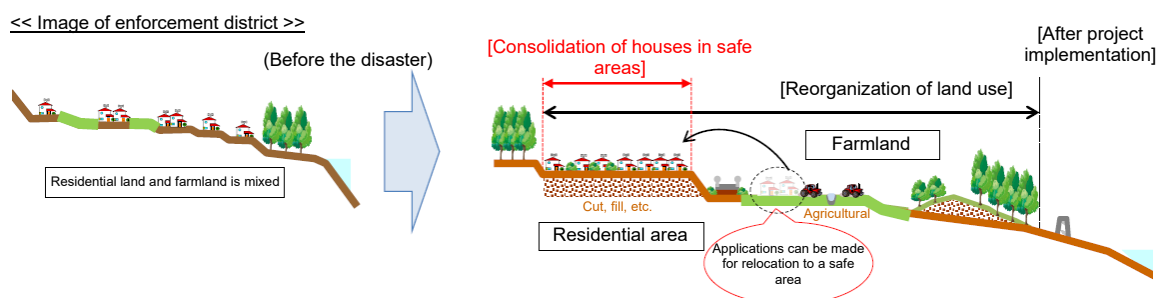
- ① Land readjustment projects
- ② New construction or management of or change in agricultural used water facilities and facilities necessary to preserve or use agricultural roads or other agricultural land
- ③ Projects necessary for soil dressing, underdrainage, and other agricultural land improvements and maintenance

This project allows municipalities to carry out the development of urban areas and agricultural production infrastructure in an integrated manner as an comprehensive reconstruction project when the damaged areas contains both farmland urban areas, and when preparing a project plan, which contains the implementation area (it may also be specified in urbanization control areas), project overview, project period, and financial plan, the plan can be approved as appropriate by submitting it to the prefectural governor.

In addition, if houses and public facilities such as schools and hospitals were damaged over a large area, this provision makes it possible to concentrate housing and public facilities in land for which measures to prevent or mitigate another disaster, such as creating embankments, elevating land, or leveling ground; land that should be provided for this can be designated as tsunami reconstruction housing, etc., construction area within project areas, and when deciding on this area, it is necessary that the land is in an effective location and of an appropriate size to promote the construction of housing and public facilities (educational facilities, medical facilities, and government facilities, shopping facilities, etc.); and in this case, if there are owners of residential land to be provided for housing and public facilities within the project area listed in the project plan, persons intending to construct housing or public facilities on this exchanged residential land can request that the residential land be designated as being within a tsunami reconstruction housing, etc., construction area.

In addition, municipalities may request necessary assistance from officials with specialized knowledge concerning the improvement, development, conservation, or grouping of agricultural land from the prefecture, and if there are projects related to agricultural drainage facilities, etc., or projects related to soiling and underdrainage, etc., the municipalities are to manage those facilities.

Figure 2-3-52 Implementation area



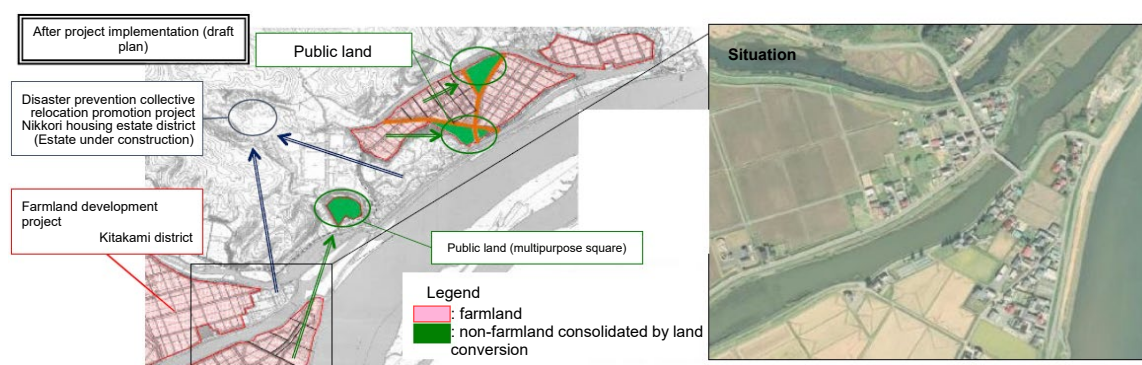
Source) “Special Reconstruction Zone System Explanatory Material (June 2022)” (p. 41), Reconstruction Agency
https://www.reconstruction.go.jp/topics/main-cat1/sub-cat1-13/2206_setsumeishiryoku.pdf (browsed July 19, 2023)

These projects are newly established projects under the Act on Special Zones for Reconstruction, but according to disaster-affected local governments, relocation of housing from disaster-affected areas to higher ground to avoid tsunami damage was often carried out as part of the disaster management collective relocation promotion projects, new projects would be burdensome during an emergency because people are not used to the procedures, and the various project areas were far from each other, and thus the projects were not implemented.

Although different from the comprehensive reconstruction project, agricultural and rural development projects are carried out in cooperation with disaster management collective relocation promotion projects, and agricultural land development projects that include the land left after relocation in conjunction with collective relocation to higher ground were carried out in 15 districts of 10 cities and towns (as of the end of January 2020).

Specifically, in the Kitakami district of Ishinomaki City, agricultural land development was promoted to realize efficient land use, which involved consolidating former housing sites through the agricultural and rural development project and planning multipurpose squared for use by residents of the new housing complex. In addition, utilizing surplus soil from developed complex for agricultural land development reduced cost of both projects.

Figure 2-3-53 Business implementation status



(number of cases when the special provision was applied: 0)

Source) “Measures to Accelerate Housing Reconstruction and Reconstruction Urban Development” (p.12), Reconstruction Agency
https://www.reconstruction.go.jp/topics/main-cat1/sub-cat1-15/20160708_sesakusyu.pdf (browsed July 19, 2023)

1) Special provisions for land readjustment projects (Article 51 of Act on Special Zones for Reconstruction)

The Land Readjustment Act and the City Planning Act stipulate that local governments are not allowed to implement land readjustment projects in urbanization control areas. However, for the smooth and prompt reconstruction of disaster-affected regions, it may be necessary to implement reconstruction and improvement projects related to land restructuring projects in urbanization control areas.

Therefore, even if an urbanization control area is included in the areas listed in ① to ③ below, the land readjustment projects or comprehensive reconstruction project that includes urbanization control area in its execution area may be included in the Land Restructuring Plan.

- ① Areas where the land use has changed considerably due to the damage caused by the Great East Japan Earthquake, or areas adjacent to or in the vicinity of such areas
- ② Areas where a large number of residents have been forced to evacuate or change relocate due to the effects of the Great East Japan Earthquake, or areas adjacent to or in the vicinity of such areas (excluding areas of ①)
- ③ Areas that are recognized to have a close relationship in terms of nature, economy, etc., with an area set forth in ① or ② that recognized that it is appropriate to develop the areas in order to rebuild the lives of the residents of the areas set forth in ① or ②

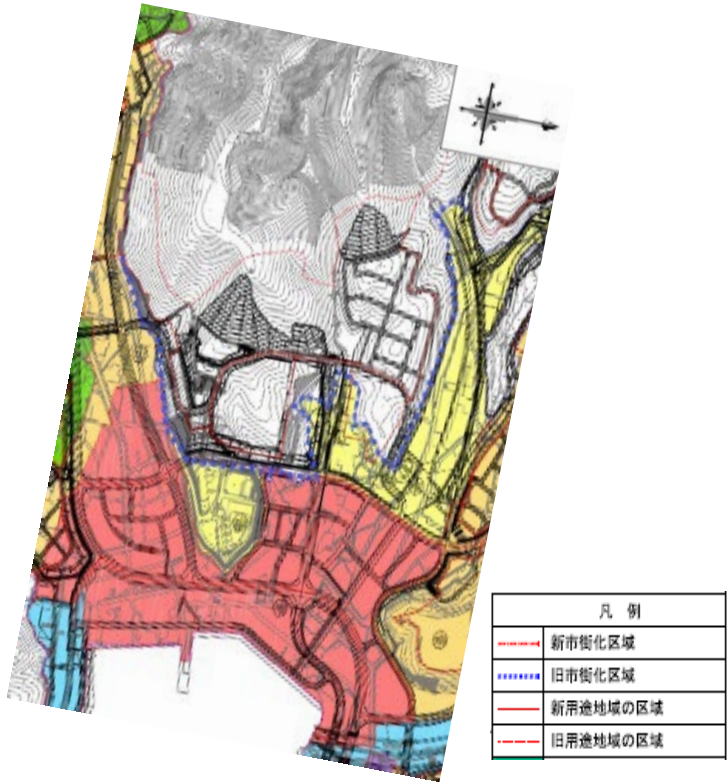
The special provision was not used in the coastal areas of Iwate Prefecture because there was no specific areas, but was used for eight project in Miyagi Prefecture and three projects in Fukushima Prefecture.

In Onagawa Town, Miyagi Prefecture, urban development took place mainly on high ground in the center of the town because of most parts of the city were inundated, and when the land restructuring project (Onagawa Town Land Readjustment Project for Urban Disaster Recovery Project) was carried out, an urbanization control area had to be selected.

Using this special provision made it possible to implement flexible location planning when undertaking urban development.

In addition, when implementing the land readjustment project, except for the case of compensation for loss, construction started 21 months before initially planned because it was known that except for cases of compensation for losses, even before provisional replacement lost was designated, it was possible to undertake construction related to land readjustment projects with the consent of the land rights holder (construction start approval).

Figure 2-3-54 Use of special provisions for land readjustment projects



(number of cases when the special provision was applied: 11)

Source) Onagawa Town

b. Special provision for residences and similar facilities

- Special provision for collective relocation promotion projects (Article 53 of the Act on Special Zones for Reconstruction)

The Act on Special Financial Measures of the State for Collective Relocation Promotion Projects for Disaster Prevention (hereinafter referred to as the “Act on Promotion of Collective Relocation”) limits entities that can formulate plans for collective relocation promotion projects to municipalities, but the administrative functions of disaster-affected areas have declined due to the damage caused by the Great East Japan Earthquake. In light of these circumstances, if a municipality reports that it is difficult for it to formulate a collective relocation promotion plan related to a collective relocation promotion project to promote collective relocation, the prefectural government may prepare the plan.

In this case, the prefectures need to consent to consultations with the Minister of Land, Infrastructure, Transport and Tourism and hear the opinions of the municipalities, and procedures take time, which hinders smooth and swift reconstruction; therefore, if a council has been established, it processes collective relocation promotion plans in an integrated manner, and if a land restructuring plan that includes matters concerning collective relocation promotion projects is made public, the collective relocation promotion project plan related to the matters is deemed to have obtained consent set forth in Article 3, paragraph (1) of the Act on Promotion of Collective Relocation pursuant to the provisions of the same paragraph as of the date of publication.

However, disaster-affected local governments expressed the opinion that it was necessary for municipal officials to go around each district to confirm the intentions of the residents in the early stages of the disaster, such as the maintenance of the local community and the intentions of the residents, in the present situation, and they had not even thought of asking the prefecture because it was considered inevitable that such work would be handled by municipal officials who are familiar with the circumstances of the local community, which resulted in there being no cases of collective relocation promotion projects by the prefectures.

In addition, some municipalities in disaster-affected areas were unable to fulfil their city-related functions because of the serious damage to numerous facilities; therefore, collective relocation promotion projects received support related to not only housing but also the cost of acquiring and developing land necessary for mutual welfare and convenience of residents at medical facilities, government facilities, and other facilities deemed necessary for relocation.

Furthermore, in disaster-affected areas, residents were forced to relocate to elevated ground to ensure their safety because there are few places appropriate for relocation to flat lands appropriate for disaster prevention. In such a cases, the acquisition and development costs were high, resulting in the costs that exceeded the fair price of developed land, making it impossible to recover acquisition and development costs when the land was sold. Therefore, under the current system, when selling the housing complex after acquisition and development, the cost of land and development for the housing is not eligible for the subsidy, but the subsidy is applicable for projects included in land restructuring plans unless the sale price exceeds the land acquisition and development costs. However, for residential land, etc., to be sold, the portion that exceeds the revenue from the sale when sold at the market price is eligible for the subsidy.

c. Special provision for residential area improvement projects (Article 54 of the Act on Special Zones for Reconstruction)

Under the Residential Areas Improvement Act, a single housing complex with closely packed, poor-quality housing that are in a dangerous or harmful state with regard to security, sanitation, etc., may be designated as an improvement area, and in this case, “poor-quality housing” is housing that is clearly inappropriate for housing because of the clear poor quality of the structure or facilities of the building or part of the building provided for use as housing.

Much of the housing severely damaged by the tsunami, etc., could not be called structures for various reasons, such as not being fixed to the ground because the foundation collapsed; and thus, it did not fall under poor housing under the Residential Areas Improvement Act.

For this reason, by listing them in the land restructuring plan as the application-related area (land related to the application stipulated in Article 4, paragraph (2) of the Residential Areas Improvement Act), even structures that were provided primarily as housing but are no longer structures because they were severely damaged can be designated as application-related areas, including areas where they are located as they actually expose residents to the safety and health risks. In this case, for projects to be implemented in the city plan area, it is necessary to undertake deliberations with relevant municipalities or Prefectural City Planning Councils in advance, depending on who undertakes the project.

In addition, under the Residential Areas Improvement Act, parties who undertake such projects are required to formulate a project plan following consultation with the Minister of Land, Infrastructure, Transport and Tourism, which are conducted after the Minister of Land, Infrastructure, Transport and Tourism designates the area an improvement area; and when formulating the plan, they must formulate a project plan that includes details of the residential area improvement project and implement the project after consulting with administrative public entities with authority related to approval and other matters related to parties such as the public facility administrator and location of area facilities, which takes time to complete, and there are concerns this will hinder the smooth and swift reconstruction of related areas. Therefore, when a land restructuring plan that includes matters concerning a residential area improvement project is announced after special provisions concerning application-related areas and project plans are applied in a one-stop manner, the relevant matters are deemed to have been decided on the date of the announcement.

When rebuilding houses, many projects, including urban area development projects that may also involve raising land, were carried out in damage-affected areas, a lot of developments were undertaken through urban development area projects and disaster management collective relocation promotion projects, and many homes were rebuilt on elevated land as damage areas were designated as disaster risk areas, which resulted in these projects not being implemented.

(number of cases when the special provision was applied: 0)

Figure 2-3-55 Housing with a damaged foundation or partially collapsed first floor

Houses whose foundations, etc., were damaged by the Great East Japan Earthquake and which are no longer functioning buildings are deemed houses which have deteriorated.



(A house whose foundations and first floor have collapsed)

Source) “Special Reconstruction Zone System Explanatory Material (June 2022)” (p. 44), Reconstruction Agency
https://www.reconstruction.go.jp/topics/main-cat1/sub-cat1-13/2206_setsumeishiryoku.pdf (browsed July 19, 2023)

d. Special provision for small-scale housing complex development projects (Article 54-2 of the Act on Special Zones for Reconstruction)

Article 11, paragraph (1), item 8 of the City Planning Act, stipulates “single housing complex housing facilities (housing complexes with 50 or more units, associated passages, and other facilities)” as city facilities.

In the coastal areas of disaster-affected areas, many small-scale communities exist as there are few communities with 50 houses or more, and in light of actual conditions in the disaster-affected regions, small-scale housing complex development projects (projects related to the development of housing complexes with five or more but less than 50 units, and associated passages and other facilities) were added to land restructuring projects; small-scale housing complex development projects included in land restructuring plans are deemed housing facilities in a single housing complex housing facilities stipulated in the City Planning Act, and systems for development of urban facilities and land expropriation can be used to undertake these projects.

Such projects were undertaken in Otsuchi Town, Iwate Prefecture and Iwaki City, Fukushima Prefecture. In Otsuchi Town, this special provision was used to enable the use of the land expropriation system, partly because Otsuchi Town received practical support from the Land Acceleration Support Team; however, in the overall disaster-affected area, many relocation sites were changed when land acquisition became difficult. In Iwaki City, it was necessary to respond to the increased demand for housing land due to the large number of evacuees; therefore, the following three projects were undertaken after city plan decision and project approval for a single housing

complex housing facilities undertaken by a private-sector company after completing procedures equivalent to development approval procedures (screening by Iwaki City).

Because the projects were undertaken by a private sector company, this made it possible to leverage swift, flexible private-sector capabilities, and this was an attempt to quickly improve the housing environment for people aiming to become self-reliant. In addition, since these projects were implemented as a city planning projects, the special provision regarding 50 million yen special deduction for expropriation and exchange, etc. was applied, which contributed to ensuring smooth land acquisition.

(number of cases when the special provision was applied: 10)

Figure 2-3-56 Examples of small-scale housing facility development projects

地区名	事業名	実施主体
E－1 地区	平中山一団地の住宅施設事業 	株式会社 渡辺組
	出所) 株式会社 渡辺組	

地区名	事業名	実施主体
E-2 地区	四倉町上仁井田一団地の住宅施設事業 	株式会社ファーストホーム
	出所) 復興庁	

地区名	事業名	実施主体
E-3 地区	常磐上矢田町一団地の住宅施設事業  出所) 株式会社アドマック  出所) 復興庁	株式会社アドマック

9) Special provision for facility development projects

a. Special provision for land improvement projects (Article 52 of the Act on Special Zones for Reconstruction)

Agricultural production activities in disaster-affected regions play an important role in the local economy and for the stable supply of food, and there is a need to quickly restore them.

Therefore, land improvement projects that require application from a farmer can generally be implemented as projects related to land adjustment and agricultural land creation suggested by the prefecture without a farmer submitting an application.

In the Ofunato and Kamaishi areas (Shimoarakawa construction area) of Kamaishi City, the prefecture undertook land improvement projects. When selecting locations for projects, such areas were selected because during joint discussions on how to restore and reconstruct agricultural land by coastal municipalities in disaster-affected areas in Iwate Prefecture, there was a strong desire to convert land in order to increase the size of agricultural land plots as many were small. In addition, these areas were small, only 8 hectares, and although the prefecture does not usually undertake such projects, the project was carried out by the prefecture using the special provisions of the Act on Special Zones for Reconstruction at the request of the municipalities because they did not have experience with undertaking land improvement projects and were too busy with responding to the disaster to undertake land improvement projects.

Therefore, agricultural land restoration was undertaken as a land adjustment project in an attempt to improve productivity and consolidate agricultural land.

Furthermore, discussions in the area resulted in the establishment of a Kamaishi City's first true farming cooperative, and four farmers, who were the core management of the cooperative, were responsible for agricultural

land use and efficiently managed agricultural land in the municipality.

In the same areas, because of the land adjustment project, it was possible to increase work efficiency due to the larger agricultural lands and create a system in which the farming cooperative supported such activities as introducing large agricultural machinery, which is a major burden for individual farmers, making it an example of being able to resume farming after a disaster.

Figure 2-3-57 1Ofunato and Kamaishi areas (Shimoarakawa construction area), Kamaishi City



Source) Iwate Prefecture

Figure 2-3-58 State of development

【整備前】



【整備後】

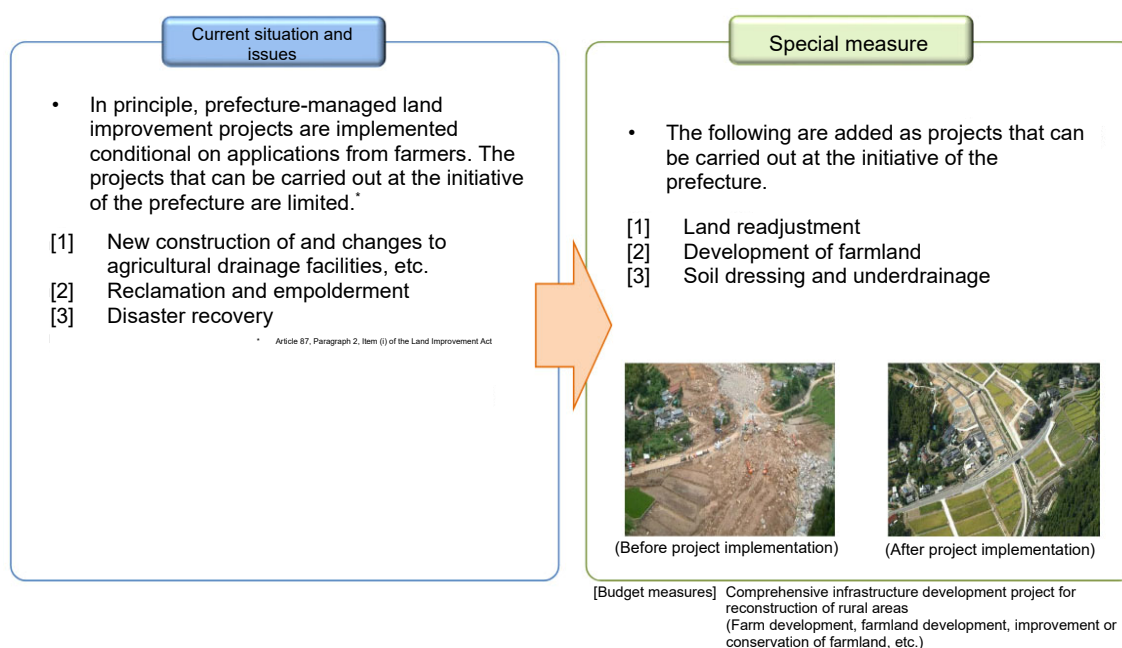


Source) Iwate Prefecture

In Fukushima Prefecture, there were many land improvement projects that included land readjustment projects to enhance agricultural competitiveness by decontaminating farmland, dividing farmland into large plots, and promoting the agglomeration and consolidation of farmland to farmers, because many farmlands were damaged by the nuclear disaster.

(number of cases when the special provision was applied: 6)

Figure 2-3-59 Expanding prefecture-managed land improvement projects



Source) “Special Reconstruction Zone System Explanatory Material (June 2022)” (p. 42), Reconstruction Agency
https://www.reconstruction.go.jp/topics/main-cat1/sub-cat1-13/2206_setsumeishiryoku.pdf (browsed July 19, 2023)

b. Special provision for fishing port and grounds development projects (Article 55 of Act on Special Zones for Reconstruction)

Fishing port and grounds development projects are projects involving the construction of new fishing ports and establishing fishing reefs.

If a project is to be undertaken based on the Act on Development of Fishing Ports and Grounds, it is necessary to consult with the relevant local governments and relevant fishing port administrator and to go through a public inspection period of approximately 20 days, which may hinder the smooth and prompt implementation of the project.

Therefore, it was decided that if matters concerning fishing port and grounds development projects are to be included in a land restructuring plan, it should be processed in a one-stop method, and that if a land restructuring plan that including such matters obtains the consent of the Minister of Agriculture, Forestry and Fisheries and is made public, it is deemed that the specified fishing ports and grounds development project plan under Article 17, Paragraph (1) of the same Act was set on the date of publication, and that the notification and publication regarding the plan prescribed in the same paragraph have been made.

The public inspection procedures concerning the specified fishing ports and grounds development project plan make it possible to provide an opportunity to reflect the opinions of residents obtained by holding public hearings or other activities when preparing the land restructuring plan.

Implementation of the fishing port and fishing ground development project is as described in 6) Special Provisions for the Land Use Basic Plan (Changes in Zoning) (Article 48 of the Act on Special Zones for Reconstruction) above, but the special provisions were not utilized because efforts were made to quickly restore fishing ports.

(number of cases when the special provision was applied: 0)

c. Special Provisions on Cadastral Survey Projects (Article 56 of the Act on Special Zones for Reconstruction)

Cadastral survey projects are conducted mainly by municipalities, and involve researching the land owner, parcel number, and purpose for each parcel (these plots that have been artificially divided in order to make public such information as land owner rights, etc., and land is counted in units of parcels), and surveying the boundary location and area.

In the disaster-affected areas, there are areas where the boundaries are unclear as land boundary markers were washed away by the tsunami, making it impossible to smoothly and swiftly undertake such activities as projects for reconstruction. In this case, although it is necessary to promptly restore boundaries, local governments struggled to fulfil their administrative functions because of the disaster, and it was extremely difficult to ensure a system for conducting cadastral surveys.

In light of these conditions, when a land restructuring plan that includes matters concerning a cadastral survey conducted by the Ministry of Land, Infrastructure, Transport and Tourism is made public, the Ministry of Land, Infrastructure, Transport and Tourism conducts the cadastral survey on behalf of the local government.

Furthermore, when intending to include the particulars concerning a cadastral survey in a land restructuring plan, procedures are handled in a one-stop manner when necessary, required deliberations are held, and the consent of the Minister of Land, Infrastructure, Transport and Tourism must be obtained, which indicates the following three conditions have been met: ① a cadastral survey is necessary for facilitating smooth and prompt reconstruction; ② it would be difficult for the local government to carry out the cadastral survey; and ③ conducting the survey will not hinder the affairs of the national government.

The national government bears 1/2 of the cost of the project, prefectures 1/4, and municipalities 1/4.

With regard to special provisions regarding cadastral survey projects, there was little urgency to conduct cadastral surveys in areas where projects were not implemented, and in areas where projects were implemented, it was possible to make extensive use of outsourcing to consultants and other persons, etc., as the national government provided sufficient financial support for implementing the projects, and when necessary, cadastral surveys were conducted when conducting land surveys; there were no projects that made use of this special provision as no local governments requested the Ministry of Land, Infrastructure, Transport and Tourism to conduct cadastral surveys on their behalf.

A map of prefectures affected by the Great East Japan Earthquake covering nine square kilometers was prepared for registrar offices over a period of three years (four years if the second year of work is included), which began in FY2015. In addition, in the prefectures affected by the Great East Japan Earthquake, there were still areas where work to create maps for the earthquake reconstruction registrar offices was to be carried out, and as a result, the maps for the registrar offices covering approximately three square kilometers were created each year for three years starting in FY2018 (four years including the work in the second year). Furthermore, a map for registrar offices covering approximately two square kilometers is being prepared each year for three years starting from FY2021 (four years including the work in the second year).

In the central urban area of Ishinomaki City, where the cadastral survey had not been completed, there were some areas with mixed-up maps, which hindered the implementation of recovery and reconstruction projects. As a result, a project to create a map for registrar offices was launched, and this project was the first in Japan to be implemented under a comprehensive partnership agreement between the Sendai Legal Affairs Bureau and Ishinomaki City. The cooperation between the two organizations enabled the Sendai Legal Affairs Bureau to utilize the information possessed by Ishinomaki City and to establish a local office for mapping work in the Ishinomaki City Hall building, which facilitated technical support and advice to the cadastral survey section and visits by landowners, etc., and Ishinomaki City was able to meet the needs of citizens, such as further progress in reconstruction and the resumption of cadastral surveys (cadastral surveys were suspended due to the Great East Japan Earthquake). In addition, having a city implement the project is an expensive and time-consuming endeavor (three years), but since the Legal Affairs Bureau took the lead in implementing the project, the project was completed in a short period (two years), which eliminated unclear areas on maps, and as a result, as many areas were larger than what appeared on the official map, this led to an increase in tax revenue.

Figure 2-3-60 Locations where land boundaries were unclear



Source) “Special Reconstruction Zone System Explanatory Material (June 2022)” (p. 48), Reconstruction Agency
https://www.reconstruction.go.jp/topics/main-cat1/sub-cat1-13/2206_setsumeishiryoku.pdf (browsed July 19, 2023)

d. Special provisions related to laws, regulations, etc.

㍻) Special provision to the Environmental Impact Assessment Act (Article 72 of the Act on Special Zones for Reconstruction)

According to the Environmental Impact Assessment Act, environmental impact assessment procedures are required for large-scale projects that may have a significant environmental impact; however, pursuant to the provisions of Article 52, projects that are urgently required from the viewpoint of disaster management and are implemented in disaster-affected areas are exempted from the requirements of the Environmental Impact Assessment Act. Projects undertaken outside disaster-affected areas are not exempted from the requirements of the Act; however, if procedures based on the Act are followed, it would take a long period of time, including the period for the on-site investigation required for an environmental impact assessment, the period for the publication and inspection of the environmental impact assessment documents, and the period for the submission of opinions by administrative organs and residents, etc., and there was a concern that projects related to rebuilding residences of residents in disaster-affected areas would not be carried out promptly.

Therefore, in order to achieve both the prompt commencement of land restructuring projects and environmental conservation, a special provision of the Environmental Impact Assessment Act was established so that land restructuring projects that are land readjustment projects (with an area of 75 ha or more) or railway or tramway projects (with a length of 7.5 km or more), projects indispensable for securing residential areas and means of transportation for disaster-affected residents, the specified environmental impact assessment based on the special provision could be made without applying the Environmental Impact Assessment Act.

The details of the special provision are as shown in the figure below; and the procedures for scoping document, drafts, and environmental impact statement for ordinary environmental impact assessments based on the Environmental Impact Assessment Act are consolidated into the procedures for the specified environmental impact assessment, and conducting assessments based on such activities as document research, interviews with experts, and confirmation of local conditions, not the annual or quarterly field surveys conducted in the ordinary environmental impact assessment, dramatically shortened the time necessary to complete pre-project launch procedures.

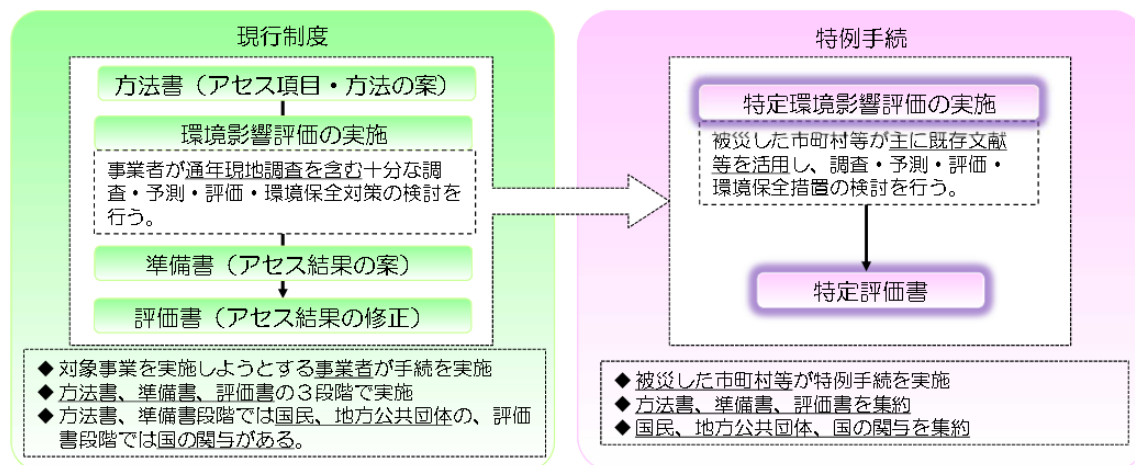
< Shortening the period for public inspection and submission of opinions >

- In a specified environmental impact assessment, scoping document, drafts, and environmental impact statement are compiled into a specified assessment document.
- The period for public inspection of the specified assessment document is two weeks, and out of consideration of the convenience of local residents away from the disaster-affected area, the document is available for public inspection in paper and on the website of disaster-affected or related municipalities, etc.
- The period for submission of comments by the relevant prefectural governor, etc., is 60 days, which is half of the period for submission of comments on the draft in procedures under the Environmental Impact Assessment Act (120 days).
- The period for submission of opinions by the person granting the approval, is 60 days, and the period for submission of opinions by the Minister of the Environment is 30 days within that 60 day period.

< Shortening the investigation period >

Specified environmental impact assessment procedures are not based on annual or quarterly field surveys, but on documents, interviews with experts, and confirmation of local conditions.

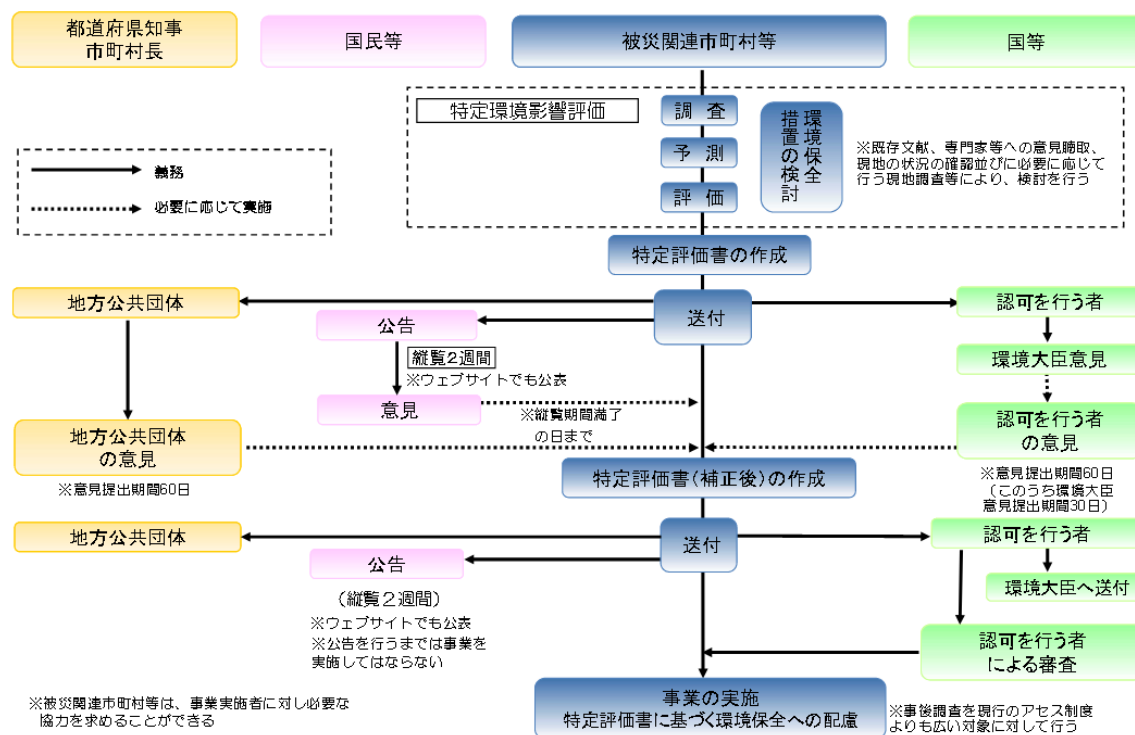
Figure 2-3-61 Comparison between special environmental impact assessment procedures and those under the current system



Source) “Response to Recovery and Reconstruction Following the Great East Japan Earthquake,” Ministry of the Environment <https://www.env.go.jp/council/02policy/y0212-01/900416831.pdf> (browsed July 19, 2023)

Specified environmental impact assessments are conducted according to the following procedures.

Figure 2-3-62 Flow of specified environmental impact assessment procedures under the Act on Special Zones for Reconstruction



Source) “Response to Recovery and Reconstruction Following the Great East Japan Earthquake,” Ministry of the Environment <https://www.env.go.jp/council/02policy/y0212-01/900416831.pdf> (browsed July 19, 2023)

Specific environmental impact assessment procedures were conducted for the following two projects (six land restructuring projects) based on this special provision.

Ishinomaki City Shin-hebita Area Land Readjustment Project for Urban Disaster Recovery Project (Shin-Hebita area (46.5ha), Shin-Hebita-Minami area (27.4ha), and Shin-Hebita-Minami second area (13.7ha))

Joban Line (Komagamine - Hamayoshida) restoration project (Yamamoto Town (12.01 km), Watari Town (300 m), and Shinchi Town (2.49 km))

Specified environmental impact assessment procedures were implemented for only one land readjustment project and one railway project; however, specified environmental impact assessment procedures for both projects were completed in about one year, which was significantly shorter than the normal environmental impact assessment. On the other hand, disaster-affected local governments expressed the opinion that specific environmental impact assessments were carried out by the disaster-affected or related municipalities, etc., rather than by business operators, which placed a substantial burden on municipalities even though they were recovering from the disaster. (number of cases when the special provision was applied: 2; number of land restructuring projects: 6)

Figure 2-3-63 Land Readjustment Project for Urban Disaster Recovery Project of Shin-Hebita Area, Ishinomaki City

新蛇田地区の工事着手前状況



現況（平成29年4月時点）



Source) “Overview of the Land Readjustment Project for Urban Disaster Recovery Project of Shin-Hebita Area, Ishinomaki City,” Ishinomaki City (as of January 1, 2018)
https://www.city.ishinomaki.lg.jp/cont/10184000/501/01_sinhebita.pdf (browsed July 15, 2023)

Figure 2-3-64 Joban Line (Komagamine - Hamayoshida) Restoration Project



Yamashita Station (Yamamoto Town)



Sakamoto Station (Yamamoto Town)



Shinchi Station (Shinchi Town)

Source) Reconstruction Agency

イ) Special provisions for Real Property Registration Act (Article 73 of the Act on Special Zones for Reconstruction)

The parcel boundary demarcation system is a system in which the registrar of the parcel boundary demarcation determines the location of the parcel boundary of the land, taking into consideration the opinion of the parcel boundary examiner and based on the application of the person who is registered as the owner of the land.

When acquiring land, it is essential to identify parcel boundaries; however, in many disaster-affected areas, physical evidence such as piles and fences and other documentary evidence, which are used as a reference for identifying parcel boundaries, have been lost due to the disasters, making it difficult to identify parcel boundaries. In addition, there are missing people and evacuees who have moved far away, and the location of the landowner is not known, which has caused difficulties in parcel boundary identification.

Therefore, in order to eliminate obstacles to the speedy implementation of projects, entities responsible for land restructuring projects in which they may become future owners can request for parcel boundary demarcation.

Such requests can only be made with the consent of the land owner, but if the whereabouts of the owner is unknown, it is not necessary to obtain the consent of the owner. In this case, the entity undertaking the land restructuring projects can only be one carrying out projects based on the Expropriation of Land Act whose approval has been announced, projects based on the Act on Special Measures Concerning the Acquisition of Public Land whose approval has been announced, and city plan projects based on the City Planning Act whose approval and other matters have been announced.

Special provisions under the Real Property Registration Act were not applied because the requirements for implementing entities of projects were limited, maps were prepared for the prefectures affected by the Great East Japan Earthquake and cadastral surveys were conducted as necessary when local governments implemented reconstruction projects.

(number of cases when the special provision was applied: 0)

ウ) Special provisions to the Expropriation of Land Act (Article 73-2 to 73-4 of the Act on Special Zones for Reconstruction)

Under the land expropriation system, if it is difficult for the entity undertaking a project to acquire land despite making the utmost effort to acquire the ownership of the land through voluntary negotiations, the entity can forcibly acquire ownership of the land through certain procedures (procedures for approval of the project and procedures for determination of expropriation) based on the Expropriation of Land Act. Therefore, from the viewpoint of doing everything possible to protect the rights of holders, the procedures are naturally strict and tend to be prolonged.

In disaster-affected areas, it is necessary to swiftly advance reconstruction; therefore, for reconstruction projects included in the land restructuring plans, the period that persons must try to disposition concerning the approval of projects under the Expropriation of Land Act was shortened from “three months” to “two months” (Article 73-2); and to shorten the screening procedures, a provision was established that efforts should be made to shorten the screening period required for the expropriation determination to not more than six months (Article 73-4).

Furthermore, since it is necessary to apply for a determination as soon as possible, it is sufficient to include “the location, parcel number, and land category of the land to be expropriated or used,” “if intending to use land, the use and period thereof,” and “the time when the right is acquired or extinguished and the names and addresses of the landowners and interested persons appearing in the registry” on the application form for determination, and, since preparation of land records takes time, it is possible to omit the attachment when applying (Article 73-3).

In addition, with regard to the screening procedures, although a decision can normally be made within six months, the period required for the screening procedures may be extended for sudden reasons such as the death of a landowner after the start of the trial procedures; therefore, the period of use of land for projects requiring urgent implementation was extended from six months to one year (Article 73-2).

By this, the period required for legal proceedings was shortened, and it became possible to continue the work on project that the person wants to quickly start.

The special provision was applied to 59 applications, and was effect in shortening project approval procedures (97.6%) and request for decisions (69.4%).

In the case of the major local road Soma-Watari Line road project, which Miyagi Prefecture initiated, it took 50 days from when the project approval application was submitted until public notice, it took 78 days from when the expropriation decision application was submitted until the decision was made, completing expropriation procedures in the shortest period of time.

(number of cases when the special provision was applied: 59)

工) Special Provisions for Civil Code (Article 73-5 of the Act on Special Zones for Reconstruction)

For land restructuring projects that are included in land restructuring plans that require decision application based on the land appropriation system, if it is necessary to use land because it is necessary to quickly start the project, the person must pay their estimated compensation for loss if the landowner or other parties request that compensation. In this case, if the name or address of the rights holder cannot be ascertained, for example, because there is a missing person among the co-owners, compensation for loss may be deposited. Article 494-2 of the Civil Code stipulates that a deposit cannot be made if there is negligence in ascertaining the facts; however in order to lessen the burden of the obligation to investigate, the requirements for making a deposit have been relaxed from “negligence” to “gross negligence” as an exception to the Civil Code.

才) Special Provisions on the Act on the Urban Renaissance Agency (Article 74 of the Act on Special Zones for Reconstruction)

When the Urban Renaissance Agency (UR) is commissioned to undertake work in areas other than existing urban areas of large cities and cities that are the center of local communities, it can only carry out commissioned services within the scope that it does not hinder the performance of the services the area.

In cases where the recovery and reconstruction work of local governments is diverse and vast, and it is difficult for local governments and stakeholders to conduct urban development on their own, outsourcing the work to UR, which have a wealth of knowledge on urban development and high ability to carry out the work, is an effective way to achieve rapid reconstruction in the disaster-affected areas.

In fact, in “Request for Early Recovery and Reconstruction from the Great East Japan Earthquake,” which the Association for Reconstruction of Coastal Municipalities in Iwate Prefecture submitted to the national government on October 3, 2011, the Association states “strengthening the UR Urban organization (provide long-term support, such as project implementation from design to ordering and construction supervision by UR and establishment of local offices in each municipality),” and this and other evidence shows that disaster-affected municipalities had high expectations for UR support.

The URL provides the following explanation regarding UR’s policies for providing support for reconstruction from the earthquake to the Reconstruction Headquarters in Response to the Great East Japan Earthquake.

1 Basic approach

- Provide as much support as possible as the UR under the guidance and coordination of the Ministry of Land, Infrastructure, Transport and Tourism
- Mostly commissioned. HR support also possible.
- Collaborate and coordinate with Ministry of Land, Infrastructure, Transport and Tourism and local governments regarding actual areas and timing

2 Envisioned project areas

- Municipalities that have weak systems, do not have experienced staff, or have difficulty implementing projects on their own due to multiple issues mentioned above
- (Large) areas that require development related to railways, seawalls, directly controlled projects, etc.
- High priority and difficult areas, such as central urban areas

In the regions affected by the Great East Japan Earthquake, many of the cities and areas do not fall under “large

cities and cities that are the center of regional society” (Article 3 of Act on the Urban Renaissance Agency) and “areas that have already be urbanized” (Article 11 of the same Act); thus new legislative measures were required for UR to undertake projects.

Therefore, it was decided to enable the UR to carry out projects included in land restructuring plans when commissioned by local governments, etc., and to add affairs pertaining to this special measure to Article 11, paragraph (2) of the Act.

As of July 2022, UR had concluded agreements with 26 disaster-affected local governments and was commissioned or requested by those local governments to work on reconstruction urban area development projects (29 areas) and disaster public housing development (5,932 housing units requested).

Figure 2-3-65 Areas UR is supporting

復興まちづくり支援地区一覧

令和4年7月1日現在（名称のうち、町営住宅、市営住宅、住宅、復興住宅、団地、アパート等の記載は省略）

	復興市街地整備				災害公営住宅整備		コーディネート等
	自治体	地区	面積	CM方式	住宅名称	戸数	
岩手県	岩手県	岩手県			南青山【盛岡市】※地区名称	99戸	
	岩手県	野田村					・土地区画整理事業コーディネート（盛岡市）
	岩手県	山田町	山田	44ha	○		
	岩手県	山田町	山田	24ha	○		
	岩手県	山田町	山田	19ha	○		
	岩手県	山田町	山田	56ha	○	大滝第1／大滝第2／山田中央／節浜／大沢小西／下条	208戸
	岩手県	山田町	山田	14ha	○		
	岩手県	山田町	山田	40ha	○	大ヶロ一丁目／清水／大ヶロ二丁目第2／根内／末広町／寺野白澤第一／御社地／本町・上町	243戸
	岩手県	山田町	山田	23ha	○		
	岩手県	山田町	山田	60ha	○	花露辺／鶴住居／片岸町	151戸
岩手県	岩手県	山田町	山田	2ha			
	岩手県	山田町	山田	36ha	○	宇津野沢／赤沢／上山東／平／川原／蛸／清／所通東／山口西／寺々田／泊田／後／入南／大洞／杉下／崎浜	227戸
	岩手県	山田町	山田	112ha	○		
	岩手県	山田町	山田	186ha	○	下和野／水上／大野／田端／長部／今泉	269戸
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カ) Special Provisions on the Agricultural Promotion Area Restructuring Act (Article 75 of the Act on Special Zones for Reconstruction)

For farmland where a land improvement project has been implemented, the land within the farmland area may be excluded from farmland area if all of the following requirements are satisfied: there is no substitute land outside the farmland area; there is no risk of agricultural land clustering, intensive use of agricultural land for responsible persons, or hindering of the functions of agricultural drainage facilities (Article 13, paragraph (2) of the Agricultural Promotion Area Restructuring Act); and land for which a land improvement project was completed eight years ago (Article 9 of the Order for Enforcement of the Act on the Establishment of Agricultural Promotion Regions).

There are concerns that if land on which a land improvement project or comprehensive reconstruction project is undertaken as a land restructuring project is allowed to be removed from agricultural land area, this will hinder implementation and achievement of the land restructuring project.

Therefore, the exclusion of farmland for which a land improvement project or a comprehensive reconstruction project has been implemented as a land restructuring project from an agricultural land is allowed only if the land satisfies all the requirements for the change of the agricultural land and the land restructuring project has been completed.

(number of cases when the special provision was applied: 0)

キ) Special provisions for the Act on Regional Development for Tsunami Disaster Prevention (Article 76 of Act on Special Zones for Reconstruction)

The special provisions for the development of tsunami protection facilities, the designation of designated tsunami protection facilities, and the floor-area ratio of buildings that contribute to evacuation from tsunamis that were applied in the promotion plan area based on Article 10 of the Act on Regional Development for Tsunami Disaster Prevention will contribute to early reconstruction if they are promptly applied in disaster-affected areas; however, since administrative functions have been undermined due to the damage caused by the tsunami, it is necessary to reduce the burden of preparing the land restructuring plans and promotion plans.

Therefore, if a disaster-affected or related municipality was damaged by the tsunami has prepared a land restructuring plan that satisfies certain conditions, notwithstanding the provisions of the Act, the tsunami protection facilities administrator may build a new or improve tsunami protection facilities within the designated area of the land restructuring plan in line with the plan, and provisions that stipulate the floor-area ratio for structures that contribute to evacuation from tsunamis and designation of designated tsunami protection facilities may be applied as the area designated by the plan will be deemed to be the promotion plan area.

The specific conditions that must be met by the land restructuring plan in this case are the following conditions necessary to deem the promotion plan area the same as the land restructuring plan area.

- ① A disaster-affected or related municipality that was damaged by the tsunami formulates a land restructuring plan
- ② The plan includes items equivalent to the basic guidelines related to comprehensive promotion of regional development for tsunami prevention based on the basic guidelines of the Act on Regional Development for Tsunami Disaster Prevention
- ③ The plan includes items related to land use and development of warning and evacuation system in flood areas specified in tsunami flooding assumptions
- ④ The plan stipulates items related to such projects as urban area development projects and collective relocation promotion projects that aim to prevent or mitigate damage from tsunamis

Because “tsunami disaster management base urban area development facilities for a single housing complex” can be designated as urban facilities under the City Planning Act, special provisions related to the City Planning Act pertaining to land restructuring plans can be applied by designating projects pertaining to the development of the facilities as land restructuring projects in reconstruction plans.

For the Main Local Road Soma-Watari Line Road Project, the road was constructed so that Miyagi Prefecture could also use it as an embankment to protect inland areas from tsunamis, and the project was positioned as a project

related to the development of tsunami protection facilities in Yamamoto Town's land restructuring plan. For this project, it was necessary to use land expropriation procedures since 2018 for the section between Yamashita Station and Yamamoto Town's Yamadera District; therefore, the project was formulated as a land restructuring project so that special provisions to the Expropriation of Land Act could be applied, and it was possible to complete the land expropriation procedures in a short time as discussed in the special provision to Expropriation of Land Act discussed above (ウ).

(number of projects special provision was applied to: 1)

Figure 2-3-66 Main Local Road Soma-Watari Line Road Project



Source) Reconstruction Agency

e. Special provisions related to notifications, etc.

ア) Notifications regarding construction within areas requiring notification, etc. (Article 64 of Act on Special Zones for Reconstruction)

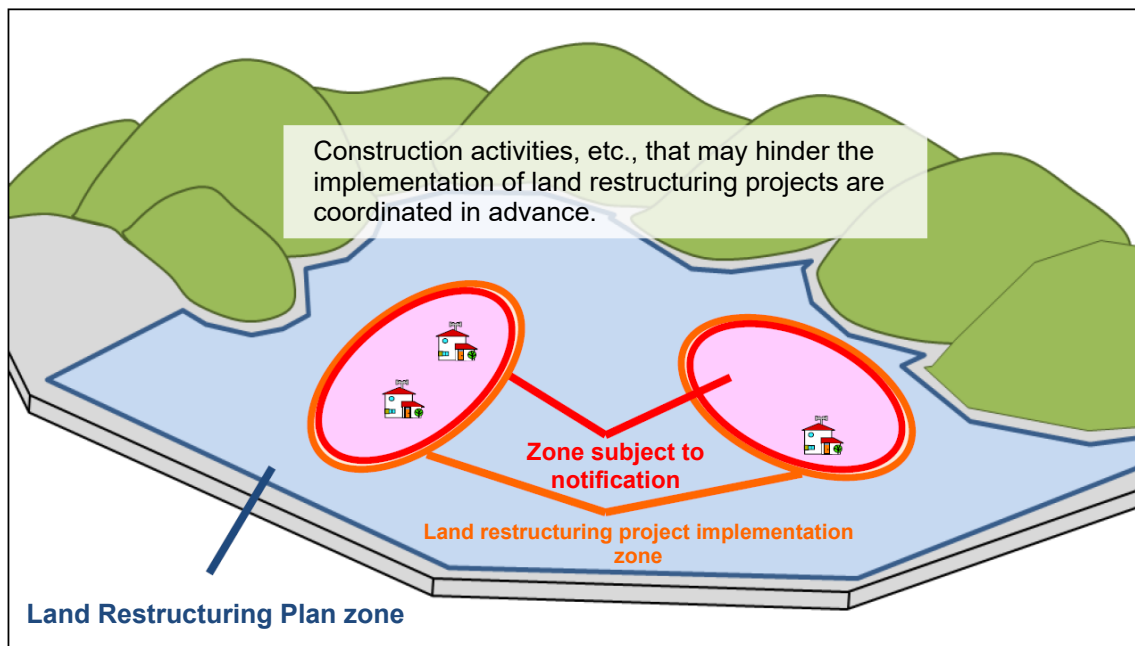
The mayor of a municipality may need to coordinate, if necessary, the project and activities of persons other than the entity undertaking the project by collecting information on such matters as the construction of structures other than those related to the project being undertaken in land restructuring project implementation area. For this reason, it is necessary for entities that change the zone characteristics of land or build structures in an area requiring notification to the mayor of the municipality before starting work, and the mayor of the municipality can recommend necessary measures when there are concerns that the work will hinder the implementation of the project.

In this case, a municipality may designate all or part of the land restructuring project area as an area requiring notification, and that designation comes into effect when that fact and the area are announced publicly.

A person who intends to construct a new building or other structure in an area requiring notification, in principle, must notify the mayor of the municipality of the type of work and other matters no later than 30 days prior to start of that work, and even if there are changes, notification of those changes must also be made at least 30 days before the start of that work.

If a municipality made a recommendation, it must strive to implement necessary measures, such as brokering the handling of rights to the land, for the person who received the recommendation.

Figure 2-3-67 Notification and recommendations regarding construction work



Source) “Special Reconstruction Zone System Explanatory Material (June 2022)” (p. 47), Reconstruction Agency
https://www.reconstruction.go.jp/topics/main-cat1/sub-cat1-13/2206_setsumeishiryoku.pdf (browsed July 19, 2023)

In addition, with regard to a housing lot (or building) subject to sale, etc., if it is located in an area that requires notification, pursuant to the Real Estate Brokerage Act, a person who intends to change the characteristics of the land, construct, reconstruct, or enlarge a building or other structure, or perform any other work specified by cabinet order within the zone must notify the relevant municipal mayor no later than 30 days prior to the date of commencement of the work, in principle, and if the person intends to change any of the matters pertaining to the notification, it is necessary to explain to the other party that notification is required in principle.

The Reconstruction Agency received frequent inquiries from real estate brokers regarding whether or not municipalities with housing lots (or buildings) subject to sale, etc. fall under areas requiring notification.

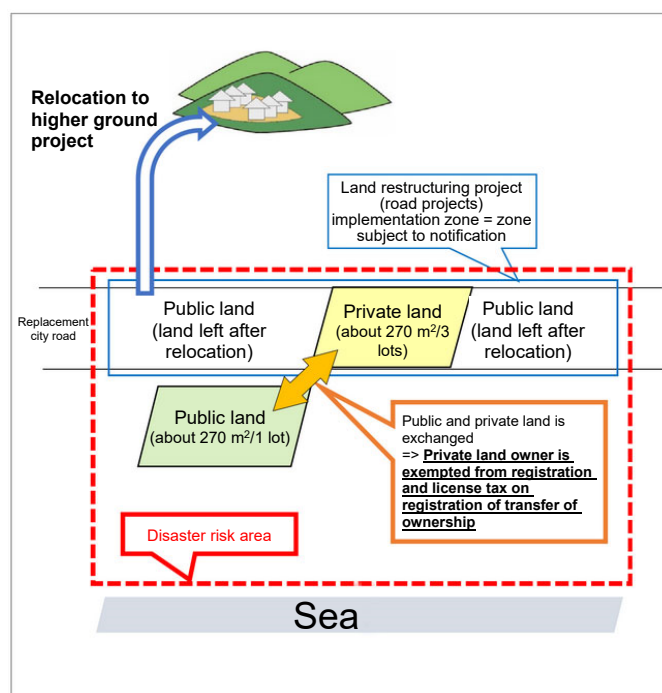
In addition, there is a special provision that stipulates when private land in the project area is exchanged for public land outside the project area in order to carry out land restructuring projects using the land left after relocation acquired through disaster management collective relocation promotion project, the private land owner is exempt from paying the registration and license tax for registering the transfer of ownership.

When applying this special provision, the disaster-affected municipality must create a land restructuring plan that lists the project that will use the land in the area designated for accelerated relocation (land left after relocation) and designate the area where the land restructuring project will be implemented as an area requiring notification.

In order to use this special provision, the relevant areas were designated areas requiring notification for the Vacant Lot Use Project in Sendai City (Arahama area, Evacuation Hill), (Arahama area, public use zone) and the Private Railroad Osabe Project in Rikuzentakata City, and Ryori Area Fishing Village Disaster Management Function Reinforcement Project in Ofunato City.

(Number of cities that have made designation: 4 designations in 3 cities)

Figure 2-3-68 Measures for exemption from registration and licensing tax when registering transfer of ownership



A case in Rikuzentakata City
(Image)

Source) “Examples of Use of Land Left After Relocation for Disaster Management Collections (Expanded Version),” Reconstruction Agency, (June 2017) p. 20
https://www.reconstruction.go.jp/topics/main-cat1/sub-cat1-15/20170630_motochijireisyu.pdf (July 14, 2023)

イ) Entering land for a land restructuring plan, etc. (Act No. 65 of Act on Special Zones for Reconstruction)

If it is necessary to conduct land surveys and examination by entering land occupied by another person to create or change land restructuring plan, this special provision makes it possible for the city to enter land occupied by another person or order or commission another person to do so. In this case, the person who intends to enter the land occupied by another person must notify the person who occupies that land of their intentions at least three days before entering the land, and at that time, the person who occupies the land may not refuse or obstruct entry without justifiable grounds. In addition, when intending to enter land occupied by another person where there is a structure or is surrounded by a hedge, fence, etc., it is necessary to notify the person who occupies the land of one's intention in advance.

When conducting land surveys, etc. entering the land before sunrise or after sunset is prohibited unless the person who occupies the land consents.

ウ) Cutting and removing obstructions and prospecting, etc., land for land restructuring plan (Article 66 of the Act on Special Zones for Reconstruction)

When preparing or revising a land restructuring plan, there are cases in which obstructions such as plants, hedges, fences, etc. are removed, or prospecting and boring is conducted on the land and obstructions associated with this are removed. In this case, if the person who intends to enter the land possessed by another person is unable to obtain the consent of the owner, etc. in spite of prior notification to the owner, etc., the person may, with the permission of the mayor of the municipality with jurisdiction over the location of these obstructions, cut or remove the obstructions, or carry out prospecting, etc. on the land with the permission of the prefectural governor having jurisdiction over the location of the land.

In addition, when it is difficult to obtain the consent of the owner, etc., of the obstruction concerned because the owner is not there, and when current conditions are not significantly damaged, the obstructions may be cut or removed immediately after obtaining the permission of the mayor of the municipality, and in this case, the owner, etc. shall be notified to that effect without delay after the obstruction is cut or removed.

工) Entry onto land, etc. for land restructuring projects (Article 67 of the Act on Special Zones for Reconstruction)

If it is necessary to enter land occupied by another person and conduct a survey or investigation for the purpose of preparing to conduct or conducting a land restructuring project, a municipality can have a person enter the land occupied by another person by themselves or have a person it has ordered or commissioned enter the land to the extent necessary. In this case, the person who intends to enter the land occupied by another person must notify the person who occupies that land of their intentions at least three days before entering the land, and at that time, the person who occupies the land may not refuse or obstruct entry without justifiable grounds. In addition, when a person intends to enter a land occupied by another person where there are buildings or is surrounded by hedges, fences, etc., it is necessary to notify the person who occupies the land to that effect in advance.

When conducting land surveys, etc. entering the land before sunrise or after sunset is prohibited unless the person who occupies the land consents.

才) Cutting and removing obstructions and prospecting, etc. of land for land restructuring projects (Article 68 of the Act on Special Zones for Reconstruction)

When preparing to undertake or undertaking a land restructuring plan, there are cases in which obstructions such as plants, hedges, fences, etc. are removed, or prospecting and boring is conducted on the land and obstructions associated with this are removed in order to undertake an investigation or land survey of the area where the project will be undertaken, etc. In this case, if the person who intends to enter the land possessed by another person is unable to obtain the consent of the owner, etc. in spite of prior notification to the owner, etc., the person may, with the permission of the mayor of the municipality with jurisdiction over the location of these obstructions, cut or remove the obstructions, or carry out prospecting, etc. on the land with the permission of the prefectural governor having jurisdiction over the location of the land.

In addition, when it is difficult to obtain the consent of the owner, etc., of the obstruction concerned because the owner is not there, and when current conditions are not significantly damaged, the obstructions may be cut or removed immediately after obtaining the permission of the mayor of the municipality, and in this case, the owner, etc. shall be notified to that effect without delay after the obstruction is cut or removed.

力) Carrying certificates, etc. (Article 69 of the Act on Special Zones for Reconstruction)

When entering land, etc., it is obligatory to carry certificates and permits, and employees of outsourcing service provider, etc. are also required to carry them.

When preparing or revising a land restructuring plan or preparing to conduct or conducting a land restructuring project, the person who intends to enter land occupied by another person must carry identification documents, and the person who intends to cut or remove obstructions or carry out prospecting, etc. on land is to carry a identification documents and a permit from the local government with jurisdiction, and present them when requested by a person concerned.

キ) Compensation for losses caused by entry into land, etc. (Article 70 of the Act on Special Zones for Reconstruction)

When preparing or revising a land restructuring plan or preparing to conduct or conducting a land restructuring project, if a municipality, etc., causes a loss to another person as a result of conducting the investigation or survey, the municipality, etc., will pay compensation for the loss that would not normally occur after consulting with the

person who has suffered the loss.

If no agreement is reached, the person who caused the loss or the person who suffered the loss may apply to the Expropriation Committee for a determination under the provisions of the Expropriation of Land Act.

f. Other

ア) Submission of materials and other cooperation (Article 71 of the Act on Special Zones for Reconstruction)

Although it is necessary to ascertain the state of the owner or occupier of land, etc. in order to prepare or revise a land restructuring plan or to prepare to conduct or conduct a land restructuring project, it is envisioned that when conducting surveys for such activities, various administrative organs, etc., do not sufficiently make use of information in disaster-affected areas because it is difficult to use the information for purposes other than that for which it was collected for various reasons, such as it containing information that identifies individuals. For this reason, the disaster-affected or related municipality, etc., may request the submission of materials and other forms of cooperation from the Head(s) of the Relevant Administrative Organ(s), the head(s) of the relevant local government(s), or other relevant public or private bodies.

Specifically, it is envisaged that the disaster-affected or related municipality, etc., will request the provision of information to search for the owners of estates, etc., in performing surveys and acquiring land in preparation for the implementation of Land Restructuring Projects, based on fixed asset tax ledgers, voter lists, and neighborhood association lists.

Private entities are also included among the responsible entities for Land Restructuring Projects, but the only responsible entities that can receive information from the Relevant Administrative Organ(s), etc., under this special provision are the national government and prefectural or municipal governments.

4. Act on Special Measures for the Reconstruction and Revitalization of Fukushima (Act No. 25 of 2012)

(1) Background for formulating and purpose for enacting

In Fukushima Prefecture, in addition to earthquake and tsunami damage, the environment was contaminated by radioactive materials from the Tokyo Electric Power Fukushima Daiichi nuclear power station accident. Moreover, the prefecture faced the following special circumstances: ① there were many areas where even restoration work could not be carried out in association with the establishment of the no-entry zone, etc., and there were other areas where air radiation levels were high, making restoration work extremely difficult due to the primary need for decontamination, etc.; ② residents were worried about their health due to the fear of contamination by radioactive materials; and ③ in addition to the general slump in the prefecture's industry, the population and industry flowed out of the prefecture due to the negative rumors associated with the dispersion of radioactive materials. In addition, the prefecture, which would originally have been the main actor in industrial promotion measures, suffered enormous and diverse damage, and was in a situation where it was difficult for it to implement sufficient measures on its own due to the handling of long-term evacuees, etc.

The Act on Special Zones for Reconstruction in Response to the Great East Japan Earthquake was enacted in December 2011, and various other legislative measures were also taken for recovery and reconstruction from the natural disaster. However, these were mainly targeted at earthquake and tsunami disaster-affected areas, and did not take into account the areas affected by the nuclear disaster. With these legal systems alone, it was difficult to achieve the reconstruction of Fukushima, which was in the special circumstances described above of radioactive contamination, harmful rumors, and the outflow from the prefecture of population and industry.

At the second meeting of the Great East Japan Earthquake Reconstruction Design Council held on April 23, 2011, the governor of Fukushima Prefecture, a member of the council, called for the enactment of a special law on the grounds that reconstruction in Fukushima was impossible under the existing framework of the law²³. At the 10th meeting of the council held on June 18 of the same year, Fukushima Prefecture made a proposal requesting the enactment of a unique special law for the revitalization of the disaster-affected areas of Fukushima²⁴. Within that, Fukushima Prefecture indicated its way of thinking that while matters requiring urgent action should be dealt with promptly by revising individual laws, etc., the special law would stipulate systematically the permanent measures required for the revitalization of nuclear disaster-affected areas over the medium to long term. The following points were raised with regard to the necessity of special legislation: ① Fukushima Prefecture will bear special and serious handicaps due to the nuclear disaster over the long term in many areas, but the national government should bear responsibility for regional revitalization comprehensively because of a disaster caused by nuclear power that was promoted as a national policy; ② ensuring the safety of residents from the effects of radiation is an essential prerequisite for the revitalization of disaster-affected areas; ③ since regional revitalization from the nuclear disaster crosses a wide range of areas, a comprehensive and systematic framework for revitalization and cross-agency handling will be required; ④ a banner of hope is essential for the people of Fukushima Prefecture to be able to work together towards the creation of a new Fukushima in the future, and; ⑤ national prestige is at stake and it is necessary to transmit information both in Japan and overseas on the stance of working on the revitalization of Fukushima with firm determination and the results.

Based on such discussions, in "Towards Reconstruction -- Hope beyond the Disaster--" compiled by the council on June 25 the same year, it was stated that "Fukushima Prefecture is placed under extremely difficult conditions in terms of the revitalization and reconstruction of the region. The national government should continue to take responsibility for working on revitalization and reconstruction from a long-term perspective, including the unification of the government's posture for dealing with reconstruction from the nuclear disaster and the establishment of the legislation required."

It was also specified in the "Basic Guidelines for Reconstructing from the Great East Japan Earthquake"²⁵ determined by the Great East Japan Earthquake Reconstruction Headquarters on July 29, 2011 that "The national government will coordinate with local governments, establish a forum for discussions for reconstruction from the nuclear disaster as soon as possible, and consider legal measures and reach a conclusion quickly to take adequate

²³ Statement by Governor Sato of Fukushima Prefecture, minutes of the Great East Japan Earthquake Reconstruction Design Council (2nd meeting) (April 23, 2011), "In addition, the recent nuclear disaster has caused enormous damage in and outside the prefecture that could not be imagined under the current law, because damage will extend throughout the prefecture for a long period of time, all of the residents of certain areas had no choice but to evacuate, and the damage caused by negative rumors has spread throughout the prefecture and to many industries, and I do not think that it will be possible to respond under the existing framework at all. I think that the enactment of new special legislation is essential."

²⁴ "Concerning special legislation for the revitalization of areas affected by the nuclear disaster" (document submitted by the governor of Fukushima Prefecture at the Great East Japan Earthquake Reconstruction Design Council (10th meeting) on June 18, 2011) <https://www.cas.go.jp/fukkou/pdf/kousou10/sato.pdf> (browsed July 15, 2023)

²⁵ Great East Japan Earthquake Reconstruction Headquarters "Basic Guidelines for Reconstruction in Response to the Great East Japan Earthquake" (July 29, 2011)

measures for reconstruction, including measures for regional revitalization and compensation for damage.”

In such circumstances, the “Council for the Reconstruction and Revitalization of Fukushima Following the Nuclear Disaster” (hereinafter referred to as “Council”) was established in August 2011 as a forum for the national government and Fukushima Prefecture to discuss measures for the reconstruction and revitalization of Fukushima Prefecture, which suffered extensive damage due to the accident at the TEPCO Fukushima Daiichi Nuclear Power Station. At the first meeting of the Council on August 27 the same year, the governor of Fukushima Prefecture asked the national government to take responsibility and play a role in drafting and enacting a special law for regional revitalization specific to Fukushima through discussions with the prefecture and municipalities, and said it should take all possible measures for the reconstruction of Fukushima following the nuclear disaster, and Minister for Reconstruction Hirano also stated at the second meeting that he would expedite the formulation of the special law²⁶.

In such circumstances, consideration was advanced centered on the secretariat of the Great East Japan Earthquake Reconstruction Headquarters, and the outline of a special bill for the reconstruction and revitalization of Fukushima was presented to Fukushima Prefecture by the national government on December 10, 2011.²⁷ The items under consideration were reported at the third meeting of the Council on January 8 the following year²⁸, the overview of the bill was reported at the 12th meeting of Reconstruction Headquarters on January 23²⁹, and the overview³⁰ and draft outline³¹ of the bill were reported at the fourth meeting of the Council on February 4. Subsequently, after coordination within the government and with the ruling party, the Bill on Special Measures for the Reconstruction and Revitalization of Fukushima was approved by cabinet decision, mainly including the following measures, on February 10, 2012.

- ① Special measures for the reconstruction and revitalization of zones where evacuation orders have been lifted or are to be lifted
- ② Measures for the elimination of health concerns due to radiation and the realization of living environments in which people can live with peace of mind
- ③ Special measures for the reconstruction and revitalization of industry following the nuclear disaster
- ④ Measures for the intensive promotion of efforts that contribute to the creation of new industries, etc.

²⁶ Overview of proceedings of the second Council meeting, Remark by Reconstruction Headquarters “We are separately advancing work on the special law limited to Fukushima Prefecture, which was requested separately by the governor.” <https://www.reconstruction.go.jp/topics/2231017.html> (browsed July 19, 2023)

²⁷ “Special bill for the reconstruction and revitalization of Fukushima” Great East Japan Earthquake Reconstruction Headquarters, December 10, 2011 https://www.pref.fukushima.lg.jp/download/1/kikaku_chosei_honbusiryō7.pdf.pdf (browsed July 19, 2023)

²⁸ “Items under consideration for the Bill on Special Measures for the Reconstruction and Revitalization of Fukushima (tentative name)” document of the 3rd Council meeting, January 8, 2012 <https://www.reconstruction.go.jp/topics/2318.html>

²⁹ “Overview of the Bill on Special Measures for the Reconstruction and Revitalization of Fukushima (tentative name) (unfinished draft)”, 12th document of the Great East Japan Earthquake Reconstruction Headquarters, January 23, 2012 <https://www.reconstruction.go.jp/topics/000448.html> (browsed July 19, 2023)

³⁰ “Overview of the Bill on Special Measures for the Reconstruction and Revitalization of Fukushima” document of the 4th Council meeting, February 4, 2012 https://www.reconstruction.go.jp/topics/03-2_4houan.pdf (browsed July 19, 2023)

³¹ “Draft outline of the Bill on Special Measures for the Reconstruction and Revitalization of Fukushima” document of the 4th Council meeting, February 4, 2012 https://www.reconstruction.go.jp/topics/03-3_4houan.pdf (browsed July 19, 2023)

Figure 2-3-69 Overview of the Bill on Special Measures for the Reconstruction and Revitalization of Fukushima (government draft)

Overview of the Bill on Special Measures for the Reconstruction and Revitalization of Fukushima

Budget-related bill

Objectives, basic principles and responsibility of the national government

- Promotion of the reconstruction and revitalization of Fukushima, which suffered serious and significant damage due to the nuclear power station disaster
- Formulation and implementation of comprehensive measures at the responsibility of the national government while respecting the autonomy and independence of the local governments of Fukushima

Basic Guidelines for the Reconstruction and Revitalization of Fukushima (cabinet decision)

- These are the basic guidelines on the comprehensive promotion of measures for the reconstruction and revitalization of Fukushima following the nuclear disaster
- This is the document that establishes the significance and goals of the reconstruction and revitalization of Fukushima and the basic policy of each support measure that the government should implement steadily.

Special measures for the reconstruction and revitalization, etc., of zones where evacuation orders have been lifted or are to be lifted

- "Plan for Reconstruction and Revitalization of Zones where Evacuation Orders have been Lifted or are to be Lifted" (determined by the national government based on submissions by the prefecture)
This is the plan to promote the reconstruction and revitalization of zones where evacuation orders have been lifted or are in preparation to be lifted in accordance with the basic guidelines.
Plan: The significance, targets and period of the plan, the reconstruction and revitalization of industry, development of public facilities such as roads and rivers, improvement of the living environment, etc.
 - Taking over of the construction of public facilities by the national government
 - Implementation of living environment improvement projects such as the cleaning of public facilities by the national government
 - Special provisions on taxation (with respect to business operators located in areas subject to evacuation)
 - [1] Special depreciation of business equipment, etc. (immediate depreciation for five years from the date of cancellation)
 - [2] Tax deductions for employing disaster-affected people (deduction of 20% of salary payment for five years from the date of confirmation: 10% for special reconstruction zones)
- (Note) Extension of tax exemption measures for fixed asset taxes in areas subject to evacuation as a measure of the amendments to the Local Tax Act
- Securing stable housing for evacuees through special provisions on eligibility to move into public housing

Measures for the elimination of health concerns due to radiation and the realization of living environments in which people can live with peace of mind

- Health management surveys, measurement of radioactivity concentration in agricultural products, prompt implementation of decontamination measures, etc., reduction of the radiation exposure doses of children, etc., promotion of surveys and research, enhancement of public understanding, securing of educational opportunities, securing of medical care and welfare, etc.

Reconstruction and revitalization of industry following the nuclear disaster

- "Plan for Reconstruction and Revitalization of Industry" (prepared by the prefecture and approved by the national government)
The plan to promote the reconstruction and revitalization of industry in Fukushima damaged by the nuclear power station disaster in accordance with the basic guidelines
Plan: Objectives of the plan, details of efforts for achievement of the objectives, details of special provisions for regulations and procedures to be applied, and matters related to implementing entities
- Special provisions on regulations, procedures, etc. (reduction of or exemption from registration fees and application fees for Fukushima Special Licensed Guide Interpreters and local brands (trademarks, variety), one-stop processing of permits and approvals related to geothermal resource development and the improvement of distribution functions, etc.)
- Measures to enable all municipalities in Fukushima Prefecture to formulate reconstruction promotion plans, including the special provisions on taxation of the Act on Special Zones for Reconstruction (*) (under the Special Zones Act, these apply to areas where a large number of disaster victims were forced to leave their jobs or where production bases were severely damaged due to the Great East Japan Earthquake)
- Agriculture, forestry and fisheries, reconstruction and revitalization of SMEs, job security, promotion of tourism, etc.

Intensive promotion of efforts that contribute to the creation of new industries, etc.

- "Priority Promotion Plan" (prepared by the prefecture and approved by the national government)
This is a plan to promote with priority efforts that contribute to the creation of new industries, etc., such as promotion of the use of renewable energy sources and the development of research and development bases for advanced medical technology, etc., in accordance with the basic guidelines.
Plan: Area, objectives and period of the plan, and details of efforts for achievement of the objectives
- Free transfer of factory land managed by SME Support Japan
- Promotion of research and development, promoting corporate location, etc.

Council for the Reconstruction and Revitalization of Fukushima following the Nuclear Disaster

- A council consisting of the Minister for Reconstruction, the governor of Fukushima Prefecture and other related people from the national government and Fukushima was organized and held the required discussions.

Other (treatment after enforcement)

- Proposal of special measures on new regulations by Fukushima Prefecture
- Consideration in view of the state of enforcement of the act and the reconstruction and revitalization of Fukushima

(Reference) Major budgets related to the reconstruction and revitalization of Fukushima

[FY2011 second and third supplementary budgets, etc.]

Establishment of the Fukushima Prefecture Nuclear Power Station Disaster Reconstruction Fund (about 384 billion yen)

- Development of international medical centers, development bases, etc., and revitalization of regional medical care (Ministry of Education, Culture, Sports, Science and Technology, Ministry of Health, Labor and Welfare, Ministry of Economy, Trade and Industry) 69 billion yen
- Subsidy for corporate location for industrial reconstruction (Ministry of Economy, Trade and Industry) 170 billion yen, etc.

Flexible responses through additional budgetary measures using existing systems (about 150 billion yen)

- Research and development of renewable energy and related facility development (Ministry of Economy, Trade and Industry) within 100 billion, etc.

Establishment of the Fukushima Prefecture Nuclear Power Station Disaster Victims' and Children's Health Management Fund (Cabinet Office) (96.2 billion yen)**Emergency implementation of decontamination (Cabinet Office) (217.9 billion yen)****Implementation of decontamination (Ministry of the Environment) (245.9 billion yen)**

[Initial draft budget for FY2012]

Decontamination and the elimination of radiation and health anxieties, etc. (a large part of the project costs will be used in Fukushima Prefecture)

- Living environment improvement projects in areas where evacuation orders are lifted, etc., in Fukushima [legal matters] (Reconstruction Agency) (4.2 billion yen)
- Implementation of decontamination of radioactive soil (Ministry of the Environment) 372.1 million yen, etc.

Industrial reconstruction, public works, etc. [Project costs are the total for the disaster-affected prefectures, and a certain portion of projects will be implemented in Fukushima Prefecture]

- Great East Japan Earthquake Reconstruction Grants (Reconstruction Agency) 1,847.9 billion yen (included in the FY2011 third supplementary budget)
- Public works, etc. (lump-sum appropriation to the Reconstruction Agency) 488.1 million yen, etc.

(2) Background of Diet deliberations, promulgation, and implementation

The Bill on Special Measures for the Reconstruction and Revitalization of Fukushima (hereinafter referred to as “Government Draft”) was approved by cabinet decision and submitted to the Diet on February 10, 2012. On March 6, 2012 the Special Committee on Reconstruction after the Great East Japan Earthquake explained the reasons for the proposal, and questions started the following day, March 7, but three parties, the Democratic Party of Japan (DPJ), the Liberal Democratic Party (LDP) and Komeito argued that there were insufficient points in the Government Draft and were central in discussions on revisions. The following day, March 8, draft amendments were submitted to the committee jointly by six Diet groups, including the DPJ, the LDP and Komeito, and the Government Draft excluding the draft amendments and other revisions was passed unanimously with a supplementary resolution attached. The same day, the amended bill was passed unanimously at a plenary session (House of Representatives).

The main amendments included: ① the addition of “the social responsibility of the national government” to the definition of purpose; ② the addition of “enabling each and every resident to overcome the disaster and live a fulfilling life” to the basic principles; ③ the addition of construction targets for reconstruction projects that can be implemented directly by the national government; ④ the addition of provisions related to examples of the content of health management surveys by Fukushima Prefecture and financial measures; and ⑤ the addition of the measures required to promote measures for the reconstruction and revitalization of Fukushima, such as “lifestyle stability.”

Subsequently, on March 26, at a meeting of the Special Committee on Reconstruction after the Great East Japan Earthquake (House of Councillors) the reason for proposal of the Government Draft and the purpose of the draft amendments were explained, questions were asked on March 27 and 28, and after more questions on March 29, the bill was passed with supplementary resolutions added. On March 30, the bill was passed unanimously by a plenary session (House of Councillors) and became established, and it was promulgated and enforced (with some exceptions) on March 31.

In addition, the supplementary resolution incorporated matters such as the reflection of the opinions of municipalities and disaster victims in each plan, the clarification and publication of concrete steps for reconstruction and revitalization, the procurement of the materials and equipment required for decontamination, etc., within the prefecture, the conclusion of the accident and the improvement of safety measures and treatment for workers as soon as possible, measures to eliminate discrimination caused by the nuclear disaster, special consideration for families evacuated in dispersed fashion, countermeasures against negative rumors, and discussions with local governments on ideal interim storage facilities and final disposal facilities.

The following points were the main points of discussion in Diet deliberations.

1) The responsibility of the national government in the reconstruction and revitalization of Fukushima

A number of members pointed out that the responsibility of the national government was referred to in the definition of the purpose in the Government Draft, but not clearly specified³². In response to this, Minister for Reconstruction Hirano replied, “Based on the idea that the national government should take responsibility for the reconstruction and revitalization of Fukushima, we have incorporated the provision that “the national government has the responsibility of comprehensively establishing policies for the reconstruction and revitalization of Fukushima following the nuclear disaster, and implementing them promptly and continuously.” and believe that has brought in our thoughts on the matter. However, with the aim of clarifying the position of “common recognition that the national government needs to provide better support to Fukushima based on its social responsibility,”³³³⁴ it was decided that the statement “under the social responsibility of the national government, which has proactively promoted its nuclear energy policy” would be incorporated in the definition of purpose in Article 1 under the draft amendment submitted jointly by the six Diet groups.

2) Addition of “Reconstruction ... of ... each and every resident” to the basic principles

The basic principles of the Government Draft stipulated to the effect that the issues facing Fukushima were to be resolved while respecting the diverse opinions of residents to promote the reconstruction and revitalization of Fukushima, including the realization of an “environment within which people can live with peace of mind and have and raise children.” In response to this, it was pointed out that there were doubts over whether all residents of Fukushima were within the scope of the law, including so-called voluntarily evacuees and prefectural residents who had transferred their resident records to different places, but wanted to return to Fukushima if they had the opportunity³⁵. Minister for Reconstruction Hirano replied that he shared the same view, and based on these discussions and with the ³⁶intention of aiming to restore the daily lives of all residents of Fukushima Prefecture as a basic principle of reconstruction, the statement “Reconstruction and revitalization of Fukushima must be achieved with the aim of enabling each and every resident to overcome the disaster and live a fulfilling life” was incorporated into the basic principles under the draft amendments.

3) Lifestyle stability

It was pointed out³⁷ that under the Government Draft, support for rebuilding the lives of people who were forced to evacuate by the nuclear power station accident, victims of damage caused by negative rumors and the like, and

³² Remarks by Masayoshi Yoshino (LDP), member of the Special Committee on Reconstruction after the Great East Japan Earthquake, House of Representatives, 180th Diet, (March 7, 2012) “I have read Article 1 of this law. The words ‘responsibility of the national government’ are not written therein. Article 3 says that the responsibility of the national government is to work hard, but it does not say what the responsibility of the national government is.”

³³ Explanation of the purpose by Masayoshi Yoshino (LDP), representative of the submitters of the “Draft amendments to the Bill on Special Measures for the Reconstruction and Revitalization of Fukushima” at the Special Committee on Reconstruction after the Great East Japan Earthquake, House of Representatives, March 8, 2012

³⁴ Remarks by Michiyo Takagi (Komeito), member of the Special Committee on Reconstruction after the Great East Japan Earthquake, House of Representatives, 180th Diet, (March 8, 2012) “It is true that the national government has had a social responsibility to promote nuclear energy policy until now, and it is natural for the national government to take the maximum possible measures for the reconstruction and revitalization of Fukushima, which suffered serious and significant damage from the recent nuclear disaster, based on such social responsibility. That is within the purpose of this law.”

³⁵ Remarks by Chizuko Takahashi (Communist), member of the Special Committee on Reconstruction after the Great East Japan Earthquake, House of Representatives, 180th Diet (March 7, 2012), “I would like to confirm that the Act on Special Measures for the Reconstruction and Revitalization of Fukushima is also for the revitalization of so-called voluntary evacuees, and prefectural residents who have transferred their resident records but would like to return to Fukushima if they have the opportunity.”

³⁶ Remarks by Chizuko Takahashi (Communist), member of the Special Committee on Reconstruction after the Great East Japan Earthquake, House of Representatives, 180th Diet (March 8, 2012), “The question is whether this basic philosophy can be embodied literally. All of the residents of Fukushima Prefecture, whose lives have been changed greatly by the nuclear power station accident and whose families have been torn apart are protagonists, and I hope that this special measures law will exist precisely to restore the daily lives of each and every one of them.”

³⁷ Remarks by Hideo Yoshiizumi (Socialist Party), member of the Special Committee on Reconstruction after the Great East Japan Earthquake, House of Representatives, 180th Diet (March 7, 2012), “Special measures have been taken for public works projects, industrial revitalization, and economic reconstruction, but this special measures law does not mention any support at all for rebuilding the lives of people who were forced to evacuate due to the nuclear power station accident, victims suffering due to damage caused by negative rumors or residents who lost their workplaces and their income.”

residents who lost their jobs may be weak in comparison to the special measures for public works, industrial revitalization and economic reconstruction. Minister for Reconstruction Hirano replied to the effect that the Government Draft was in response to the various damage caused by the nuclear accident, such as negative rumors, health damage and psychological damage, but provisions stating that the national government must take the measures required to stabilize the lives of evacuees from areas under evacuation orders and people residing again in zones where evacuation orders had been lifted, such as measures to stabilize employment, were incorporated due to the draft amendments.

4) Implementation of health management surveys

It was pointed out with regard to the implementation of health management surveys to eliminate anxieties over health due to radiation and to create a living environment in which people can live with peace of mind, that the switch to free medical care for people aged 18 and under through direct national government funding, which Fukushima Prefecture had been hoping for some time, had been postponed,³⁸ and that financial measures were required for funding for Fukushima Prefecture to implement health management surveys³⁹. Minister for Reconstruction Hirano replied to the effect that the government would like to respond if there were any amendments to the bill, based on their purpose, including the second supplementary budget for FY2011 and the budget measures⁴⁰ for funding in FY2012. After these discussions, Article 68 was newly established, stipulating that the national government should take the financial measures required for funds established by Fukushima Prefecture for health management surveys, etc. In addition, health checkups on thyroid cancer to children were specified as an example of the content of health management surveys that could be implemented by Fukushima Prefecture.

5) Efforts to prepare for the reconstruction and revitalization of areas aiming for the future return of residents

It was pointed out that various efforts for the reconstruction and revitalization of areas to which people will return are stipulated in the Government Draft, but nothing is stipulated for areas where returning would be difficult or areas to which people will be unable to return for the time being without completing decontamination⁴¹. Minister for Reconstruction Hirano replied that this was being considered by the government, including special legislation⁴², but the questioner was of the opinion that measures should be presented as soon as possible, and based on these discussions, “efforts such as preparing for the reconstruction and revitalization of zones where the aim is to realize

³⁸ Remarks by Kazumi Ota (DPJ), member of the Special Committee on Reconstruction after the Great East Japan Earthquake, House of Representatives, 180th Diet (March 7, 2012), “These remarks concern making medical care for people aged 18 and under, which the prefecture has called for strongly, free. It is truly regrettable that making medical care for children free has been postponed.” “I hear that there is a plan for amendments to be made (omission) in Article 68 of the special measures law so that the national government will take the necessary financial measures within the scope of the budget with regard to funds that Fukushima Prefecture establishes as those set forth in Article 241 of the Local Autonomy Act for the purpose of carrying out a health management survey or other projects necessary for protecting the health of children and other residents from the nuclear disaster.”

³⁹ Remarks by Michiyo Takagi (Komeito), member of the Special Committee on Reconstruction after the Great East Japan Earthquake, House of Representatives, 180th Diet (March 7, 2012), “Article 26 is about the measures required for the implementation of health management surveys, and the law states “The national government is to provide Fukushima Prefecture with technical advice and information or otherwise take the measures necessary for carrying out health management surveys.” I read “otherwise take the necessary measures” clearly as meaning financial measures, but what do you think?”

⁴⁰ Actually, under the “Fukushima Prefecture Health Management Fund,” which was established based on a grant of 78.1 billion yen from the national government to Fukushima Prefecture in the second supplementary budget of 2011 and compensation of 25 billion yen from TEPCO in January 2012, Fukushima Prefecture conducts health management surveys for all residents of the prefecture and thyroid tests, etc., for all residents of the prefecture aged 18 or younger.

⁴¹ Remarks by Masayoshi Yoshino (LDP), member of the Special Committee on Reconstruction after the Great East Japan Earthquake, House of Representatives, 180th Diet, (March 7, 2012) “If you read this law, what are the measures for people who have suffered damage and are in the most trouble, from areas that they cannot return to? The only thing they have is eligibility to enter reconstruction housing or public housing. Not being able to enter that housing without law reform is obvious, but this kind of thing is a matter of course. Naturally, of course they can enter reconstruction housing or public housing. After they do enter, what do we do? The thing I felt the most after reading this law from corner to corner was that there is absolutely nothing written about support measures from that point on.”

⁴² Remarks by Minister for Reconstruction Hirano at the Special Committee on Reconstruction after the Great East Japan Earthquake, House of Representatives, 180th Diet, (March 7, 2012) “The committee member has raised a very important problem and I am sorry to repeat myself with regard to it, but we have established various themes and are currently considering them earnestly within the government. To discuss that consideration further with the local governments affected by the disaster, we have just launched a council with related municipalities as discussed earlier, although we have not held any meetings recently. Every problem is a very large theme and each theme requires extensive, careful and rather detailed discussion. In the end, I think that if we need special legislation or separate laws based on this, we must also consider creating laws, depending on the case.”

the return of residents in the future, after the lifting of Evacuation Orders” was added to the Plan for Reconstruction and Revitalization of Zones where Evacuation Orders have been Lifted or are to be Lifted.

6) Introduction of renewable energy

There were opinions⁴³ related to the promotion of biomass power generation and offshore wind power generation, and the provision that the national government “is to take financial measures necessary for developing and introducing renewable energy, financial measures necessary for diversifying energy sources, or other measures as necessary” was added under the draft amendments.

7) Other

In light of the remarks that the government’s scrutiny of reconstruction grants is severe, there were opinions including that the autonomy and independence of local governments in Fukushima should be respected, that consideration should be given to local communities, and that it is necessary for the national government to transmit accurate information on the state of contamination by radioactive substances and their impacts on health⁴⁴, so provisions on these matters were added to the basic principles under the draft amendments.

(3) Overview of the act and details of measures

The specific content at the time of enactment was as follows (hereinafter, the article numbers and the content of the articles are those of the time and may differ from those of the current act). Please also refer to each section of Chapter 7 for the specific content and state of application of measures based on this act (see Chapter 2, Section 4, 3 for special provisions on taxation).

1) Overview and purpose

This act provides for the establishment of the Basic Guidelines for the Reconstruction and Revitalization of Fukushima, the reconstruction and revitalization of zones where evacuation orders have been lifted or are to be lifted, and special measures for the reconstruction and revitalization of industry following the nuclear disaster, to promote the reconstruction and revitalization of Fukushima following the nuclear disaster, taking into account the special circumstances Fukushima is placed in, having suffered serious and extensive damage due to the nuclear disaster.

In Article 1, the social responsibility of the national government is stated clearly at the beginning as the purpose of this act, namely “recognizing that the reconstruction and revitalization of Fukushima, which has sustained serious and vast damage due to the nuclear disaster, should be achieved based on the specific circumstances of the prefecture and under the social responsibility of the national government, which has proactively promoted its nuclear energy policy,” and it is indicated that the act “aims to facilitate the reconstruction and revitalization of Fukushima

⁴³ Remarks by Yozaburo Ishihara (DPJ/independent), member of the Special Committee on Reconstruction after the Great East Japan Earthquake, House of Representatives, 180th Diet, (March 7, 2012) “I think it may be necessary to promote biomass power generation to advance the decontamination of forests.”

Remarks by Hideo Yoshiizumi (Socialist), member of the Special Committee on Reconstruction after the Great East Japan Earthquake, House of Representatives, 180th Diet, (March 7, 2012) “The government decided at the third supplementary budget stage to build six offshore wind turbines off the coast of Fukushima as a symbol of the reconstruction of Fukushima Prefecture, and it was also decided to conduct a demonstration experiment for that purpose, so applications were invited, the project operator was determined, and the expectations of the people of the prefecture and of Japan have grown significantly. This is the world’s first floating offshore wind power generation system. However, this demonstration experiment has now reached a deadlock.”

⁴⁴ Remarks by Michiyo Takagi (Komeito), member of the Special Committee on Reconstruction after the Great East Japan Earthquake, House of Representatives, 180th Diet, (March 7, 2012) “It seems that people are saying that the Reconstruction Agency is an assessment agency and various other bad things about because it carries out strict assessments for the use of grants.” “For example, I think that provisions on the reconstruction of people, respect for the autonomy and independence of local governments in Fukushima, and consideration for the maintenance of local communities in Fukushima, things that my own party have asserted, should be included. In addition, in combination with that, I think it is particularly important to pay attention to transmitting accurate information from now on.”

following the nuclear disaster ...” by measures such as those described above, “... thereby facilitating smooth and prompt reconstruction in response to the Great East Japan Earthquake and contributing to the revitalization of a vibrant Japan, in line with the basic principles set forth in Article 2 of the Basic Act on Reconstruction in Response to the Great East Japan Earthquake.”

2) Basic principles and responsibility of the national government

Article 2 states as the basic principle that, in the reconstruction and revitalization of Fukushima following the nuclear disaster, there is an urgent need to create an environment where people can live with peace of mind and revitalize the social economy in view of the mass evacuation of residents due to the nuclear disaster, the prolongation of recovery, and the health concerns of residents due to radioactive materials, and the basic principles state with regard to those issues that “The reconstruction and revitalization of Fukushima following the nuclear disaster must be achieved ... while respecting the opinions of a diverse range of residents ...” including the socially vulnerable “... and with the aim of facilitating the revitalization of the local economy and restoring and maintaining strong bonds among local communities.”

In addition, following deliberations⁴⁵ in the Diet, the requirements that “Reconstruction and revitalization of Fukushima following the nuclear disaster must be achieved with the aim of reconstructing each and every resident,” “Policies for the reconstruction and revitalization of Fukushima following the nuclear disaster must be implemented, while respecting the independence and autonomy of local governments in Fukushima,” “Policies ... must be implemented while giving due consideration to the preservation of local communities in Fukushima,” and “special attention must be paid to the provision of accurate information concerning the status of contamination by radioactive materials and the impact thereof on human health, and the status of the reconstruction and revitalization of Fukushima following the nuclear disaster” were also stated clearly.

Article 3 states that the national government is responsible for comprehensively formulating measures for the reconstruction and revitalization of Fukushima following the nuclear disaster and implementing them promptly and continuously in accordance with the basic principles.

3) Basic Guidelines for the Reconstruction and Revitalization of Fukushima

Article 5 stipulates that the national government must establish basic guidelines for comprehensively promoting policies for the reconstruction and revitalization of Fukushima (hereinafter referred to as the “Basic Guidelines for the Reconstruction and Revitalization of Fukushima”), and that the basic guidelines stipulate the significance and goals of the reconstruction and revitalization of Fukushima, policies for facilitating the reconstruction and revitalization of zones where evacuation orders have been lifted or are to be lifted, and the policies and plans necessary for the revitalization of lives and industry.

4) Special measures for the reconstruction and revitalization of zones where evacuation orders have been lifted or are to be lifted

Chapter 3 of the Act provides that because local communities and industry have continued to be cut off for a long period of time in zones where evacuation orders have been lifted⁴⁶, and recovery and reconstruction are significantly more difficult compared to other areas, the national government is responsible for formulating a Plan for Reconstruction and Revitalization of Zones where Evacuation Orders have been Lifted or are to be Lifted, and must develop public facilities and restore the functions of public facilities. In addition, special provisions for taxation and special provisions for the Act on Public Housing in zones where evacuation orders have been lifted were established.

⁴⁵ Remarks by Michiyo Takagi (Komeito), member of the Special Committee on Reconstruction after the Great East Japan Earthquake, House of Representatives, 180th Diet, (March 28, 2012) “I have heard that in the process of their production, the basic principles established in the original government draft condensed the thoughts of the citizens of Fukushima Prefecture based on the opinions of the Governor of Fukushima Prefecture. While maintaining this basic philosophy, imbued with such thoughts, we have also sought opinions and thoughts directly from political representatives, the prefectural governor and many prefectural residents for this amendment. Based on that, we have added the four items pointed out so that this bill will contribute further to the reconstruction and revitalization of Fukushima.”

⁴⁶ This means zones where all evacuation orders issued by the Prime Minister, etc., in relation to the accident at the nuclear power plants that accompanied the earthquake that occurred off the Pacific coast of the Tohoku region on March 11, 2011 pursuant to Article 4, Item 2 of the Act on Special Measures for the Reconstruction and Revitalization of Fukushima have been lifted (zones where evacuation orders have been lifted) and zones where such evacuation orders are expected to be cancelled in the near future.

① Plan for Reconstruction and Revitalization of Zones where Evacuation Orders have been Lifted or are to be Lifted

Article 7 stipulates that the Prime Minister, based on a request from the Governor of Fukushima Prefecture, is to prepare a Plan for Reconstruction and Revitalization of Zones where Evacuation Orders have been Lifted or are to be Lifted and facilitate efforts for reconstruction and revitalization positively. Zones where evacuation orders have been lifted or are to be lifted are zones where the national government has issued instructions to local residents related to the eviction from and restriction on entry to the relevant zones based on the Act on Special Measures Concerning Nuclear Emergency Preparedness, and because there were ruptures in local communities and industrial infrastructure over a long period of time, and recovery and reconstruction had become significantly more difficult compared to other areas, it was necessary for efforts for their reconstruction and revitalization to be implemented at the responsibility of the national government so these plans are to be prepared by the Prime Minister. On the other hand, since specific matters of reconstruction and revitalization connected closely to areas within the prefecture are incorporated into plans, it was decided that plans would be based on applications made by the governor of Fukushima Prefecture upon hearing the opinions of the mayors of related municipalities. At such times, it is expected that the prefectural government will submit a concrete image of the plan.

② Direct implementation of prefectural or municipal projects by the national government

Article 8 through Article 16 stipulate that the national government may, on behalf of the prefecture or municipalities, implement directly reconstruction projects related to land improvement projects, fishing port and ground development projects, erosion control works, social capital development such as the construction and improvement of port facilities, and rural area development in areas subject to plans, and also simplify procedures to a certain degree. These measures were in view of the fact that the national government is basically responsible for the reconstruction and revitalization of Fukushima in line with the basic principles, and that financial support alone would be insufficient as local administrative functions have declined.

③ Living environment improvement projects

Article 17 provides that living environment improvement projects based on a Plan for Reconstruction and Revitalization of Zones where Evacuation Orders have been Lifted or are to be Lifted (cleaning and minor repairs of public facilities such as schools, hospitals, community centers, municipal government buildings, municipal roads and gas stations) may be implemented at the expense of the national government based on a request by the person managing said facilities. This is a measure in response to situations where public facilities, etc., in zones where evacuation orders have been lifted or are to be lifted have been unable to maintain and manage those facilities for a long period of time and they have become difficult to use.

④ Special provisions on taxation

Articles 18 and 19 provide special provisions for taxation on capital investment and employment in zones where evacuation orders have been lifted, subject to certain requirements.

⑤ Special provisions for the Act on Public Housing

Articles 20 through 22 provide for an increase in the national government subsidy rate in cases where public housing is constructed for lease, etc., to people who lived in housing in areas under evacuation orders at the time of the earthquake (hereinafter referred to as “Persons Subject to Residence Restrictions”), special provisions on the eligibility of tenants, and the shortening of the transfer restriction period for public housing. This is a measure to provide relief to evacuees from the nuclear disaster in the same way as to people whose houses were destroyed by the disaster, etc. In addition, Article 25 stipulates that Fukushima Prefecture and municipalities in areas under evacuation orders may establish a council for the stabilization of housing, with necessary related parties added, such as builders of public housing and the management entities of private rental housing.

Articles 23 and 24 establish special provisions for the operations of the Urban Renaissance Agency (UR) and the Japan Housing Finance Agency (JHF) to ensure the stable supply of housing for evacuees.

Many of the areas affected by the nuclear disaster in Fukushima Prefecture are cities or areas that do not fall under the definition of “large city or city central to regional society” of Article 3 of the Act on the Urban Renaissance Agency, or the definition of “areas that have already formed urban areas” of Article 11 of the same act so they required a new legal status similar to the special provisions in the Act on Special Zones for Reconstruction in Response to the Great East Japan Earthquake for UR to implement projects. Therefore, these provisions enabled UR to perform the services set forth in the items of Article 11, Paragraph (3) of the act limited to services related to the provision of houses and housing sites to designated returnees and Persons Subject to

Residence Restrictions based on consignment by local governments in Fukushima (results of these provisions: Ogawara district of Okuma Town; Shimonogami district of Okuma Town; and the district west of Futaba Station, Futaba Town, etc.).

5) Elimination of health concerns due to radiation, etc.

Chapter 4 of the act stipulates the implementation of health management surveys and other considerations for the elimination of health concerns due to radiation and the realization of a living environment within which people can live with peace of mind.

① Implementation of health management surveys

Articles 26 and 27 stipulate that, based on the Basic Guidelines for the Reconstruction and Revitalization of Fukushima, Fukushima Prefecture may conduct health management surveys (surveys to estimate radiation exposure, health checkups on thyroid cancer in children, etc.) of residents of the prefecture as of March 11, 2011, and that based on the consent of survey subjects, Fukushima Prefecture may receive the results of surveys directly from insurers that have implemented specified health checkups, etc. In addition, Article 28 stipulates that the national government shall take necessary measures such as providing technical advice and information for the implementation of health management surveys by the prefecture.

② Other consideration provisions

Articles 29 through 37 stipulate measures to be implemented by the national government, such as support for the promotion of health, etc., support for implementation of the measurement of the concentration of radioactivity in agricultural, forest and fisheries products, etc., prompt implementation of decontamination measures, etc., measures for the reduction of radiation exposure to children, etc., the promotion of surveys and research on the effects of radiation on the human body, etc., the promotion of public understanding, measures to ensure opportunities to receive education, and measures to secure medical care and welfare services.

6) Reconstruction and revitalization of industry following the nuclear disaster

Chapter 5 of the act stipulates that, in response to industries in Fukushima Prefecture being damaged by the nuclear disaster and facing great difficulties in revitalization due to negative rumors, etc., the governor of Fukushima Prefecture is to prepare a plan to facilitate the reconstruction and revitalization of industries damaged by the nuclear disaster (Plan for the Reconstruction and Revitalization of Industry), and receive approval from the Prime Minister to be eligible for special measures on regulations and procedures.

① Plan for the Reconstruction and Revitalization of Industry

Article 38 stipulates that if the governor of Fukushima Prefecture prepares a Plan for the Reconstruction and Revitalization of Industry and receives approval from the Prime Minister, the prefecture will be eligible for special measures on various regulations. Specifically, Articles 40 through 50 stipulate special measures for seven projects, including a Project for Fostering, etc., Fukushima Special Licensed Guide Interpreters, Projects for Creating Demand for Goods, etc., and Projects for Breeding New Varieties of Plants.

② Special provisions on taxation (relaxation of the regional requirements of the Act on Special Zones for Reconstruction in Response to the Great East Japan Earthquake)

Articles 51 and 52 relaxed the regional requirements for eligibility for the special provisions on taxation of the Act on Special Zones for Reconstruction in Response to the Great East Japan Earthquake (Act No. 122 of 2011) (Articles 37 through 40 and Article 43 of the act), aimed at support for business operators in the disaster-affected area, enabling eligibility for special provisions on taxation in association with the acquisition of commercial facilities and the employment of disaster victims in all areas of Fukushima Prefecture (abolished by the FY 2021 tax reform).

③ Consideration provisions for the reconstruction and revitalization of industry

Articles 53 through 57 establish measures for the reconstruction and revitalization of agriculture, forestry and fisheries, and small and medium-sized enterprises, measures for vocational guidance, etc., measures for the reconstruction and revitalization of Fukushima through the promotion of tourism, etc., and other measures for the reconstruction and revitalization of industry as other support measures by the national government.

7) Intensive promotion of efforts that contribute to the creation of new industries, etc.

Chapter 6 of the act stipulates that, based on the regional characteristics and requests of Fukushima Prefecture, Fukushima Prefecture will prepare an intensive promotion plan for the development of research and development bases for renewable energy related industries such as wind power, solar power and biomass, and for pharmaceuticals and medical devices, including the construction of the world's most advanced cancer treatment bases, and that the national government will promote the plan in an integrated manner after receiving approval from the Prime Minister.

Apart from Article 60, which stipulates with regard to the implementation of approved plans that special measures will be taken such as the transfer without charge of industrial sites by the Organization for Small & Medium Enterprises and Regional Innovation, Article 61 through Article 63 stipulate that the national government will take the necessary measures for the promotion of research, promoting corporate location, etc.

8) Measures necessary for the promotion of policies for the reconstruction and revitalization of Fukushima

In addition to the above measures, the following measures were established in Chapter 7 of the act, as measures necessary for the promotion of policies for the reconstruction and revitalization of Fukushima, based on amendments by the House of Representatives.

- Measures for stabilization of the lives of evacuees (Article 64)
- Comprehensive measures covering health, medical care, and welfare in the event that health damage resulting from exposure to radiation due to the nuclear power plant accident occurs in the future (Article 65)
- Financial measures for the development, etc. of renewable energy (Article 66)
- Utilization of reconstruction grants and other financial measures (Article 67)
- Financial measures pertaining to funds for protecting the health of residents (Article 68)
- Proper and prompt recommendations by the Minister for Reconstruction (Article 69)

9) Council for the Reconstruction and Revitalization of Fukushima following the Nuclear Disaster

Article 70 established the Council for the Reconstruction and Revitalization of Fukushima following the Nuclear Disaster, consisting of the Minister for Reconstruction, the governor of Fukushima Prefecture and other people to hold the necessary discussions on the promotion of the reconstruction and revitalization of Fukushima following the nuclear disaster. By doing so, the Council for the Reconstruction and Revitalization of Fukushima following the Nuclear Disaster, which had previously been held by the national government and related parties of Fukushima Prefecture, was positioned as a legal council.

10) Other

Article 71 clearly states that the provisions of this act do not preclude the national government from seeking compensation from a nuclear operator for the costs of measures based on this act for damages that the nuclear operator is liable to provide compensation for based on the provisions of the Act on Compensation for Nuclear Damage (Act No. 147 of 1961).

In addition, Article 2 of the Supplementary Provisions stipulates that the national government is to review the provisions of the act, including special provisions for taxation, within three years after the act comes into effect, while taking into account the state of reconstruction and revitalization of Fukushima and other factors, and giving consideration to the wishes of residents, and take the necessary measures promptly based on the results thereof if it finds there is a need to do so. The phrase "including special provisions for taxation" was added by the amendment of a Diet member.

Figure 2-3-70 Overview of the Act on Special Measures for the Reconstruction and Revitalization of Fukushima (at the time of enactment)

3-7 Systems for the reconstruction of Fukushima (3)



Act on Special Measures for the Reconstruction and Revitalization of Fukushima

March 30, 2012 Passed and enacted by the House of Councilors
March 31, 2012 Promulgation and enforcement (excluding some provisions)

Objectives, basic principles and responsibility of the national government

- Promotion of the reconstruction and revitalization of Fukushima, which suffered serious and significant damage due to the nuclear power station disaster, based on the special circumstances Fukushima was placed in and the social responsibility of the national government in association with its promotion of nuclear energy policy
- The basic principles include: the realization of an environment in which people can live and raise children with peace of mind; respect for the opinions of diverse residents; revitalization of the regional economy; the maintenance and revitalization of the bonds of the local communities of Fukushima; ensuring that each resident overcomes the disasters and leads a prosperous life; respect for the autonomy and independence of the local governments of Fukushima; the maintenance of local communities; and the provision of accurate information.
- Measures for the reconstruction and revitalization of Fukushima following the nuclear disaster will be formulated comprehensively, and implemented continuously and promptly as the responsibility of the national government

Basic Guidelines for the Reconstruction and Revitalization of Fukushima (cabinet decision)

- These are the basic guidelines on the comprehensive promotion of measures for the reconstruction and revitalization of Fukushima following the nuclear disaster. Matters established in the guidelines: The significance and goals of the reconstruction and revitalization of Fukushima, the basic policy of each support measure that the government should implement steadily, etc.
- Proposal by the governor of Fukushima Prefecture with regard to changes to the Basic Guidelines for the Reconstruction and Revitalization of Fukushima

Special measures for the reconstruction and revitalization, etc., of zones where evacuation orders have been lifted or are to be lifted

- "Plan for Reconstruction and Revitalization of Zones where Evacuation Orders have been Lifted or are to be Lifted" (determined by the national government based on submissions from the prefecture)
This is the plan to promote the reconstruction and revitalization of zones where evacuation orders have been lifted or are in preparation to be lifted, etc., in accordance with the basic guidelines.
Plan: The significance, targets and period of the plan, the reconstruction and revitalization of industry, development of public facilities such as roads and rivers, improvement of the living environment, efforts for preparation after the lifting of evacuation orders for zones aiming for the future return of residents, etc.
- Taking over of the construction of public facilities by the national government, etc. (land improvement, fishing ports, erosion control, ports, roads, coasts, landslide prevention, rivers, steep slope failure prevention)
- Implementation of living environment improvement projects such as the cleaning of public facilities by the national government
- Special provisions on taxation (with respect to business operators located in areas subject to evacuation)
 - Special depreciation of business equipment, etc. (immediate depreciation for five years from the date of cancellation)
 - Tax deductions for employing disaster-affected people (deduction of 20% of salary payment for five years from the date of confirmation; 10% for special reconstruction zones)
 (Note) Extension of tax exemption measures for fixed asset taxes in areas subject to evacuation as a measure of the amendments to the Local Tax Act
- Securing stable housing for evacuees through special provisions on eligibility to move into public housing

Measures for the elimination of health concerns due to radiation and the realization of living environments in which people can live with peace of mind

- Necessary measures related to the implementation of health management surveys, such as the estimation of radiation exposure doses and the screening of children for thyroid cancer, and financial and other measures to support measures to promote health, etc.
- Support for the measurement of radioactivity concentration in agricultural, forestry and fisheries products, etc., prompt implementation of decontamination measures, etc., and measures to eliminate health anxieties about children, etc., due to radiation
- Promotion of research and development on the impacts of radiation on the human body, etc., and enhancement of public understanding
- Measures to secure opportunities to receive education, measures to secure medical care and welfare services, etc.

Reconstruction and revitalization of industry following the nuclear disaster

- "Plan for Reconstruction and Revitalization of Industry" (prepared by the prefecture and approved by the national government)
The plan to promote the reconstruction and revitalization of industry in Fukushima damaged by the nuclear power station disaster in accordance with the basic guidelines
Plan: Objectives of the plan, details of efforts for achievement of the objectives, details of special provisions for regulations and procedures to be applied, and matters related to implementing entities
- Special provisions on regulations, procedures, etc. (reduction of or exemption from registration fees and application fees for Fukushima Special Licensed Guide Interpreters and local brands (trademarks, variety), one-stop processing of permits and approvals related to geothermal resource development and the improvement of distribution functions, etc.)
- Submission of proposals on new special measures on regulations, and special opinions on the reconstruction and revitalization of Fukushima
- Measures to enable all municipalities in Fukushima Prefecture to formulate reconstruction promotion plans, including the special provisions on taxation of the Act on Special Zones for Reconstruction (*) (under the Act on Special Zones for Reconstruction, these apply to areas where a large number of disaster victims were forced to leave their jobs or where production bases were severely damaged due to the Great East Japan Earthquake)
 - Special depreciation of business equipment, etc. (extension of the period of application of immediate depreciation by two years), partial tax deduction for salary payments to disaster-affected employees, etc., tax system for research and development, tax system for promoting new corporate location, etc.
- Reconstruction and revitalization of agriculture, forestry and fisheries (support for the expansion of consumption, development of production infrastructure, rationalization of processing and distribution, use of regional resources, etc.), reconstruction and revitalization of SMEs (support for securing funds, developing human resources, promotion of research and development, etc.), stabilization of employment (vocational guidance, employment placement, vocational training, etc.), promotion of tourism (support for the promotion of passenger visits, enhancement of the attractiveness of tourist spots, advertising in Japan and overseas, and the promotion of international exchanges), etc.

Intensive promotion of efforts that contribute to the creation of new industries, etc.

- "Priority Promotion Plan" (prepared by the prefecture and approved by the national government)
This is a plan to promote with priority efforts that contribute to the creation of new industries and the strengthening of the international competitiveness of industries, and other efforts aimed at advanced measures through the use of renewable energy sources and the development of centers for research and development on pharmaceuticals and medical devices in accordance with the basic guidelines.
Plan: Area, objectives and period of the plan, and details of efforts for achievement of the objectives
- Free transfer of factory land managed by SME Support Japan, promotion of research and development (support for the promotion of advanced research and development, use of results, etc.), promoting corporate location (support for the promotion of location, development and securing of human resources), etc.

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Measures necessary for the promotion of policies for the reconstruction and revitalization of Fukushima

- Measures to stabilize the lives of people who have evacuated from areas under evacuation orders and people living again in areas where evacuation orders have been lifted
- Comprehensive measures covering health, medical care and welfare, financial measures for the development, etc., of renewable energy, use of reconstruction grants and other financial measures, financial measures, etc., related to funds to protect the health of residents, etc.
- Proper and prompt recommendations by the Minister for Reconstruction

Council for the Reconstruction and Revitalization of Fukushima following the Nuclear Disaster

- A council consisting of the Minister for Reconstruction, the governor of Fukushima Prefecture and other related people from the national government and Fukushima was organized and held the required discussions.

Other (consideration of reviews)

- Consideration of legal provisions, including special provisions on taxation, within three years after enforcement, taking into account the state of reconstruction and revitalization of Fukushima, etc., and bearing in mind the wishes of Fukushima residents

(Reference) Major budgets related to the reconstruction and revitalization of Fukushima**[FY2011 second and third supplementary budgets]****Establishment of the Fukushima Prefecture Nuclear Power Station Disaster Reconstruction Fund (about 384 billion yen)**

- Development of international medical centers, development bases, etc., and revitalization of regional medical care (Ministry of Education, Culture, Sports, Science and Technology, Ministry of Health, Labor and Welfare, Ministry of Economy, Trade and Industry) 69 billion yen
- Subsidy for corporate location for industrial reconstruction (Ministry of Economy, Trade and Industry) 170 billion yen, etc.

Flexible responses through additional budgetary measures using existing systems (about 150 billion yen)

- Research and development of renewable energy and related facility development (Ministry of Economy, Trade and Industry) within 100 billion, etc.

Establishment of the Fukushima Prefecture Nuclear Power Station Disaster Victims' and Children's Health Management Fund (Cabinet Office/Ministry of the Environment) (96.2 billion yen + within 321.7 billion yen)**[Initial budget for FY2012]****Decontamination and the elimination of radiation and health anxieties, etc.** (a large part of the project costs will be used in Fukushima Prefecture)

- Living environment improvement projects in areas where evacuation orders are lifted, etc., in Fukushima [legal matters] (Reconstruction Agency) 4.2 billion yen
- Decontamination of soil contaminated by radioactive materials, etc. (Ministry of the Environment) 372.1 billion yen, etc.

Industrial reconstruction, public works, etc. [Project costs are the total for the disaster-affected prefectures, and a certain portion of projects will be implemented in Fukushima Prefecture]

- Great East Japan Earthquake Reconstruction Grants (Reconstruction Agency) 1,847.9 billion (included in FY2011 third supplementary budget)
- Public works, etc. (lump-sum appropriation to the Reconstruction Agency) 488.1 billion yen, etc.

Source) Current Status and Efforts of Reconstruction [June 11, 2012] p.53-55

<https://www.reconstruction.go.jp/topics/120611torikumitogenjo.pdf> (browsed July 14, 2023)

(4) Background and overview of amendments

1) Overview

The Act on Special Measures for the Reconstruction and Revitalization of Fukushima (hereinafter referred to as the “Fukushima Special Measures Act”) was amended substantially by the revision acts of 2013, 2015, 2017 and 2020 before the first reconstruction/revitalization period ended. In addition, during the second reconstruction/revitalization period, apart from the Act Related to the Establishment of the Fukushima Institute for Research, Education and Innovation (F-REI) being amended in June 2022, a bill to revise the law related to the establishment of a system allowing the establishment of “specified living areas for returnees (SLAR)” in the area outside the specified reconstruction and revitalization bases area (SRRBA) aimed at the return of residents based on the lifting of evacuation orders and the rebuilding of the lives of those residents after their return was submitted to the Diet in February 2023.

Figure 2-3-71 Main amendments to the Fukushima Special Measures Act

Enactment date	Revision act	Item
April 26, 2013	Act on Partial Revision of the Act on Special Measures for the Reconstruction and Revitalization of Fukushima (Act No. 12 of 2013)	<ul style="list-style-type: none"> • Formation of living bases for long-term evacuees (Establishment of subsidy for formation of living bases) • Reconstruction and revitalization of public infrastructure (Enhancement of areas subject to national government agency for public works projects) • Further promotion of the establishment of new businesses through special provisions on taxation, etc. (Addition for new business operators, etc.)
April 24, 2015	Act on Partial Revision of the Act on Special Measures for the Reconstruction and Revitalization of Fukushima	<ul style="list-style-type: none"> • Establishment of a collective reconstruction and revitalization base development system • Establishment of the Subsidy for Improvement of Returning Environment

	(Act No. 20 of 2015)	<ul style="list-style-type: none"> • Special Provisions on Taxation to Support Business Resumption (Reserve for Fukushima Resumption Investment, etc.)
May 12, 2017	Act on Partial Revision of the Act on Special Measures for the Reconstruction and Revitalization of Fukushima (Act No. 32 of 2017)	<ul style="list-style-type: none"> • Establishment of a planning system for promoting the reconstruction and revitalization of specified reconstruction and revitalization bases area (SRRBA) • Reinforcement of the structure for joint public-private teams • Legalization of the promotion of the “Fukushima Innovation Coast Framework” • Measures to eliminate harmful rumors
June 5, 2020	Act Partially Amending the Act for Establishment of the Reconstruction Agency, etc. (Act No. 46 of 2020)	<ul style="list-style-type: none"> • Promotion of migration, etc. in addition to repatriation • Acceleration of the resumption of agricultural business • Promotion of industrial clusters centered on the implementation of the Fukushima Innovation Coast Framework • Measures to address harmful rumors • Establishment of a system in which Fukushima Prefecture prepares a plan for the reconstruction and revitalization of Fukushima and receives approval of the national government

* Please also refer to each section of Chapter 7 for the specific content and state of application of measures based on this act (see Chapter 2, Section 4, 3 for special provisions on taxation).

2) The revision act of 2013

a. Overview

The details of the main revisions of the Act on Partial Revision of the Act on Special Measures for the Reconstruction and Revitalization of Fukushima (Act No. 12 of 2013), which was promulgated and came into effect on May 10, 2013, are as follows.

- ① Grants for the formation of living bases were established to provide support in an integrated manner for infrastructure development, including the development of public housing, and soft projects for the improvement of living environments and the maintenance of communities to form living bases for long-term evacuees.
- ② The areas subject to public works carried out on behalf of municipalities, etc., and living environment improvement projects by the national government were expanded and the act made it possible to implement projects even in areas subject to evacuation orders (excluding the no-entry zone) where it is recognized they are particularly necessary for the reconstruction and revitalization of zones where evacuation orders have been lifted or are to be lifted.
- ③ Under certain conditions, special provisions for taxation on capital investment and employment, etc., can be applied in areas within zones where evacuation orders have been lifted and where the location of companies that conduct business, etc., that contributes to the securing of employment opportunities should be promoted (zones for promotion of business location).

b. Background and passage of the revisions

The Fukushima Special Measures Act was enacted, and the Basic Guidelines for the Reconstruction and Revitalization of Fukushima were approved by cabinet decision on July 13, 2012. In addition, a Plan for Reconstruction and Revitalization of Zones where Evacuation Orders have been Lifted or are to be Lifted was submitted by the governor of Fukushima Prefecture on February 13, 2013 and the Prime Minister prepared this on March 19, 2013. Meanwhile, on September 4, 2012, based on requests from Fukushima Prefecture and related municipalities, the Reconstruction Agency presented the “National Policy on Efforts for Nuclear Disaster Victims and Local Governments in Evacuation Areas Due to the Nuclear Power Plant Accident” (Grand Design),⁴⁷ the

⁴⁷ Press release by the Reconstruction Agency “National Policy on Efforts for Nuclear Disaster Victims and Local Governments in Evacuation Areas Due to the Nuclear Power Plant Accident” (Grand Design) (September 4, 2012) <https://www.reconstruction.go.jp/topics/20150203092246.html> (browsed July 19, 2023)

stance of the national government towards the reconstruction of evacuation areas about 10 years later.

In parallel, areas under evacuation orders were gradually reorganized, evacuation orders for emergency evacuation preparation zones were lifted so it became possible for people to return, and the resumption of projects was also allowed in restricted residential areas and areas under preparation for lifting evacuation orders. Because of this, it was necessary to accelerate the development of social infrastructure and the reconstruction of industry in the region for future returns. On the other hand, the evacuation of residents in areas under evacuation orders continued, and securing a stable life in the evacuation area and maintaining pre-accident local communities were also issues.

In such circumstances, the second Abe administration was inaugurated in December 2012, “earthquake reconstruction” was repositioned as one of the most important issues, along with “economic revitalization” and “crisis management,” and measures were advanced to accelerate reconstruction in Great East Japan Earthquake disaster-affected areas, and to accelerate the reconstruction and revitalization of Fukushima in particular. On February 1, 2013, the “Fukushima Headquarters for Fukushima Reconstruction and Revitalization,” headed by the Minister for Reconstruction, was established with top officials stationed to work there, and in Tokyo too, the “Tokyo Headquarters for Fukushima Reconstruction and Revitalization,” with the Minister for Reconstruction commanding the director-generals of related ministries and agencies directly, was established. As a result, the so-called “Fukushima-Tokyo twin headquarters structure” was realized and the government structure related to the reconstruction of Fukushima was strengthened (see Chapter 2, Section 2, 4 for details of the strengthening of this system).

With regard to reconstruction-related budgets, it was decided that both the FY2012 supplementary budget and the FY2013 initial budget would be integrated to speed up and accelerate reconstruction in disaster-affected areas. The budgets for reconstruction and revitalization following the nuclear power disaster included “Projects for improvement of the living environment in zones where evacuation orders have been lifted or are to be lifted in Fukushima” that supported the functional recovery of public facilities, etc., “Grants for the formation of living bases for long-term evacuees (tentative name)” that promote the development of disaster public housing, roads, school facilities, etc., in local authorities that accepted long-term evacuees, “Fukushima permanent residence emergency support grants (tentative name)” that supported the development of child-rearing environments (development of public rental housing, indoor sports facilities, playground equipment, etc.), and the “Project to accelerate the return to and revitalization of the evacuation zone following the Fukushima nuclear disaster” for control of regional devastation and conservation measures for the return of residents, and with efforts for decontamination and the installation of interim storage facilities, support for the resumption of farming and renewable energy, the establishment of a Centre for Environmental Creation, and measures against harmful rumors, etc., also added, 70.6 billion yen was allocated in the FY2012 supplementary budget and 726.4 billion yen was allocated in the FY2013 initial budget.

The revision of the Fukushima Special Measures Act was necessary for the acceleration of these efforts for the reconstruction and revitalization of Fukushima and the realization of the measures incorporated into the draft budget and the outline of tax reform, and following explanations to Fukushima Prefecture at forums such as the “Council for the Reconstruction and Revitalization of Fukushima following the Nuclear Disaster” on February 17, 2013, the “Bill on Partial Revision of the Act on Special Measures for the Reconstruction and Revitalization of Fukushima” was approved by cabinet decision and submitted to the Diet on March 8.

c. Background of Diet deliberations, promulgation, and implementation

On April 2, 2013, at a meeting of the Special Committee on Reconstruction after the Great East Japan Earthquake (House of Representatives), the reason for proposal of the revision bill was explained, Q&A, a vote, and the adoption of supplementary resolutions took place the following day, April 3, and the day following that, April 4, the bill was passed unanimously at a plenary session (House of Representatives). On April 19, at a meeting of the Special Committee on Reconstruction after the Great East Japan Earthquake (House of Councillors) the reason for proposal of the revision bill was explained, and after Q&A on April 25, a motion to amend⁴⁸ proposed by The People’s Life Party was rejected, and the original bill was passed unanimously and supplementary resolutions attached. The following day, April 26, the bill was passed unanimously by a plenary session (House of Councillors) and became established, and it was promulgated and enforced on May 10.

The supplementary resolution included taking measures promoting harmony with the local community, such as exchanges between long-term evacuees and residents of evacuation destinations, consideration of the burden on evacuation-destination municipalities providing public infrastructure and services, consideration of the radiation exposure of people working in difficult-to-return zones, and taking measures required with regard to the extinctive

⁴⁸ An amendment proposal to limit the areas subject to special tax provisions for business operators to zones where evacuation orders have been lifted.

prescription of rights to claim compensation for damages related to the accident at the TEPCO Fukushima Daiichi Nuclear Power Station.

The following points were the main points of discussion in Diet deliberations.

ア) Grants for the Formation of Living Bases for Long-Term Evacuees

Questions were asked about facilities that could be developed under formation of living base projects at the evacuation destinations of long-term evacuees⁴⁹, and Minister for Reconstruction Nemoto replied that disaster public housing, roads, school facilities, nursing facilities, child-rearing facilities, etc., would be covered by the grants.

イ) Expansion of the taking over of public works by the national government and areas subject to living environment improvement projects

There was a question regarding expanding the areas subject to public works carried out on behalf of municipalities by the national government and living environment improvement projects about the safety of the activities of decontamination workers working in the expanded areas⁵⁰, and a government witness replied to the effect that they wanted to proceed with the work in accordance with rules so that safety was ensured, such as decontaminating facilities in advance to reduce radiation levels and managing workers' radiation exposure and recording the results.

ウ) Tax incentives for promoting corporate location

A question was asked with regard to inducing general business operators to restricted residential areas, etc., through special taxation measures about whether there was any problem with the safety of employees, etc. A government witness replied that municipalities permit the business activities of general business operators on an exceptional basis after obtaining the confirmation of the national government, and that the conditions for permission include requiring the area to have an annual cumulative radiation dose that does not greatly exceed 20 mSv, that the area to be decontaminated with priority and work to basically be carried out indoors, thereby avoiding exposing general business operators to danger⁵¹. In addition, Minister for Reconstruction Nemoto replied that 22 of the disaster-affected business operators had already resumed business in restricted residential areas as of March 2013, that it was necessary to provide business operators with support, and that it was necessary to supplement gas stations to proceed with restoration projects.

d. Details of the revision act

ア) Overview and purpose

Grants for the formation of living bases will be established, the areas subject to public works carried out on behalf of municipalities and living environment improvement projects by the national government will be expanded, and the subjects of tax incentives in zones where evacuation orders have been lifted will be expanded, etc., to further promote the reconstruction and revitalization of Fukushima.

(Hereinafter, the article numbers and the content of articles are those of the time and may differ from the current act.)

⁴⁹ Remarks by Michiyo Takagi (Komeito), member of the Special Committee on Reconstruction after the Great East Japan Earthquake No.5, House of Representatives, 183rd Diet, (April 3, 2013), "With regard to the grants for projects for the formation of living bases of this bill, Article 35, Paragraph 2-3 states 'other projects established by ordinance of the Reconstruction Agency' as 'projects for the formation of living bases for Persons Subject to Residence Restrictions' and I think nursing care, childrearing, medical care, etc., can be considered as items that should be described in this plan. In addition, whether or not it is possible to establish a complex of disaster reconstruction housing and such facilities on the same site," etc.

⁵⁰ Remarks by Izumi Yoshida (DPJ), member of the Special Committee on Reconstruction after the Great East Japan Earthquake No.5, House of Representatives, 183rd Diet, (April 3, 2013), "Basically, because it has just been said that these are areas where residence is restricted and probably nobody is living there, they are areas where there is 20 mSv or more annually, aren't they? Now, construction or cleaning has to be carried out, but safety has to be ensured too, so I would like to ask how you can balance those."

⁵¹ Remarks by a government witness at the Special Committee on Reconstruction after the Great East Japan Earthquake No. 4, House of Councillors, 183rd Diet (April 25, 2013) "With regard to the conditions for permission, permission is granted with certain conditions attached, requiring that, for example, the area must be one where the annual cumulative radiation dose must not greatly exceed 20 mSv, the area must be decontaminated with priority, and work is basically carried out indoors, and employee radiation doses must be managed thoroughly so I do not think general business operators will be exposed to danger."

イ) The formation of living bases for long-term evacuees

Grants for the formation of living bases were established to provide support financially in an integrated manner for infrastructure development, including public housing, and soft projects for the improvement of living environments and the maintenance of communities by Fukushima Prefecture, etc., to form living bases for long-term evacuees.

Article 35 establishes that the governor of Fukushima Prefecture and the mayor of an evacuation-destination municipality may jointly prepare a Plan for a Living Base Formation Project for the development of public housing and other projects that will form a living base for Persons Subject to Residence Restrictions within the area of the evacuation-destination municipality. The plan establishes projects related to the development and management of public housing, projects for the formation of living bases for Persons Subject to Residence Restrictions, and projects or administrative work, etc., to increase the effects of these projects.

Article 36 establishes the grant projects for the formation of living bases based on the plan and the granting of subsidies by the national government, and Article 37 establishes consideration for the stability of the lives of Persons Subject to Residence Restrictions when establishing living bases.

ウ) Reconstruction and revitalization of public infrastructure

Of the public works carried out on behalf of municipalities, etc., and living environment improvement projects by the national government based on a Plan for Reconstruction and Revitalization of Zones where Evacuation Orders have been Lifted or are to be Lifted, the act made it possible to implement projects even in areas subject to evacuation orders (excluding the no-entry zone), not only those where evacuation orders have been lifted or are to be lifted, where it is particularly necessary for the reconstruction and revitalization of zones where evacuation orders have been lifted or are to be lifted.

エ) Plan for the Promotion of Business Location and measures based thereon, etc.

The special tax measures applied in cases where business operators in zones subject to evacuation orders resume business in a zone where evacuation orders have been lifted will also apply to business operators who resume business in areas under preparation for lifting evacuation orders and restricted residential areas.

Moreover, new business operators who conduct business in these areas will also be able to receive the same special tax measures. The new business operators subject to application were those certified by the governor of Fukushima Prefecture as meeting certain requirements, such as having a business implementation plan that complies with the Plan for the Promotion of Business Location prepared by Fukushima Prefecture, and conducting business that contributes to the securing of employment opportunities or other business that contributes to the reconstruction and revitalization of zones where evacuation orders have been lifted or are to be lifted.

Figure 2-3-72 Overview of the revision bill of 2013

Overview of the Act for Partial Revision of the Act on Special Measures for the Reconstruction and Revitalization of Fukushima



March 2013

~ Creation and expansion of measures to accelerate the reconstruction and revitalization of Fukushima

The formation of living bases for long-term evacuees

Establishment of Grants for the Formation of Living Bases (FY2013 budget)

- Recipients: Fukushima Prefecture, municipalities accepting evacuees, etc.
- Subjects: Development of the hard aspects required in association with acceptance, centered on the development of public housing, and the soft projects carried out together with these

Reconstruction and revitalization of public infrastructure

Expansion of the taking over of public works projects by the national government and the areas subject to living environment improvement projects

Current

- Areas where evacuation orders have been lifted
- Areas under preparation for lifting evacuation orders

After amendment

- Restricted residential areas
- Difficult-to-return zone
- * Projects that are necessary for the functional recovery, etc., of wide-area infrastructure facilities and the return of residents, etc.

Further promotion of corporate location

Expansion of the subjects of tax incentive measures in areas where evacuation orders have been lifted

Current

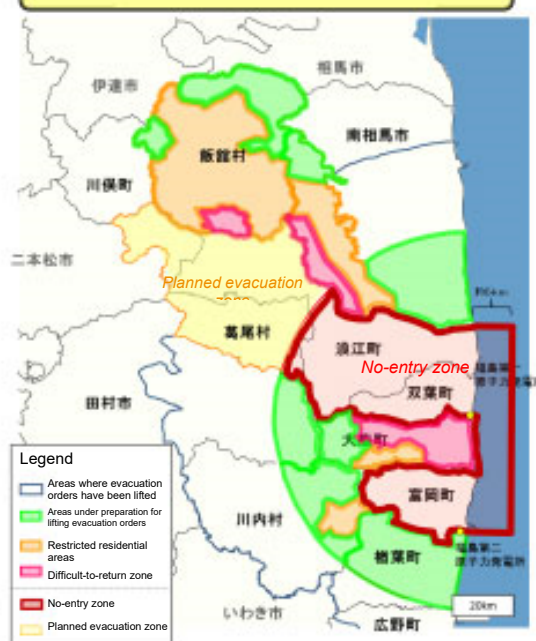
- Subject business operators: existing business operators
- Subject areas: Areas where evacuation orders have been lifted

After amendment

- Subject business operators: Newly located business operators added
- Subject areas: Areas under preparation for lifting evacuation orders, restricted residential areas added

- * Special depreciation of business equipment
Tax deductions, etc., if hiring disaster victims

Conceptual map of the no-entry zone and areas under evacuation orders (as of November 30, 2012)



* Date of entry into force: date of promulgation

3) The revision act of 2015

a. Overview

The details of the main revisions of the Act on Partial Revision of the Act on Special Measures for the Reconstruction and Revitalization of Fukushima (Act No. 20 of 2015), which was promulgated and came into effect on May 7, 2015, are as follows.

- ① With regard to areas within zones where evacuation orders have been lifted or are to be lifted, where forming a reconstruction and revitalization base urban area is recognized to be necessary to achieve smooth and prompt reconstruction and revitalization, it was made possible to establish facilities for the formation of collective reconstruction and revitalization urban bases in city plans.
- ② The subsidy for improvement of returning environment was established to be allocated to the expenses required for the implementation of land readjustment projects, projects for the development of facilities for the formation of collective reconstruction and revitalization urban bases, and other projects that develop the environment to promote the return of residents.
- ③ An individual business operator or corporation whose place of business was located in a zone subject to a certain evacuation order as of March 11, 2011, and who intends to newly establish, expand, renew or repair facilities or equipment to be used in projects for the promotion of reconstruction and revitalization in zones where evacuation orders have been lifted or are to be lifted, may be subject to special provisions on taxation pursuant to the provisions of the Act on Temporary Special Provisions of Acts Related to National Tax, in Relation to Victims, etc. of the Great East Japan Earthquake, if it has accumulated a reserve fund to allocate to expenditure for the expenses required for the new establishment, etc., of said facilities.

b. Background and passage of the revisions

Following the promulgation of the revision act in May 2013, on December 20, 2013, “Toward Accelerating the Reconstruction of Fukushima Following the Nuclear Disaster” (approved by cabinet decision on December 20, 2013) was formulated as the national government’s guideline for the reconstruction of Fukushima, and policies were established to: ① support Fukushima in terms of both the early return of evacuees and the start of new lives; ② strengthen efforts for returning to normal after the accident at the TEPCO Fukushima Daiichi Nuclear Power Plant; and ③ accelerate the revitalization of Fukushima with the national government at the forefront. It was decided that the national government would begin to consider the future of Futaba District and other areas under evacuation orders from a medium to long-term and wide-area perspective. In response to these developments, the Fukushima International Research Industry City (Innovation Coast) Framework Association (chaired by State Minister of Economy, Trade and Industry Akabane) was established on January 21 of the following year, 2014, the association put together the “Fukushima Innovation Coast Framework” on June 23, 2014, aimed at building a new industrial base in the Hamadori region and urban development from a wide-area perspective, and this was also positioned in the “2014 Basic Policy on Economic and Fiscal Management and Reform” (approved by cabinet decision) the following day, June 24. In addition, in December 2014, the “Expert Study Group on the Future Image of 12 Municipalities of Fukushima” was established at the Reconstruction Agency and started on consideration of the future image of the region, including the specific vision of industry, medical care and urban planning for the revitalization of the region that would enable an early return aiming for 2020.

Meanwhile, the evacuation order for Tamura City was lifted in April 2014, the evacuation order for part of Kawauchi Village was lifted in October the same year, and in municipalities such as Okuma Town, moves to return to zones where evacuation orders have been lifted or are to be lifted progressed, such as reconstruction plans being prepared. Against this backdrop, on November 27, 2014, Fukushima Prefecture asked the national government to revise the Fukushima Special Measures Act to accelerate the new community development in evacuation areas and the resumption of business in hometowns, ahead of March 2015, the timing for the review of the act within three years after its enforcement⁵². The request called for the creation of a new business system for the prompt development of bases for the lives of residents returning to their hometowns and the revitalization of the local economy (reconstruction bases within towns), including the Ogawara district of Okuma Town, and the realization of a “reserve fund for investment in the resumption of Fukushima” tax system for the resumption of business by local companies, the government considered the request, and on February 17, 2015, a bill for partial revision of the Act on Special Measures for the Reconstruction and Revitalization of Fukushima was approved by cabinet decision and

⁵² “Urgent Request for Revision of the Act on Special Measures for the Reconstruction and Revitalization of Fukushima” by Governor Masao Uchibori of Fukushima Prefecture, November 27, 2014
<https://www.pref.fukushima.lg.jp/uploaded/attachment/374285.pdf> (browsed July 19, 2023)

submitted to the Diet to take measures such as the establishment of a collective reconstruction and revitalization base development system and a subsidy for improvement of returning environment.

c. Background of Diet deliberations, promulgation, and implementation

On March 26, 2015, at a meeting of the Special Committee on Reconstruction after the Great East Japan Earthquake (House of Representatives), the reason for proposal of the revision bill was explained, Q&A, a vote, and the adoption of supplementary resolutions took place on April 2, and the bill was passed at a plenary session (House of Representatives) on April 7. Subsequently, on April 15, at a meeting of the Special Committee on Reconstruction after the Great East Japan Earthquake and Nuclear Power Issues (House of Councillors), the reason for proposal of the revision bill was explained, Q&A, a vote, and the adoption of supplementary resolutions took place on April 22, the bill was passed by a majority at a plenary session (House of Councillors) on April 24, and it was promulgated and came into force on May 7.

The supplementary resolutions included matters such as consideration so that many municipalities could use the collective reconstruction and revitalization base development system, flexible operation of the subsidy for improvement of returning environment, the promotion of returns respectful of the wishes of residents, and the securing of a budget and human resources for reconstruction support from FY2016 on.

The following points were the main points of discussion in Diet deliberations.

ア) The ideal form of a collective reconstruction and revitalization base development system

There was a question with regard to the collective reconstruction and revitalization base development system of the revision bill, positioning that the Ogawara district of Okuma Town, for which a reconstruction and revitalization base is already being considered, was taken into consideration when considering the bill and asking whether it would be difficult to use the system anywhere else⁵³, in response to which Minister for Reconstruction Takeshita answered that they had use of the reconstruction and revitalization base system in municipalities other than Okuma Town in mind, and were also assuming use of the system in Futaba Town, which of course has a reconstruction and revitalization base concept.

イ) Development of the environment necessary for the return of residents

In response to the question that given that the assumed population of the collective reconstruction base is limited to about 3,000 people, and the willingness of evacuees to return has declined year by year, will reconstruction really be any better with this level of assumed population⁵⁴, State Minister for Reconstruction Hamada answered that according to the survey of Okuma Town residents' intentions, the number of households wishing to return has increased by about 5% compared to the survey in 2013, including expectations for the Ogawara reconstruction base, and that they wanted to continue grasping the wishes of residents carefully, and to advance the commercialization of the reconstruction base in stages in accordance with needs. In response, the questioner expressed the opinion that the development of a wide-area return environment was required in light of the declining population in the region.

ウ) Securing of financial resources for reconstruction after the concentrated reconstruction period ends

In response to Fukushima Prefecture announcing on April 21, during the Diet session, an estimate that the total reconstruction project costs of the national government, the prefecture and municipalities combined would reach at least 3.57 trillion yen over the five-year period from FY2016, after the end of the national government's

⁵³ Remarks by Yuichi Mayama (Komeito) at the Special Committee on Reconstruction after the Great East Japan Earthquake No. 4, House of Representatives, 189th Diet (April 2, 2015) "On the other hand, I have heard concerned people saying that it may be difficult to use the system anywhere other than the Ogawara district, where use is in mind. Therefore, I think that the wide-ranging use of the subsidy for improvement of returning environment, including this collective reconstruction and revitalization base development system, should be allowed based on the needs of municipalities, and I would like to ask for the opinion of the Minister for Reconstruction on the improvement of the returning environment."

⁵⁴ Remarks by Shinji Oguma (Japan Innovation Party), member of the Special Committee on Reconstruction after the Great East Japan Earthquake No.4, House of Representatives, 189th Diet, (April 2, 2015), "I really find it very difficult to eliminate the doubt that this town, which has had a population of 10,000 or 20,000 people to this point, will really be revived, in the sense of reviving the community, with an assumed population of 3,000 people, and 1,000 residents in the town. I would like to ask your opinion on whether or not, in a certain sense, this assumed population is enough to make a real difference in reconstruction."

concentrated reconstruction period, and an opinion questioning the securing of the future budget, Reconstruction Minister Takeshita answered that the Reconstruction Agency would negotiate with the Minister of Finance over the budget required for necessary projects,⁵⁵ and this was incorporated into a supplementary resolution.

工) Securing medical, nursing and welfare human resources

It was pointed out that while promoting support for people to return, it is important to have place where people in need of assistance, including the disabled and the elderly, can live in peace, and that even if facilities were developed, manpower for medical care, nursing care and welfare would probably be insufficient⁵⁶, and the Parliamentary Vice-Minister for Health, Labour and Welfare replied that the Ministry of Health, Labour and Welfare wanted to continue to make solid efforts.

d. Details of the revision act

ア) Overview and purpose

The required measures will be taken to further promote the reconstruction and revitalization of Fukushima, such as the establishment of a system for city planning for collective reconstruction and revitalization base urban development facilities and a system that grants subsidies to local governments that carry out projects to develop an environment to promote the return of residents.

(Hereinafter, the article numbers and the content of articles are those of the time and may differ from the current act.)

イ) Establishment of a collective reconstruction and revitalization base development system

A project system to develop new urban areas through a full buyout method, modeled after the tsunami reconstruction base system (see Section 12) will be established to develop reconstruction and revitalization bases that will serve as places for returning residents to resume their lives and rebuild the local economy smoothly and quickly. Because there were concerns about the time required for the formulation of land conversion plans, etc., on land readjustment projects, there are many landowners in zones where evacuation orders have been lifted or are to be lifted who do not intend to return and wish to sell their land, it was assumed that there would also be cases that do not necessarily fit into the implementation of land readjustment projects subject to land conversion, and there were concerns that the population requirement (about 6,000 to 10,000 people) would not be met on new housing and urban development projects, a new land acquisition-type urban land development system became necessary.

In Article 32, it was decided that, in areas within zones where evacuation orders have been lifted or are to be lifted that satisfy certain conditions, collective facilities for the formation of an urban reconstruction and revitalization base may be established (collective housing facilities, specified business facilities, or specified public interest facilities and specified common-use facilities that form an urban reconstruction and revitalization base) in city plans to form “urban reconstruction and revitalization bases” that serve as bases for the lives of returning residents and the rebuilding of the local economy.

In addition, budgetary measures for the subsidy for improvement of returning environment and special tax measures for providers of land, etc., were established as support measures.

⁵⁵ Remarks by Masako Mori (LDP), member of the Special Committee on Reconstruction after the Great East Japan Earthquake and Nuclear Power Issues No.6, House of Councillors, 189th Diet (April 22, 2015) “Yesterday, Fukushima Prefecture announced the results of an estimate that the total cost of the reconstruction projects of the national government, prefecture and municipalities will be at least 3.57 trillion yen over the five-year period from fiscal year 2016 after the national government’s concentrated reconstruction period ends. I would like the government to secure firmly the budget required for the independent reconstruction of the disaster-affected area.”

⁵⁶ Remarks by Emi Kaneko (DPJ), member of the Special Committee on Reconstruction after the Great East Japan Earthquake No.4, House of Representatives, 189th Diet, (April 2, 2015), “You mentioned projects for the development of social welfare and other facilities, but there will be various services for people to use, and even supposing that facilities can be developed, the manpower for medical care, nursing care and welfare will still be lacking.” Etc.

ウ) Establishment of the Subsidy for Improvement of Returning Environment

Article 33 stipulates that municipalities in zones where evacuation orders have been lifted, or specified municipalities,⁵⁷ and Fukushima Prefecture may independently or jointly prepare a “Return Environment Development Project Plan” on projects to develop the environment to promote the return of residents, and by submitting the plan to the Prime Minister, projects positioned in the plan can receive subsidies from the national government to accelerate the development of the environment required for the return of residents. In association with this, surface maintenance projects (land readjustment projects, collective reconstruction and revitalization base development) and core infrastructure projects for roads (access roads, etc.), sewerage systems, public housing and public schools were added to the projects subject to the Fukushima Revitalization Acceleration Grants (revitalization acceleration), and the grants legalized as the “Subsidy for Improvement of Returning Environment.” As a result, this grant can be allocated to hard infrastructure whose subsidy rate is legislated by the Road Act, etc., and the usability of this grant has been improved. In addition, projects related to the lending of personal dosimeters, projects related to the development and assignment of counselors in specified municipalities, etc., to eliminate anxiety due to radiation were also stipulated as subjects of the subsidy⁵⁸.

エ) Special provisions on taxation to support business resumption

In Article 25, in preparation for the resumption of business operations in areas where evacuation orders have been lifted, areas under preparation for lifting evacuation orders and restricted residential areas, a special tax measure was established whereby if business operators accumulate funds for the capital investment necessary for the resumption of business operations, they can, subject to certain requirements, include those accumulated funds in deductible expenses.

オ) Other amendments

Efforts to contribute to the creation of new industries through the development of a research and development base for robots was added to the intensive promotion plan prepared by Fukushima Prefecture for the creation of new industries, etc. In addition, provisions related to the development of a consultation system for health and living concerns after returning home and measures against damage to wildlife in areas under evacuation orders were established as considerations for the promotion of the return of residents.

⁵⁷ Municipalities of Fukushima other than municipalities in zones where evacuation orders have been lifted and which have been established by order of the Reconstruction Agency in consideration of the radiation dose in their zones and other matters

⁵⁸ Remarks by a government witness at the Special Committee on Reconstruction after the Great East Japan Earthquake No. 4, House of Representatives, 189th Diet (April 2, 2015) “Regarding the projects listed in Article 33, Paragraph 2, Item (ii)(f) of the act that you pointed out, projects related to the lending of personal dosimeters or projects related to the development and assignment of counselors and others will be stipulated by order of the Reconstruction Agency as projects to eliminate anxiety due to radiation. In addition, the scope of the specified municipalities where these projects can be implemented will be established as those excluding 12 municipalities subject to evacuation orders among the so-called Hamadori and Nakadori municipalities.”

Figure 2-3-73 Overview of the revision bill of 2015 (The revision act of 2015)

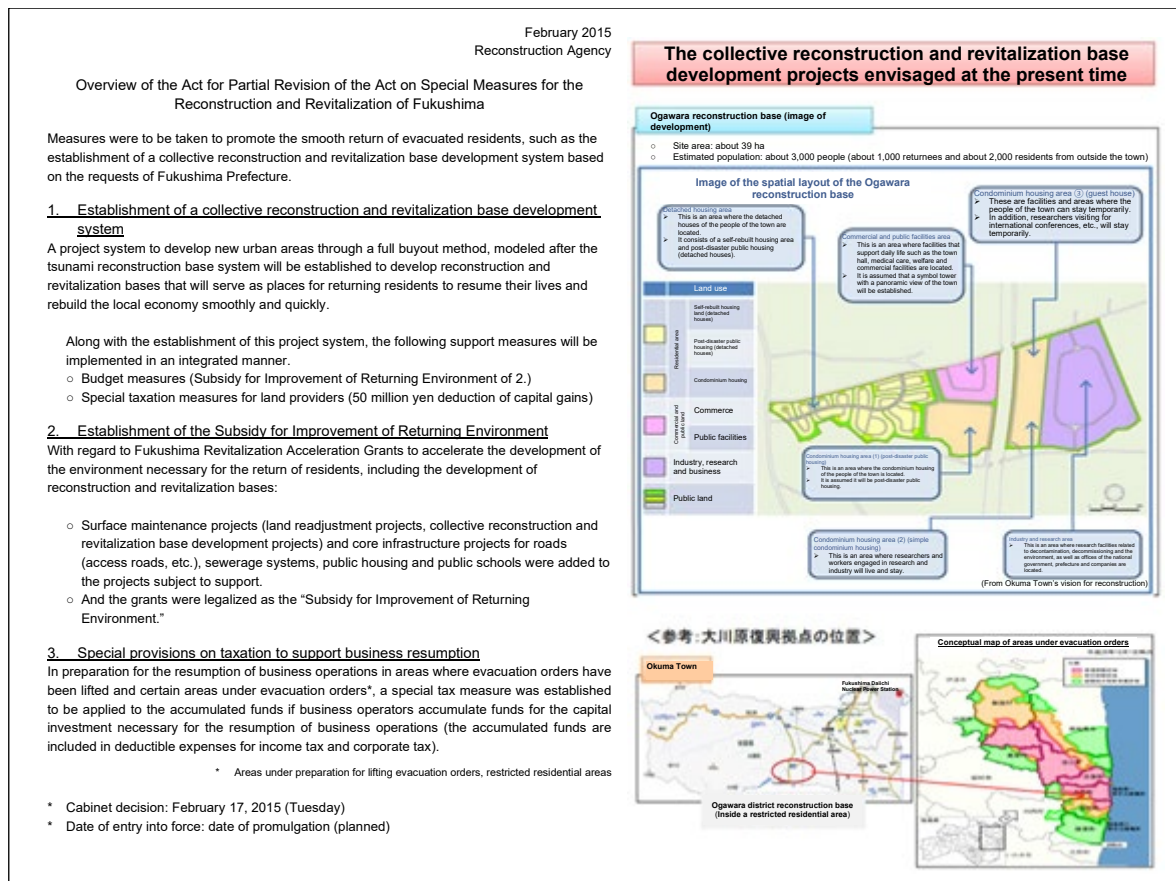
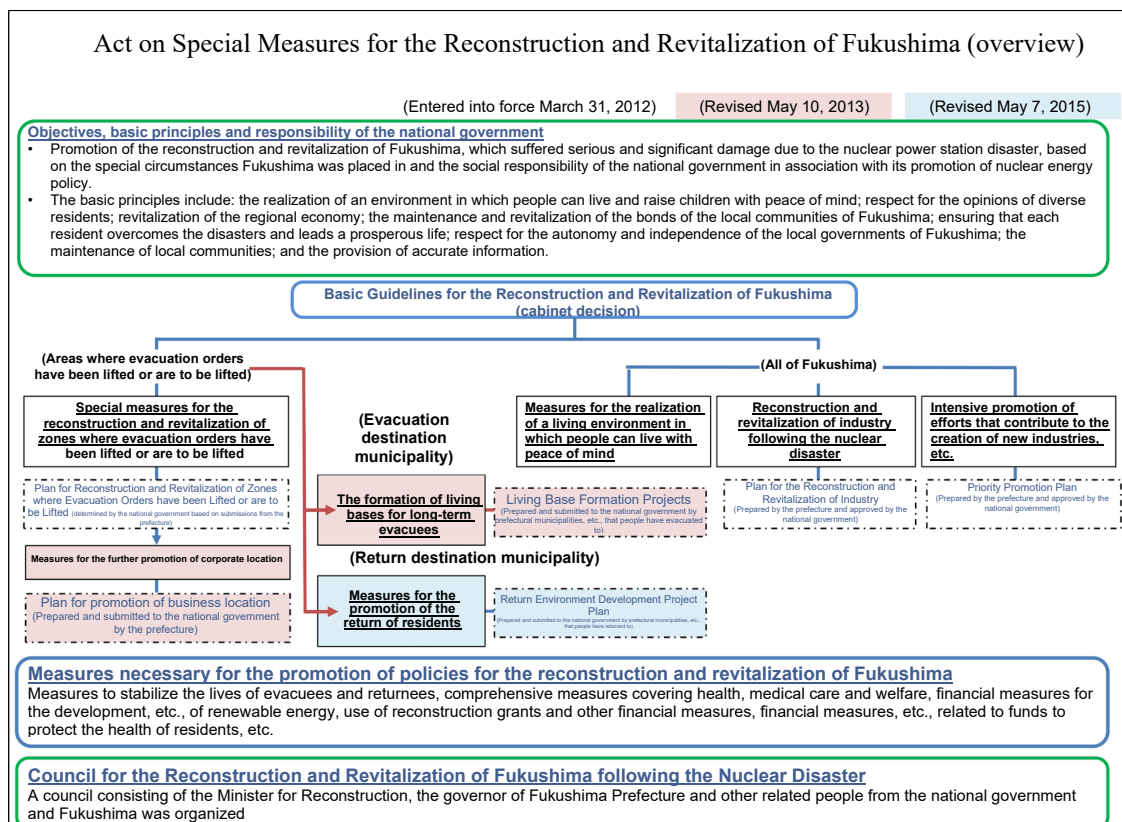


Figure 2-3-74 Overview of the Fukushima Special Measures Act (after amendment by the revision act of 2015)



4) The revision act of 2017

a. Overview

The details of the main revisions of the Act on Partial Revision of the Act on Special Measures for the Reconstruction and Revitalization of Fukushima (Act No. 32 of 2017), which was promulgated and came into effect on May 19, 2017, are as follows.

- ① In consultation with the governor of Fukushima Prefecture, mayors of municipalities that include difficult-to-return zones can prepare a plan for promoting the reconstruction and revitalization of a specified reconstruction and revitalization bases area (SRRBA) and, if approved by the Prime Minister, can use special provisions on taxation related to the capital investment necessary for projects being run by the national government on their behalf, such as land improvement projects, and the resumption of business by disaster-affected business operators. In addition, the decontamination of soil, treatment of waste, etc., can be carried out at the expense of the national government.
- ② In response to requests from the Organization for Fukushima Soso-region Revitalization, national government officials may be dispatched to the team while retaining their status and engage in its work.
- ③ By specifying the areas where efforts related to the Fukushima Innovation Coast Framework will be promoted and their details in a Priority Promotion Plan, and receiving approval from the Prime Minister, special measures such as the reduction of or exemption from patent fees, etc., related to research and development conducted by SMEs can be obtained.
- ④ Measures such as surveys to clarify the actual situation of sluggish sales of products produced in Fukushima and guidance and advice based on the surveys will be taken to dispel harmful rumors.

b. Background and passage of the revisions

After the revision of the law in 2015, the lifting of evacuation orders took place in four municipalities, including Naraha Town and Katsurao Village, and the environment for the return of residents continued to be established including the lifting of evacuation orders also being determined in March 2017 for Iitate Village, Kawamata Town, and Namie Town. In addition, the “Joint Public-Private Fukushima Soso Region Reconstruction Team” was launched, and a system continued to be developed to support the resumption of business by disaster-affected business operators. Moreover, in the Hamadori area, following the “Report of the Fukushima International Research Industry City (Innovation Coast) Framework Association” put together in June 2014, efforts to create new industries in the area were advanced, such as the establishment of research and demonstration bases on decommissioning and robots, but on the other hand, the damage caused by harmful rumors about Fukushima products continued, and it was necessary to accelerate reconstruction efforts in Fukushima Prefecture further.

On December 5, 2016, the governor of Fukushima Prefecture submitted an urgent request to the national government for the revision of the Fukushima Special Measures Act, stating that while moves towards reconstruction such as the lifting of evacuation orders were progressing steadily, 2016 would be extremely important in the sense of setting a path for the future reconstruction of Fukushima, including issues such as the reconstruction of difficult-to-return zones and the early realization of the Fukushima Innovation Coast Framework, and it was necessary to make reconstruction more certain for the prefecture to cooperate with its municipalities to accelerate efforts towards reconstruction⁵⁹. The request included measures for the development of reconstruction bases in difficult-to-return zones, the strengthening of joint public-private teams, the further promotion of the Fukushima Innovation Coast Framework, the development of infrastructure in 12 municipalities in the evacuation zone and measures to dispel rumors about agricultural, forestry and fisheries products produced in Fukushima Prefecture. The “Basic Policy for Accelerating Fukushima Recovery from the Nuclear Disaster” was approved by cabinet decision on December 20⁶⁰. At the 14th meeting of the Council for the Reconstruction and Revitalization of Fukushima following the Nuclear Disaster held the next year, January 28, 2017, the Reconstruction Agency presented a Bill for Partial Revision of the Act on Special Measures for the Reconstruction and Revitalization of Fukushima⁶¹, which

⁵⁹ “Urgent Request for Revision of the Act on Special Measures for the Reconstruction and Revitalization of Fukushima” by Governor Masao Uchibori of Fukushima Prefecture, December 5, 2016
<https://www.pref.fukushima.lg.jp/uploaded/attachment/195395.pdf> (browsed July 19, 2023)

⁶⁰ “Concerning the Basic Policy for Accelerating Fukushima Recovery from the Nuclear Disaster,” approved by cabinet decision on December 20, 2016
https://www.meti.go.jp/earthquake/nuclear/kinkyu/pdf/2016/1220_01.pdf (browsed July 19, 2023)

⁶¹ “Bill for Partial Revision of the Act on Special Measures for the Reconstruction and Revitalization of Fukushima (Overview),” document of the 14th meeting of the Council for the Reconstruction and Revitalization of Fukushima following the Nuclear Disaster, January 28, 2017, Reconstruction Agency
https://www.reconstruction.go.jp/topics/main-cat1/sub-cat1-4/20170128_kyougikai_2shiryu2.pdf (browsed July 19, 2023)

was approved by cabinet decision the following month on February 10 and submitted to the Diet⁶².

c. Background of Diet deliberations, promulgation, and implementation

On April 4, 2017, at a meeting of the Special Committee on Reconstruction after the Great East Japan Earthquake (House of Representatives), the reason for proposal of the revision bill was explained, Q&A started from April 6, the bill was approved and supplementary resolutions adopted on April 11, and the bill was passed by majority at a plenary session (House of Representatives) on April 14. Q&A started at a meeting of the Special Committee on Reconstruction after the Great East Japan Earthquake (House of Councillors) on April 21, the bill was approved and supplementary resolutions adopted the following month on May 10, and the bill was passed and established by majority at a plenary session (House of Councillors) on May 12 before being promulgated and enforced on May 19.

The supplementary resolutions included the realization of the lifting of evacuation orders for all difficult-to-return zones in the future, careful explanation of the development of a specified reconstruction and revitalization bases area (SRRBA) at the national government's expense, acceleration of the development of the living environment to return, comprehensive support for the Fukushima Innovation Coast Framework, and measures against bullying, prejudice and discrimination.

The following points were the main points of discussion in Diet deliberations.

ア) The development of a specified reconstruction and revitalization bases area (SRRBA)

In response to a question about the significance, methods, and future development policy for a specified reconstruction and revitalization bases area (SRRBA), Minister for Reconstruction Imamura replied that he would like to establish an area for specified reconstruction and revitalization bases and implement decontamination and demolition projects in an integrated manner with infrastructure development, etc., based on the Plan for Reconstruction and Revitalization in the Specified Reconstruction and Revitalization Bases Area, thereby improving the living environment and places of work, lifting evacuation orders in about five years, and promoting the return of residents and corporate location in the specified reconstruction and revitalization bases⁶³.

In addition, in response to a question about the reason why the national government would bear the cost of decontamination in the specified reconstruction and revitalization bases area (SRRBA) instead of claiming compensation from TEPCO,⁶⁴ Minister for Reconstruction Imamura replied that the national government would bear the cost because the establishment of reconstruction bases in the difficult-to-return zone would be implemented as new community development in accordance with the stage of reconstruction, and a government witness replied that the policy was to implement measures based on the Act on Special Measures Concerning Reconstruction and Revitalization of Fukushima rather than the Act on Special Measures Concerning the Handling of Radioactive Pollution, taking into account various circumstances such as the fact that decontamination and infrastructure development are to be carried out in an integrated and efficient manner, and the policy is to implement that at the national government's expense.

In addition, in response to a question about who should bear the cost of decontamination outside the specified reconstruction and revitalization bases area (SRRBA), Minister for Reconstruction Imamura stated that it was an issue for future consideration, and a careful explanation to the public of these developments being paid for by the national government, and the need for a national discussion on how to bear the cost of decontamination in the

⁶² "Concerning the Bill for Partial Revision of the Act on Special Measures for the Reconstruction and Revitalization of Fukushima," approved by cabinet decision on February 10, 2017

<https://www.reconstruction.go.jp/topics/main-cat1/sub-cat1-4/20170208104011.html> (browsed July 19, 2023)

⁶³ Remarks by Minister for Reconstruction Imamura at the Special Committee on Reconstruction after the Great East Japan Earthquake No.5, House of Representatives, 193rd Diet (April 6, 2017) "Under the new system, we will establish an area for specified reconstruction and revitalization bases and implement decontamination and demolition projects in an integrated manner with infrastructure development, etc., based on the Plan for Reconstruction and Revitalization in the Specified Reconstruction and Revitalization Bases Area, to improve the living environment and places of work, lift evacuation orders in about five years, and promote the return of residents and corporate location in the specified reconstruction and revitalization bases."

⁶⁴ Remarks by Katsuya Okada (DP), member of the Special Committee on Reconstruction after the Great East Japan Earthquake No.5, House of Representatives, 193rd Diet (April 6, 2017) "The expenses for decontamination in the specified reconstruction and revitalization bases area within the difficult-to-return zone will be borne by the national government and will not be claimed from TEPCO. I think that the reason for that has not been written anywhere, at least not in the legal text, nor is it clear."

difficult-to-return zone outside the specified reconstruction and revitalization bases area (SRRBA) were included in supplementary resolutions.

イ) Efforts related to the Fukushima Innovation Coast Framework

In response to a question on how the Fukushima Innovation Coast Framework, which has been newly positioned in law, will be developed in the future, the State Minister for Economy, Trade and Industry replied that while the national government is working steadily towards the realization of various projects, it would promote this framework strongly and advance the building of a new industrial base in the Hamadori region⁶⁵ by promoting research and development on robots and other technologies through the low-cost use of state-owned facilities and the reduction of costs related to the acquisition of patents by small and medium-sized enterprises, and creating a council of related ministerial-level officials, towards the realization of industrial clusters centered on bases, the improvement of the surrounding environment, and the creation of business through cooperation between local and non-local companies. Based on these kinds of discussions, the promotion of various efforts for the further strengthening of government-wide cooperation, the promotion of cooperation among the national government, the prefectural government, industry and academia, the promotion of the participation of local companies, the acceptance of domestic and foreign experts, human resource development, etc., as well as the taking of comprehensive support measures, including the dissemination of information and requests for cooperation to domestic and foreign industries, academic institutions, etc., and financial measures, were included in supplementary resolutions.

ウ) Support for measures for the prevention of bullying of children, students, etc., evacuated from Fukushima Prefecture due to the nuclear power station disaster

There was a question with regard to support for measures for the prevention of bullying of children, students, etc., evacuated due to the nuclear power station disaster having been newly incorporated to the effect that the grasping of the current situation, in which bullying is becoming more serious, and measures against it were insufficient, and the Parliamentary Vice-Minister of Education, Culture, Sports, Science and Technology replied to the effect that the government will strive for the prevention of bullying by continuing to cooperate with the Fukushima Prefecture Board of Education and asking each Board of Education and schools to give special consideration on a daily basis to the mental care, etc., of disaster-affected children and students, and for measures such as striving for the enhancement of education on radiation so that children and students acquire scientific knowledge⁶⁶. In light of this, the swift implementation of the measures necessary to prevent bullying was incorporated into a supplementary resolution.

d. Details of the revision act

ア) Overview and purpose

Necessary measures will be taken to improve the environment for reconstruction and revitalization within the difficult-to-return zone (specified reconstruction and revitalization bases area (SRRBA)), to strengthen the system of organizations responsible for the reconstruction and revitalization of the livelihoods of disaster-affected business operators (Organization for Fukushima Soso-region Revitalization), to build a new industrial base in the Hamadori

⁶⁵ Reply by State Minister of Economy, Trade and Industry Takagi to Diet Member Takumi Nemoto at the Special Committee on Reconstruction after the Great East Japan Earthquake No.5, House of Representatives, 193rd Diet, (April 6, 2017). The following exchange took place during Q&A. Diet Member Nemoto, "Looking back, the Innovation Coast Framework was put together in June 2014. At first, it was nothing more than a concept of a Local Response Headquarters. As a matter of fact, when formulating the basic policy at that time, I received a strong request from Governor Yuhei Sato, who wanted it written in the basic policy. However, since this was a cabinet decision document, I expressed the Innovation Coast Framework abstractly in the text as the future vision of the local economy, and said that it could be read here, but actually, at the end, I positioned the Innovation Coast Framework in a footnote. State Minister Takagi, "At the very beginning, the proposal was led by the head of the Local Response Headquarters before me, Diet Member Akabane, in the form of a proposal by the Local Response Headquarters. That was finally written into this law. In the meantime, as you have just pointed out, the government and the ruling party have been working together to produce this framework, and incorporate it into the basic policy."

⁶⁶ Remarks by Parliamentary Vice-Minister of Education, Culture, Sports, Science and Technology Tanose, Special Committee on Reconstruction after the Great East Japan Earthquake No. 6, House of Representatives, 193rd Diet (April 11, 2017), "The Ministry of Education, Culture, Sports, Science and Technology has asked each Board of Education and schools to give special consideration on a daily basis to the mental care, etc., of disaster-affected children and students, and for measures such as striving for the enhancement of education on radiation so that children and students acquire scientific knowledge, and deepen their understanding."

area (Fukushima Innovation Coast Framework), and to dispel rumors about agricultural, forestry and fisheries products produced in Fukushima Prefecture.
(Hereinafter, the article numbers and the content of articles are those of the time and may differ from the current act.)

イ) The system for the Specified Reconstruction and Revitalization Bases Area Reconstruction and Revitalization Plan

Based on the facts that areas can be seen where radiation levels have decreased in parts of the difficult-to-return zone, where the principle was to restrict residence in the future, and there were local requests to return, etc., the system for the “Plan for Reconstruction and Revitalization in the Specified Reconstruction and Revitalization Bases Area” was established for municipalities, including those in the difficult-to-return zone, to work on new community development through the development of infrastructure and decontamination in areas that meet certain conditions towards future returns.

Specifically, Article 17-2 states that if the mayor of a municipality prepares a plan to promote reconstruction and revitalization with regard to a “specified reconstruction and revitalization bases area (SRRBA),” aimed at enabling residence by returnees, etc., after the lifting of evacuation orders in the difficult-to-return zone, and this plan is approved by the Prime Minister, measures such as the implementation of decontamination and waste treatment by the national government, the proxy implementation of infrastructure projects such as the construction of new roads by the national government, special provisions on taxation related to the capital investment, etc., necessary for the resumption of business by disaster-stricken business operators and the promotion of corporate location by new business operators, and the system for the establishment of collective reconstruction and revitalization bases can be used.

ウ) Reinforcement of the structure for joint public-private teams

The Public-Private Joint Team established in August 2015 achieved great results in supporting commercial and industrial business operators and the resumption of farming, but it was a complex organization consisting of personnel from the national government, Fukushima Prefecture, the Organization for Fukushima Soso-region Revitalization, and the Organization for Small & Medium Enterprises and Regional Innovation, and there were issues such as giving unified commands was difficult. Because of this, Article 48-2 and Article 48-3 stipulate that the “Organization for Fukushima Soso-region Revitalization” is to be positioned legally and have its functions strengthened through unification of its organization, and making further use of the knowledge and personal connections of national government officials by consolidating the personnel of each entity into the organization, which is the core of the Public-Private Joint Team, including by enabling national government personnel to be dispatched while retaining their status.

エ) Legalization of the promotion of the “Fukushima Innovation Coast Framework”

To promote the “Fukushima International Research Industry City (Innovation Coast) Framework” further in the Hamadori region, the area where the framework’s efforts is to be promoted (the Fukushima International Research Industry City Zone) and those efforts are to be described in a Priority Promotion Plan, and the reduction or exemption of patent fees related to SME’s research results, and the low cost use of state-owned test and research facilities for the promotion of the development of new robot products and technologies will be possible.

In addition, a subcommittee was established under the “Council for the Reconstruction and Revitalization of Fukushima following the Nuclear Disaster” to establish a framework to promote this initiative through collaboration and cooperation by related organizations in the framework.

オ) Measures to dispel rumors

Following the earthquake, efforts were made with regard to harmful rumors about agricultural, forestry and fisheries products produced in Fukushima Prefecture such as monitoring inspections and lobbying of industries, but at the time of the revision, the prices of the prefecture’s agricultural products continued to stagnate due to harmful rumors, and further measures were required. For this reason, fact-finding survey on poor sales, etc., by the national government and the taking of measures such as the provision of guidance and advice to sellers, etc., based on the survey were positioned in the act to dispel harmful rumors.

力) Other

While evacuation orders were prolonged in 12 municipalities subject to evacuation orders, etc., the desire to return decreased and the issues of the maintenance and management of the houses and land owned by evacuees arose, and the human resources for community development could also not be described as sufficient. In such circumstances, cases could be seen of the activities of “community development companies” that contribute to community development from both the hard and soft aspects toward the improvement of the environment for residents to return so such organizations were positioned legally as “return environment improvement promotion corporations” and a system was established under which proposals could be made for the preparation and modification of Return Environment Development Project Plans.

Apart from this, measures to support the efforts taken by Boards of Education and schools in Fukushima Prefecture to prevent the bullying of children and students, etc., in Fukushima Prefecture who were evacuated due to the nuclear power station disaster, and measures to support the national government’s guidance, advice and information on the formation of the public transportation network to secure means of transportation for local residents who have returned home were also established.

Figure 2-3-75 Overview of the revision bill of 2017

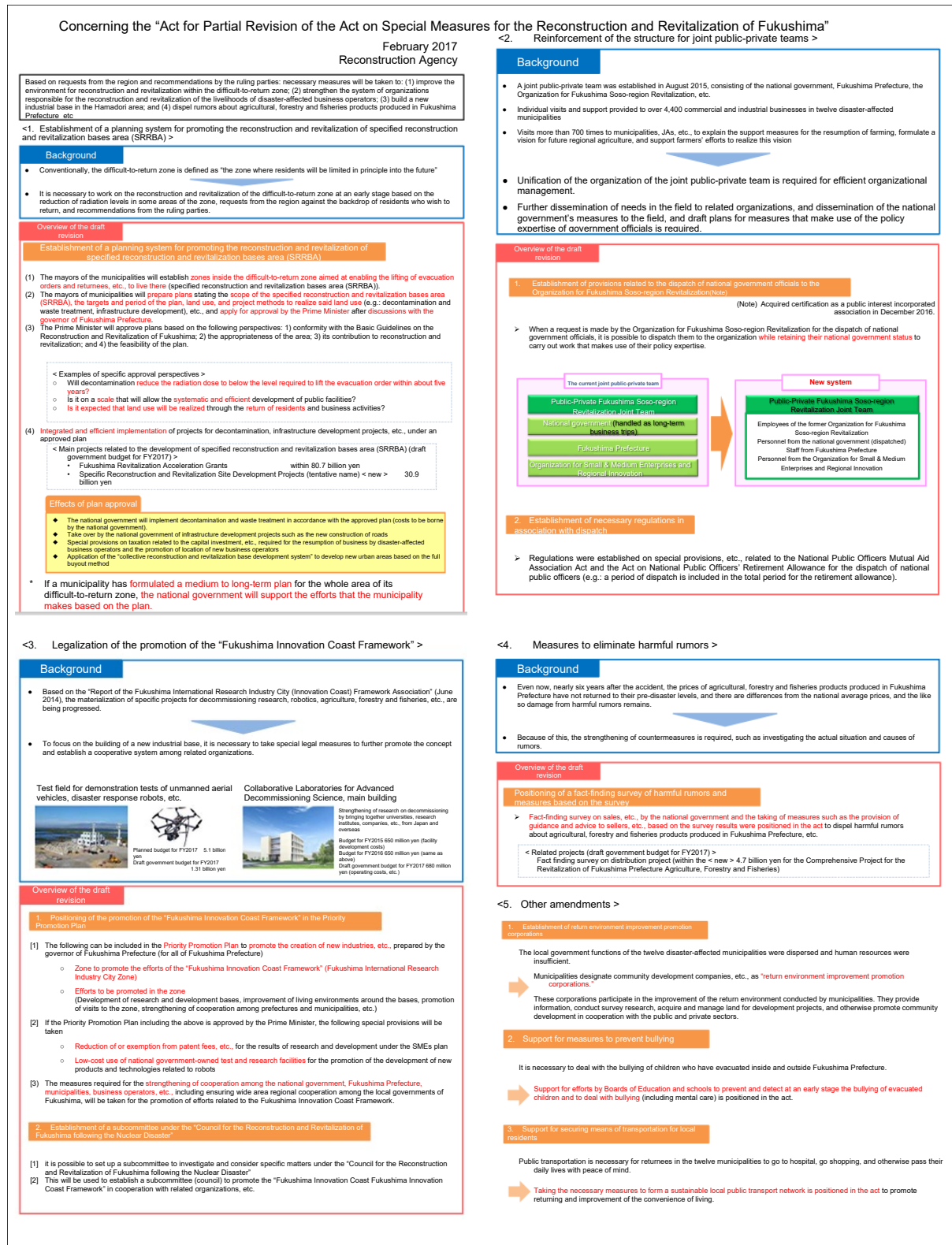
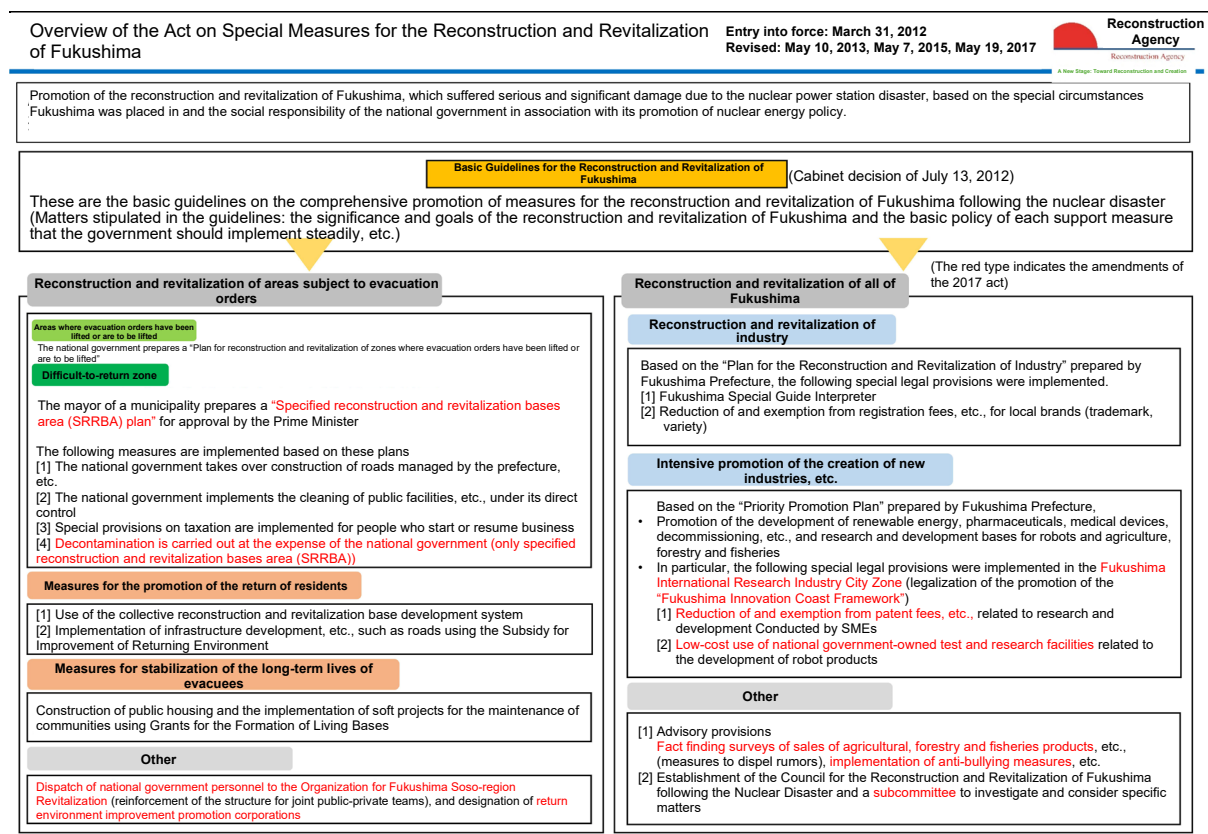


Figure 2-3-76 Overview of the Fukushima Special Measures Act (after amendment by the revision act of 2017)



5) The revision act of 2020

a. Overview

The details of the main revisions to the Fukushima Special Measures Act due to the Act Partially Amending the Act for Establishment of the Reconstruction Agency, etc. (Act No. 46 of 2020), which was promulgated and partially enforced on June 12, 2020, are as follows.

- ① To promote the reconstruction and revitalization of areas where evacuation orders have been lifted, apart from adding measures that contribute to the promotion of the migration and settlement of new residents and the expansion of the exchange population and related population to the scope of subsidies, it was decided to establish special measures to promote the consolidation of farmland use, and the development of facilities for the sixth industrialization.
- ② To promote industrial clusters centered on the promotion of the Fukushima Innovation Coast Framework, it was decided to establish special provisions on taxation related to the promotion of the framework, and at the request of the Fukushima Innovation Coast Framework Promotion Organization, to allow national government personnel to be dispatched to the organization while retaining their status.
- ③ Apart from establishing special provisions for taxation related to business operators dealing with the impact of harmful rumors on management, it was decided to integrate the three statutory plans for each policy issue into one, and to establish a system under which Fukushima Prefecture will prepare a plan for the reconstruction and revitalization of Fukushima based on the actual local situation, to be approved by the Prime Minister.

b. Background and passage of the revisions

About 10 years had passed since the disaster, evacuation orders had been lifted in some areas of Okuma Town, where TEPCO Fukushima Daiichi Nuclear Power Station is located, in April 2019, a Plan for Reconstruction and Revitalization in the Specified Reconstruction and Revitalization Bases Area was prepared in various municipalities towards the lifting of evacuation orders in the “specified reconstruction and revitalization bases area (SRRBA),” where doing so in the difficult-to-return zone was made possible by the revisions to the Fukushima Special Measures Act of 2017, and projects for decontamination, infrastructure development, etc., were being promoted. In addition, in Hamadori, efforts were being advanced towards the creation of new industries, etc., based on the “Fukushima Innovation Coast Framework.”

On the other hand, in 12 municipalities with areas where evacuation orders have been lifted or are to be lifted, the return of residents has not progressed sufficiently, and the reconstruction and revitalization of industries in the prefecture remained major issues.

The “Eighth Proposal for Accelerating Reconstruction following the Great East Japan Earthquake” (LDP/Komeito, August 5, 2019) also called for the development of measures for regional revitalization and industrial development from a medium- to long-term perspective, centered on attracting new vitality by promoting migration and expanding the related and exchange populations, and the promotion of the Fukushima Innovation Coast Framework.

In such circumstances, on November 7, 2019, Fukushima Prefecture submitted “Urgent Requests for the Reconstruction and Revitalization of Fukushima,” asking the national government to include in the Fukushima Special Measures Act measures such as attracting new vitality through the promotion of migration, the expansion of the exchange population, etc., the acceleration of the reconstruction and revitalization of areas where evacuation orders have been lifted or are to be lifted by the promotion of the consolidation of farmland use and the promotion of the development of the sixth industrialization facilities for the expansion of the resumption of farming, the further promotion of the framework by establishing a system for dispatching national government personnel to the Fukushima Innovation Coast Framework Promotion Organization, countermeasures against harmful rumors, including overseas, and a review of the planning system that supports these measures.

On December 20, 2019, in addition to the “Basic Guidelines for Reconstruction in Response to the Great East Japan Earthquake,” the “Basic Guidelines for Reconstruction in Response to the Great East Japan Earthquake after the ‘Reconstruction and Revitalization Period’” were approved by cabinet decision, and handling such as the strengthening of measures to attract new vitality such as the promotion of migration and expansion of the exchange and related populations, the acceleration of the resumption of farming, the promotion of the Fukushima Innovation Coast Framework, and the dispelling of rumors were incorporated into the new guidelines with regard to the Fukushima Special Measures Act. Moreover, the Basic Guidelines also state that “Under the basic guidelines formulated by the national government, Fukushima Prefecture, a wide-area local government, will review the

planning system, including preparing plans based on actual local conditions,” so the governor of Fukushima Prefecture prepared a comprehensive plan concerning reconstruction following the nuclear power station disaster (the plan for the reconstruction and revitalization of Fukushima), and a policy of accelerating reconstruction efforts based thereon was presented.

Following the revision of the Basic Guidelines, the “Bill Partially Amending the Act for Establishment of the Reconstruction Agency, etc.,” to revise the Fukushima Special Measures Act in conjunction with the Act for Establishment of the Reconstruction Agency and the Act on Special Zones for Reconstruction in Response to the Great East Japan Earthquake, was approved by cabinet decision and submitted to the Diet on March 3, 2020⁶⁷.

c. Background of Diet deliberations, promulgation, and implementation

On May 14, 2020, at a meeting of the Special Committee on Reconstruction after the Great East Japan Earthquake (House of Representatives), the reason for proposal of the revision bill was explained, Q&A started from May 19, the bill was approved and supplementary resolutions adopted on May 21, and the bill was passed by majority at a plenary session (House of Representatives) on May 22. The reason for proposal of the revision bill was explained at a meeting of the Special Committee on Reconstruction after the Great East Japan Earthquake (House of Councillors) on May 27, discussions started on May 29, the bill was passed by majority and supplementary resolutions adopted on June 3, and the bill was passed and established at a plenary session (House of Councillors) on June 5 before being promulgated and enforced (partially) on June 12.

In addition, the supplementary resolutions related to the Fukushima Special Measures Act included the explicit statement of specific policies for the lifting of evacuation orders outside the specified reconstruction and revitalization bases area (SRRBA), the promotion of international education and research bases and the use of bases such as the Fukushima Robot Test Field.

The following points were the main points of discussion in Diet deliberations.

ア) Future measures for areas outside specified reconstruction and revitalization bases in the difficult-to-return zone

In response to the question that the handling of areas outside specified reconstruction and revitalization bases in the difficult-to-return zone will be important after the reconstruction and revitalization period so will the idea of considering lifting and categorizing areas according to land use rather than applying uniform standards for the lifting of evacuation orders be important,⁶⁸ a government witness replied that with regard to areas outside the specified reconstruction and revitalization bases area (SRRBA) that the “Basic Guidelines for Reconstruction in Response to the Great East Japan Earthquake after the ‘Reconstruction and Revitalization Period’” approved by cabinet decision in December 2019 stipulate that the direction of future policies toward the lifting of evacuation orders are to be considered based on the actual local situation, the intentions and trends of land use, the requests of local governments, etc., and that the government wanted to consider policy direction based on the specific requests of each municipality.

イ) Support for the resumption of farming

In response to the opinion that the questioner wanted steady implementation and support from the national government after the planning system for the promotion of the consolidation of farmland use and the development of facilities for the sixth industrialization towards the resumption of farming in 12 disaster-affected municipalities was incorporated, State Minister of Agriculture, Forestry and Fisheries Ito replied that in addition to providing personnel support with 32 people to 12 municipalities since April, this revision stipulates special provisions on the acceleration of the resumption of farming, and with the dispatched personnel at the core since April, parties such as Fukushima Prefecture, JA and the Public-Private Joint Team have been working with all their power towards the development of people to undertake agriculture through returnees and migrants, etc., and the establishment of farming

⁶⁷ “Approval by Cabinet Decision of the Bill Partially Amending the Act for Establishment of the Reconstruction Agency, etc.” March 3, 2020

<https://www.reconstruction.go.jp/topics/20200303085910.html> (browsed July 14, 2023)

⁶⁸ Remarks by Takumi Nemoto (LDP), member of the Special Committee on Reconstruction after the Great East Japan Earthquake No.5, House of Representatives, 201st Diet (May 19, 2020) “I think the idea of considering the lifting and types of evacuation orders in accordance with land use, rather than applying uniform standards for the lifting of evacuation orders outside specified reconstruction and revitalization bases in the difficult-to-return zone is probably important.”

infrastructure based on the concentration of land⁶⁹.

ウ) Special provisions on taxation as measures against harmful rumors

In response to the question whether it was necessary to consider the ongoing continuation of support and a new tax system covering the entire prefecture in light of the severity of damage caused by harmful rumors in agriculture, forestry and fisheries, tourism, and other industries, State Minister for Reconstruction Kanke replied with regard to the focusing of the tax system on coastal areas, that he would like to consider special provisions on tax for the whole of Fukushima Prefecture based on the industries that remain seriously affected by harmful rumors such as agriculture, forestry and fisheries, and tourism based on a review of the areas covered by the Act on Special Zones for Reconstruction⁷⁰.

d. Details of the revision act

ア) Overview and purpose

To respond to new issues and diverse needs arising after the period of reconstruction and revitalization and to accelerate efforts towards full-scale reconstruction and revitalization, the national government will promote the reconstruction and revitalization of areas where evacuation orders have been lifted, promote industrial clusters centered on the promotion of the Fukushima Innovation Coast Framework, and deal with harmful rumors, and will also integrate the three existing plans for the reconstruction and revitalization of Fukushima Prefecture and introduce a system whereby the prefecture leads the preparation of plans for the reconstruction and revitalization of Fukushima Prefecture.

イ) Integration into the Fukushima Reconstruction and Revitalization Plan

Article 7 integrated the three statutory plans for each policy issue concerning the reconstruction and revitalization of Fukushima (① the “Plan for Reconstruction and Revitalization of Zones where Evacuation Orders have been Lifted or are to be Lifted” prepared by the national government; ② the “Plan for Reconstruction and Revitalization of Industry” prepared by the governor of Fukushima Prefecture; and ③ the “Priority Promotion Plan” prepared by the governor of Fukushima Prefecture) and allowed the governor of Fukushima Prefecture to prepare a “Fukushima Reconstruction and Revitalization Plan” in accordance with the Basic Guidelines for the Reconstruction and Revitalization of Fukushima established by the national government, and apply for approval by the Prime Minister. In association with this, the special measures positioned in each plan were integrated.

At the time of enactment of the Fukushima Special Measures Act, the national government (the Prime Minister) was to formulate plans, etc., because discontinuity had occurred in local communities and industrial infrastructure in areas where evacuation orders had been lifted or were to be lifted, and reconstruction and revitalization in those areas would have been extremely difficult with the self-help efforts of Fukushima Prefecture or the municipalities alone. However, while looking ahead to the 10-year reconstruction period ending, the situation in the designated areas had changed significantly since the enactment of the Fukushima Special Measures Act, including the lifting of evacuation orders progressing in restricted residential areas and areas under preparation for lifting evacuation orders, the establishment of a specified reconstruction and revitalization bases area (SRRBA) in the difficult-to-return zone, and projects for decontamination and infrastructure development have been carried out, so the governor of Fukushima Prefecture had become able to formulate the Plan for Reconstruction and Revitalization of Zones where Evacuation Orders have been Lifted or Are to Be Lifted formerly prepared by the Prime Minister from a medium to long-term and wide-area perspective.

In addition, the preparation of the Plan for Reconstruction and Revitalization of Zones where Evacuation Orders

⁶⁹ Remarks by State Minister of Agriculture, Forestry and Fisheries Ito, Special Committee on Reconstruction after the Great East Japan Earthquake No.6, House of Representatives, 201st Diet (May 21, 2020) “In the revision of the Act on Special Measures for the Reconstruction and Revitalization of Fukushima, we will stipulate special provisions on the acceleration of the resumption of farming, and since April, with dispatched personnel at the core, parties such as Fukushima Prefecture, JA and the Public-Private Joint Team have been working with all their power towards the development of people to undertake agriculture through the promotion of returnees and migrants, etc., and the establishment of farming infrastructure based on the concentration of land based firmly on local needs.”

⁷⁰ Remarks by State Minister for Reconstruction Kanke, Special Committee on Reconstruction after the Great East Japan Earthquake No.5, House of Representatives, 201st Diet (May 19, 2020) “While the areas subject to the special reconstruction zone tax system are focused on the coastal area, based on the recent review of the areas subject to the Act on Special Zones for Reconstruction, the Reconstruction Agency would like to consider the special provisions on taxation towards them covering the whole of Fukushima Prefecture based on the industries that remain seriously affected by harmful rumors such as agriculture, forestry and fisheries, and tourism.”

have been Lifted or are to be Lifted by the Governor of Fukushima Prefecture is of great significance in the point that it enables detailed responses from a local perspective based on the actual local situation, while there are differences in the progress of reconstruction of zones where evacuation orders have been lifted or are to be lifted.

Moreover, if the governor of Fukushima Prefecture prepares the Plan for Reconstruction and Revitalization of Zones where Evacuation Orders Have Been Lifted or Are to Be Lifted, the reconstruction and revitalization of industry would be included and it would overlap with the Plan for Reconstruction and Revitalization of Industry and the Priority Promotion Plan so to address policy issues effectively and efficiently, it became necessary to deal with these three plans in an integrated manner.

Based on the changes in the situation described above, it was decided to grasp this opportunity for the governor of Fukushima Prefecture to lead the preparation of all three plans and integrate them to make the Fukushima Reconstruction and Revitalization Plan.

ウ) The promotion of efficient use of farmland for the promotion of the resumption of farming

Article 17-19 to Article 17-33 and others established measures such as the promotion of the consolidation of farmland use, measures to promote the conversion of farmland to promote the development of facilities for the sixth industrialization, and special measures to enable municipalities to carry out the administrative work of agricultural committees if committee members do not return home for the acceleration of the resumption of farming.

エ) Review of the subsidy for improvement of returning environment system

In Article 33, to promote the expansion of the exchange and related populations, and migration from outside the region to improve the vitality of the region, measures that would contribute to the promotion of migration and settlement, and the expansion of the exchange and related populations were added to the subjects of the Subsidy for Improvement of Returning Environment, and the name was changed to “Subsidy for Improvement of the Environment for Returning and Migration, etc.”

オ) Measures to address harmful rumors about Fukushima inside and outside Japan

In Article 74 to Article 75-5, special provisions on taxation on capital investment and employment in all areas of Fukushima Prefecture under certain conditions were stipulated for agriculture, forestry and fisheries, tourism and other industries suffering from harmful rumors, including the stagnation of consumption of food products produced in Fukushima Prefecture and a slump in the number of foreign visitors in accommodation facilities. In addition, provisions were added to the effect that the national government would take measures such as negotiations with foreign countries for the abolition or relaxation of import restrictions overseas, and measures such as introducing and advertising agricultural, forestry and fisheries products, etc., produced in Fukushima Prefecture.

カ) Promotion of industrial clusters centered on the implementation of the Fukushima Innovation Coast Framework

In Article 84 through Article 85-8, special provisions on taxation on capital investment and employment subject to certain requirements in the zone for the promotion of projects that promote the creation of new industries, etc., (*1) (decommissioning, robots, agriculture, forestry and fisheries, etc.) were stipulated to support efforts in priority areas under the Fukushima Innovation Coast Framework.

In addition, it was decided to strengthen the functions of the Fukushima Innovation Coast Framework Promotion Organization, by establishing provisions allowing national government personnel to be dispatched to the organization while retaining their status.

*1 Areas within the Fukushima International Research Industry City Zone (*2) where the promotion of the implementation of projects that promote the creation of new industries, etc., (*3) is recognized to be particularly effective in promoting the formation, etc. of industrial clusters.

*2 Areas damaged severely by the nuclear power station disaster where industrial clusters should be formed, etc., through the development, etc. of bases that conduct cutting-edge research and development in priority fields under the Fukushima Innovation Coast Framework

*3 Projects that contribute to the creation of new industries, etc., which are core to the formation, etc., of industrial clusters in the Fukushima International Research Industry City Zone

Figure 2-3-77 Act Partially Amending the Act for Establishment of the Reconstruction Agency, etc.
(the revision act of 2020)

Act Partially Amending the Act for Establishment of the Reconstruction Agency, etc. [Act No. 46 of June 12, 2020] Overview (relationship with the Act for Partial Revision of the Act on Special Measures for the Reconstruction and Revitalization of Fukushima)	
Background and necessity <ul style="list-style-type: none"> While the return environment was being developed, etc., it was necessary to accelerate efforts toward full-scale reconstruction and revitalization while responding carefully to new issues and diverse needs arising as the reconstruction stage progressed, even after the period of reconstruction and revitalization. 	
Overview of the draft revision	
1. Promotion of reconstruction and revitalization of areas where evacuation orders have been lifted	2. Promotion of industrial clusters centered on the implementation of the Fukushima Innovation Coast Framework
(1) Promotion of migration, etc. in addition to repatriation Measures contributing to promotion of emigration of new residents and expansion of exchange and related populations added to the scope of grants for improvement of the return environment	[1] Special provisions on taxation related to the promotion of the Fukushima Innovation Coast Framework were established [2] Development of a system for dispatching national government officials to the Fukushima Innovation Coast Framework Promotion Organization [3] Consultation and assistance regarding legal procedures for business operators working on demonstration tests of drones, etc.
(2) Acceleration of the resumption of farming [1] Promotion of the consolidation of farmland use (attraction of farm workers) Fukushima Prefecture prepared and announced a plan, and a system was introduced allowing the establishment of rights in an integrated manner, also including farmland with unknown owners [2] Promotion of the development of facilities for sixth industrialization If facilities for sixth industrialization are developed on farmland, special provisions for farmland conversion, etc., apply by inclusion in the plan of [1] [3] Establishment of special provisions that allow municipalities to implement the work of agricultural committees based on agreement between municipalities and agricultural committees	3. Measures to address harmful [1] Establishment of special provisions on taxation related to harmful rumors [2] Promotion of countermeasures against harmful rumors overseas and efforts to eliminate or relax import restrictions
* Effective date: April 1, 2021 (2.[2][3] and 3.[2] on the date of promulgation)	4. Review of the planning system The governor of Fukushima Prefecture drew up the Fukushima Reconstruction and Revitalization Plan (integrating current plans divided into three systems) based on the actual situation of the region, and the national government approved it.

Concerning the Partial Revision of the Act on Special Measures for the Reconstruction and Revitalization of Fukushima	
Partial Revision of the Act on Special Measures for the Reconstruction and Revitalization of Fukushima	
Background and necessity <ul style="list-style-type: none"> While the return environment was being developed, etc., it was necessary to accelerate efforts toward full-scale reconstruction and revitalization while responding carefully to new issues and diverse needs arising as the reconstruction stage progressed, even after the period of reconstruction and revitalization. 	
Overview of the revision	
1. Promotion of reconstruction and revitalization of areas where evacuation orders have been lifted	2. Promotion of industrial clusters centered on the implementation of the Fukushima Innovation Coast Framework
(1) Promotion of migration, etc. in addition to repatriation Measures contributing to promotion of emigration of new residents and expansion of exchange and related populations added to the scope of grants for improvement of the return environment	[1] Special provisions on taxation related to the promotion of the Fukushima Innovation Coast Framework were established [2] Development of a system for dispatching national government officials to the Fukushima Innovation Coast Initiative Promotion Organization [3] Consultation and assistance regarding legal procedures for business operators working on demonstration tests of drones, etc.
(2) Acceleration of the resumption of farming [1] Promotion of the consolidation of farmland use (attraction of farm workers) Fukushima Prefecture prepared and announced a plan, and a system was introduced allowing the establishment of rights in an integrated manner, also including farmland with unknown owners [2] Promotion of the development of facilities for sixth industrialization If facilities for sixth industrialization are developed on farmland, special provisions for farmland conversion, etc., apply by inclusion in the plan of [1] [3] Establishment of special provisions that allow municipalities to implement the work of agricultural committees based on agreement between municipalities and agricultural committees	3. Measures to address harmful rumors [1] Establishment of special provisions on taxation related to harmful rumors [2] Promotion of countermeasures against harmful rumors overseas and efforts to eliminate or relax import restrictions
	4. Review of the planning system The governor of Fukushima Prefecture drew up the Fukushima Reconstruction and Revitalization Plan (integrating current plans divided into three systems) based on the actual situation of the region, and the national government approved it.

(5) Actual application

- * Refer to each section of Chapter 7 for the application results of individual measures based on the Fukushima Special Measures Act.

1) Basic Guidelines for the Reconstruction and Revitalization of Fukushima

The basic guidelines for comprehensively promoting policies for the reconstruction and revitalization of Fukushima following the nuclear disaster (hereinafter referred to as the “Basic Guidelines for the Reconstruction and Revitalization of Fukushima”) were formulated in July 2012 based on Article 5 of the Fukushima Special Measures Act, presenting the guidelines and specific measures for the reconstruction and revitalization for areas of Fukushima where evacuation orders had been lifted or were to be lifted and the whole of the prefecture.

In 2017, the Basic Guidelines were revised to reflect the content of that year’s revision of the Fukushima Special Measures Act, the “Sixth Proposal for Accelerating Reconstruction following the Great East Japan Earthquake” (LDP/Komeito, August 24, 2016) and the “Basic Policy for Accelerating Fukushima Recovery from the Nuclear Disaster” (cabinet decision, December 20, 2016), etc., incorporating the Plans for Reconstruction and Revitalization in the Specified Reconstruction and Revitalization Bases Area, the strengthening of the Public-Private Joint Team, countermeasures against rumors, the promotion of the Fukushima Innovation Coast and other matters⁷¹.

Following the revision of the Fukushima Special Measures Act in June 2020 (full effect in April 2021), measures were incorporated for the promotion of migration and settlement, the promotion of consolidated use of farmland, and the further promotion of new countermeasures against rumors, and the Fukushima Innovation Coast Framework, presenting the policy of the national government to continue playing a leading role during the second reconstruction/revitalization period⁷².

The background to formulation and revision is as follows.

Figure 2-3-78 The background to formulation and revision (Basic Guidelines for the Reconstruction and Revitalization of Fukushima)

Date of formulation and revision	Item	
July 13, 2012	Basic Guidelines for the Reconstruction and Revitalization of Fukushima	Formulated following the initial enactment of the Fukushima Special Measures Act in March 2012
June 30, 2017	Basic Guidelines for the Reconstruction and Revitalization of Fukushima (revised)	Formulated following the revision of the Fukushima Special Measures Act in May 2017
March 26, 2021	Basic Guidelines for the Reconstruction and Revitalization of Fukushima (revised)	Formulated following the revision of the Fukushima Special Measures Act in June 2020
August 26, 2022	Basic Guidelines for the Reconstruction and Revitalization of Fukushima (revised)	Formulated following the revision of the Fukushima Special Measures Act in June 2022

2) Formulation of various related plans

As mentioned above, various plans to be prepared by people including the governor of Fukushima Prefecture are stipulated in the Fukushima Special Measures Act. The state of formulation of each plan is as follows.

- a) The plan formulated by the Prime Minister
 - Plan for Reconstruction and Revitalization of Zones where Evacuation Orders Have Been Lifted or Are to Be Lifted (Prime Minister) (determined March 19, 2013, revised June 20, 2014)
- b) Plans formulated by Fukushima Prefecture
 - Plan for Reconstruction and Revitalization of Industry (Fukushima Prefecture) (approved May 28, 2013)

⁷¹ “Overview of the Basic Guidelines for the Reconstruction and Revitalization of Fukushima,” Reconstruction Agency, June 30, 2017 <https://www.reconstruction.go.jp/topics/20170629151224.html> (browsed July 19, 2023)

⁷² “Overview of the Basic Guidelines for the Reconstruction and Revitalization of Fukushima,” Reconstruction Agency, March 26, 2021 <https://www.reconstruction.go.jp/topics/20210325191726.html> (browsed July 19, 2023)

- Priority Promotion Plan (Fukushima Prefecture) (approved April 26, 2013, approved April 25, 2018, minor changes on April 1, 2019, changes approved May 1, 2020)
 - Fukushima Reconstruction and Revitalization Plan (approved April 9, 2021, changes approved December 26, 2022)
 - Plan for the Promotion of Business Location (Fukushima Prefecture) (formulated June 10, 2013, changed on August 8, 2013, October 30, 2015, September 15, 2017 and April 20, 2021)
- c) Plans formulated by municipalities, business operators, etc.
- Plan for a Living Base Formation Project (prefecture and municipalities) (As of December 2022, the prefecture and 15 municipalities had formulated plans.)
 - Implementation Plan for Reconstruction and Revitalization Promotion Projects in Zones where Evacuation Orders Have Been Lifted or Are to Be Lifted (approved business operators) (360 plans had been approved since January 2014 (as of September 30, 2022))
 - Return Environment Development Project Plan (projects for development of the environment for returning, migrating, etc.) (prefectures, municipalities, etc.) (As of December 2022, the prefecture and 45 municipalities have formulated plans.)
 - Plan for Reconstruction and Revitalization in the Specified Reconstruction and Revitalization Bases Area (municipalities) (plans were formulated for six towns and villages (Futaba Town, Okuma Town, Namie Town, Tomioka Town, Iitate Village and Katsurao Village) from September 2017 to May 2018)

Figure 2-3-79 The background to formulation and revision (various related plans)

項目	策定・改定日	
避難解除等区域復興再生計画 (内閣総理大臣)	平成 25 年 3 月 19 日 内閣総理大臣決定	平成 24 年 3 月の福島特措法当初法 制定を受けて策定
同 (改定)	平成 26 年 6 月 20 日 改定	避難指示解除の動き、「原子力災害 からの福島復興の加速に向けて」 (福島復興指針 平成 25 年 12 月閣 議決定) 等を受けて改訂
産業復興再生計画 (福島県)	平成 25 年 5 月 28 日 内閣総理大臣認定	平成 24 年 3 月の福島特措法当初法 制定を受けて策定
重点推進計画 (福島県)	平成 25 年 4 月 26 日 内閣総理大臣認定	平成 24 年 3 月の福島特措法当初法 制定を受けて策定
重点推進計画 (福島県)	平成 30 年 4 月 25 日 内閣総理大臣認定 平成 31 年 4 月 1 日 軽微な変更	平成 29 年 5 月の福島特措法改正、 平成 29 年 6 月の福島復興再生基本 方針改定等を受けて策定
同 (変更)	令和 2 年 5 月 1 日 内閣総理大臣認定	令和元年 12 月 9 日の「福島イノ ベーション・コースト構想を基軸と した産業発展の青写真」策定 (復興 庁、経済産業省、福島県) を受けて 変更
福島復興再生計画 (福島県)	令和 3 年 4 月 9 日 内閣総理大臣認定	令和 2 年 6 月の福島特措法改正等 を受けて策定
同 (変更)	令和 4 年 12 月 26 日 内閣総理大臣認定	令和 4 年 6 月の福島特措法改正等 を受けて策定
企業立地促進計画 (福島県)	平成 25 年 6 月 10 日策定 平成 25 年 8 月 8 日変更 平成 27 年 10 月 30 日変更 平成 29 年 9 月 15 日変更 令和 3 年 4 月 20 日変更	平成 25 年 5 月の福島特措法改正等 を受けて策定
生活拠点形成事業計画 (県、各市町村)	令和 4 年 12 月時点で県及 び 15 市町村の計画を策定	平成 25 年 5 月の福島特措法改正等 で計画を位置付け
避難解除等区域復興再生推進 事業実施計画 (認定事業者)	平成 26 年 1 月より 360 計 画を認定 (令和 4 年 9 月	平成 25 年 5 月の福島特措法改正等 で計画を位置付け

	30 日時点) ⁷³	
帰還環境整備事業計画（帰還・移住等環境整備事業計画）（県、市町村等）	令和 4 年 12 月時点で県及び 45 市町村等の計画を策定	平成 27 年 5 月の福島特措法改正等で計画を位置付け
特定復興再生拠点区域復興再生計画（各市町村）	平成 29 年 9 月～平成 30 年 5 月に 6 町村の計画を策定	平成 29 年 5 月の福島特措法改正で計画を位置付け

Note) The Plan for Reconstruction and Revitalization of Zones where Evacuation Orders Have Been Lifted or Are to Be Lifted, the Plan for Reconstruction and Revitalization of Industry, and the Priority Promotion Plan were integrated to make the Fukushima Reconstruction and Revitalization Plan on April 9, 2021.

Source) Prepared from the Fukushima Prefecture website on the Act on Special Measures for the Reconstruction and Revitalization of Fukushima

<https://www.pref.fukushima.lg.jp/site/portal/ps-tokusoho1002.html> (browsed July 15, 2023)

3) The Council for the Reconstruction and Revitalization of Fukushima

As described above, Article 70 of the initial Fukushima Special Measures Act positioned the “Council for the Reconstruction and Revitalization of Fukushima following the Nuclear Disaster” as the organization to hold the necessary discussions on the promotion of the reconstruction and revitalization of Fukushima following the nuclear disaster. By doing so, the “Council for the Reconstruction and Revitalization of Fukushima following the Nuclear Disaster,” which had previously been held by the national government and related parties of Fukushima Prefecture, was positioned as a legal council.

As of FY2022, the members on the national government side include the Minister for Reconstruction (chair) and the ministers or state ministers of Internal Affairs and Communications, Agriculture, Forestry and Fisheries, Economy, Trade and Industry, the Environment, and Reconstruction, and the members on the prefectural side include the prefectural governor, the chair of the prefectural assembly, the representative of the city mayors’ association, the representative of the town and village association, the mayor of Iwaki City, the chair of The Federation of Fukushima Prefecture Chambers of Commerce and Industry, and the chair of the Central Branch of the Fukushima Prefecture Agricultural Cooperative, while the Reconstruction Agency and Fukushima Prefecture serve as secretariats.

Figure 2-3-80 Overview of the holding of meetings of the Council for the Reconstruction and Revitalization of Fukushima following the Nuclear Disaster

Item	Date	Remarks (main themes of discussions, etc.)
1st	August 27, 2011	Basic Guidelines for Reconstruction in Response to the Great East Japan Earthquake, Vision for the Reconstruction of Fukushima Prefecture
1st executive meeting	September 13, 2011	Special Act for the Reconstruction and Revitalization of Fukushima following the Nuclear Disaster (tentative name)
2nd	October 17, 2011	Response to the funds requested by Fukushima Prefecture
2nd executive meeting	November 16, 2011	Overview of the Act on Special Zones for Reconstruction in Response to the Great East Japan Earthquake
3rd	January 8, 2012	Fukushima Prefecture Reconstruction Plan (1st)
4th	February 4, 2012	Concerning the Fukushima Special Measures Act
5th (1st statutory council meeting)	April 22, 2012	Future issues for the revitalization of Fukushima
3rd executive meeting	June 1, 2012	Concerning the Basic Guidelines for the Reconstruction and Revitalization of Fukushima (draft, under adjustment)
6th (2nd statutory council meeting)	July 1, 2012	Concerning the Basic Guidelines for the Reconstruction and Revitalization of Fukushima (draft)
4th executive meeting	February 14, 2013	Concerning the Fukushima response system, the budget for reconstruction and revitalization, and the partial revision of the Fukushima Special Measures Act

⁷³ Overview of State of Approval of Implementation Plans for Reconstruction and Revitalization Promotion Projects in Zones where Evacuation Orders Have Been Lifted or Are to Be Lifted (Announcement) (Fukushima Prefecture, as of September 30, 2022)

<https://www.pref.fukushima.lg.jp/site/portal/ps-tokusoho1065.html> (accessed July 15, 2023)

7th (3rd statutory council meeting)	February 17, 2013	Concerning the drastic strengthening of the Fukushima response system
8th (4th statutory council meeting)	August 11, 2013	Toward the FY2014 national government budget
9th (5th statutory council meeting)	August 9, 2014	Toward the FY2015 national government budget
10th (6th statutory council meeting)	February 1, 2015	Concerning the partial revision of the Fukushima Special Measures Act, the draft FY2014 supplementary budget and the draft FY2015 budget
11th (7th statutory council meeting)	August 8, 2015	Toward the FY2016 national government budget
12th (8th statutory council meeting)	March 27, 2016	Toward the reconstruction and revitalization of Fukushima during the “reconstruction/revitalization period”
13th (9th statutory council meeting)	July 31, 2016	Towards the reconstruction and revitalization of Fukushima in FY2017
14th (10th statutory council meeting)	January 28, 2017	Concerning the partial revision of the Fukushima Special Measures Act
15th (11th statutory council meeting)	August 6, 2017	Concerning the Subcommittee on Promotion of Fukushima Innovation Coast Framework
16th (12th statutory council meeting)	February 18, 2018	The state of efforts toward the reconstruction and revitalization of Fukushima
17th (13th statutory council meeting)	August 9, 2018	Towards the reconstruction and revitalization of Fukushima in FY2019
18th (14th statutory council meeting)	March 30, 2019	Concerning the “Blueprint for Industrial Development Based on the Fukushima Innovation Coast Framework (outline plan)”
19th (15th statutory council meeting)	August 8, 2019	Towards the reconstruction and revitalization of Fukushima in FY2020
20th (16th statutory council meeting)	February 24, 2020	Concerning the Bill for Partial Amendments to the Act for Establishment of the Reconstruction Agency, etc.
21st (17th statutory council meeting)	August 30, 2020	Towards the reconstruction and revitalization of Fukushima in FY2021
22nd (18th statutory council meeting)	February 21, 2021	The state of efforts toward the reconstruction and revitalization of Fukushima
23rd (19th statutory council meeting)	August 5, 2021	Towards the reconstruction and revitalization of Fukushima in FY2022
24th (20th statutory council meeting)	February 12, 2022	The state of efforts toward the reconstruction and revitalization of Fukushima
25th (21st statutory council meeting)	August 27, 2022	Towards the reconstruction and revitalization of Fukushima in FY2023

Source) Prepared based on Reconstruction Agency “Council for the Reconstruction and Revitalization of Fukushima following the Nuclear Disaster”

<https://www.reconstruction.go.jp/topics/000818.html> (browsed July 15, 2023)

(6) Evaluation and issues

Reconstruction and revitalization following the nuclear disaster require medium and long-term responses, and various efforts are currently underway. In light of the special circumstances in which the prefecture faces not only natural disasters, but also a nuclear disaster, this law, which was enacted as a law applicable only to Fukushima Prefecture, is also evaluated by Fukushima Prefecture as the key framework for the reconstruction and revitalization of the prefecture.

According to the “Summary of Reconstruction Measures after the Great East Japan Earthquake” (Working Group on the Summary of Reconstruction Measures after the Great East Japan Earthquake, October 23, 2019) III 2.(2) ④ “Lessons for Large-Scale Disasters in the Future,” “Based on the special characteristics of a nuclear disaster on an unprecedented scale, the government has steadily contributed to the reconstruction and revitalization of Fukushima by enacting a new law specializing in reconstruction from the nuclear disaster, revising the law according to the progress of reconstruction, and maintaining the government’s basic policy and institutional foundations. For large-scale disasters that may occur in the future, it will be necessary to consider a system in accordance with the scale and situation of the disaster, the state of damage and regional characteristics.”

5. Act on Promotion of Support Measures for the Lives of Disaster Victims to Protect and Support Children and Other Residents Suffering Damage due to Tokyo Electric Power Company's Nuclear Accident (Act No. 48 of 2012)

(1) Background for formulating and purpose for enacting

Because the radioactive materials released by the accident at the TEPCO Fukushima Daiichi Nuclear Power Station were dispersed widely and the danger to human health of radiation due to such materials has not been clarified sufficiently scientifically, disaster victims, including residents in areas that were not subject to evacuation orders, have health concerns and are forced to bear a burden in their lives so various forms of support were required for these disaster victims, especially consideration for children, who are said to be highly sensitive to radiation.

The government submitted to the Diet a bill for the Act on Special Measures for the Reconstruction and Revitalization of Fukushima (Act No. 25 of 2012; hereinafter referred to as the “Fukushima Special Measures Act”), which includes special measures for the reconstruction and revitalization of areas where evacuation orders have been lifted or are to be lifted. However, it was pointed out that this law focused on the reconstruction and revitalization of the region, and that it was necessary to develop a separate law to promote livelihood support for the victims of the nuclear accident⁷⁴.

In such circumstances, the Liberal Democratic Party/Sunrise Party of Japan/independents, Komeito, Your Party, the Japanese Communist Party, the Social Democratic Party of Japan/Goken Rengo, and the New Renaissance Party, which had advanced considerations related to medical cost exemptions for children in particular, etc., submitted a bill to the House of Councillors on March 14, 2012, the “Bill for Promotion of the Protection of Children from Damage Due to the 2011 TEPCO Nuclear Power Station Accident” (hereinafter referred to as “Opposition Bill”).

The Opposition Bill sought to establish the basic principles concerning measures to protect children from damage caused by the nuclear power accident, clarify the responsibility of the national government and local governments, and stipulate the taking of measures such as the national government formulating a basic plan, calculating radiation doses in each region, assessing the radiation exposure doses of children and pregnant women, conducting regular health examinations throughout people's lives, reducing and exempting people from the burden of medical expenses, testing for radioactive materials in school lunches, supporting children's learning, and providing education on radiation.

In addition, referring to the so-called “Chernobyl Act⁷⁵,” the Democratic Party of Japan submitted the “Bill for the Promotion of Measures on Support for the Lives of Victims of the TEPCO Nuclear Accident” (hereinafter referred to as “Government Bill”) to the House of Councillors on March 28 to take a wide range of measures to support disaster victims choose freely for themselves their residence, relocation and return.

The Government Bill sought to establish the basic principles and responsibility of the national government with regard to measures to support the lives of people who live or used to live in areas where radiation levels were below the standard for evacuation orders issued by the national government (annual cumulative radiation dose of 20 mSv) but above a certain standard (hereinafter referred to as “Areas Subject to Support”), with the national government to take measures such as surveys of the state of contamination, measures for the support of relocation, securing of housing, support for employment, surveys on health effects, the provision of medical care, etc.

Both the Opposition Bill and Government Bill were drafted with the aim of providing support for the livelihoods

⁷⁴ For example, the Japan Federation of Bar Associations stated in its “Opinion on the Enactment of Special Legislation for the Reconstruction and Revitalization of Fukushima and Support for the Victims of the Fukushima Nuclear Power Station Accident” (February 16, 2012) with regard to the Fukushima Special Measures Act that “The main objective of the act is the economic reconstruction and revitalization of the Fukushima region and it does not include measures to support the rebuilding of individuals' lives.” In addition, at a meeting of the Special Committee on Reconstruction after the Great East Japan Earthquake (House of Representatives) held on June 14, 2012, where the draft of the bill was subsequently discussed, Diet member Teruhiko Mashiko, who initiated the bill, explained that “The Act on Special Measures for the Reconstruction and Revitalization of Fukushima emphasizes the reconstruction and revitalization of the Fukushima region. In contrast, this bill (omission) establishes the basic matters of measures for the support of disaster victims' lives, etc., (omission) so the perspective differs and because it is not limited to the residents of Fukushima, it needs to be enacted separately to the Act on Special Measures for the Reconstruction and Revitalization of Fukushima.”

⁷⁵ A law established by Ukraine in 1991 regarding support for victims of the 1986 nuclear power plant accident in Chernobyl. Based on the radiation dose, it classified areas contaminated by the nuclear power station accident into isolation areas, expulsion areas, and residential areas with the right to relocate, etc., and established the right to receive medical care, and economic support such as housing support when residents who meet certain requirements for the area move voluntarily.

of disaster victims, and after the initiators of the bills explained their aims at a meeting of the Special Committee on Reconstruction after the Great East Japan Earthquake (House of Councillors) on March 29, 2012, it was decided to discuss how to integrate them. As a result, both bills were withdrawn at the meeting of the committee held on June 14 the same year, a draft of the “Bill on Promotion of Support Measures for the Lives of Disaster Victims to Protect and Support Children and Other Residents Suffering Damage due to Tokyo Electric Power Company’s Nuclear Accident” was proposed based on the agreement of the ruling and opposition parties, and it was submitted to the Diet by unanimous decision of the committee.

Under this bill, necessary measures would be taken to support disaster victims choose freely for themselves with regard to residence, relocation and return while emphasizing the idea proposed by the opposition parties that special consideration should be given to children and pregnant women. Specifically, the government would establish the basic policy and take measures concerning the securing of medical care, assistance for children’s school attendance, the securing of food safety and security, securing of housing, support for employment, surveys of the health impacts of radiation, the reduction of or exemption from medical expenses, etc., for disaster victims who were living in the Areas Subject to Support at the time of the disaster.

In addition, support for children living apart from their families, etc., which was not included in the Opposition Bill or Government Bill, was added, and the burden of proof as to whether the diseases of children and pregnant women who were able to receive a reduction of or exemption from medical expenses were caused by radiation was placed on the government⁷⁶.

(2) Background of Diet deliberations, promulgation, and implementation

As mentioned above, the Liberal Democratic Party/Sunrise Party of Japan/independents, Komeito, Your Party, the Japanese Communist Party, the Social Democratic Party of Japan/Goken Rengo, and the New Renaissance Party submitted the Opposition Bill to the House of Councillors on March 14, 2012. In addition, the Government Bill was submitted to the House of Councillors by the Democratic Party of Japan on March 28, and after the vote on the Bill on Special Measures for the Reconstruction and Revitalization of Fukushima at the meeting of the Special Committee on Reconstruction after the Great East Japan Earthquake (House of Councillors) on the following day, March 29, the aims of the Opposition Bill and Government Bill were explained.

Subsequently, both bills were withdrawn at the meeting of the committee held on June 14 the same year, a draft of the “Bill on Promotion of Support Measures for the Lives of Disaster Victims to Protect and Support Children and Other Residents Suffering Damage due to Tokyo Electric Power Company’s Nuclear Accident” was proposed based on the agreement of the ruling and opposition parties, and it was submitted to the Diet by unanimous decision of the committee. After the vote, Minister for Reconstruction Tatsuo Hirano stated that “After this bill is established, each ministry will work together as hard as it can on the promotion of measures supporting the lives of disaster victims, giving special consideration to children.”

This bill was passed unanimously at the plenary session (House of Councillors) on June 15, and was also passed at the meeting of the Special Committee on Reconstruction after the Great East Japan Earthquake (House of Representatives) on June 19, before being passed unanimously and established at the plenary session (House of Representatives) on June 21.

The act was promulgated and entered into force on June 27.

The following points were the main points of discussion in Diet deliberations.

1) Responsibility of the national government

A question was asked about the aim of stipulating the responsibility of the national government and the initiator of the bill replied that the national government has the mission of protecting the lives, physical health and property of citizens if danger arises due to a nuclear disaster. In addition, since the national government has promoted a nuclear energy policy, it is thought that it bears social responsibility with regard to this accident. The combination of these two factors made it clear that the government bears responsibility for support for disaster victims.

⁷⁶ Minutes of the Special Committee on Reconstruction after the Great East Japan Earthquake, House of Representatives, 180th Diet (hereinafter referred to as “180th Diet Reconstruction Committee (Representatives) Minutes”), No. 7, p.6 (June 19, 2012), etc.

It was added that TEPCO's primary responsibility would not be reduced in any way by this provision⁷⁷.

2) Competent ministers, etc.

It was pointed out that since the bill does not specify the competent ministers or the ministries and agencies in charge of each measure, the whereabouts of responsibility may be unclear and the effectiveness of the measures may weaken. In response, the initiator replied that although the measures stipulated in the bill are diverse, the ministries and agencies in charge are clear from the details of each measure, and it is not necessary to specify them. The initiator also replied with regard to the compilation of the basic policy that the Reconstruction Agency is expected to carry it out and that it would be desirable for it to be approved by cabinet decision.

In addition, following these discussions, the Reconstruction Minister will have the Reconstruction Agency compile the basic policy and have each ministry and agency take responsibility for implementing the measures. The initiator replied that the Reconstruction Agency would be responsible for the overall coordination of each measure⁷⁸.

At the same time, the initiator replied that they wanted to establish an all-party parliamentary group, etc., to check matters such as the standards for areas subject to support, the specifics of each measure and the securing of financial resources⁷⁹.

3) Standards for radiation doses in areas subject to support, etc.

The following three zones were established in the area surrounding the TEPCO Fukushima Daiichi Nuclear Power Station in April 2011 to respond to the accident that occurred there.

Name of zone	Scope	Overview
No-entry zone	Within a 20-km radius of the nuclear power plant	Off-limits in principle, no lodging
Planned evacuation zone	Areas where the annual cumulative dose exceeds 20 mSv	Entry is allowed, lodging is prohibited in principle
Emergency evacuation preparation zone	Within a 30-km radius of the nuclear power plant	Preparation for evacuation; entry and lodging allowed

Subsequently, when the reactors were put into cold shutdown in December the same year, a review was advanced to reorganize the above into the following three zones.

Name of zone	Scope	Overview
Difficult-to-return zone	Areas where the annual cumulative dose exceeds 50 mSv	Off-limits in principle, no lodging
Restricted residential areas	Areas where the annual cumulative dose is 20-50 mSv	Entry allowed, some business activities allowed, lodging prohibited in principle
Areas under preparation for lifting evacuation orders	Areas where it can be ascertained with certainty that the annual cumulative dose is 20 mSv or less	Entry allowed, business activities allowed, lodging prohibited in principle

In such circumstances, the law stipulated with regard to the radiation doses in areas subject to support that they should be "above a certain standard," and specific values were not established. A question was asked about the

⁷⁷ Minutes of the Special Committee on Reconstruction after the Great East Japan Earthquake, House of Councillors, 180th Diet (hereinafter referred to as "180th Diet Reconstruction Committee (Councillors) Minutes"), No. 8, p.6 (June 14, 2012). The phrase "social responsibility" was added to Article 1 of the Bill on Special Measures for the Reconstruction and Revitalization of Fukushima due to an amended by Diet members during discussions on the bill, and those details, etc., are described in 180th Diet Reconstruction Committee (Representatives) Minutes, No. 6, p.7 (March 8, 2012).

⁷⁸ 180th Diet Reconstruction Committee (Representatives) Minutes, No. 7, p.7-9 (June 19, 2012).

⁷⁹ 180th Diet Reconstruction Committee (Councillors) Minutes, No. 8, p.5 (June 14, 2012), 180th Diet Reconstruction Committee (Representatives) Minutes, No. 7, p.12 (June 19, 2012), etc. On January 22, 2013, after this bill was established as law, the nonpartisan "Diet Members' Alliance to Support Child Victims" was established to monitor the national government's implementation of the law and ensure that its measures are implemented with certainty.

reason for this, etc., and the initiator replied as follows⁸⁰.

- It is assumed that the standards for radiation doses in the areas subject to support will be reviewed every year toward the goal of 1 mSv⁸¹ so no numerical values were specified in the law to avoid the need to revise it each time.
- The national government should avoid dividing regions and communities by establishing standards unilaterally, and must consider comprehensively various actual conditions while listening to the opinions of disaster victims before making a decision.
- It is expected that specific standards will be established appropriately based on the basic policy established by the national government.

Moreover, there were discussions with regard to the areas subject to support that at least the whole of Fukushima Prefecture should be covered, that areas with a radiation dose of 1 mSv or more should be covered, and that there should not be a line drawn such that differences would apply to the details of support depending on differences in radiation doses⁸².

4) Positioning of surveys of the health impacts of radiation, etc.

Health management surveys of all prefectural residents started in Fukushima Prefecture from June 2011. In addition, the Fukushima Special Measures Act stipulates that Fukushima Prefecture may conduct such surveys, and that the national government is to take necessary financial measures keeping in mind contributions to the Fukushima Prefecture People's Health Management Fund⁸³, which will be used as the financial source for those surveys⁸⁴.

On the other hand, Article 13, Paragraph 2 of the bill stipulated that the national government is to take necessary measures with regard to surveys of the health impacts of radiation. A question was raised concerning the relationship here, and the initiator replied to the effect that the measures under this bill would be expanded more than the health management surveys of prefectural residents in regard to the following points, and that the surveys could also be one of those measures⁸⁵.

- The national government is also obliged to include disaster victims outside of Fukushima Prefecture.
- The national government is to take necessary measures so that health examinations are carried out for disaster victims who spent their childhoods in areas where measured radiation doses exceed a certain level throughout their lifetime.

Although the health management surveys of prefectural residents were implemented as independent work by Fukushima Prefecture, there was discussion that turning these surveys into legally commissioned work should be considered⁸⁶.

⁸⁰ 180th Diet Special Committee on Reconstruction after the Great East Japan Earthquake (Councillors) Minutes, No. 8, p.9, (June 14, 2012), 180th Diet Reconstruction Committee (Representatives) Minutes No. 7, p.4, 9, 12, (June 19, 2012), etc.

⁸¹ In The 2007 Recommendations of the International Commission on Radiological Protection (ICRP), protection standards are established for three situations: normal situations in which exposure situations can be managed systematically (planned exposure situations); emergency situations such as accidents and nuclear terrorism (emergency exposure situations); and periods of recovery and restoration after accidents (existing exposure situations), and the dose limits for the general public are set at up to 1 mSv per year in planned exposure situations, and 1-20 mSv per year as a reference level in existing exposure situations.

⁸² 180th Diet Reconstruction Committee (Councillors) Minutes, No. 8, p.9 (June 14, 2012), 180th Diet Reconstruction Committee (Representatives) Minutes, No. 7, p.4 (June 19, 2012), etc.

⁸³ The fund was created using 78.2 billion yen for health management and survey projects from the 96.2 billion yen subsidy provided for the Fukushima Prefecture Health Fund for Children and Adults Affected by the Nuclear Accident in the FY2011 general account supplementary budget (No. 2) established on July 25, 2011.

⁸⁴ Article 26 and Article 29 of the Fukushima Special Measures Act at the time of enactment. 180th Diet Reconstruction Committee (Councillors) Minutes, No. 6, p.8 (March 29, 2012), etc.

⁸⁵ 180th Diet Reconstruction Committee (Councillors) Minutes, No. 8, p.10 (June 14, 2012).

⁸⁶ 180th Diet Reconstruction Committee (Councillors) Minutes, No. 6, p.6 (March 29, 2012), etc.

Opposition parties, including the Liberal Democratic Party and Komeito, submitted the "Bill on the Implementation of Health Surveys, etc., Related to the 2011 TEPCO Nuclear Power Station Accident," which sought to make these surveys legally commissioned work to the House of Councillors on March 29, 2012, and the bill continued to be reviewed at the plenary session (House of Councillors) on September 7 the same year. On the other hand, Minister for Reconstruction Hirano explained at a meeting of the Special Committee on Reconstruction after the Great East Japan Earthquake (House of Councillors) held on March 29, 2012 that the prefectural health management surveys had been organized as local government work following a request from Fukushima Prefecture.

5) Subjects of reductions of and exemptions from medical expenses, etc.

Fukushima Prefecture decided to use the Fukushima Prefecture People's Health Management Fund to make medical expenses free for children under 18 years old with an address in the prefecture from October 2012. Initially, Fukushima Prefecture asked for handling by the national government, but it was judged difficult to apply national funds separately because the public medical system is established based on taxes and medical examination fees⁸⁷. On the other hand, Article 13, Paragraph 3 of the bill stipulated that the national government is to take necessary measures to reduce or exempt medical expenses for children and pregnant women who are disaster victims, and other necessary measures related to the provision of medical care to disaster victims.

A question was asked about the relationship, and the initiator replied that the subjects of the measures based said paragraph were not necessarily limited to children with an address in Fukushima Prefecture, but there was a difference in that issues not caused by exposure were excluded from the subjects of reduction and exemption, and it was understood that the relationship between the two would be adjusted appropriately after establishment of the bill⁸⁸.

In addition, the initiator replied that reductions and exemptions would be funded by the national government so the subjects and extent of reductions and exemptions must not be endless and unchecked, and the national government should make the utmost effort to obtain the understanding of the people to support victims as much as possible⁸⁹.

The initiator also replied that the "other necessary measures related to the provision of medical care to disaster victims" stipulated in the same paragraph could be the taking of measures for reductions to and exemptions from medical expenses for adults⁹⁰. In addition, the initiator also replied that it is stipulated that "diseases not caused by exposure are excluded" from the subject diseases, but this provision is a negative list, all diseases are covered in principle and the burden of proving that they are not caused by exposure lies with the national government⁹¹. At the same time, there was discussion on the necessity of guidelines for doctors to judge the causal relationship between diseases and exposure to radiation⁹².

(3) Overview of the act and details of measures

1) Overview and purpose

The act is a concept-espousing law that stipulates that the national government has the responsibility to take necessary measures to support the lives of disaster victims, mainly voluntary evacuees, for the elimination of their anxieties and the realization of stable lives.

2) Basic principles and responsibility of the national government

Article 2 of the act established as the basic principles in providing support for the lives of disaster victims: the provision of accurate information; enabling disaster victims to make a voluntary choice with regard to residence, relocation or return; the early elimination of the health concerns of disaster victims in association with external and internal exposure to radiation; the prevention of unjustified discrimination; and special consideration and support for children and pregnant women, and the certain implementation of support while the need for support continues.

In addition, Article 3 of the act establishes the responsibility of the national government as described above as the main discussion in Diet deliberations.

⁸⁷ 180th Diet Reconstruction Committee (Councillors) Minutes, No. 6, p.5 (March 29, 2012), etc.

Medical expenses related to diseases caused by radiation were made free of charge at national government expense for atomic bomb survivors who suffered due to the atomic bombing of Hiroshima City and Nagasaki City based on the "Atomic Bomb Survivors' Assistance Act" (Act No. 117 of 1994).

⁸⁸ 180th Diet Reconstruction Committee (Councillors) Minutes, No. 8, p.10 (June 14, 2012).

⁸⁹ 180th Diet Reconstruction Committee (Councillors) Minutes, No. 8, p.4 (June 14, 2012).

⁹⁰ 180th Diet Reconstruction Committee (Representatives) Minutes, No. 7, p.10 (June 19, 2012).

⁹¹ 180th Diet Reconstruction Committee (Councillors) Minutes, No. 8, p.9 (June 14, 2012), 180th Diet Reconstruction Committee (Representatives) Minutes, No. 7, p.6 (June 19, 2012).

⁹² 180th Diet Reconstruction Committee (Representatives) Minutes, No. 7, p.12, 13 (June 19, 2012).

3) Basic framework

Article 5 of the act establishes that the national government must formulate a Basic Framework on the Promotion of Support Measures for the Lives of Disaster Victims, with special consideration for children, and apart from the basic direction and basic matters concerning the promotion of measures, the matters concerning the areas subject to support of Article 8 of the act must be established in the Basic Framework.

4) Support for disaster victims living in areas subject to support

Article 8 of the act establishes that the national government is to take measures for ensuring medical care, measures for assisting children's school attendance, etc., measures for ensuring the safety and security of food at home and at school, etc., measures for supporting regional efforts to reduce radiation doses and alleviate the burden on people's lives, measures for maintaining people's physical and mental health through experiences in nature, etc., to support disaster victims living in areas subject to support (areas where radiation doses are below the level that requires the national government to issue orders for evacuation but exceed a certain level).

The standards for radiation doses in the areas subject to support were as described above as the main point in Diet deliberations.

5) Support for disaster victims living in areas other than those subject to support

Article 9 of the act stipulates that to support disaster victims who have relocated from areas subject to support and now live in other areas, the national government is to take measures for supporting their relocation from areas subject to support, measures for securing houses at their destinations, measures for supporting children's learning, etc., at their destinations, measures for supporting employment at their destinations, measures for helping disaster victims receive services provided by local governments at their destinations easily, measures for maintaining relationships with local governments in areas subject to support, etc.

6) Support for disaster victims returning from areas other than those subject to support

Article 10 of the act stipulates that to support disaster victims as stipulated in Article 9 who intend to return to an area subject to support, the national government is to take measures for supporting their return to the area subject to support, measures for securing houses in the area subject to support, measures for supporting employment in the area subject to support, measures for helping disaster victims receive services provided by the local government, etc.

In addition, with regard to any of the disaster victims stipulated in Article 8 through Article 10 of the act, the national government is to take measures related to support for children who are forced to live away from their families, and other necessary measures. During the Diet deliberations, the initiator replied with regard to the measures for support for such children that they had in mind the reduction of travel and communication costs when meeting family, counseling, mental care, etc.⁹³.

7) Surveys of the health impacts of radiation, etc.

The first sentence of Article 13, Paragraph 2 of the act stipulates that the national government is to carry out periodic health examinations for disaster victims and take other necessary measures with regard to research on the influence on human health of radiation related to the nuclear accident. In addition, the second sentence stipulates that the national government is to take necessary measures to ensure that health examinations are carried out for disaster victims who spent their childhoods in areas where measured radiation doses exceed a certain level throughout their lifetime.

The fact that the prefectural health management surveys conducted by Fukushima Prefecture could be one of the measures based on this paragraph is as described above as a main issue in Diet deliberations.

⁹³ 180th Diet Reconstruction Committee (Representatives) Minutes, No. 7, p.4 (June 19, 2012).

8) Provision of medical care

Article 13, Paragraph 3 of the act stipulates that the national government is to take measures necessary for reducing the expenses for medical care for children and pregnant women who are disaster victims (excluding medical care for injuries or diseases not attributable to exposure due to radiation related to the nuclear accident) or providing an exemption therefrom and other measures necessary for providing medical care to disaster victims.

The relationship between the measures based on this paragraph and the free medical care for children 18 years of age or younger implemented by Fukushima Prefecture using the Fukushima Prefecture People's Health Management Fund, as well as the subjects of reduction and exemption are as described above as the main issues in Diet deliberations.

9) Supplementary provisions

It was stipulated that this act would come into effect on the day of promulgation (June 27, 2012). In addition, it is stipulated that the national government is to review the areas subject to support, etc., each year.

(4) Actual application

1) Package of measures to support victims of the nuclear disaster

a. Background

Following the enforcement of this act, the national government had to formulate the Basic Framework stipulated in Article 5 of the act, but because the Basic Policy established the areas subject to support stipulated in Article 8 of the act, there were various opinions, also including the discussions in Diet deliberations, on the radiation doses in those areas required to do so⁹⁴. In addition, there were also concerns over the occurrence of misunderstandings that the area concerned was dangerous, over harmful rumors based on such misunderstandings, over the division of residents by drawing lines, etc., due to establishing numerical standards.

For this reason, it was considered necessary to listen to the opinions of experts from Japan and overseas, including scientific knowledge, and to take into account the results of those opinions with regard to radiation doses in the areas subject to support⁹⁵. Therefore, at the joint meeting of the Reconstruction Promotion Council and the Nuclear Emergency Response Headquarters on March 7, 2013, Minister for Reconstruction Nemoto asked the Nuclear Emergency Response Headquarters to discuss the embodiment of protective measures in accordance with dose levels and present a certain view by the end of the year to consider how to designate areas appropriately, and also for the Nuclear Regulation Authority play its role fully from the scientific and technical points of view in those considerations.

Under such circumstances, the Basic Framework had not been formulated even nine months after the enforcement of the act. However, to avoid a situation in which support for the lives of disaster victims did not progress because the areas subject to support had not been established, the national government held a "Meeting of Ministries and Agencies Related to Support for Voluntary Evacuees, etc.,⁹⁶" and put together a "Package of Measures to Support Victims of the Nuclear Disaster: Towards the Expansion of Support for Children and Other Voluntary Evacuees" (hereinafter referred to as "Package of Measures") on March 15, 2013 in the joint names of the related ministries and agencies.

b. Overview

The Package of Measures was divided broadly in three: "Advanced efforts to rejuvenate the vitality of children;"

⁹⁴ Minutes of the House of Councillors' Committee on Audit (after the closure of the 180th Diet), No. 1, p.12 (October 18, 2012), Minutes of the House of Councillors plenary session of the 183rd Diet, No. 5, p.14 (February 6, 2013), etc.

⁹⁵ Minutes of the House of Councillors Budget Committee of the 183rd Diet, No. 3, p.29 (February 19, 2013), etc.

⁹⁶ The meeting was chaired by the State Minister for Reconstruction and comprised of the Reconstruction Agency, the Cabinet Office, the Consumer Affairs Agency, the Ministry of Internal Affairs and Communications, the Ministry of Education, Culture, Sports, Science and Technology, the Ministry of Health, Labour and Welfare, the Ministry of Agriculture, Forestry and Fisheries, the Ministry of Land, Infrastructure, Transport and Tourism, the Ministry of Economy, Trade and Industry, the Ministry of the Environment and the Nuclear Regulatory Agency, with the first meeting held on February 13, 2013.

“Efforts to ensure peace of mind in response to health concerns;” and “Support for the burden associated with health concerns in daily life,” and incorporated 93 measures. In addition, different areas subject to the measures were established in accordance with the purpose, objectives, etc., of each measure.

It was decided with regard to the future, that the “Meeting of Ministries and Agencies Related to Support for Voluntary Evacuees, etc.,” would implement follow up as appropriate for the promotion of more effective and efficient measures, and that it would continue to consider expanding the Package of Measures while listening to the various opinions of disaster victims and local governments and using expert knowledge.

c. Characteristic measures

The following can be raised as characteristic measures included in the Package of Measures: the new development of all-weather sports facilities, etc., to ensure opportunities for children to exercise; the strengthening of risk communication within and outside Fukushima Prefecture to eliminate health anxieties; free use of expressways for mother and child evacuees, etc.; the extension of the period of rental-type emergency housing nationwide (extension from the end of March 2013 to the end of March 2014), etc.

Of these, the free use of expressways started on April 26, 2013. Mother and child evacuees, etc., who were living in Hamadori or Nakadori in Fukushima Prefecture (excluding the no-entry zone, etc.) or Marumori Town in Miyagi Prefecture when the nuclear accident occurred,⁹⁷ and who were forced to live a double life after evacuating to other areas were the subjects of this measure, with driving between the nearest interchanges to the municipality they had evacuated from to the municipality they evacuated to made free of charge based on a certificate issued by the municipality they had evacuated from. To FY2020, 2,306 such certificates were issued.

The places of evacuation subject to this measure were established taking into comprehensive account factors such as the distance from the TEPCO Fukushima Daiichi Nuclear Power Station, proximity to areas subject to evacuation orders, information on radiation doses, the number of voluntary evacuees, and social and economic community cohesion as areas where anxieties about health were thought to be particularly strong⁹⁸.

2) Basic framework

a. Background

Even after the Package of Measures was put together, it took time to formulate the Basic Framework, and questions were also asked in the Diet about the state of progress of the plan⁹⁹. In addition, on August 22, 2013, a lawsuit was filed with the Tokyo District Court by voluntary evacuees from Fukushima Prefecture, Miyagi Prefecture, Tochigi Prefecture and others seeking confirmation that the government’s failure to formulate the Basic Framework was illegal¹⁰⁰.

Of the items to be established in the Basic Framework, the one that was considered to be extremely difficult concerned the areas subject to support. The standards on radiation doses for these areas were not established during the legislative process, and the competent ministers, ministries and agencies were not clarified in law so the enforcement of this law, especially the work related to the formulation of the Basic Framework, took time.

⁹⁷ The specific municipalities subject to this measure in Fukushima Prefecture were in Nakadori: Fukushima City; Nihonmatsu City; Date City; Motomiya City; Kori Town; Kunimi Town; Kawamata Town; Otama Village; Koriyama City; Sukagawa City; Tamura City; Kagamiishi Town; Tenei Village; Ishikawa Town; Tamagawa Village; Hirata Village; Asakawa Town; Furudono Town; Miharu Town; Ono Town; Shirakawa City; Saigo Village; Izumizaki Village; Nakajima Village; Yabuki Town; Tanagura Town; Yamatsuri Town; Hanawa Town; and Samegawa Town, and in Hamadori: Soma City; Minamisoma City; Shinchi Town; and Iwaki City. For evacuees from the no-entry zone, free-of-charge travel has been implemented separately since April 1, 2012 for temporary returns, etc., to rebuild their lives.

⁹⁸ Press conference by Minister for Reconstruction Nemoto on March 15, 2013.

⁹⁹ Minutes of the House of Councillors’ Special Committee on Reconstruction after the Great East Japan Earthquake No.5, p.4, 183rd Diet (May 10, 2013), Minutes of the House of Councillors’ Special Committee on Consumer Problems No. 6, p. 9, 183rd Diet (June 12, 2013), etc.

¹⁰⁰ The lawsuit was withdrawn by the plaintiffs on December 27, 2013.

In the process of consideration by the government, how to balance determining the areas subject to support uniformly based on the numerical values of radiation doses with eliminating the anxieties of disaster victims and preventing regional division was the point at issue. In addition, with regard to air dose levels below 20 mSv, there was also a view that it was not necessarily reasonable to think that there is a uniform value around which differences in impacts on health will occur without considering the lifestyle patterns of residents. Moreover, as with the Package of Measures, there was also discussion that the subject areas should differ in accordance with the purpose and objectives of the measures¹⁰¹.

Based on this, where it is stipulated in Article 8 of the act that the areas subject to support are those where the radiation dose is above a certain level, repeated consideration was given to interpreting this “radiation dose above a certain level” as a “substantial radiation dose” rather than a simple numerical value, and to establishing areas equivalent to the areas subject to support because there are areas that require some of the measures to be taken in the areas subject to support and there are some measures that should be taken regardless of the radiation dose.

As a result, the concept “areas where there was a widespread significant radiation dose below 20 mSv after the nuclear power station accident while contiguous with areas where the annual cumulative dose could reach 20 mSv” was adopted as the definition for the areas subject to support. As a result, a draft Basic Framework was prepared that established the areas subject to support as “the municipalities of Nakadori and Hamadori in Fukushima Prefecture (excluding areas under evacuation orders, etc.)” and quasi-areas subject to support for each measure.

Public comments on the draft basic policy were held from August 30, 2013 to September 23, and government-run briefings were held in Fukushima Prefecture and Tokyo on September 11 and 13. A total of 4,963 public comments were received, including 2,707 on the areas subject to support, 1,481 on surveys on the impacts of radiation on health and the provision of medical care, 765 on securing housing, and 525 on support for transportation (some comments on more than one area).

Following this process, the “Basic Framework on the Promotion of Support Measures for the Lives of Disaster Victims” based on Article 5 of the act was approved by cabinet decision on October 11, 2013¹⁰².

b. Overview

The Basic Framework consists of “the basic direction of the promotion of support measures for the lives of disaster victims,” “matters concerning the areas subject to support,” “basic matters concerning support measures for the lives of disaster victims, etc.,” and “other important matters concerning the promotion of support measures for the lives of disaster victims, etc.,” and the areas subject to support and quasi areas subject to support were established as described above.

A total of 64 measures were incorporated into the basic matters concerning support measures for the lives of disaster victims, including “surveys of the state of contamination,” “decontamination,” and “support for disaster victims” such as support for school attendance, learning, etc., securing the safety and security of food, support for travel, securing of housing, surveys of health impacts, the provision of medical care, etc., also including new and expanded measures that were not included in the Package of Measures.

As for other important matters, it was decided the related ministries and agencies would compile and publish separately materials describing the overview of each measure, the areas subject to support, etc., and to revise the Basic Framework as necessary in conjunction with revisions of the areas subject to support, etc.

c. The main measures and a summary of measures

Measures that expanded efforts to that point included the grasping of the state of external exposure including prefectures neighboring Fukushima, projects providing information to evacuees outside of Fukushima Prefecture using private organizations, and facilitating the entry into public housing of evacuees who used to live in the areas subject to support. The Ministry of Land, Infrastructure, Transport and Tourism asked related parties nationwide to

¹⁰¹ Minutes of the House of Councillors’ Special Committee on Reconstruction after the Great East Japan Earthquake No. 3, p.16, 24 (April 17, 2013), etc.

¹⁰² As mentioned above, although not required by Article 5 of the act, it was thought preferable that the Basic Framework be approved by cabinet decision in Diet deliberations.

facilitate entries into public housing¹⁰³, and the cumulative number of the “Certificate of residence” required to apply for entry issued reached 1,171 (as of April 2022).

In addition, with regard to support for travel, free use of expressways for mother and child evacuees continued to be incorporated. In addition, with regard to securing housing, the extension of the period of provision of leased emergency housing nationwide (from the end of March 2014 to the end of March 2015) and other measures were included.

Further, it was decided with regard to the provision of medical care to “consider how to implement measures on medical care based on the results of prefectural health management surveys, the grasping of individual doses, etc., including considering the scope (the scope of subject children and pregnant women, and the scope of subject injuries and diseases) where impacts due to the accident are expected and support is thought to be required from the perspective of the level of exposure.”¹⁰⁴

Along with this, the “Compilation of Measures for the ‘Basic Framework on the Promotion of Support Measures for the Lives of Disaster Victims’” was published. This compilation included 119 measures included in the Basic Framework and other measures providing support for disaster victims, categorized by the content of support.

3) Revision of the Basic Framework

a. Background

At the end of the concentrated reconstruction period to FY2015, it was necessary to present a policy on support for the lives of disaster victims during the first reconstruction/revitalization period starting from the following fiscal year. In addition, four years had passed since the disaster, and while radiation doses in areas other than areas under evacuation orders had decreased significantly, people had established their lives in the areas they had evacuated to. Because of such circumstances, it was decided to revise the Basic Framework to clarify the policy of focusing on support for return and permanent residence so that disaster victims could decide where to live for themselves and live with peace of mind.

As the concept for the revision, while it was clearly stated that there was no need to evacuate, it was decided that the areas subject to support would not be reduced or eliminated for the time being because it would take a certain period of time for the disaster victims to make a new decision about returning or residing permanently in another area.

In addition to public comments on the draft revision of the Basic Policy from July 10 to August 8, 2015, explanations of support information were given at briefings and exchange meetings by the “Information Support Project for Voluntary Evacuees Outside the Prefecture” held in Hokkaido, Yamagata Prefecture, and Okinawa Prefecture on July 11 and 12, and briefings were held in Tokyo and Fukushima Prefecture on July 17 and 18. A total of 1,515 public comments were received, including 1,201 on the areas subject to support, 502 on surveys on the impacts of radiation on health and the provision of medical care, and 455 on securing housing (some comments on more than one area).

Following this process, the revision of the “Basic Framework on the Promotion of Support Measures for the Lives of Disaster Victims” based on Article 5 of the act was approved by cabinet decision on August 25, 2015.

b. Overview

As before the revision, the revised Basic Framework (hereinafter referred to as the “Revised Basic Framework”) consists of “the basic direction,” “matters concerning the areas subject to support,” “basic matters” and “other

¹⁰³ Notification to prefectural governors and mayors of ordinance-designated cities from the Director-General of the Housing Bureau of the Ministry of Land, Infrastructure, Transport and Tourism “Entry into public housing by evacuees subject to support based on the ‘Child and Other Disaster Victims Support Act’” (MLITT Housing Bureau No. 32, June 18, 2014), “Special provisions for income approval pursuant to Article 1, Item 3 of the Order for Enforcement of the Act on Public Housing” (MLITT Housing Bureau No. 33, June 18, 2014), etc.

¹⁰⁴ The Ministry of the Environment has jurisdiction over these measures and established the “Expert Meeting on the Health Management of Residents Following the Accident at the TEPCO Fukushima Daiichi Nuclear Power Station.” A total of 14 meetings were held from November 2013 to December 2014.

important matters,” and it was decided with regard to areas subject to support, “It may be considered appropriate to reduce or eliminate the areas subject to support in accordance with the provisions of the act, but the areas subject to support will not be reduced or eliminated for the time being, regardless of any reduction in radiation dose.”

With regard to the basic matters, it was decided to stop the comprehensive listing of individual measures as prior to the revision, and to include the particularly important ones concerning the securing of housing, surveys of the impacts of radiation on health, the provision of medical care, etc. Of these measures, it was stated clearly concerning the securing of housing that “Fukushima Prefecture’s extension of the period of provision of emergency temporary housing to evacuees outside areas under evacuation orders until the end of March 2017¹⁰⁵ is also consistent with the significant reduction of radiation doses in the areas subject to support.”

In addition, the following interim summary was presented with regard to “surveys of the impacts of radiation on health, the provision of medical care, etc.,” at the Ministry of the Environment’s expert meeting held based on the Basic Framework prior to the revision in December 2014, “At present, no biological impacts due to radiation exposure from the accident have been recognized and it is considered unlikely that radiation exposure will increase the risk of some kind of disease in the future,” but “it is necessary to monitor carefully the trend in thyroid cancer, about which residents are particularly concerned.¹⁰⁶” Following this, it was decided in the Revised Basic Framework to work on the enhancement of thyroid examinations in Fukushima Prefecture’s surveys of prefectural residents’ health and the continuation and enhancement of risk communication programs, etc.

c. Summary of measures

Under the Revised Basic Framework too, it was decided that the related ministries and agencies would compile and publish separately materials describing the overview of each measure, their subject areas, etc. Following this, the “Compilation of Measures for the ‘Basic Framework on the Promotion of Support Measures for the Lives of Disaster Victims’” was published on October 2, 2015.

This compilation included 95 measures providing support for disaster victims, categorized by the content of support.

The same compilation has been made and published every year since 2016.

4) Review of areas subject to support

Paragraph 2 of the Supplementary Provisions of the act stipulates that the national government is to review the areas subject to support and other zones each year based on the results of investigations of radiation doses. Consequently, as a result of reviewing the areas subject to support on December 26, 2014, it was decided that the areas subject to support would continue to be “the municipalities of Nakadori and Hamadori in Fukushima Prefecture (excluding areas under evacuation orders, etc.),” taking into comprehensive consideration that although radiation doses have tended to decrease overall since the disaster, support is still considered necessary in the future.

In addition, the revision of the Basic Framework in 2015, it was decided that the areas subject to support would not be reduced for the time being because it would take a certain period of time for the disaster victims to make a new decision about returning or residing permanently in another area. As a result of reviewing the areas subject to support from 2016 on, based on the Revised Basic Framework, it was decided that the areas subject to support would continue to be “the municipalities of Nakadori and Hamadori in Fukushima Prefecture (excluding areas under evacuation orders, etc.).”

¹⁰⁵ Based on “Concerning the Extension of the Period of Provision of Temporary and Rental Housing Related to the Great East Japan Earthquake” (Fukushima Prefecture Evacuees Support Division, June 15, 2015), it was decided that the period of provision of emergency temporary housing would be extended uniformly throughout the prefecture until the end of March 2017, and that the handling of evacuees from outside the areas under evacuation orders from April 2017 on would transition from emergency relief based on the Disaster Relief Act to a new support measures.”

¹⁰⁶ “Interim Summary of the Expert Meeting on the Health Management of Residents Following the Accident at the TEPCO Fukushima Daiichi Nuclear Power Station” (December 2014) p.34, etc.

6. Act on Corporation for Revitalizing Earthquake-affected Business (Act No. 113 of 2011)

(1) Background for formulating and purpose for enacting

It was pointed out that the problem of so-called double debts was occurring whereby business operators whose business assets had been seriously damaged by the Great East Japan Earthquake found it difficult to procure new funds due to the burden of existing debts, etc., and in the Diet too, there was much discussion of this as a central issue of financial measures for disaster victims.

In June 2011, as a response to SMEs and agriculture, forestry and fisheries, the national government compiled a “Policy for Handling the Double Debt Problem,” in which it presented the policy concerning old debt of establishing a “Small and Medium-Sized Enterprise Revitalization Fund” (Industry Reconstruction Corporations), to be financed by the Organization for Small & Medium Enterprises and Regional Innovation (hereinafter referred to as “SME Support Japan”) and private financial institutions, in the disaster-affected prefectures to provide support to SMEs that have excessive debt but have the potential to revitalize their business, including financing and purchasing debt.

On July 11, 2011, during the 177th Diet, the Liberal Democratic Party, Komeito and Sunrise Party of Japan/New Renaissance Party submitted the “Bill on Corporation for Revitalizing Earthquake-affected Business” to the House of Councillors, arguing that support for SMEs would be insufficient under conventional measures and to cope with a lot more SMEs, it was necessary to establish a public organization aimed at supporting the revitalization of business while reducing their debt burden based on a new law that provided for a government guarantee related to fund procurement.

(2) Background of Diet deliberations, promulgation, and implementation

This bill was passed in the House of Councillors on July 29, 2011 after amendments were made to provisions related to the purchase price of debts from financial institutions, etc., and the management and disposition of debts purchased by the Corporation for Revitalizing Earthquake-Affected Business (hereinafter referred to as “CREB”), and sent to the House of Representatives.

Even after the 177th Diet had closed and this bill continued to be debated in the House of Representatives, the Democratic Party of Japan, the Liberal Democratic Party and Komeito held tripartite discussions and agreed to amend and establish this bill.

On November 15, 2011, during the 179th Diet, the House of Representatives, based on the three-party agreement, made amendments with regard to the CREB’s operations, the purchase price of debts, the management and disposition of bonds purchased by the CREB, etc., and the bill was passed with the agreement also of the ruling Democratic Party of Japan and the People’s New Party, and on November 21, the bill was also passed in the House of Councillors to establish the new law.

The date of enforcement of this act was February 23, 2012 (but the provisions concerning the establishment of the CREB, etc., were enforced from the date of promulgation). The CREB was established on February 22, 2012 and started operations on March 5 the same year.

The following points were the main points of discussion¹⁰⁷ in Diet deliberations.

1) The need to establish the CREB with new legislation

With regard to the need to establish the CREB by law, the initiator indicated recognition that extraordinary and specific measures beyond those of times of peace were necessary, and it was thought that conventional support measures for SMEs would not be sufficient at all to support the revitalization of business in the disaster-affected area,¹⁰⁸ and pointed out the need for special measures in response to the large-scale earthquake. In addition, the initiator presented the idea that in comparison to the case of the Industry Reconstruction Corporations, which do not require any special legislative measures, it would be impossible without a new law to impose punishments or order the suspension of debt collection for a specific purpose or to write guarantees that allow a large purchase quota¹⁰⁹.

¹⁰⁷Reference: “Diet Debates toward a Solution for the Double Debt Problem,” Legislation and Research, October 2011, No. 321.

¹⁰⁸House of Councillors’ Special Committee on Reconstruction after the Great East Japan Earthquake, No. 11, 177th Diet, July 28, 2011.

¹⁰⁹House of Councillors’ Special Committee on Reconstruction after the Great East Japan Earthquake, No. 10, 177th Diet, July 27, 2011.

On the other hand, with regard to the differences with not establishing a system to purchase debt at times of past disasters, such as the Great Hanshin-Awaji Earthquake, the initiator indicated recognition that the public would be able to understand establishing a corporation for the purchase of double debts based on this bill because, in addition to the damage of the earthquake itself, business land and other assets were washed away by the tsunami and the nuclear power station disaster caused enormous damage incomparable to past disasters, so this was a unique disaster, rather different in quality to past disasters¹⁰⁹. Moreover, the view was expressed that the handling of future disasters must be considered in accordance with the state of the disaster¹⁰⁹.

2) Issues of the Industry Reconstruction Corporation scheme

Discussions took place with regard to the issues of the national government-proposed Industry Reconstruction Corporation scheme, including governance issues such as penal provisions, the scale of funds required for the purchase of debt, and management by SME Support Japan.

a. Governance problems such as penal provisions

It was pointed out with regard to governance issues such as penal provisions that it was difficult to believe that governance could be maintained without creating any laws, because supervision by the competent authorities was basically not stipulated in law, and penal provisions for employees, etc., were also not stipulated in law at all¹⁰⁸. In response, the national government has not set any specific penal provisions in the laws under which they were established, but under the Act on Special Measures for Industrial Revitalization, the Industrial Recovery Consultation Centers (that serve as a liaison to the Industry Reconstruction Corporation) are obliged to maintain confidentiality, and it is possible to order improvements or cancel their certification. In addition, the view was clarified that it was thought an appropriate management system could be established through the partnership agreement as serious breaches of trust and obligations are subject to claims for damages and expulsion under the agreement on the investment limited partnership to be funded by SME Support Japan¹⁰⁸. Further, with regard to the question of whether the Industrial Recovery Consultation Centers would respond to consultations from business operators in a friendly manner in the absence of legal support, the government expressed its intention to seek the opinions of local financial institutions, clarify matters in the management policy, etc., and also to clarify purchase prices, etc., in the agreement on the investment limited partnership it would conclude¹⁰⁸.

b. The problem of the funds required to purchase debt

The initiator pointed out with regard to the amount of funds required to purchase debt, that the contribution of 150 billion yen by SME Support Japan was just a drop in the bucket in the disaster-affected area, where there was potentially 22 trillion yen of debt¹⁰⁹. On the other hand, the government replied that, as at present, it was thought that SME Support Japan's funds on hand would be sufficient to cope with the situation, but that if funds were insufficient in the future, it wanted to deal with that in consultation with the fiscal authorities¹⁰⁸, and also replied that it would use the reserve of 800 billion yen in the second supplementary budget so sufficient funds would be prepared for use promptly as required¹⁰⁸.

c. The problem of management by SME Support Japan

With regard to SME Support Japan being in charge of operations, the initiator said that SME Support Japan is subject to budget screening, many people had pointed out matters regarding its business operations and its financial situation with a large amount of loss carry-forwards, and also raised the question that SME Support Japan was an organization also required to make returns to the national treasury and could not take drastic measures in its business operations¹⁰⁸. On the other hand, the national government expressed its view that although it was true that a certain amount of bankruptcy-reorganization claims and operating loss carry-forwards existed, it thought they were attributable to the fact that the bank had provided loans to small and medium-sized enterprises with limited financial resources and to changes in the economic environment, such as interest rates, and since the transition to an incorporated administrative agency, the bank had steadily reduced bankruptcy-reorganization claims and operating loss carry-forwards, and the Incorporated Administrative Agencies Evaluation Committee also evaluated that the bank had generally achieved its medium-term plan in terms of business performance, including finance¹⁰⁸.

Moreover, in response to a question about whether agricultural, forestry and fisheries business operators would consult with the Industry Reconstruction Corporations, which are under the jurisdiction of the Ministry of Economy, Trade and Industry, the reply was that the strengthening of consultation points and the reinforcement of human resources has been firmly included in plans so that one-stop consultation points can be established for agricultural and medical-related parties¹⁰⁹.

3) Scale of investment in the CREB and government guarantees

The initiator stated with regard to investment in the CREB that the Deposit Insurance Corporation, the Agricultural and Fishery Co-operative Savings Insurance Corporation, and the Small and Medium Enterprise Agency will invest 20 billion yen to establish the CREB, and that the allocation is expected to be about 16 billion yen, 2 billion yen and 2 billion yen respectively¹⁰⁹, and that investment by business corporations, financial institutions and institutional investors with investment funds, as approved by the competent minister, will only be due to the investment by the Deposit Insurance Corporation and the Agricultural and Fishery Co-operative Savings Insurance Corporation, and as a result, it is acceptable for the government to invest 100%¹⁰⁸.

The House of Councillors initially discussed the size of the government guarantee at 2 trillion yen, and recognized that 2 trillion yen would be sufficient for the time being, taking into comprehensive consideration the total amount of loans held by financial institutions in the disaster-affected area, multiplying by the yield when the bad debt ratio was at its peak in Japan or at its peak in Europe and the United States around the time of the Lehman shock, and excluding individual housing loans and large corporations¹⁰⁹. Later, the figure was revised to 500 billion in the House of Representatives, where it was said that there had been about 500 billion yen of changed conditions or temporary suspensions in the three disaster-affected prefectures, 50 billion yen for agricultural cooperatives and fishery cooperatives in the coastal areas, and about 11 billion yen for the Welfare and Medical Service Agency for a total of about 560 billion yen, but because lease receivables were not included and the amount could expand in future, 500 billion yen was required for the time being¹¹⁰.

4) The personnel and organizational structure of the CREB

The initiator said with regard to the personnel and organizational structure of CREB that it was expected it would have three officers and 200 personnel for the first five years, and that the total would probably reduce little by little after that since management would be the main task¹⁰⁹, but with regard to the use of management and revitalization professionals, the outlook was that they were considering a two-stage process - carrying out the minimum standard of living and restoration would take five years to start with so at that point, the people who had been in charge of consultation for a long time at Chambers of Commerce and Industry, etc., would take on the consultation work of listening thoroughly to people and after that, they would proceed to the next stage of engaging consultants¹⁰⁹.

5) Debt purchase prices and debt forgiveness

Regarding the provision that debt purchase prices “must not exceed fair market value” stipulated in the draft, the initiator presented the idea that if purchase prices are too high, it will only benefit financial institutions, and if purchase prices are too low, no one will sell the bonds to the CREB so purchase prices would be derived from how to revitalize the business while alleviating the burden of debt on disaster-affected business operators¹⁰⁹. However, it was pointed out that more objective rules and standards were needed for the prompt purchase of debts¹⁰⁸, and it was recognized that “the amount obtained by multiplying by the ratio established in the support standards needs to be the basis, and then the revitalization plan of the project and the prospects for reconstruction of the disaster-affected area needs to be taken into comprehensive account for each project¹⁰⁸.” As a result of such discussions, the resolution in the House of Councillors said “The price if the CREB purchases a debt will be the appropriate market value and (omission) based on the amount obtained by multiplying the value of the debt by the ratio established in the support standards.” Subsequently, in the House of Representatives it was said that no moral hazard must be committed. After it was pointed out that making it obligatory to buy debt at a certain rate could be a subsidy to banks¹¹⁰, the provision was revised again to return to its draft form, as debt purchase prices “must not exceed fair market value.”

¹¹⁰House of Representatives’ Special Committee on Reconstruction after the Great East Japan Earthquake, No. 4, 179th Diet, November 14, 2011.

With regard to debt forgiveness, the original proposal stipulated that “efforts must be made” so that the difference between the purchase price and the debt amount would be forgiven if the purchase price is below the amount of debt, but to enhance the effectiveness of the debt purchase scheme, the resolution of the House of Councillors revised the provision to “must be forgiven.” In the House of Representatives, the provision was revised again to “may be exempted” from the viewpoint of the sustainability of the CREB and moral hazard.

The initiator added that they wanted to reduce debt in line with the objective of reducing the debt burden while supporting revitalization of Article 1¹¹⁰.

6) Minimization of the burden on the public

With regard to the possibility that the ultimate losses of the CREB would be borne by the people, the initiator expressed recognition that the national government’s proposal, which from the start could only be in the form of using up the general account, would not have a negative impact on the fiscal deficit. In the legislative examples of debt purchasing agencies, they were all temporary agencies and the government can subsidize all or part of the amount of the ultimate excess debt, naturally a path that could occur and would be in the Diet’s judgment in 20 years’ time¹⁰⁸. In addition, after it was pointed out that the funds held by the Deposit Insurance Corporation should be used to minimize the burden on the people, the initiator replied that the Deposit Insurance Corporation would contribute to the stabilization of the financial system in the disaster-affected area by making capital contributions so naturally, they wanted to make efforts to minimize the burden on the people while considering that point¹⁰⁹. Meanwhile, the national government expressed the view that under the current Deposit Insurance Corporation law, it should be judged that it cannot be used without being a failed financial institution¹⁰⁸.

7) Concerning the relationship between the CREB and the Industry Reconstruction Corporations

The initiator stated with regard to the relationship between the CREB and the Industry Reconstruction Corporation of each prefecture that the latter had already decided the subjects of support in accordance with the actual conditions of each region, which would be respected, and the CREB would target business operators that would be difficult for the Industry Reconstruction Corporation of each prefecture to support, and specifically, that it would focus on small-scale business operators, agriculture, forestry and fisheries business operators, and medical and welfare business operators to complement each prefecture’s Industry Reconstruction Corporation mutually and enhance support¹¹⁰.

(3) Overview of the act and details of measures

This act was aimed at supporting the revitalization of business operators that have incurred excessive debts due to damage caused by the Great East Japan Earthquake and that intend to revitalize their business in the disaster-affected area, while reducing their debt burden through the purchase of debt, etc., while cooperating with financial institutions, local governments, etc., using the CREB, which will be newly established to support the maintenance of economic activities in the disaster-affected area by preventing the outflow of industry and population from the area affected by the Great East Japan Earthquake to other areas.

1) Subject business operators

Article 19, Paragraph (1) of the act stipulates that a business operator that has incurred excessive debt due to damage caused by the Great East Japan Earthquake and intends to revitalize its business in cooperation with creditors and other parties in the areas established by cabinet order as areas affected by the Great East Japan Earthquake may apply to the CREB for support for revitalization.

2) The work of the CREB

Article 16 of the act stipulates that the CREB is to perform work including the following.

- Purchase of the debts of subject business operators held by financial institutions, etc.
- Loans to subject business operators (limited to those essential for the continuation of the business of subject business operators), debt guarantees, capital contributions, dispatch of experts on the revitalization of business, and necessary advice on business activities
- Management, transfer or other disposition of debts related to the purchase of debts, etc.

3) Support determination deadline and support period

Article 19, Paragraph 7 of the act stipulates that a decision on support must be made by February 22, 2017 (which can be extended by one year with the approval of the competent minister).

In addition, Article 27, Paragraph 5 of the act stipulates that the CREB must endeavor to complete all revitalization support related to support decisions within 15 years from the date of the support decision, while taking into account the economic situation, the state of business of the subject business operators, etc.

* The deadline for the decision on support was extended to February 22, 2018 by approval of the competent minister on December 20, 2016. Moreover, after that, the period was extended to March 31, 2021 by the revised law established on February 1, 2018 (enforced on February 7, 2018).

4) Support standards

Article 18 of the act stipulates that the competent minister is to establish the standards to be followed when deciding whether or not to provide support for revitalization and the standards to be followed when deciding whether or not to purchase debts, etc. (hereinafter referred to as “Support Standards”).

When the competent minister intends to establish Support Standards, they must listen to the opinions of the prefectural governor with jurisdiction over the disaster-affected area in advance. In addition, appropriate consideration must be given to providing opportunities for revitalization to as many business operators as possible, and consideration must be given to consistency with the Basic Guidelines for Reconstruction in Response to the Great East Japan Earthquake of Article 3 of the Basic Act on Reconstruction in Response to the Great East Japan Earthquake, and any plans established in relation of reconstruction from the Great East Japan Earthquake established by local governments in the disaster-affected area.

5) Organization and structure

Article 3 of the act stipulates that the CREB is a limited joint stock company established limited to one nationwide, and Article 8 of the Act stipulates that the founders of the CREB must apply for the approval of the competent minister when establishing the CREB.

In addition, Article 4 of the act stipulates that the Deposit Insurance Corporation and the Savings Insurance Corporation must hold at all times at least half of the total number of shares issued by the CREB at all times.

Further, Article 40 of the act stipulates that the national government may provide a government guarantee for debts related to the borrowing of funds or bonds by the CREB.

6) Collaboration and cooperation with Industry Reconstruction Corporations, etc.

Article 64 of the Act states that the CREB and the Industry Reconstruction Corporations, etc., must endeavor to cooperate mutually for the revitalization of the business of disaster-affected business operators.

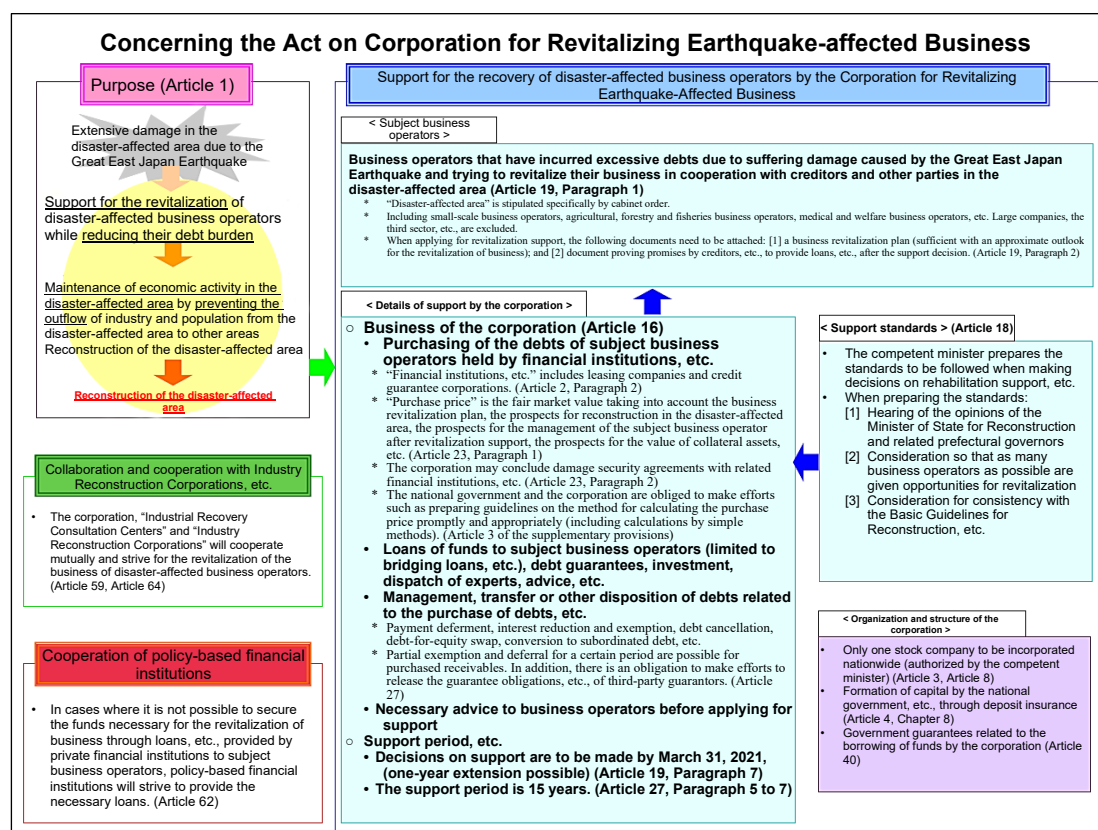
7) Cooperation of policy-based financial institutions

Article 62, Paragraph 3 of the act stipulates that if it is not possible to secure the funds necessary for business revitalization with a loan of funds, etc., by a private financial institution to a subject business operator, a policy-based financial institution must, upon request from the CREB, examine the loan of funds and endeavor to provide the necessary funds.

8) Competent ministers

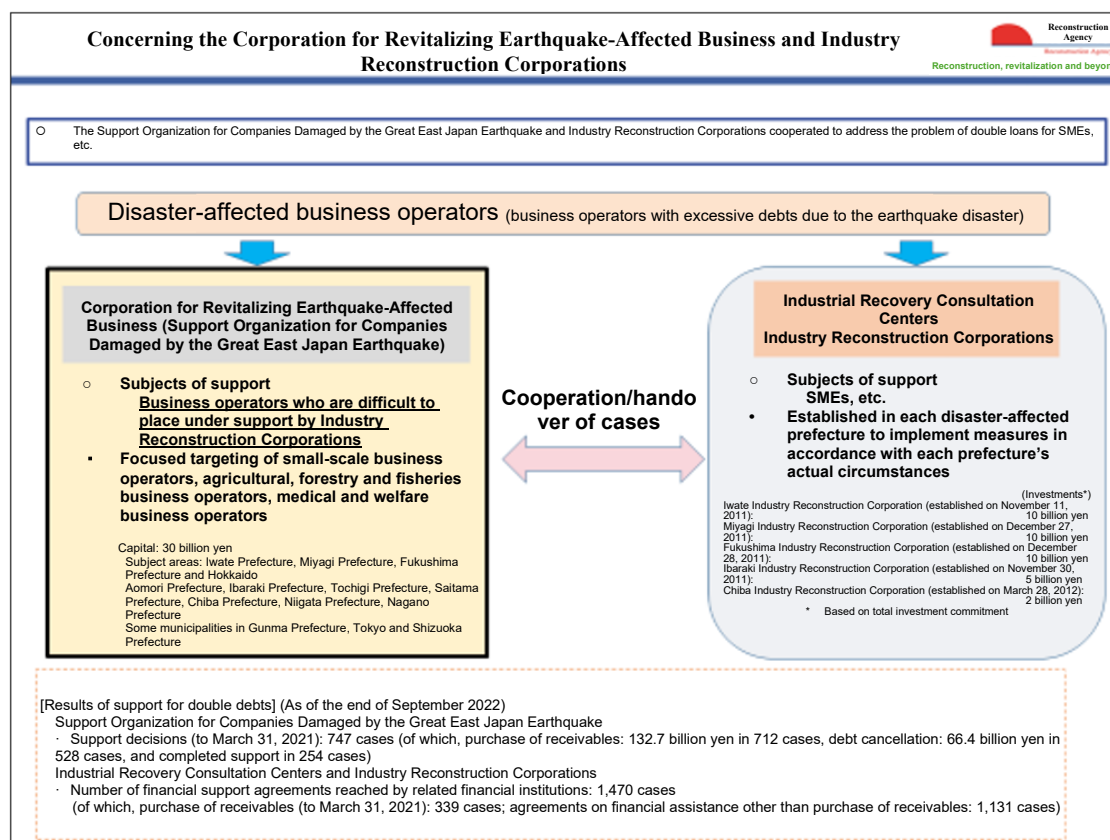
Article 56, Paragraph 1 of the act states that the competent ministers under this act are the Prime Minister, the Minister of Internal Affairs and Communications, the Minister of Finance, the Minister of Health, Labour and Welfare (only under some provisions), the Minister of Agriculture, Forestry and Fisheries, and the Minister of Economy, Trade and Industry.

Figure 2-3-81 Concerning the Act on Corporation for Revitalizing Earthquake-affected Business



Source) Reconstruction Agency material

Figure 2-3-82 Concerning the Corporation for Revitalizing Earthquake-affected Business and Industry Reconstruction Corporations



Source) Reconstruction Agency material

(4) Actual application

By March 31, 2021, when the support decision period ended, there were 2,939 cases of consultation on business revitalization, etc., and 747 cases in which it was decided to provide support. Of those, debts of 132.7 billion yen were purchased in 712 cases and debts of 66.4 billion yen were forgiven in 528 cases.

In addition, as of the end of September 2022, there were 261 cases in which support had been completed after a decision to provide support was made.

By March 31, 2021, the end of the support decision period, Industrial Recovery Consultation Centers and Industry Reconstruction Corporations had 1,415 cases of financial support agreements, of which debts had been purchased in 339 cases.

* See also Chapter 6, Section 1 for the overall response to the double debt problem, including the CREB.

(5) Evaluation and issues

As described in (2)7), the subjects of support by the CREB are business operators that would be difficult for Industry Reconstruction Corporations to support, with a focus on small-scale business operators, agriculture, forestry and fisheries business operators, and medical and welfare business operators, and the CREB and Industry Reconstruction Corporations have provided support while complementing each other. Specifically, they have contributed to the maintenance of economic activities and employment in the disaster-affected area through support such as debt purchasing by the CREB for business operators burdened by existing debt and finding it difficult to procure new funds. In recent years, taking into account the impact of the spread of COVID-19 on the business environment, etc., they have responded meticulously in accordance with the situation each disaster-affected business operator has been placed in. Handling closely matched to each disaster-affected business operator will continue to be an important issue in the future.

Figure 2-3-83 State of support decisions, etc., of the Corporation for Revitalizing Earthquake-affected Business

1. 支援決定等の状況(令和3年3月末時点)

東日本大震災
事業者再生支援機構○累計の相談受付件数..... 2, 939件※岩手県531件、宮城県1, 282件、福島県485件、青森県162件、茨城県295件、千葉県111件、栃木県45件、その他地域28件
(注)複数回の相談受付(支援決定後の事業相談等)については、初回相談のみ1件としてカウント。○累計の支援決定件数..... 747件

※岩手県167件、宮城県346件、福島県89件、青森県56件、茨城県60件、千葉県13件、栃木県12件、その他地域4件

○買取対象債権の元本総額等

(1)買取対象債権の元本総額..... 1, 327億円

※対象:支援内容に債権買取を伴う支援決定712件

債務免除の総額..... 664億円

※対象:支援内容に債務免除を含む支援決定528件

(2)出資額..... 43億円

※対象:出資13件

○累計の支援完了件数..... 199件

※岩手県46件、宮城県69件、福島県36件、青森県31件、茨城県9件、千葉県3件、栃木県3件、その他地域2件

Source) http://www.shien-kiko.co.jp/pdf/210415shien-kiko_pressrelease.pdf (browsed July 18, 2023)

7. Act on Work Taken over by the State, etc., for Disaster Recovery Projects for Public Civil Engineering Facilities Damaged by the Great East Japan Earthquake (Act No. 33 of 2011)

(1) Background for formulating and purpose for enacting

Among the disaster-affected municipalities, there were many municipalities whose administrative functions were paralyzed and that were unable to carry out construction work related to disaster recovery, etc., and with the prefectures also having a huge amount of work to do, a situation occurred in which it was extremely difficult to carry out construction work.

Under the existing system, it was possible to entrust work to other local governments based on the Local Autonomy Act, but it was necessary to establish rules and pass a resolution of the assembly, and if entrusting work to the national government, it was necessary to conclude an agreement, etc., and part of the procedures remained with the local government on the entrusting side, so it was thought that neither of these methods would be suitable for situations requiring prompt construction. In addition, in some laws on the management of public property, there were systems for taking over work, but they were limited to cases where the construction work met certain requirements, such as requiring high technology.

For this reason, the national government considered a system for taking over authority for disaster recovery work¹¹¹, and local governments affected by the disaster submitted requests to the national government to start work at an early date¹¹².

In such circumstances, it was decided that the “Act on Work Taken over by the State, etc., for Disaster Recovery Projects for Public Civil Engineering Facilities Damaged by the Great East Japan Earthquake” would be established to create a new system so that the national government or prefecture could implement construction related to disaster recovery projects, etc., involving public civil engineering facilities on behalf of disaster-affected local governments to realize recovery from the disaster as soon as possible, ensure the safety and security of the lives of residents, and swiftly restore economic and social activities in the disaster-affected area.

(2) Background of Diet deliberations, promulgation, and implementation

The bill for this act was approved by cabinet decision and submitted to the Diet on April 22, 2011. This bill was passed by the Committee on Land, Infrastructure, Transport and Tourism (House of Representatives) on April 27, and passed unanimously at the plenary session (House of Representatives), passed by the Committee on Land, Infrastructure, Transport and Tourism (House of Councillors) and passed unanimously and established at the plenary session (House of Councillors) on April 28.

This bill was reviewed together with the Bill on Special Provisions Concerning Building Restrictions in Urban Areas Severely Damaged by the Great East Japan Earthquake.

The act was promulgated and entered into force on April 29.

(3) Overview of the act and details of measures

At the request of the mayor of a disaster-affected local government, the national government or the prefecture may take over construction related to disaster recovery, etc., to the extent that it does not hinder the execution of its own work when deemed necessary in consideration of the actual state of the local government’s construction work implementation system, etc.

The construction work subject to being taken over, the person making the request, and the entity taking over are as shown in the following table, and basically, the entity taking over is allowed to implement disaster restoration

¹¹¹ At a press conference held on March 29, 2011 after the first meeting of the “Review Meeting on Reconstruction of the Disaster-Affected Area” established under the Special Headquarters for Measures to Assist the Lives of Disaster Victims, State Minister of Cabinet Office Hirano said, “We want to amend the law promptly as required for the system of taking over authority. For example, rivers are divided into those managed directly by the national government, and those managed by the prefectures. Reconstruction work on the ones managed by the prefectures will basically be carried out by the prefectures, but it would also be good to have a system whereby they could borrow the power of the national government when they cannot cope.”

¹¹² Miyagi Prefecture “Restoration of the southern coast of Sendai along the coast of Sendai Bay coast (urgent request)” (March 30, 2011); Miyagi Prefecture “Urgent request regarding the Tohoku Earthquake Disaster” (April 2, 2011); Hokkaido-Tohoku Regional Governors’ Association “Requests related to the Great East Japan Earthquake” (April 11, 2011), etc.

projects and the improvement and restoration projects of each construction¹¹³.

Figure 2-3-84 Works subject to being taken over, the person requesting the work, and the entity taking over

Construction work	Requesting person -> entity taking over	Construction work	Requesting person -> entity taking over
Fishing port construction work	Prefecture -> national government, municipality -> prefecture	Landslide prevention construction work	Prefecture -> national government
Erosion control construction work	Prefecture -> national government	Sewerage construction work	Municipality -> prefecture
Port construction work	Prefecture -> national government	River construction work	Prefecture -> national government, municipality -> national government or prefecture
Road construction work	Prefecture -> national government, municipality -> national government or prefecture	Steep slope failure prevention construction work	Prefecture -> national government
Coast construction work	Prefecture -> national government, municipality -> national government or prefecture		

The entity taking over will also take over the authority to enter the land, etc., for the surveys necessary for the execution of the construction work, and the cost burden of the disaster-affected local government will be the same amount as the case where the local government executes the construction work related to disaster recovery, etc., itself.

(4) Actual application

As of March 2013, this act had been applied in eight cases of coastal construction work in the Fukanuma district of the Sendai coast, six cases of road construction work on the grade two city road from Nuna-no-Hama to Ao Waterfall in Miyako City, three cases of port construction work including the Nonoda district port wall at Ofunato port, and two cases of fishing port construction work at Kesenuma fishing port, etc.

(5) Subsequent legal amendments

The system for taking over established by this act was generalized as a system that could be applied in cases of large-scale disaster in the “Act on Reconstruction after Large-Scale Disaster” (Act No. 55 of 2013) while the system for taking over has been enhanced under individual laws on the management of public property Management Acts and used for disaster recovery projects following the Kumamoto Earthquake of 2016, etc.¹¹⁴.

¹¹³ Disaster-related emergency projects are also subject to the act, including erosion control works, landslide prevention works and steep slope failure prevention works. In addition, sewerage works are not eligible as improvement and restoration projects.

¹¹⁴ At the time of the Kumamoto Earthquake in 2016, disaster recovery projects were taken over on general national Route 325 based on the Road Act, and the Kumamoto-Takamori prefectural road, etc., based on the Act on Reconstruction after Large-Scale Disaster.

8. Act on Special Provisions Concerning Building Restrictions in Urban Areas Severely Damaged by the Great East Japan Earthquake (Act No. 34 of 2011)

(1) Background for formulating and purpose for enacting

In cases where city planning decisions or land readjustment projects are to be carried out for the reconstruction of urban areas, if disorderly construction is carried out in the meantime, it may cause serious hindrance to the later implementation of projects, etc. Therefore, as a reasonable regulation on property rights from the viewpoint of public welfare, Article 84 of the Building Standards Act (Act No. 201 of 1950) stipulates that if a disaster occurs in an urban area, a specified administrative agency may designate an area and restrict or prohibit the construction of buildings for up to two months.

Normally, city planning decisions are expected to be made during this two-month period, and in the case of the Great Hanshin-Awaji Earthquake, building restrictions were imposed based on the same article at the beginning of the disaster, but after two months, building restrictions were shifted to building restrictions based on Article 7 of the Act on Special Measures concerning Reconstruction of Urban Districts Damaged by Disaster (Act No. 14 of 1995).

However, in the areas affected by the Great East Japan Earthquake, the administrative functions to draft city plans and carry out the necessary procedures were paralyzed, and it was practically difficult to obtain the confirmation of the owners of the land, etc., even if they wanted to make plans public so Miyagi Prefecture submitted a request for extension of the period of building restrictions based on Article 84 of the Building Standards Act¹¹⁵.

Notwithstanding the provisions of this article, it was decided that the “Act on Special Provisions Concerning Building Restrictions in Urban Areas Severely Damaged by the Great East Japan Earthquake” would be established, which would allow building restrictions to be extended up to eight months after a disaster.

(2) Background of Diet deliberations, promulgation, and implementation

The bill for this act was approved by cabinet decision and submitted to the Diet on April 22, 2011. This bill was passed by the Committee on Land, Infrastructure, Transport and Tourism (House of Representatives) on April 27, and passed unanimously at the plenary session (House of Representatives), passed by the Committee on Land, Infrastructure, Transport and Tourism (House of Councillors) and passed unanimously and established at the plenary session (House of Councillors) on April 28. The committee discussed constitutional problems, etc., related to restrictions on property rights¹¹⁶.

This bill was reviewed together with the Bill on Work Taken over by the State, etc., for Disaster Recovery Projects for Public Civil Engineering Facilities Damaged by the Great East Japan Earthquake.

The act was promulgated and entered into force on April 29.

(3) Overview of the act and details of measures

Specified administrative agencies with jurisdiction over urban areas damaged severely by the Great East Japan Earthquake are allowed to restrict or prohibit construction in designated areas limited to the period within six months from the date of the disaster if it is unavoidable for the sake of the sound reconstruction of those urban areas. In addition, if deemed necessary in particular, the period may be extended further within a range not exceeding two months.

The extension period was established for a maximum of eight months, assuming the minimum period required for disaster-affected local governments to reorganize the basic data lost due to the earthquake, listen to the opinions of residents dispersed in evacuation shelters, and make city planning decisions.

¹¹⁵ Miyagi Prefecture, “Request for special legislation, etc., to deal with the Great East Japan Earthquake” (April 8, 2011).

¹¹⁶ At a meeting of the Land, Infrastructure, Transport and Tourism Committee (House of Representatives) held on April 27, 2011, in response to the question by Koichi Tani, a member of the Diet, “Is there no constitutional problem in restricting property rights without compensation? Would it not be unconstitutional even if the period was set at one year?” a government witness from the Cabinet Legislation Bureau replied, “We think that it is a necessary restriction of reasonable scope under the constitution because it allows building restrictions to be imposed for a minimum period of time in the extremely severe circumstances of a disaster-stricken municipality after limiting the subject area. There would be extreme problems with restricting property rights by imposing more restrictions than required in divergence from actual circumstances.”

In addition, the subject areas were limited to areas that fall under each item of Article 5, Paragraph 1 of the Act on Special Measures concerning Reconstruction of Urban Districts Damaged by Disaster, that is, areas where the possibility of the loss of a considerable number of buildings or the formation of inferior blocks, etc., could be recognized objectively.

(4) Actual application

This act was applied to a total of seven cities and towns: Kesennuma City; Minamisanriku Town; Onagawa Town; Ishinomaki City; Higashimatsushima City; Natori City; and Yamamoto Town in Miyagi Prefecture. The period and the legal basis for the series of building restrictions in these cities and towns are as shown in the following table.

Figure 2-3-85 List of building restrictions

	Miyagi Prefecture						Ishinomaki City	
	Kesennuma City	Minamisanriku Town	Onagawa Town	Higashimatsushima City	Natori City	Yamamoto Town	Kama district, etc.	Ayukawa and Ogatsu
Two months after the disaster	April 8-May 11 Article 84 of the Building Standards Act					No restriction	April 8-May 11 Article 84 of the Building Standards Act	No restriction
Six months after the disaster	* May 12-November 10, Act on Special Provisions Ayukawa and Ogatsu in Ishinomaki City from May 28, Yamamoto Town from July 1, Higashimatsushima City to October 31 Kesennuma City and Onagawa Town partially reduced the area							
Eight months after the disaster							September 12-Act on Special Measures Concerning Reconstruction of Urban Districts Damaged by Disaster	
From eight months after the disaster on	November 11- Act on Special Measures Concerning Reconstruction of Urban Districts Damaged by Disaster * Higashimatsushima City from November 1					November 11- Article 39 of the Standards Act		No restriction

* The top fields in the table indicate the specified administrative agencies that have jurisdiction over those below.

9. Act on Special Measures for the Land Improvement Act for Dealing with the Great East Japan Earthquake (Act No. 43 of 2011)

(1) Background for formulating and purpose for enacting

More than 20,000 ha of farmland was flooded by the tsunami that followed the Great East Japan Earthquake. Urgent efforts were needed to restore farmland and agricultural facilities, including the removal of salt damage caused by seawater intrusion, to resume farming at an early stage. In addition, measures such as the reorganization and improvement of agricultural land, and the improvement of land improvement facilities, were required along with disaster recovery to aim for the revitalization of regional agriculture.

However, existing disaster recovery projects did not include salt removal projects. In addition, there were also no projects for the national government to restore farmland after the disaster so requests were submitted from the disaster-affected area for the establishment of a government subsidy system for salt removal measures and the implementation of farmland disaster recovery projects by the national government¹¹⁷.

Based on the above, the “Act on Special Measures for the Land Improvement Act for Dealing with the Great East Japan Earthquake” was enacted to establish salt removal projects, etc.

(2) Background of Diet deliberations, promulgation, and implementation

The bill for this act was approved by cabinet decision and submitted to the Diet on April 26, 2011. This bill was passed by the Committee on Agriculture, Forestry and Fisheries (House of Representatives) and passed unanimously at the plenary session (House of Representatives) on April 30, and passed by the Committee on Agriculture, Forestry and Fisheries (House of Councillors) and passed unanimously and established at the plenary session (House of Councillors) on May 2. Supplementary resolutions were added by the committees of both the House of Representatives and House of Councillors¹¹⁸.

This bill was discussed together with the Bill on Temporary Exceptional Provisions on the Election of Members of the Sea-area Fisheries Adjustment Commission and the Agriculture Committee in Association with the Great East Japan Earthquake¹¹⁹.

This act was promulgated and entered into force on May 2.

(3) Overview of the act and details of measures

The act allowed the national government, prefectures, municipalities or land improvement districts to carry out salt removal projects to remove salt damage to agricultural land caused by the intrusion of seawater due to the tsunami as land improvement projects for disaster recovery. In addition, the procedures for implementing projects were revised, such as allowing the national government and prefectures to carry out projects to change land improvement facilities and readjust land along with disaster recovery without applications by farmers, etc. At the same time, measures were taken to increase the national treasury burden for these nationally-run projects and to increase the national subsidies for prefectural projects.

¹¹⁷Miyagi Prefecture, “Request for special legislation, etc., to deal with the Great East Japan Earthquake” (April 8, 2011).

¹¹⁸The supplementary resolutions included clarifying the position of the disaster-affected area in Japan’s agriculture, forestry and fisheries sectors, presenting a master plan and timetable for restoration and reconstruction, making efforts to develop and disseminate technologies related to salt removal, and considering making the special measure deeming salt removal projects to be land improvement projects a permanent measure.

¹¹⁹This bill proposed special measures on the election dates, the preparation of electoral lists, etc., of members of the Sea-area Fisheries Adjustment Commission and the Agriculture Committee for the areas damaged significantly by the Great East Japan Earthquake. It was established in the same way as the Act on Special Measures for the Land Improvement Act, and was promulgated and enforced as Act No. 44 of 2011 on May 2, 2011.

(4) Actual application

Based on this act, the national government implemented disaster recovery projects for farmland, etc., in Sadakawa district (Ishinomaki City and Higashimatsushima City, Miyagi Prefecture), Sendaihigashi district (Sendai City, Miyagi Prefecture), Natorigawa district (Natori City, Miyagi Prefecture), Watari-Yamamoto district (Watari Town and Yamamoto Town, Miyagi Prefecture), and Minamisoma district (Minamisoma City, Fukushima Prefecture), and also implemented projects for salt removal, etc., to deal with the damage due to the tsunami in the disaster-affected area. As a result, of the 19,690 ha of farmland subject to recovery that excludes farmland expected to be converted to public land from the 21,480 ha of farmland damaged by the tsunami, farming could resume on 95% as of the end of January 2022.

(5) Subsequent legal amendments

Under the Act Partially Amending the Land Improvement Act (Act No. 39 of 2017), the salt removal projects were positioned as disaster recovery projects under the Land Improvement Act (Act No. 195 of 1949) and became a permanent measure that can be applied to other disasters.

10. Act on Special Measures Concerning the Disposal of Disaster Waste Generated by the Great East Japan Earthquake (Act No. 99 of 2011)

(1) Background for formulating and purpose for enacting

The Great East Japan Earthquake generated about 20 million tons of disaster waste from the earthquake and tsunami, and prompt and appropriate disposal of this waste became an urgent issue for the earliest possible reconstruction of residents' lives and economic activities in the disaster-affected area. However, among the municipalities that were supposed to carry out that disposal, there were areas where progress was slow due to the shortage of transport vehicles and workers, etc., and the building of a wide-area disposal system within and outside the prefecture became a problem.

For this reason, the national government discussed special measures, etc., to place disposal projects under the direct jurisdiction of the national government¹²⁰, while the Liberal Democratic Party considered legislation that would make the national government bear the full amount of the disposal costs. In addition, disaster-affected local governments also submitted requests for the disposal of disaster waste under the direct jurisdiction of the national government¹²¹.

(2) Background of Diet deliberations, promulgation, and implementation

On July 1, 2011, the Liberal Democratic Party, Komeito, Your Party, and the Sunrise Party of Japan proposed jointly to the House of Representatives a “Bill on Special Measures Concerning the Disposal of Disaster Waste Generated by the Great East Japan Earthquake” (hereinafter referred to as the “Opposition Bill”). In addition, on July 8, the “Bill on Special Provisions for the Disposal of Waste Generated by the Great East Japan Earthquake” (hereinafter referred to as the “Government Bill”) was approved by cabinet decision and submitted to the Diet.

After explanations and Q&A on both bills at the plenary session on July 28, Q&A took place at the meeting of the Special Committee on Reconstruction after the Great East Japan Earthquake (House of Representatives) on August 2, the two bills were integrated into one bill, and the “Bill on Special Measures Concerning the Disposal of Disaster Waste Generated by the Great East Japan Earthquake”¹²² was submitted as a draft bill on August 9, and approved unanimously as a bill to be submitted by the committee.

The main differences between the Government Bill and the Opposition Bill were: ① whether or not to have provisions on national government responsibility; ② the entity taking over; and ③ how costs should be borne.

With regard to ①, the responsibility of the national government, etc., which was included in the Opposition Bill, was basically incorporated into the bill submitted by the committee.

With regard to ②, whereas the Government Bill stipulated the Minister of the Environment, and the Opposition Bill stipulated the national government, the bill submitted by the committee stipulated the Minister of the Environment. However, a provision that was not included in the Government Bill was added, stating to the effect that “When the Minister of the Environment disposes of disaster waste, they will cooperate with the heads of related administrative agencies under the overall coordination of the Great East Japan Earthquake Reconstruction Headquarters.”¹²³

The Government Bill stipulated with regard to ③, that when disaster waste management is taken over, the municipalities will bear the same amount as if they had carried out disaster waste management themselves, and the Opposition Bill stipulated that the national government would bear the full amount. In addition, with regard to the burden of expenses in the case where municipalities dispose of disaster waste themselves, whereas the Government Bill stipulated that the national government should make efforts to take necessary financial measures, and the Opposition Bill stipulated that the national government should subsidize the entire amount, the bill submitted by the committee added a provision to the effect that the Regional Green New Deal fund would be used to reduce the burden on municipalities, while making it basically the Government Bill.

¹²⁰ In an NHK program on May 8, 2011, Deputy Chief Cabinet Secretary Yoshito Sengoku stated that “the government is discussing special measures to dispose of disaster waste as a project under its direct jurisdiction.”

¹²¹ Miyagi Prefecture, “Request for additional budgetary measures, etc., to deal with the Great East Japan Earthquake” (May 20, 2011), etc.

¹²² The name of the bill was the same as the one submitted by the Liberal Democratic Party, Komeito, Your Party, and the Sunrise Party of Japan on July 1, 2011, but it is a different bill.

¹²³ At the plenary session (House of Representatives) on July 28, 2011, Diet member Yasuhiro Ozato, who proposed the bill, answered with regard to the purpose of the Opposition Bill making the national government the entity taking over that, “The Ministry of the Environment will be the main body for the time being, but I expect Reconstruction Agency will become so after it is established. Until then, the Reconstruction Headquarters will be required to coordinate overall and develop a system to use the Ministry of Land, Infrastructure, Transport and Tourism and others efficiently.”

After voting on the bill, a resolution was passed on the “Matter of the disposal of disaster waste generated by the Great East Japan Earthquake.”¹²⁴

This bill was passed unanimously at the plenary session (House of Representatives) and was also passed at the meeting of the Special Committee on Reconstruction after the Great East Japan Earthquake (House of Councillors) on August 11, before being passed unanimously and established at the plenary session (House of Councillors) the following day, August 12.

This act was promulgated and entered into force on August 18.

(3) Overview of the act and details of measures

Establishing the basic policy and timetable for disaster waste management, etc., was established as the responsibility of the national government, and requests for wide-area cooperation for the prompt securing of temporary storage sites and final disposal sites related to disaster waste, etc., were established as the measures to be taken by the national government.

In addition, when the Minister of the Environment receives a request from the mayor of a municipality that suffered extensive damage due to the earthquake, and it is deemed necessary in light of the system for implementation of disaster waste management in the municipality, the need for specialized knowledge and technology, and the importance of wide-area disposal, the Minister of the Environment is to carry out disaster waste management on behalf of the municipality under the comprehensive coordination of the Great East Japan Earthquake Reconstruction Headquarters in cooperation with the heads of related administrative agencies.

Cost sharing was stipulated as described above.

(4) Actual application

When this law came into effect, Iwate Prefecture and Miyagi Prefecture had already established a policy of cooperation between municipalities and prefectures for disaster waste management, so the national government did not carry out disposal on their behalf. On the other hand, in Fukushima Prefecture, the national government disposed of disaster waste on behalf of Soma City, Shinchi Town, Minamisoma City and Hirono Town.

(5) Subsequent legal amendments

Under the Act for Establishment of the Reconstruction Agency (Act No. 125 of 2011), the provision that action is implemented “under the comprehensive coordination of the Great East Japan Earthquake Reconstruction Headquarters” when the Minister of the Environment acts on somebody’s behalf was amended to ““under the comprehensive coordination of the Reconstruction Agency’ after the Reconstruction Agency is established.”

In addition, the system for taking over the implementation of disaster waste management was positioned in the Basic Act on Disaster Management (Act No. 223 of 1961) by the “Act for Partial Revision of the Act on Waste Management and Public Cleaning and the Basic Act on Disaster Management” (Act No. 58 of 2015), and became a permanent measure applicable to other disasters.

¹²⁴ The resolution included “When taking measures for disaster waste management, the intentions of local governments damaged by the Great East Japan Earthquake are to be respected to the maximum extent,” “With regard to the one-time payment by a local government after deducting government subsidies related to disaster waste disposal projects, the actual amount to be borne by the national government is to be an average of 95% through support based on the Green New Deal fund, and the remaining amount to be borne by the local governments is to be supported in full by tax allocation measures to make 100% support by the national government” and “Necessary measures are to be taken in light of the fact that special consideration is required for the treatment of waste contaminated by radioactive materials among the waste requiring disposal in particular due to the Great East Japan Earthquake.”

11. Act on the Promotion of Tsunami Countermeasures (Act No. 77 of 2011)

(1) Background for formulating and purpose for enacting

It is particularly important to deepen public understanding and concern about tsunamis, as the human suffering caused by tsunamis can be mitigated to a considerable extent by prompt and appropriate action. In the past, however, tsunami countermeasures were only provided in an integrated manner with other disasters in the Basic Act on Disaster Management, etc.

In the wake of the Great East Japan Earthquake, the national government was called on to reflect frankly on the fact that tsunami countermeasures to that point had not necessarily been sufficient, and to take all possible measures against tsunamis based on the latest knowledge of tsunamis, the wisdom and actions of predecessors, and other historical lessons.

As a result of the above, the “Act on the Promotion of Tsunami Countermeasures” was established as a legal development corresponding to the characteristics of tsunami disasters.

(2) Background of Diet deliberations, promulgation, and implementation

On June 11, 2010, the Liberal Democratic Party and Komeito submitted the “Bill on the Promotion of Tsunami Countermeasures” to the House of Representatives¹²⁵. Subsequently, following the occurrence of the Great East Japan Earthquake, that bill was withdrawn and a “Bill on the Promotion of Tsunami Countermeasures” agreed upon by all parties was submitted at a meeting of the Special Committee on Disasters (House of Representatives) on June 9, 2011, and it was decided unanimously that the committee would submit the bill.

In addition to the bill of 2010, the bill submitted by the committee included a preamble and stipulates the obligation of business operators and citizens to cooperate with tsunami countermeasures, measures to ensure swift and smooth evacuation from tsunamis, ensuring the safety of facilities handling dangerous materials from tsunamis, etc.

Further, after voting on the bill, a resolution was passed on the “Matter of the promotion of tsunami countermeasures.”

This bill was passed unanimously at the plenary session (House of Representatives) on June 10, and was also passed at the meeting of the Special Committee on Disasters (House of Councillors) on June 15 before being passed unanimously and established at the plenary session (House of Councillors) on June 17.

This act was promulgated and entered into force on June 24.

(3) Overview of the act and details of measures

It was stipulated in the preamble that the national government must frankly reflect on the fact that past tsunami countermeasures were not necessarily sufficient and take all possible measures to counter tsunamis.

In addition, in Article 1 and thereon, basic recognition of the promotion of tsunami countermeasures was expressed, and it was stipulated that the national government and local governments must implement tsunami countermeasures appropriately based on the purpose and content of this act when implementing disaster countermeasures based on the Basic Act on Disaster Management (Act No. 223 of 1961), etc.

Moreover, as obligations to make efforts on the soft side, it was stipulated that the national government must develop a cooperative system for tsunami countermeasures, the national government and local governments must implement disaster prevention education and training on tsunamis and take measures to ensure swift and smooth evacuation, etc., and that local governments must disseminate information on tsunami damage through the preparation of hazard maps, etc.

It was stipulated that the national government is to provide necessary financial assistance to local governments when they prepare hazard maps, etc., and this provision ceased to be effective as of March 31, 2017.

As obligations to make efforts on the hard side, it was stipulated that the national government and local government must develop facilities for tsunami countermeasures, etc., and that local governments must promote urban development taking tsunami countermeasures into consideration.

¹²⁵ This bill was submitted aimed at raising public awareness of tsunamis after the evacuation of residents did not necessarily proceed smoothly at the time of the tsunami caused by the earthquake in Chile in 2010.

In addition, November 5 was designated Tsunami Disaster Prevention Day to deepen public understanding and concern about tsunami countermeasures¹²⁶.

(4) Subsequent legal amendments

The Act for Partial Revision of the Act on Promotion of Tsunami Countermeasures (Act No. 3 of 2022) made amendments including imposing the obligation on the national government and local governments to make efforts to use information and communications technology in tsunami countermeasures, and extending until March 31, 2027 the effect of the provision that the national government is to provide the necessary financial assistance to local governments when they prepare hazard maps, etc.

¹²⁶ November 5 is the day the Ansei Nankai Earthquake occurred in 1854. There was an historical event known as “Inamura no hi,” in which Goryo Hamaguchi, a rural samurai of Hiro Village, Kii Province (present-day Hirogawa Town, Wakayama Prefecture), set fire to piles of rice plants to inform residents of the coming of the tsunami due to the earthquake and guide them to safety, saving many people’s lives.

12. Act on Regional Development for Tsunami Disaster Prevention (Act No. 123 of 2011)

13. Act on Preparation, etc., of Related Acts in Association with the Enforcement of the Act on Regional Development for Tsunami Disaster Prevention (Act No. 124 of 2011)

(1) Background for formulating and purpose for enacting

The Great East Japan Earthquake was a massive earthquake of magnitude 9.0, the largest in Japan's recorded history, and along with a tsunami, caused an unprecedented disaster, including many dead and injured, and missing persons and devastating the entire region. There was shared recognition that "there is no upper limit to disasters" and that to overcome a disaster caused by such a large tsunami, it was necessary to develop multiple defenses combining conventional hard measures, such as the construction of coastal levees, with soft measures, such as the development of evacuation systems, appropriately¹²⁷. Similar recognition was expressed in the proposals of the Reconstruction Design Council¹²⁸, which stated that "It is necessary for local governments that have suffered catastrophic damage due to the tsunami and local governments that are expected to be hit by large tsunamis in the future to establish a new general system that will serve as the basis for promoting regional development resistant to tsunami damage, and for the national government to present its concept of regional development resistant to tsunami damage." In the interim report by the Expert Committee of the Central Disaster Prevention Council¹²⁹, it was stated that two levels of tsunami need to be assumed when building future tsunami countermeasures: a highest class level, extremely low in frequency but causing great damage upon occurrence (the tsunamis assumed when building comprehensive disaster prevention measures centered on the evacuation of residents); and a level high in frequency and although low in height, would cause great damage (the tsunamis assumed when building coastal protection facilities to prevent a tsunami from entering inland with breakwaters and other structures). The Planning Subcommittee of the Transportation System Subcommittee of the Council for Social Infrastructure Development and the Council for Transport Policy (Ministry of Land, Infrastructure, Transport and Tourism) implemented a study to indicate at an early stage the direction of this new concept of tsunami disaster-centered urban development and presented its urgent proposals titled "Way of Thinking on Tsunami Disaster-Centered Urban Development."¹³⁰

The "Act on Regional Development for Tsunami Disaster Prevention" was established as the legal system required to take the stand on this new concept of tsunami disaster prevention, mobilize hard and soft measures, and promote tsunami disaster prevention-centered urban development based on multiple defenses comprehensively, and in combination, it was decided that a system would also be established based on this new concept of tsunami countermeasures in the Flood Control Act and other related laws and regulations under the "Act on Preparation, etc., of Related Acts in Association with the Enforcement of the Act on Regional Development for Tsunami Disaster Prevention."

¹²⁷ No. 11 The Act on Promotion of Tsunami Countermeasures (promulgated and enforced on June 24, 2011) indicated the basic recognition that the damage to human lives caused by tsunamis can be mitigated to a considerable extent by appropriate evacuation, etc.

¹²⁸ "Towards Reconstruction -- Hope beyond the Disaster--" (June 25, 2011, Great East Japan Earthquake Reconstruction Design Council). In addition, the proposals emphasized the importance of "the concept of 'disaster mitigation,' namely, minimizing damage at the time of a disaster rather than the idea that it is possible to contain a major natural disaster completely" and "the perspective that even supposing a disaster occurs, highest priority should be given to ensuring that no lives are lost and that economic damage is minimized as far as possible" and pointed out the need for the general mobilization of all soft and hard measures, including emphasizing soft measures such as the thorough implementation of disaster prevention education based on "escaping" and the development of hazard maps, etc., instead of protection relying on seawalls and other structures, and, in addition to seawalls and other structures, implementing integrated regulation of land use and construction considerate of second embankment functions slightly inland using transportation infrastructure (so-called second-line embankments), raising land, evacuation areas, routes and buildings, and disaster risks.

¹²⁹ Central Disaster Prevention Council "Interim Report of the Expert Committee on Earthquake and Tsunami Countermeasures Based on the Lessons Learned from the Great East Japan Earthquake-Basic Way of Thinking on Future Tsunami Disaster Prevention Countermeasures-," June 26, 2011

¹³⁰ This was in response to the issue awareness presented by the Minister of Land, Infrastructure, Transport and Tourism at a meeting of the Planning Committee on May 18, 2011. Based on the concept of "protecting human lives at all costs," a proposal was made to build a mechanism to promote systematically and comprehensively measures for tsunami disaster prevention-centered urban development based on new ideas such as "1) Tsunami disaster prevention and mitigation countermeasures based on the concept of 'multiple defenses' that combines and mobilizes flexibly hard and soft measures based on the characteristics of each region," "2) Tsunami disaster prevention and mitigation measures within urban development combining river, road, and land use regulations based on the concept of 'face' instead of the conventional 'line' defense of coastal protection facilities, etc.," and "3) Effective countermeasures to ensure that evacuation is carried out quickly and safely."

(2) Background of Diet deliberations, promulgation, and implementation

Both bills were approved by cabinet decision on October 28, 2011 and submitted to the Diet to be reviewed in an integrated manner. On November 29 the same year, the bill was passed by the Committee on Land, Infrastructure, Transport and Tourism (House of Representatives) and was passed unanimously by the plenary meeting (House of Representatives) on December 1. On December 6 the same year, the bill was passed by the Committee on Land, Infrastructure, Transport and Tourism (House of Councillors) before being passed and established by the plenary session (House of Councillors) on December 7. When the bills were voted on by the Land, Infrastructure, Transport and Tourism Committee of the House of Representatives and the House of Councillors, supplementary resolutions were attached by both, including giving sufficient consideration so that the measures stipulated in the “Act on the Promotion of Tsunami Countermeasures,” which should be recognized as the basic act on tsunami countermeasures, are promoted, promoting the development of coastal levees with certainty, and the national government providing sufficient support for the setting of tsunami inundation assumptions and the securing of evacuation facilities, etc.¹³¹.

This act was promulgated on December 14, 2011 and entered into force on December 27.

(3) Overview of the act and details of measures

○ Act on Regional Development for Tsunami Disaster Prevention

This new act was established to promote urban development resilient to tsunamis based on multiple defenses combining hard and soft measures, with mainly the following provisions established.

- ① The Minister of Land, Infrastructure, Transport and Tourism must establish the basic guidelines.
- ② Prefectural governors must conduct basic surveys and set tsunami inundation assumptions (areas and depth of inundation assumed in the event of a tsunami) based on the basic guidelines.
- ③ Municipalities may prepare promotion plans to promote tsunami disaster prevention-centered regional urban development comprehensively. Special measures in the promotion plan area include:
 - (i) Special provisions to the effect that, on land readjustment projects, to promote the development of urban areas with strong disaster-prevention characteristics, areas for construction of tsunami disaster prevention housing, etc., (land where safety measures such as land raising and elevated ground can be taken within the project execution area) can be established, and if such areas are established, the owners of houses or public facilities may apply for replacement land in said areas (exception to the principle of correspondence)
 - (ii) Special provisions that allow certain buildings that would contribute to evacuation from a tsunami to be excluded from calculation when calculating floor-area ratios based on the approval of the specified administrative agency without going through the Building Review Council, such as private power generation facilities and disaster stockpile warehouses
 - (iii) Special provisions that allow a prefectural governor to establish exceptionally a project plan for projects promoting collective relocation for disaster prevention in certain cases
- ④ Facilities included in urban development that serve as bases for maintaining urban functions in the event a tsunami occurs can be established in city plans as “Collective Urban Development Facilities that Serve as Tsunami Disaster Prevention Hubs” that are regarded as collective urban facilities, enabling their development by the full buyout method.
- ⑤ Embankment structures, locks, etc., to be built inland to prevent the expansion of inundation in the event a largest class tsunami with an extremely low frequency of occurrence reaches upstream, are newly established as “tsunami protection facilities” (different to coastal protection facilities, etc., built for tsunamis with a relatively high frequency of occurrence), and prefectural governors or municipal mayors are designated as their administrators (subject to national government subsidies).
- ⑥ Prefectural governors may designate areas of land for which warning and evacuation systems should be specially developed as tsunami disaster security zones (yellow zones), and areas of land within these where certain development activities and construction should be restricted as tsunami disaster special security zones (orange zones). In the latter areas, social welfare facilities, hospitals and schools are subject to certain development regulations, and the mayors of municipalities may add regulations on housing, etc., in zones

¹³¹ In the Diet deliberations, there were discussions on the need for government financial support for evacuation facilities, etc., and concerns over falling land prices in areas designated as tsunami disaster special security zones.

designated by municipal ordinance (red zones).

- Act on Preparation, etc., of Related Acts in Association with the Enforcement of the Act on Regional Development for Tsunami Disaster Prevention

The following amendments were made to the Flood Control Act, the Meteorological Service Act, etc., to respond to the new concept of tsunami disaster prevention.

① Flood Control Act

The Flood Control Act is one that stipulates provisions centered on soft aspects, such as flood prevention organizations and activities for water-related disasters in general, but amendments were made related to the strengthening of countermeasures against tsunamis and on elements common to water disasters other than tsunamis.

- “Tsunami” was positioned clearly in the act, and “tsunami protection facilities” was added to the list of subjects for inspection by flood controllers, etc.
- A provision was added to the effect that consideration must be given in flood control plans to ensuring the safety of people engaged in flood control activities if a tsunami occurs.
- Provisions were added with regard to evacuation orders issued by prefectural governors at times of flooding, people staying in the area, etc., were added to the subjects of orders, not only residents, while clarifying that tsunamis are included and that they are included even before the start of flooding.

② Meteorological Service Act

The Japan Meteorological Agency must provide forecasts and warnings for aircraft, ships and flood prevention activities, and tsunamis were added to the subjects of such forecasts, etc., in addition to flooding and high tides based on the amendments to the Flood Control Act.

- ③ Apart from the above, provisions were added to expedite procedures for tsunami protection facilities and retaining walls in the Expropriation of Land Act and the Building Standards Act.

(4) Actual application

The “Basic Guidelines on the Promotion of Tsunami Disaster Prevention-Centered Regional Development” were established by the Minister of Land, Infrastructure, Transport and Tourism on December 27, 2011 based on this act. Apart from formulating the “Guidelines for the Preparation of Plans for the Promotion of Tsunami Disaster Prevention-Centered Regional Development” in 2016 as more detailed guidelines and revising them in 2018, manuals and case studies were prepared, support teams were formed, and training was provided to support the preparation of plans by local governments.

The state of setting of tsunami inundation assumptions, designation of tsunami disaster security zones, and preparation of promotion plans is as follows.

(As of March 31, 2022)

Setting of tsunami inundation assumptions completed: 38 prefectures (* Not applicable: seven prefectures)

Designation of tsunami disaster security zones: 20 prefectures, of which designation of tsunami disaster special security zones completed: Shizuoka Prefecture

Formulation of promotion plans completed: 17 municipalities

The following are application examples on reconstruction community development projects in areas affected by the Great East Japan Earthquake.

“Collective Urban Development Facilities that Serve as Tsunami Disaster Prevention Hubs” 24 cases

(Takata-Minami district, Rikuzentakata City, Iwate Prefecture, Asahimachi district, Kesennuma City, Miyagi Prefecture, etc.)

(5) Subsequent legal amendments

The “Formulation of City Plans for Collective Urban Development Facilities that Serve as Tsunami Disaster Prevention Hubs” established by this act has been generalized in the “Act on Reconstruction after Large-Scale Disaster” (Act No. 55 of 2013) as a system that is also applicable to other large-scale disasters.

In addition, the “special provisions for projects to promote collective relocation” have been generalized by the revision of the “Act on Special Financial Support for Promoting Group Relocation for Disaster Mitigation” (Act No. 132 of 1972).

14. Act on Temporary Special Provisions of Acts Related to National Tax, in Relation to Victims, etc. of the Great East Japan Earthquake (Act No. 29 of 2011)

Described in Chapter 2, Section 4, 3.

15. Act for Partial Revision of the Act on Temporary Special Provisions of Acts Related to National Tax, in Relation to Victims, etc. of the Great East Japan Earthquake (Act No. 119 of 2011)

Described in Chapter 2, Section 4, 3.

16. Act on Special Fiscal Aid and Subsidies for Recovery from the Great East Japan Earthquake (Act No. 40 of 2011)

(1) Background for formulating and purpose for enacting

Based on the “Act on Special Financial Support to Deal with the Designated Disaster of Extreme Severity” (Act No. 150 of 1962; hereinafter referred to as the “Act on Disasters of Extreme Severity”), a severe disaster system has been established for disasters where it is recognized that alleviation of the burden on regional finances or special support for disaster victims are required such that special financial support and assistance measures can be taken, such as an increase in the national subsidy rate for disaster recovery projects, etc., by local governments and special provisions on guarantees for small and medium-sized business operators¹³².

However, due to the enormous damage caused by the Great East Japan Earthquake, legislative measures were required to provide financial support for the restoration of facilities not covered by the system, to “extend” the so-called Act on Disasters of Extreme Severity and provide special support to disaster victims, etc. Because of this, it was decided to establish the “Act on Special Fiscal Aid and Subsidies for Recovery from the Great East Japan Earthquake,” establishing special support measures such as financial assistance for local governments, the reduction of or exemption from social insurance premiums for disaster victims, and financial support for small and medium-sized business operators.

In the case of the Great Hanshin-Awaji Earthquake, the “Act for Extraordinary Expenditure and Assistance to Cope with Hanshin-Awaji Earthquake” (Act No. 16 of 1995; hereinafter referred to as the “Great Hanshin-Awaji Earthquake Assistance Act”) was established for the same purpose.

(2) Background of Diet deliberations, promulgation, and implementation

The bill for this act was approved by cabinet decision and submitted to the Diet on April 26, 2011. This bill was passed by the Special Committee on Disasters (House of Representatives) and passed unanimously at the plenary session (House of Representatives) on April 30, and passed by the Special Committee on Disasters (House of Councillors) and passed unanimously and established at the plenary session (House of Councillors) on May 2. The committees discussed issues such as the provision of subsidies for rebuilding the lives of disaster victims, financial support for disaster waste management, the application of this bill to the nuclear disaster, and a review of the Act on Disasters of Extreme Severity¹³³.

This act was promulgated and entered into force on May 2.

(3) Overview of the act and details of measures

First, as “special fiscal aid for local governments,” the subsidy rate for the restoration of public civil engineering facilities and social welfare facilities and disaster waste management was raised based on the financial strength of disaster-affected local governments and the state of damage. In particular, for public civil engineering facilities, the so-called total burden reduction method was adopted, by which the subsidy rate was to be determined in stages by adding the expense burdens of subject projects and comparing them with standard tax revenues.

¹³²“Cabinet Order on the Designation as a Disaster of Extreme Severity of the Disaster Caused by the 2011 Tohoku Earthquake and Measures Applicable to that Disaster” (Cabinet Order No. 19 of 2011) was approved by cabinet decision with regard to the Great East Japan Earthquake on March 12, 2011, the day after the earthquake occurred, and promulgated the following day, March 13, thereby designating the disaster as a disaster of extreme severity.

¹³³On May 2, 2011, at the Special Committee on Disasters (House of Councillors), there was a reply concerning disaster waste management by municipalities to the effect that local burden would be reduced effectively to zero by raising the subsidy rate by up to 90% and implementing allocation tax measures under this bill. In addition, there was a reply regarding recovery from the nuclear disaster that the bill could be applied to damage caused by the nuclear disaster, but it would not reduce the liability of the nuclear operator for compensation. There was a reply with regard to the review of the Act on Disasters of Extreme Severity, that it was thought appropriate to seek the judgment of the Diet in combination with the budget, taking into account the gaps between various systems, the financial situation of the national government and local governments, etc., each time a disaster occurs.

These measures covered 24 items¹³⁴, and measures related to rural drainage facilities, disaster waste management, and the temporary government buildings, etc., of affected municipalities, which were not included in the 19 items of the Great Hanshin-Awaji Earthquake Assistance Act, were also added.

Specified disaster-affected local governments were established as the areas subject to “special fiscal aid for local governments, etc.,” and prefectures were designated as prefectures to which the Disaster Relief Act would be applied (Aomori Prefecture, Iwate Prefecture, Miyagi Prefecture, Fukushima Prefecture, Ibaraki Prefecture, Tochigi Prefecture, Chiba Prefecture, Niigata Prefecture and Nagano Prefecture).

In addition, of the municipalities to which the Disaster Relief Act (Act No. 118 of 1947) or the Act on Support for Reconstructing Livelihoods of Disaster Victims (Act No. 66 of 1998) was applied¹³⁵ at the time of the Great East Japan Earthquake¹³⁶, the following municipalities were designated by Cabinet Order¹³⁷.

- Seismic intensity 6 lower or higher
- Total number of houses completely destroyed exceeds a certain scale¹³⁸
- The maximum observed tsunami was 2.4 m or higher in the tsunami forecast area, and inundation damage was confirmed.
- More than 5% of the standard tax revenue share of the local burden related to disaster recovery project costs for public civil engineering facilities and disaster waste management, etc.¹³⁹

Second, with regard to the reduction of the burden on social insurance policyholders, etc., the national government decided to take measures such as exemption from social insurance premiums for disaster victims and business operators, exemption from medical expenses for disaster victims, etc., and prompt payment of survivor’s pensions, etc., based on the presumption of the death of missing people.

Third, with regard to fiscal aid for agriculture, forestry and fisheries workers, small to medium business operators, etc., the national government decided to expand the insurance coverage rate of credit insurance for disaster-affected agriculture and fisheries workers and small to medium business operators and to extend the repayment period of policy-based finance, etc.

Apart from that, the national government decided to take a wide range of special measures, including special measures for the issue of local government bonds.

The “special support measures for disaster victims, etc.,” combining the second, third and other measures described above, amounted to 116 items in contrast to the 59 items under the Great Hanshin-Awaji Earthquake Assistance Act.

Specified disaster-stricken zones were established as the subject areas for these “special support measures for disaster victims, etc.,” and these zones were established by Cabinet Order among the municipalities to which the Disaster Relief Act was applied at the time of the Great East Japan Earthquake and areas subject to application of the Act on Support for Reconstructing Livelihoods of Disaster Victims as areas equivalent to these (excluding areas where the number of completely destroyed households was zero).

The supplementary budget for the general account for FY2011 (No. 1), which includes the expenses for the implementation of this act, was approved by cabinet decision on April 22, 2011, submitted to the Diet on April 28,

¹³⁴ Special provisions on aid related to subsidy for rebuilding the lives of disaster victims were established by the “Act for Partial Revision of the Act on Special Fiscal Aid and Subsidies for Recovery from the Great East Japan Earthquake” (Act No. 87 of 2011), and ultimately, there were 25 items.

¹³⁵ The application of the Disaster Relief Act for dealing with people who had difficulty returning to their homes is excluded.

¹³⁶ The Great East Japan Earthquake was defined as “the earthquake that occurred off the Pacific coast of the Tohoku region on March 11, 2011, and the subsequent disasters caused by the accident at the nuclear power plants,” but it also includes the earthquake that occurred in northern Nagano Prefecture on March 12. Although the location of the epicenter and the mechanism of occurrence of each earthquake were different, large crustal deformation was observed in association with the earthquake off the Pacific coast of the Tohoku region, and it caused expansive strain largely in an east-west direction and compressing strain in the north-south direction, so based on current scientific knowledge, it cannot be denied it is possible that this could have had an impact on the occurrence of earthquakes in other areas and the earthquake was treated as a series of disasters under this act.

¹³⁷ Since special fiscal aid was to be provided to specified disaster-affected local governments, it was originally necessary to compare the amount of damage with the tax revenue of the municipality concerned, and select the one with the greater burden. However, the Great East Japan Earthquake caused extensive damage over a wide area, and it was thought that it would take a considerable period of time to grasp the specific amount of damage of each local government. On the other hand, as it was necessary to provide special fiscal aid promptly for emergency restoration in the disaster-affected area, when selecting a specified disaster-affected local government, in addition to comparing the amount of the local burden and tax revenues, the physical scale of the disaster and the damage that had been grasped at that point were also used as standards, as mentioned above.

¹³⁸ Municipalities with at least the number of households listed in Appended Table 3 of the Order for Enforcement of the Disaster Relief Act (Cabinet Order No. 225 of 1947). The table establishes the number of households whose houses have been completely destroyed in accordance with the population size in the area of the municipality. Two houses partially destroyed are counted as one house completely destroyed.

¹³⁹ “At the stage where assessed project costs have not been finalized, the matters that are clearly expected to fall under the provisions after assessment (operated at twice the standard like designation of early locally severe)” was added to this standard on August 12, 2011. In other words, if the standard tax revenue ratio of the amount of the local burden amount based on the estimated amount of an assessed project costs exceeds 10%, it is considered to meet the standard.

and passed unanimously and established at the plenary session (House of Councillors) on May 2 the same year¹⁴⁰.

(4) Subsequent legal amendments

On July 29, 2011, the “Act for Partial Revision of the Act on Special Fiscal Aid and Subsidies for Recovery from the Great East Japan Earthquake” (Act No. 87 of 2011), was promulgated and entered into force, adding to this act a measure to raise the government’s subsidy rate for the subsidy for rebuilding the lives of disaster victims from 50% to 80%, limited to the Great East Japan Earthquake, including subsidies already provided¹⁴¹.

Further, an exceptional measure, etc., was added to this act that allowed local government bonds to be issued to make up for the decrease in revenue due to exemptions from property taxes, etc., to deal with the nuclear power station accident by the “Act for Partial Revision of the Local Tax Act and the Act on Special Fiscal Aid and Subsidies for Recovery from the Great East Japan Earthquake to Deal with the Disaster Caused by the Nuclear Power Station Accident following the Great East Japan Earthquake” (Act No. 96 of 2011), which was promulgated and entered into force on August 12, 2011¹⁴².

¹⁴⁰ 4,015.3 billion yen was allocated for early recovery from the Great East Japan Earthquake. The breakdown was 351.9 billion yen for disaster waste management project costs, 1,201.9 billion yen for disaster response public works related costs (costs for the restoration of roads, ports, airport facilities, water, sewerage, etc.), 416 billion yen for facilities costs, disaster recovery costs, etc., (costs for the restoration of school facilities, nursing care and medical facilities, police and firefighting facilities, etc.), 640.7 billion yen for disaster-related financing costs, 801.8 billion yen for other costs related to the Great East Japan Earthquake, etc.

¹⁴¹ In association with the increase in the subsidy rate from 50% to 80%, a subsidy of 300 billion yen for rebuilding the lives of disaster victims was allocated in the general account supplementary budget (No. 2) for FY2011 (established on July 25, 2011) as a related budget. In addition, it was decided to cover the full amount of the remaining 20% to be borne by local governments with a specially allocated tax, funding for which was increased by this supplementary budget.

¹⁴² Since the enactment of this act, exceptional measures related to local government bonds have been stipulated (Article 9, etc.), and since the additional measures pursuant to Act No. 96 of 2011 can be deemed to be an expansion of these special provisions, the number of items of the “special support measures for disaster victims, etc.” did not change even after the amendment by the act.

(5) List of measures (as of July 29, 2011)

① Special fiscal aid to local governments, etc. [24 items (Great Hanshin-Awaji Earthquake: 19 items)]

* (iii) Public medical institutions in public facilities and (iv) private medical institutions in private facilities are counted as one item.

i. Public civil engineering related [7 items (Great Hanshin-Awaji Earthquake: 6 items)]

Great East Japan Earthquake Fiscal Aid Act				(Reference) Great Hanshin-Awaji Earthquake Assistance Act	
Item	Article	Current principle	Special provisions of the Fiscal Aid Act	Current principle	Special provisions of the Fiscal Aid Act
Special provisions on aid for water facilities	3	1/2 (budget) [Water Supply Act]	8/10-9/10	1/2 (budget) [Water Supply Act]	8/10
Special provisions on aid for industrial water facilities	3	45/100 (budget) (8/10 in cases of designation of extreme severity and seismic intensity of 6 or higher) [Industrial Water Supply Business Act]		45/100 (budget) [Industrial Water Supply Business Act]	8/10
Special provisions on aid for improved housing, etc.	3	1/2 (budget) [Residential Areas Improvement Act]		1/2 (budget) [Residential Areas Improvement Act]	8/10
Special provisions on aid for traffic safety facilities, etc.	3	1/2 (law) [Police Act, Act on Advancement of Traffic Safety Facilities Improvement Program]		1/2 (law) [Police Act, Act on Advancement of Traffic Safety Facilities Improvement Program]	8/10
Special provisions on aid for urban facilities	3	1/2 (budget) [City Planning Act]		1/2 (budget) [City Planning Act]	8/10
Special provisions on aid for waste management facilities	3	1/2 (budget) [Act on Waste Management and Public Cleaning]		1/2 (budget) [Act on Waste Management and Public Cleaning]	8/10
Special provisions on aid for rural drainage facilities	3	1/2 budget subsidy (budget) (8/10 in cases of designation of extreme severity and more than 10% of standard tax) * There is no definition of the facilities in law		1/2 budget subsidy (budget) * There is no definition of the facilities in law	-

ii. Social welfare facilities-related [5 items (Great Hanshin-Awaji Earthquake: 4 items)]

Great East Japan Earthquake Fiscal Aid Act				(Reference) Great Hanshin-Awaji Earthquake Assistance Act	
Item	Article	Current principle	Special provisions of the Fiscal Aid Act	Current principle	Special provisions of the Fiscal Aid Act
Special provisions on aid for welfare facilities for the elderly, etc.	48	1/2 (budget) [Act on Social Welfare for the Elderly]	2/3	1/2 (budget) [Act on Social Welfare for the Elderly]*	2/3*
Special provisions on aid for Community General Support Centers and long-term care health facilities for the elderly	48	Community General Support Centers 1/2 (budget) [Long-Term Care Insurance Act] Long-term care health facilities 1/3 (budget) [Long-Term Care Insurance Act]	2/3 1/2	- 1/3 (budget) [Act on Social Welfare for the Elderly]	- -
Special provisions on aid for support facilities for persons with disabilities, etc.	48	1/2 (budget) [Services and Supports for Persons with Disabilities Act]	2/3	1/2 (budget) [Act on Welfare of Mentally Retarded Persons]	2/3
Special provisions on aid for social business sheltered work facilities	48	1/2 (budget) [Social Welfare Act]	2/3	Same as left	Same as left
Special provisions on aid for facilities that support social participation by persons with physical disabilities	48	1/2 (budget) [Act for the Welfare of Persons with Physical Disabilities]	2/3	Same as left	Same as left

* Group homes for elderly people with dementia and small-scale multifunctional home care are facility types positioned newly since the enforcement of the Great Hanshin-Awaji Earthquake Assistance Act.

iii. Public facilities [8 items (Great Hanshin-Awaji Earthquake: 6 items)]

Great East Japan Earthquake Fiscal Aid Act				(Reference) Great Hanshin-Awaji Earthquake Assistance Act	
Item	Article	Current principle	Special provisions of the Fiscal Aid Act	Current principle	Special provisions of the Fiscal Aid Act
Police facilities	4	1/2 (law) [Police Act]	2/3	Same as left	Same as left
Temporary municipal buildings, etc.	6	-	2/3	-	-
Firefighting facilities	7	1/3 (law) [Act on the Promotion of the Strengthening of Firefighting Facilities] 1/2 (cabinet order) [Cabinet Order on Emergency Fire Response Teams]	2/3	Same as left	Same as left
Health centers	44	1/2 (budget) [Community Health Act]	2/3	-	-
Crematoriums	45	1/2 (budget) [Burial Act]	2/3	Same as left	Same as left
Public medical institutions	46	Other than psychiatric departments 1/2 (budget) Psychiatric departments 1/2 (law) [Medical Care Act / Mental Health and Welfare Act]	2/3	Other than psychiatric departments 1/2 (budget) Psychiatric departments 1/2 (law) [Medical Care Act / Mental Health and Welfare Act]	2/3 (limited to public hospitals)
Slaughterhouses	47	1/2 (budget) [Slaughterhouse Act]	2/3	Same as left	Same as left
Central wholesale markets	106	4/10 (law) [Wholesale Market Act]	2/3	Same as left	Same as left

iv. Private facilities [1 item (Great Hanshin-Awaji Earthquake: 2 items)]

Great East Japan Earthquake Fiscal Aid Act				(Reference) Great Hanshin-Awaji Earthquake Assistance Act	
Item	Article	Current principle	Special provisions of the Fiscal Aid Act	Current principle	Special provisions of the Fiscal Aid Act
Private medical institutions (Emergency medical care, etc., psychiatric hospitals)	46	Emergency medical care 1/2 (budget) Psychiatric departments no more than 1/2 (law) [Medical Care Act / Mental Health and Welfare Act]	1/2	Emergency medical care -- Psychiatric departments no more than 1/2 (law) [Medical Care Act / Mental Health and Welfare Act]	1/2 (Emergency medical care is limited to hospitals, psychiatric departments are limited to designated hospitals.)
Common facilities of shopping district promotion associations, etc.	-	-	-	-	1/2

v. Other infrastructure [4 items (Great Hanshin-Awaji Earthquake: 2 items)]

Great East Japan Earthquake Fiscal Aid Act				(Reference) Great Hanshin-Awaji Earthquake Assistance Act	
Item	Article	Current principle	Special provisions of the Fiscal Aid Act	Current principle	Special provisions of the Fiscal Aid Act
Livelihood recovery support funds for disaster victims	Article 5-2	1/2 (law) [Act on Support for Reconstructing Livelihoods of Disaster Victims]	8/10	-	-
Quays of foreign trade wharves and ferry wharves managed by the Port of Kobe Wharf Public Corporation	-	-	-	-	8/10
Quays, etc., managed by Miyagi Prefecture Ferry Wharf Public Corporation	135	Interest-free loans related to construction and improvement (not including disaster recovery loans) [Port and Harbour Act]	Interest-free loans	Interest-free loans related to construction and improvement (not including disaster recovery loans) [Port and Harbour Act]	Aid and interest-free loans to the Port of Kobe Wharf Public Corporation
Runway of Sendai Airport, etc.	136	80/100 [Civil Aeronautics Act]	85/100	-	-
Sendai Airport passenger terminal building	137	-	Interest-free loans to prefectures	-	-
Disaster waste management (rubble disposal)	139	1/2 [Act on Waste Management and Public Cleaning]	1/2-8/10-9/10	1/2 [Act on Waste Management and Public Cleaning]	-

② Special support measures for disaster victims, etc. [116 items (Great Hanshin-Awaji Earthquake: 59 items)]

i. Special provisions for local government bonds, etc. [3 items (Great Hanshin-Awaji Earthquake: 1 item)]

Great East Japan Earthquake Fiscal Aid Act				(Reference) Great Hanshin-Awaji Earthquake Assistance Act	
Item	Article	Current principle	Special provisions of the Fiscal Aid Act	Current principle	Special provisions of the Fiscal Aid Act
Special provisions for the fiscal year in which non-revenue bonds and disaster countermeasure bonds may be issued	8	Non-revenue bonds and disaster countermeasure bonds can be issued only in the fiscal year to which the date of the disaster belongs. [Basic Act on Disaster Management]	Bonds may be issued from FY2011 on (deadline established by cabinet order) (national government underwrites with fiscal loan funds)	Non-revenue bonds and disaster countermeasure bonds can be issued only in the fiscal year to which the date of the disaster belongs. [Basic Act on Disaster Management]	Bonds can be issued in FY1994 and FY1995 (extended by 1 year)
Special provisions for local government bonds	9	-	Local government bonds can be issued to cover the decrease in revenue from local taxes based on the Act for Partial Revision of the Local Tax Act, etc., and special provisions were provided for the calculation of standard fiscal revenue (national government underwrites with fiscal loan funds)	-	-
Special provisions for the calculation of standard fiscal revenue	10	-	-	-	-

ii. Financial support for agriculture, forestry and fisheries business operators, small and medium-sized business operators, etc. (27 items (Great Hanshin-Awaji Earthquake: 4 items))

Great East Japan Earthquake Fiscal Aid Act				(Reference) Great Hanshin-Awaji Earthquake Assistance Act	
Item	Article	Current principle	Special provisions of the Fiscal Aid Act	Current principle	Special provisions of the Fiscal Aid Act
Special transfer from general account to fishing vessel reinsurance and fisheries mutual aid insurance special account	34	-	Special transfer from general account to fishing vessel reinsurance and fisheries mutual aid insurance special account	-	-
Special provisions for reserve funds of fishing boat reinsurance and fishery mutual aid insurance special account	35	-	Reserve funds allowed to be withdrawn during the fiscal year	-	-
Strengthening of the Development Bank of Japan's financial base in readiness for crisis response operations	36	Investment by the national government and granting of government bonds allowed until the end of March 2012 (not allowed thereafter) [Act on Development Bank of Japan Inc.]	Extension of national government investment period (three years) Extension of the issue, redemption, and return period of issued government bonds (three years)	-	-
Extension of the redemption period of disaster relief funds, etc.	103	Redemption period Up to 10 years Loan interest rate 3% [Act on Provision of Disaster Condolence Grant]	Redemption period Up to 13 years Loan interest rate 0% (1.5% without guarantor)	-	-
Increase in coverage rate for small and medium-sized fishery loan guarantee insurance	109	Guarantee insurance and loan insurance coverage rate 7/10 [Act on Loan Security for Small and Medium Sized Fishery Industry]	Guarantee insurance and loan insurance coverage rate 9/10	-	-
Extension of the redemption period of agricultural improvement funds, etc.	110	Redemption period Up to 10 years Redemption period Up to 3 years [Agricultural Improvement Finance Act]	Redemption period Up to 13 years Deferral period Up to 6 years	-	-
Extension of the redemption period of agricultural modernization funds, etc.	111	Redemption period Up to 20 years Deferral period Up to 7 years [Agricultural Modernization Finance Act]	Redemption period Up to 23 years Deferral period Up to 10 years	-	-
Increase in coverage rate for agricultural credit guarantee insurance	112	Guarantee insurance and loan insurance coverage rate 7/10 (Agricultural Credit Guarantee Insurance Act)	Guarantee insurance and loan insurance coverage rate 9/10	-	-
Extension of the redemption period of fisheries modernization funds, etc.	113	Redemption period Up to 20 years Redemption period Up to 3 years [Fisheries Modernization Finance Act]	Redemption period Up to 23 years Deferral period Up to 6 years	-	-

Extension of the redemption period of forestry and wood industry improvement funds, etc.	114	Redemption period Up to 10 years Redemption period Up to 3 years [Act on Subsidies for Improvement of Forestry and Wood Industry]	Redemption period Up to 13 years Deferment period Up to 6 years	-	-
Extension of the redemption period of coastal fishery improvement funds, etc.	115	Redemption period Up to 10 years Redemption period Up to 3 years [Act on Subsidies for Improvement of Coastal Fishery]	Redemption period Up to 13 years Deferment period Up to 6 years	-	-
Extension of the redemption period of funds under the Act on Temporary Measures concerning Fund for Improvement of Forestry Management Framework	116	Redemption period Up to 55 years Deferment period Up to 35 years [Act on Temporary Measures concerning Fund for Improvement of Forestry Management Framework]	Redemption period Up to 58 years Deferment period Up to 38 years	-	-
Extension of the redemption period, etc., of funds for the development of farmers and accumulation of farmland	117	Redemption period Up to 25 years Deferment period Up to 10 years [Act on Reinforcement of the Agricultural Management Framework]	Redemption period Up to 28 years Deferment period Up to 13 years	-	-
Extension of the redemption period of farming support funds, etc.	118	Redemption period Up to 12 years Deferment period Up to 5 years [Act on Special Measures concerning Incentive Loan Program for Youths to Become Farmers]	Redemption period Up to 15 years Deferment period Up to 8 years	-	-
Extension of the redemption period of funds under the Act Concerning the Security of Forestry Work Force	119	Redemption period Up to 15 years [Act Concerning the Security of Forestry Work Force]	Redemption period Up to 18 years	-	-
Extension of the redemption period of funds based on the Act for Promoting the Introduction of Sustainable Agricultural Production Systems	120	Redemption period Up to 12 years Redemption period Up to 3 years [Act for Promoting the Introduction of Sustainable Agricultural Production Systems]	Redemption period Up to 15 years Deferment period Up to 6 years	-	-
Extension of the redemption period, etc., of loans to agriculture, forestry and fisheries workers, etc. by the Japan Finance Corporation	121	Redemption period 15-35 years Deferment period 3-30 years [Japan Finance Corporation Act]	Redemption period and deferment period extended by three years each	-	-
Extension of the redemption period, etc., of funds based on the Act on Promotion of Business Activities by Collaboration Between Small and Medium Sized Enterprise Operators and Operators of Agriculture, Forestry and Fishery	122	Redemption period Up to 12 years Deferment period Up to 5 years [Act on Promotion of Business Activities by Collaboration Between Small and Medium Sized Enterprise Operators and Operators of Agriculture, Forestry and Fishery]	Redemption period Up to 15 years Deferment period Up to 8 years	-	-
Extension of the redemption period, etc., of funds based on the Act on Promotion of Utilization of Organic Resources Originated from Agriculture, Forestry or Fisheries as Materials for Biomass Fuels	123	Redemption period Up to 12 years Redemption period Up to 3 years [Act on Promotion of Utilization of Organic Resources Originated from Agriculture, Forestry or Fisheries as Materials for Biomass Fuels]	Redemption period Up to 15 years Deferment period Up to 6 years	-	-
Extension of the redemption period, etc., of funds based on the Act for Promotion of the Use of Rice for New Applications	124	Redemption period Up to 12 years Redemption period Up to 3 years [Act for Promotion of the Use of Rice for New Applications]	Redemption period Up to 15 years Deferment period Up to 6 years	-	-
Extension of the redemption period, etc., of funds based on the Act on Promoting the Use of Wood in Public Buildings, etc.	125	Redemption period Up to 12 years [Act on Promoting the Use of Wood in Public Buildings, etc.]	Redemption period Up to 15 years	-	-
Extension of the redemption period, etc., of funds based on the Act on Promoting the Creation of New Business Using Regional Resources and the Use of Regional Agricultural, Forestry and Fisheries Products	126	Redemption period Up to 12 years Deferment period Up to 5 years [Act on Promoting the Creation of New Business Using Regional Resources and the Use of Regional Agricultural, Forestry and Fisheries Products]	Redemption period Up to 15 years Deferment period Up to 8 years	-	-
Special provisions of the Small and Medium-sized Enterprise Credit Insurance Act	128	Insurance value limit Normal: 200 million yen Unsecured: 80 million yen Small: 12.5 million yen Coverage rate Normal: 70% Unsecured: 80% Small: 80% [Small and Medium-sized Enterprise Credit Insurance Act]	Insurance value limit Normal: 200 million yen Unsecured: 80 million yen Small: 12.5 million yen (Separate from general warranty) Coverage rate Ordinary, unsecured and small 90%	Insurance value limit Unsecured: 20 million yen Small: 5 million yen Coverage rate Unsecured and small 80% [Small and Medium-sized Enterprise Credit Insurance Act]	Insurance value limit Unsecured: 10 million yen Small: 10 million yen (Separate from general warranty) Coverage rate Unsecured and small 90%
Extension of the redemption period, etc., of funds based on the Act on Equipment Installation Support for Small Enterprises	129	Redemption period Up to 7 years [Act on Equipment Installation Support for Small Enterprises]	Redemption period Up to 9 years	Redemption period Up to 5 years [Act on Subsidies for Small and Medium-Sized Enterprise Modernization]	Redemption period Up to 7 years
Factory development projects conducted by SME Support Japan	130 -132	-	Development and leasing of factories, workplaces and surrounding facilities	-	-
Special provisions on leasing by The Shoko Chukin Bank to small and medium-sized business operators	-	-	-	-	3% per annum for first three years National government interest subsidy for up to 5 years
Extension of deadline for government investment in preparation for crisis response operations by The Shoko Chukin Bank	133	Deadline for the national government's contribution to The Shoko Chukin Bank's crisis response operations: end of FY2011 [Shoko Chukin Bank Limited Act]	Deadline for the national government's contribution to The Shoko Chukin Bank's crisis response operations: end of FY2014	-	-
Loans by the Japan Housing Finance Agency (residential land damage)	138	Disaster reconstruction housing loans Loans necessary for the restoration of houses destroyed or damaged by disaster [Act on the Japan Housing Finance Agency, Independent Administrative Agency]	Addition of loans for damage to residential land only	Disaster reconstruction housing loans Deferment period 3 years Acceptance period 2 years [Housing Loan Corporation Act]	Disaster reconstruction housing loans Additional deferment period of 5 years for the Great Hanshin-Awaji Earthquake Extension of the acceptance period in certain cases Establishment of the disaster reconstruction land loan system

iii. Social welfare-related [86 items (Great Hanshin-Awaji Earthquake: 54 items)]

Great East Japan Earthquake Fiscal Aid Act				(Reference) Great Hanshin-Awaji Earthquake Assistance Act	
Item	Article	Current principle	Special provisions of the Fiscal Aid Act	Current principle	Special provisions of the Fiscal Aid Act
Special provisions on the application of provisions related to the payment of benefits in relation to death of the Public Officers Pension Act	11	Benefits due to death for bereaved families of missing persons after one year	If the status of the missing person is unknown for three months, it is presumed that the missing person has died in the application of provisions on the payment of benefits for reason of death	-	-
Special provisions on the application of the Act on Remuneration of Officials in the Regular Service	12	Settlement of pay for missing staff after one year	If a retirement allowance is paid, the death of a missing person is presumed after three months	-	-
Special provisions on the application of provisions related to the payment of benefits in relation to death of the National Public Officers' Accident Compensation Act	13	Benefits due to death for bereaved families of missing persons after one year	If the status of the missing person is unknown for three months, it is presumed that the missing person has died in the application of provisions on the payment of benefits for reason of death	-	-
Special provisions on the application of the Act on National Public Officers' Retirement Allowance	14	Benefits due to death for bereaved families of missing persons after one year	-	-	-
Special provisions on the determination of retirement mutual aid pensions of the Local Public Officers, etc. Mutual Aid Association Act	15	Pension entitlements must be claimed by the retired beneficiaries themselves	Allows beneficiaries of specially-paid retirement mutual aid pensions to receive benefits even without claims from the retired beneficiaries themselves	-	-
Special provisions for exemption from co-payments related to benefits for medical treatment under the Local Public Officers, etc. Mutual Aid Association Act	-	Exemption from payment is possible in certain cases	-	-	Exemption from co-payments
Special provisions on the amount for dietary treatment expenses during hospitalization under the Local Public Officers, etc. Mutual Aid Association Act	16	Payment of dietary treatment expenses during hospitalization after deducting co-payments	Exemption from co-payment and payment of full amount	Same as left	Same as left
Special provisions on the amount for life treatment expenses during hospitalization under the Local Public Officers, etc. Mutual Aid Association Act	17	Payment of life treatment expenses during hospitalization after deducting co-payments		-	-
Special provisions on the amount for medical expenses combined with treatment outside insurance coverage under the Local Public Officers, etc. Mutual Aid Association Act	18	Payment of medical expenses combined with treatment outside insurance coverage after deducting co-payments		Same as left	Same as left
Special provisions on the amount for medical expenses under the Local Public Officers, etc. Mutual Aid Association Act	19	Payment of medical expenses after deducting co-payments		Same as left	Same as left
Special provisions regarding visiting nursing medical expenses of the Local Public Officers, etc. Mutual Aid Association Act	-	Payment of full amount of visiting nursing medical expenses in certain cases	-	Payment of amount with partial deduction	Payment of full amount of nursing medical expenses
Special provisions on the amount for dependents' expenses under the Local Public Officers, etc. Mutual Aid Association Act	20	Payment of dependents' medical expenses after deducting co-payments	Exemption from co-payment and payment of full amount	Same as left	Same as left
Special provisions regarding dependents' visiting nursing medical expenses of the Local Public Officers, etc. Mutual Aid Association Act	-	Payment of full amount of dependents' visiting nursing medical expenses in certain cases	-	Payment of amount with partial deduction	Payment of full amount of nursing medical expenses
Special provisions on benefits related to death under the Local Public Officers, etc. Mutual Aid Association Act	21	Benefits due to death for bereaved families of missing persons after one year	If the status of the missing person is unknown for three months, it is presumed that the missing person has died in the application of provisions on the payment of benefits for reason of death	-	-
Special provisions on benefits related to death of the Act for Enforcement in Relation to Long-term Benefit under the Local Public Officers, etc. Mutual Aid Association Act	22	Benefits due to death for bereaved families of missing persons after one year		-	-
Special provisions on benefits related to death of the Local Public Officers Accident Compensation Act	23	Benefits due to death for bereaved families of missing persons after one year		-	-
Special provisions on benefits related to death under the Act on Special Measures concerning Beneficiaries of Pension of Mutual Aid Association Established under Former Ordinances	25	Benefits due to death for bereaved families of missing persons after one year		-	-
Special provisions on the determination of retirement mutual aid pensions of the National Public Officers Mutual Aid Association Act	26	Pension entitlements must be claimed by the retired beneficiaries themselves	Allows beneficiaries of specially-paid retirement mutual aid pensions to receive benefits even without claims from the retired beneficiaries themselves	-	-
Special provisions for exemption from co-payments related to benefits for medical treatment under the National Public Officers Mutual Aid Association Act	-	Exemption from payment is possible in certain cases	-	-	Exemption from co-payments
Special provisions on the amount for dietary treatment expenses during hospitalization under the National Public Officers Mutual Aid Association Act	27	Payment of dietary treatment expenses during hospitalization after deducting co-payments	Exemption from co-payment and payment of full amount	Same as left	Same as left
Special provisions on the amount for life treatment expenses during hospitalization under the National Public Officers Mutual Aid Association Act	28	Payment of life treatment expenses during hospitalization after deducting co-payments		-	-
Special provisions on the amount for medical expenses combined with treatment outside insurance coverage under the National Public Officers Mutual Aid Association Act	29	Payment of medical expenses combined with treatment outside insurance coverage after deducting co-payments		Same as left	Same as left

Special provisions on the amount for medical expenses under the National Public Officers Mutual Aid Association Act	30	Payment of medical expenses after deducting co-payments		Same as left	Same as left
Special provisions regarding visiting nursing medical expenses of the National Public Officers Mutual Aid Association Act	-	Payment of full amount of visiting nursing medical expenses in certain cases	-	Payment of amount with partial deduction	Payment of full amount of nursing medical expenses
Special provisions on the amount for dependents' expenses under the National Public Officers Mutual Aid Association Act	31	Payment of dependents' medical expenses after deducting co-payments	Exemption from co-payment and payment of full amount	Same as left	Same as left
Special provisions regarding dependents' visiting nursing medical expenses of the National Public Officers Mutual Aid Association Act	-	Payment of full amount of dependents' visiting nursing medical expenses in certain cases	-	Payment of amount with partial deduction	Payment of full amount of nursing medical expenses
Special provisions on benefits related to death under the National Public Officers Mutual Aid Association Act	32	Benefits due to death for bereaved families of missing persons after one year	If the status of the missing person is unknown for three months, it is presumed that the missing person has died in the application of provisions on the payment of benefits for reason of death	-	-
Special provisions on benefits related to death of the Act for Enforcement in Relation to Long-term Benefit under the National Public Officers Mutual Aid Association Act	33	Benefits due to death for bereaved families of missing persons after one year	-	-	-
Special provisions on the revision of standard salaries under the Private School Personnel Mutual Aid Association Act	38	Standard salaries are revised from the month three months after the month during which salaries fluctuate	Allows revisions starting from the month salaries fluctuate significantly	Same as left	Same as left
Application of provisions concerning special provisions on the determination of retirement mutual aid pensions of the National Public Officers Mutual Aid Association Act	39	Pension entitlements must be claimed by the retired beneficiaries themselves	Allows beneficiaries of specially-paid retirement mutual aid pensions to receive benefits even without claims from the retired beneficiaries themselves	-	-
Application of provisions concerning special provisions on the amount for dietary treatment expenses during hospitalization under the National Public Officers Mutual Aid Association Act	40	Payment of dietary treatment expenses, etc., during hospitalization after deducting co-payments	Exemption from co-payment and payment of full amount	Same as left	Same as left
Application of provisions concerning special provisions on benefits in relation to death of the National Public Officers Mutual Aid Association Act	41	Benefits, etc., due to death for bereaved families of missing persons after one year	If the status of the missing person is unknown for three months, it is presumed that the missing person has died in the application of provisions on the payment of benefits for reason of death	-	-
Special provision on exemption from installments under the Private School Personnel Mutual Aid Association Act	42	-	At private schools in the disaster-affected area, personnel may be exempted from paying premiums for private school personnel mutual aid (including type II insurance premiums for long-term care insurance) if there are significant obstacles to the payment of salaries to teachers and staff.	Same as left	Same as left
Special provisions on the revision of standard monthly remuneration amounts for health insurance purposes	49	Standard monthly remuneration amounts are revised from the month three months after the month during which remuneration fluctuates significantly	Allows revisions starting from the month remuneration fluctuates significantly	Same as left	Same as left
Exemption from health insurance co-payments	-	Exemption from payment is possible in certain cases	-	-	Exemption from co-payments
Special provisions on the amount for dietary treatment expenses during hospitalization under health insurance	50	Payment of dietary treatment expenses during hospitalization after deducting co-payments	Exemption from co-payment and payment of full amount	Same as left	Same as left
Special provisions on the amount for life treatment expenses during hospitalization under health insurance	51	Payment of life treatment expenses during hospitalization after deducting co-payments		-	-
Special provisions on the amount for medical expenses combined with treatment outside insurance coverage under health insurance	52	Payment of medical expenses combined with treatment outside insurance coverage after deducting co-payments		Same as left	Same as left
Special provisions on the amount for medical expenses under health insurance	53	Payment of medical expenses after deducting co-payments		Same as left	Same as left
Special provisions regarding visiting nursing medical expenses under health insurance	-	Payment of full amount of visiting nursing medical expenses in certain cases	-	Payment of amount with partial deduction	Payment of full amount of nursing medical expenses
Special provisions on the amount for dependents' medical expenses under health insurance	54	Payment of dependents' medical expenses after deducting co-payments	Exemption from co-payment and payment of full amount	Same as left	Same as left
Special provisions regarding dependents' visiting nursing medical expenses under health insurance	-	Payment of full amount of dependents' visiting nursing medical expenses in certain cases	-	Payment of amount with partial deduction	Payment of full amount of nursing medical expenses
Special provisions related to specially-insured day laborers under health insurance	55	-	The provisions of Article 50 through Article 54 apply mutatis mutandis to specially-insured day laborers.	Same as left	Same as left
Special provisions on the amount for special medical expenses under health insurance	56	Payment of special medical expenses after deducting co-payments	Exemption from co-payment and payment of full amount	Same as left	Same as left
Special provisions on exemption from insurance premiums for health insurance	57	-	At places of business in the disaster-affected area, personnel may be exempted from paying premiums for health insurance (including type II insurance premiums for long-term care insurance) if there are significant obstacles to the payment of salaries to insured persons at those places of business.	Same as left	Same as left
Special provisions on national subsidies for health insurance	58	-	National subsidies are provided within the scope of the budget for the increase in benefit costs associated with special measures by the Japan Health Insurance Association.	-	-

Special provisions, etc., on the revision of standard monthly remuneration amounts for seamen's insurance purposes	59	Standard monthly remuneration amounts are revised from the month one month after the month during which remuneration fluctuates significantly	Allows revisions starting from the month remuneration fluctuates significantly	Same as left	Same as left
Special provisions on benefits related to death under the Seamen's Insurance Act	60	Benefits due to death for bereaved families of missing persons after one year	If the status of the missing person is unknown for three months, it is presumed that the missing person has died in the application of provisions on the payment of benefits for reason of death	-	-
Exemption from seamen's insurance co-payments	-	Exemption from payment is possible in certain cases	-	-	Exemption from co-payments
Special provisions on the amount for dietary treatment expenses during hospitalization under seamen's insurance	61	Payment of dietary treatment expenses during hospitalization after deducting co-payments	Exemption from co-payment and payment of full amount	Same as left	Same as left
Special provisions on the amount for life treatment expenses during hospitalization under seamen's insurance	62	Payment of life treatment expenses during hospitalization after deducting co-payments		-	-
Special provisions on the amount for medical expenses combined with treatment outside insurance coverage under seamen's insurance	63	Payment of medical expenses combined with treatment outside insurance coverage after deducting co-payments		Same as left	Same as left
Special provisions on the amount for medical expenses under seamen's insurance	64	Payment of medical expenses after deducting co-payments		Same as left	Same as left
Special provisions regarding visiting nursing medical expenses under seamen's insurance	-	Payment of full amount of visiting nursing medical expenses in certain cases	-	Payment of amount with partial deduction	Payment of full amount of nursing medical expenses
Special provisions on the amount for dependents' medical expenses under seamen's insurance	65	Payment of dependents' medical expenses after deducting co-payments	Exemption from co-payment and payment of full amount	Same as left	Same as left
Special provisions regarding dependents' visiting nursing medical expenses under seamen's insurance	-	Payment of full amount of dependents' visiting nursing medical expenses in certain cases	-	Payment of amount with partial deduction	Payment of full amount of nursing medical expenses
Special provisions on exemption from insurance premiums for seamen's insurance	66	-	At places of business in the disaster-affected area, personnel may be exempted from paying premiums for seamen's insurance (including type II insurance premiums for long-term care insurance) if there are significant obstacles to the payment of salaries to insured persons at those places of business.	Same as left	Same as left
Special provisions on unemployment insurance benefits under seamen's insurance	-	Under the employment insurance system, unemployment benefits are paid due to deemed unemployment in certain cases	-	-	Payment of unemployment insurance benefits due to deemed unemployment
Special provisions on the amount for dietary treatment expenses during hospitalization under national health insurance	67	Payment of dietary treatment expenses during hospitalization after deducting co-payments	Exemption from co-payment and payment of full amount	Same as left	Same as left
Special provisions on the amount for life treatment expenses during hospitalization under national health insurance	68	Payment of life treatment expenses during hospitalization after deducting co-payments		-	-
Special provisions on the amount for medical expenses combined with treatment outside insurance coverage under national health insurance	69	Payment of medical expenses combined with treatment outside insurance coverage after deducting co-payments		Same as left	Same as left
Special provisions on the amount for medical expenses under national health insurance	70	Payment of medical expenses after deducting co-payments		Same as left	Same as left
Special provisions on the amount for special medical expenses under national health insurance	71	Payment of special medical expenses after deducting co-payments		Same as left	Same as left
Special provisions on the national government's burden, etc., for national health insurance	72	-	National subsidies are provided within the scope of the budget for the increase in benefit costs associated with special measures by municipalities.	-	-
Special provisions on the amount for dietary treatment expenses during hospitalization under medical care for the elderly	73	Payment of dietary treatment expenses during hospitalization after deducting co-payments	Exemption from co-payment and payment of full amount	Same as left	Same as left
Special provisions on the amount for life treatment expenses during hospitalization under medical care for the elderly	74	Payment of life treatment expenses during hospitalization after deducting co-payments		-	-
Special provisions on the amount for medical expenses combined with treatment outside insurance coverage during hospitalization under medical care for the elderly	75	Payment of medical expenses combined with treatment outside insurance coverage after deducting co-payments		Same as left	Same as left
Special provisions on the amount for medical expenses under medical care for the elderly	76	Payment of medical expenses after deducting co-payments		-	-
Special provisions on the amount for special medical expenses under medical care for the elderly	77	Payment of special medical expenses after deducting co-payments		Same as left	Same as left
Special provisions on the national government's burden, etc., for medical care for the elderly	78	-	National subsidies are provided within the scope of the budget for the increase in benefit costs associated with special measures by a medical association for the elderly.	-	-
Special provisions regarding visiting nursing medical expenses under geriatric health	-	Payment of full amount of visiting nursing medical expenses in certain cases in medical care for the elderly	-	Payment of amount with partial deduction	Payment of full amount of nursing medical expenses
Special provisions on the application of provisions related to the payment of benefits in relation to death of the Industrial Accident Compensation Insurance Act	79	Benefits due to death for bereaved families of missing persons after one year	If the status of the missing person is unknown for three months, it is presumed that the missing person has died in the application of provisions on the payment of benefits for reason	-	-

Special provisions on the application of provisions related to the payment of retirement benefits in relation to death of the Small and Medium Sized Enterprise Retirement Allowance Cooperative Act	80	Payment of retirement benefits to bereaved families of missing people after one year	of death	-	-
Special provisions on exemption from insurance premiums for labor insurance	81	-	Workers may be exempted from labor insurance premiums if there are significant obstacles, etc., to the payment of wages to workers at a workplace in the disaster-affected area.	-	-
Special provisions on the extension of the number of days of payment of the basic allowance of employment insurance	82	In principle, the number of days of payment of the basic allowance to unemployed people due to dismissal, etc., is extended by 60 days.	Moreover an additional 60 days of benefits is provided (maximum of 120 days).	-	-
Special provisions on the application of provisions related to the payment of benefits related to death of the Act on Asbestos Health Damage Relief	83	Benefits due to death for bereaved families of missing persons after one year	If the status of the missing person is unknown for three months, it is presumed that the missing person has died in the application of provisions on the payment of benefits for reason of death	-	-
Special provisions on exemption from general contributions appropriated for benefits payable for asbestos health damage relief	84	-	Workers may be exempted from general contributions if there are significant obstacles, etc., to the payment of wages to workers at a workplace in the disaster-affected area.	-	-
Special provisions on the national government's burden related to the expenses required for the payment of institutional benefits for disabled children	85	The national government and prefectures, etc., bear the expenses required for the payment of institutional benefits for disabled children paid by the prefectures, etc.	National subsidies are paid for the increase in expenses required for the payment of institutional benefits for disabled children in association with the application of disaster reductions and exemptions by prefectures, etc.	-	-
Aid for meal expenses and residence expenses at designated institutions for mentally retarded children, etc.	86	Self payment of meal expenses and residence expenses at designated institutions for mentally retarded children, etc.	Prefectures, etc., reduce or exempt meal expenses and residence expenses at designated institutions for mentally retarded children, etc., and the amount equivalent to those expenses is subsidized by the national government.	-	-
Special provisions on the national government's burden, etc., related to the expenses required for the payment of nursing care benefit expenses	87	The national government, prefectures and municipalities bear the expenses required for the payment of nursing care benefit expenses paid by the municipalities.	National subsidies are paid for the increase in expenses required for the payment of nursing care benefit expenses in association with the application of disaster reductions and exemptions by municipalities.	-	-
Aid for meal expenses and residence expenses at designated support facilities for persons with disabilities, etc.	88	Self payment of meal expenses and residence expenses at designated support facilities for persons with disabilities, etc.	Municipalities reduce or exempt meal expenses and residence expenses at designated support facilities for persons with disabilities, etc., and the amount equivalent to those expenses is subsidized by the national government.	-	-
Special provisions on the national government's burden, etc., related to the expenses required for the payment of nursing care benefits and preventive benefits	89	The national government, prefectures, municipalities, and primary and secondary insured persons bear the amount required for nursing care benefits and preventive benefits.	National subsidies are provided for the increase in benefit costs associated with special measures by municipalities.	-	-
Aid for meal expenses and residence expenses at facilities covered by long-term care insurance, etc.	90	Self payment of meal expenses, residence expenses and other expenses required at facilities covered by long-term care insurance, etc.	National subsidies are provided for the reduction and exemption of meal expenses, residence expenses, etc., at facilities covered by long-term care insurance, etc.	-	-
Aid for meal expenses and stay expenses at specified preventive care service providers	91	Self-payment of meal expenses and stay expenses at specified preventive care service providers.	National subsidies are provided for the reduction and exemption of meal expenses and stay expenses at specified preventive care service providers.	-	-
Aid for meal expenses and residence expenses at specified geriatric nursing care welfare facilities, etc.	92	Self-payment of meal expenses and residence expenses at specified geriatric nursing care welfare facilities, etc.	National subsidies are provided for the reduction and exemption of meal expenses and residence expenses at specified geriatric nursing care welfare facilities, etc.	-	-
Special provisions on provisions concerning the payment of survivor's pensions, etc., related to death under the Act on Relief of War Victims and Survivors	93	Benefits due to death for bereaved families of missing persons after one year	If the status of the missing person is unknown for three months, it is presumed that the missing person has died in the application of provisions on the payment of survivor's pensions	-	-
Special provisions, etc., on the revision of standard monthly remuneration amounts for employees' pension insurance purposes	94	Standard monthly remuneration amounts are revised from the month three months after the month during which remuneration fluctuates	Standard salaries may be revised from the month during which remuneration fluctuates significantly.	Same as left	Same as left
Special provisions on exemption from insurance premiums for employees' pension insurance	95	The insurance premium is stipulated at 16.058% of the standard monthly remuneration of each insured person, and the obligation to pay the premium is imposed on the employer.	Insured employees may be exempted from pension insurance premiums if there are significant obstacles, etc., to the payment of wages to insured employees at a workplace in the disaster-affected area.	Same as left	Same as left
Special provisions on rulings on old-age employee pensions	96	The Minister of Health, Labour and Welfare rules the payment of old-age employee pensions based on claims from the recipients themselves.	Allows beneficiaries of specially paid old-age employee pensions to receive benefits even without claims from the employee beneficiaries themselves	-	-
Special provisions on the application of provisions related to the payment of benefits in relation to death of the Employees' Pension Insurance Act	97	Benefits due to death for bereaved families of missing persons after one year	If the status of the missing person is unknown for three months, it is presumed that the missing person has died in the application of provisions on the payment of benefits for reason of death	-	-
Special provisions on rulings on basic old-age pensions	98	The Minister of Health, Labour and Welfare rules the payment of basic old-age pensions based on claims from the recipients themselves.	Allows beneficiaries of specially paid basic old-age pensions to receive benefits even without claims from the old-age beneficiaries themselves	-	-

Special provisions on the application of provisions related to the payment of benefits in relation to death of the National Pension Act	99	Benefits due to death for bereaved families of missing persons after one year		-	-
Special provisions on the application of provisions related to the payment of survivor benefits under the Defined Contribution Pension Act	100	Benefits due to death for bereaved families of missing persons after one year	If the status of the missing person is unknown for three months, it is presumed that the missing person has died in the application of provisions on the payment of benefits for reason of death	-	-
Special provisions on the application of provisions related to the payment of lump-sum death benefits under the Defined Contribution Pension Act	101	Benefits due to death for bereaved families of missing persons after one year		-	-
Special provisions on exemption from contributions for child allowances	102	Places of business, etc. are obliged to pay contributions based on the Child Allowance Act due to the Act on Child Allowance Payments in Fiscal Year 2010.	Exempt from the obligation to pay contributions if exempted from employee pension insurance premiums, etc.	Same as left	Same as left
Special provisions on the revision of standard salaries by agriculture, forestry and fisheries organizations' mutual aid associations	-	-	-	Revisions of standard salaries are after four months	Standard salaries can be revised from the current month
Special provisions on exemption from the premiums of agriculture, forestry and fisheries organizations' mutual aid associations	-	-	-	-	Exemption from premiums of disaster-affected organizations
Special provisions on benefits related to death of agriculture, forestry and fisheries organizations' mutual aid associations	107	Benefits due to death for bereaved families of missing persons after one year	If the status of the missing person is unknown for three months, it is presumed that the missing person has died in the application of provisions on the payment of benefits for reason of death	-	-
Special Provisions, etc., on exemption, etc., from insurance premiums for the farmers' pension	108	The insured person of the farmers' pension must pay the premium every month.	Exempt from insurance premiums in response to application by the insured person. If the status of the missing person is unknown for three months, it is presumed that the missing person has died in the application of provisions on the payment of lump-sum death benefit	Same as left	Same as left
Special provisions on the amount of farmers' pension management transfer annuities	-	-	-	-	Deemed payment of insurance premiums
Special provisions on the employment stabilization programs of the Employment Insurance Act	-	-	-	-	Employment stabilization programs can also be applied to prospective employees.
Special provisions on benefits related to death of the Act on Compensation for Pollution-Related Health Damage	140	Benefits due to death for bereaved families of missing persons after one year	If the status of the missing person is unknown for three months, it is presumed that the missing person has died in the application of provisions on the payment of benefits for reason of death	-	-
Special provisions on the application of the Act on Remuneration, etc. of Ministry of Defense Personnel	141	Settlement of pay for missing staff after one year	If a retirement allowance is paid, the death of a missing person is presumed after three months	-	-
Special provisions on the amount of dietary treatment expenses, etc., during hospitalization for Self-Defense Forces personnel	142	Self-payment of the standard copayment for dietary treatment, etc.	Exemption from the standard copayment for dietary treatment, etc.	-	-

(6) Lists of specified disaster-affected local governments and specified disaster-stricken zones (as of February 22, 2012)

① Specified disaster-affected local governments (nine prefectures, 178 municipalities)

Prefectures

Aomori Prefecture, Iwate Prefecture, Miyagi Prefecture, Fukushima Prefecture, Ibaraki Prefecture, Tochigi Prefecture, Chiba Prefecture, Niigata Prefecture and Nagano Prefecture

Municipalities

Hokkaido: Shikabe Town, Kayabe District;** Yakumo Town, Futami District;** Hiroo Town, Hiroo District;* Hamanaka Town, Akkeshi District*

Aomori Prefecture: Hachinohe City; Misawa City; Oirase Town, Kamikita District; Hashikami Town, Sannohe District

Iwate Prefecture: Miyako City; Ofunato City; Hanamaki City; Kitakami City;* Kuji City; Tono City; Ichinoseki City; Rikuzentakata City; Kamaishi City, Oshu City; Takizawa Village, Iwate District; Yahaba Town, Shiwa District; Hiraizumi Town, Nishiiwai District;* Sumita Town, Kesen District; Otsuchi Town, Kamihei District; Yamada Town, Shimohei District; Iwazumi Town, Shimohei District; Tanohata Village, Shimohei District; Fudai Village, Shimohei District; Noda Village, Kunohe District; Hirono Town, Kunohe District

Miyagi Prefecture: Sendai City; Ishinomaki City; Shiogama City; Kesennuma City; Shiroishi City; Natori City; Kakuda City; Tagajo City; Iwanuma City; Tome City; Kurihara City; Higashimatsushima City; Osaki City; Zao Town, Katta District; Shichikashuku Town, Katta District;* Ogawara Town, Shibata District; Kawasaki Town, Shibata District; Marumori Town, Igu District;* Watari Town, Watari District; Yamamoto Town, Watari District; Matsushima Town, Miyagi

District; Shichigahama Town, Miyagi District; Rifu Town, Miyagi District; Taiwa Town, Kurokawa District; Osato Town, Kurokawa District; Tomiya Town, Kurokawa District; Ohira Village, Kurokawa District; Shikama Town, Kami District;** Kami Town, Kami District;** Wakuya Town, Toda District; Misato Town, Toda District; Onagawa Town, Oshika District; Minamisanriku Town, Motoyoshi District

Fukushima Prefecture: Fukushima City; Koriyama City; Iwaki City; Shirakawa City; Sukagawa City; Soma City; Nihonmatsu City; Tamura City; Minamisoma City; Date City; Motomiya City;* Kori Town, Date District; Kunimi Town, Date District; Kawamata Town, Date District; Otama Village, Adachi District;* Kagamiishi Town, Iwase District; Tenei Village, Iwase District; Inawashiro Town, Yama District; Yukawa Village, Kawanuma District;* Nishigo Village, Nishishirakawa District; Izumizaki Village, Nishishirakawa District; Nakajima Village, Nishishirakawa District; Yabuki Town, Nishishirakawa District; Tanagura Town, Higashishirakawa District; Yamatsuri Town, Higashishirakawa District;** Hanawa Town, Higashishirakawa District;** Samegawa Village, Higashishirakawa District;* Tamakawa Village, Ishikawa District; Asakawa Town, Ishikawa District; Furudono Town, Ishikawa District; Miharu Town, Tamura District;* Ono Town, Tamura District; Hirono Town, Futaba District; Naraha Town, Futaba District; Tomioka Town, Futaba District; Kawauchi Village, Futaba District; Okuma Town, Futaba District; Futaba Town, Futaba District; Namie Town, Futaba District; Katsurao Village, Futaba District; Shinci Town, Soma District; Iitate Village, Soma District

Ibaraki Prefecture: Mito City; Hitachi City; Tsuchiura City; Ishioka City; Yuki City;** Shimotsuma City;* Joso City; Hitachiota City; Takahagi City; Kitaibaraki City; Kasama City; Toride City; Ushiku City;** Tsukuba City; Hitachinaka City; Kashima City; Itako City; Hitachiomiya City; Naka City; Chikusei City; Bando City;* Inashiki City; Kasumigaura City; Sakuragawa City; Kamisu City; Namegata City; Hokota City; Tsukubamirai City; Omitama City; Ibaraki Town, Higashiibaraki District; Oarai Town, Higashiibaraki District; Shirosato Town, Higashiibaraki District; Tokai Village, Naka District; Miho Village, Inashiki District; Kawachi Town, Inashiki District;* Tone Town, Kitasoma District

Tochigi Prefecture: Utsunomiya City; Moka City; Otawara City; Yaita City; Nasushiobara City; Nasukarasuyama City; Mashiko Town, Haga District; Ichikai Town, Haga District; Takanezawa Town, Shioya District; Nasu Town, Nasu District; Nakagawa Town, Nasu District

Saitama Prefecture: Kuki City**

Chiba Prefecture: Chiba City; Choshi City; Funabashi City;** Narita City; Sakura City;* Asahi City; Narashino City; Abiko City; Urayasu City Inzai City; Sosa City;* Katori City; Sanmu City; Sakae Town, Inba District;* Kozaki Town, Katori District;* Oamishirasato Town, Sanbu District;* Kujukuri Town, Sanbu District;* Yokoshibahikari Town, Sanbu District; Shirako Town, Chosei District

Niigata Prefecture: Tokamachi City; Tsunan Town, Nakauonuma District

Nagano Prefecture: Nozawaonsen Village, Shimotakai District;** Sakae Village, Shimominochi District

② Specified disaster-stricken zones (222 municipalities)

Aomori Prefecture: Hachinohe City; Misawa City; Oirase Town, Kamikita District; Hashikami Town, Sannohe District

Iwate Prefecture: Morioka City; Miyako City; Ofunato City; Hanamaki City; Kitakami City;* Kuji City; Tono City; Ichinoseki City; Rikuzentakata City; Kamaishi City; Ninohe City, Hachimantai City; Oshu City; Shizukuishi Town, Iwate District; Kuzumaki Town, Iwate District; Iwate Town, Iwate District; Takizawa Village, Iwate District; Shiwa Town, Shiwa District; Yahaba Town, Shiwa District; Nishiwaga Town, Waga District; Kanegasaki Town, Isawa District; Hiraizumi Town, Nishiiwai District; Sumita Town, Kesen District; Otsuchi Town, Kamihei District; Yamada Town, Shimohei District; Iwaizumi Town, Shimohei District; Tanohata Village, Shimohei District; Fudai Village, Shimohei District; Karumai Town, Kunohe District; Noda Village, Kunohe District; Kunohe Village, Kunohe District; Hirono Town, Kunohe District; Ichinohe Town, Ninohe District

Miyagi Prefecture: Sendai City; Ishinomaki City; Shiogama City; Kesennuma City; Shirosaki City; Natori City; Kakuda City; Tagajo City; Iwanuma City; Tome City; Kurihara City; Higashimatsushima City; Osaki City; Zao Town, Katta District; Shichikashuku Town, Katta District; Ogawara Town, Shibata District; Kawasaki Town, Shibata District; Marumori Town, Igu District; Watari Town, Watari District; Yamamoto Town, Watari District; Matsushima Town, Miyagi

District; Shichigahama Town, Miyagi District; Rifu Town, Miyagi District; Taiwa Town, Kurokawa District; Osato Town, Kurokawa District; Tomiya Town, Kurokawa District; Ohira Village, Kurokawa District; Shikama Town, Kami District; Kami Town, Kami District; Wakuya Town, Toda District; Misato Town, Toda District; Onagawa Town, Oshika District; Minamisanriku Town, Motoyoshi District

Fukushima Prefecture: Fukushima City; Aizuwakamatsu City; Koriyama City; Iwaki City; Shirakawa City; Sukagawa City; Kitakata City; Soma City; Nihonmatsu City; Tamura City; Minamisoma City; Date City; Motomiya City; Kori Town, Date District; Kunimi Town, Date District; Kawamata Town, Date District; Otama Village, Adachi District; Kagamiishi Town, Iwase District; Tenei Village, Iwase District; Shimogo Town, Minamiaizu District; Hinoemata Village, Minamiaizu District; Tadami Town, Minamiaizu District; Minamiaizu Town, Minamiaizu District; Kitashiobara, Yama District; Nishiaizu Town, Yama District; Bandai Town, Yama District; Inawashiro Town, Yama District; Aizubange Town, Kawanuma District; Yukawa Village, Kawanuma District; Yanaizu Town, Kawanuma District; Mishima Town, Onuma District; Kaneyama Town, Onuma District; Showa Village, Onuma District; Aizumisato Town, Onuma District; Nishigo Village, Nishishirakawa District; Izumizaki Village, Nishishirakawa District; Nakajima Village, Nishishirakawa District; Yabuki Town, Nishishirakawa District; Tanagura Town, Higashishirakawa District; Yamatsuri Town, Higashishirakawa District; Hanawa Town, Higashishirakawa District; Samegawa Village, Higashishirakawa District; Ishikawa Town, Ishikawa District; Tamakawa Village, Ishikawa District; Hirata Village, Ishikawa District; Asakawa Town, Ishikawa District; Furudono Town, Ishikawa District; Miharu Town, Tamura District; Ono Town, Tamura District; Hirono Town, Futaba District; Naraha Town, Futaba District; Tomioka Town, Futaba District; Kawauchi Village, Futaba District; Okuma Town, Futaba District; Futaba Town, Futaba District; Namie Town, Futaba District; Katsurao Village, Futaba District; Shinchi Town, Soma District; Iitate Village, Soma District

Ibaraki Prefecture: Mito City; Hitachi City; Tsuchiura City; Koga City; Ishioka City; Yuki City; Ryugasaki City; Shimotsuma City; Joso City; Hitachiota City; Takahagi City; Kitaibaraki City; Kasama City; Toride City; Ushiku City; Tsukuba City; Hitachinaka City; Kashima City; Itako City; Hitachiomiya City; Naka City; Chikusei City; Bando City;* Inashiki City; Kasumigaura City; Sakuragawa City; Kamisu City; Namegata City; Hokota City; Tsukubamirai City; Omitama City; Ibaraki Town, Higashiibaraki District; Oarai Town, Higashiibaraki District; Shirosato Town, Higashiibaraki District; Tokai Village, Naka District; Daigo Town, Kuji District; Miho Village, Inashiki District; Ami Town, Inashiki District; Kawachi Town, Inashiki District; Tone Town, Kitasoma District

Tochigi Prefecture: Utsunomiya City; Ashikaga City; Sano City;* Oyama City; Moka City; Otawara City; Yaita City; Nasushiobara City; Sakura City; Nasukarasuyama City; Mashiko Town, Haga District; Motegi Town, Haga District; Ichikai Town, Haga District; Haga Town, Haga District; Takanezawa Town, Shioya District; Nasu Town, Nasu District; Nakagawa Town, Nasu District

Saitama Prefecture: Kuki City*

Chiba Prefecture: Chiba City; Choshi City; Ichikawa City; Funabashi City; Matsudo City; Noda City;** Narita City; Sakura City; Togane City; Kashiwa City;** Asahi City; Narashino City; Yachiyo City; Abiko City; Urayasu City; Inzai City; Tomisato City; Sosa City;* Katori City; Sanmu City; Shisui Town, Inba District; Sakae Town, Inba District; Kozaki Town, Katori District;* Tako Town, Katori District; Tonosho Town, Katori District; Oamishirasato Town, Sanbu District;* Kujukuri Town, Sanbu District; Yokoshibahikari Town, Sanbu District; Shirako Town, Chosei District*

Niigata Prefecture: Tokamachi City; Joetsu City; Tsunan Town, Nakauonuma District

Nagano Prefecture: Sakae Village, Shimominochi District

Of the municipalities, those marked * were added on August 17, 2011, and those marked ** were added on February 22, 2012. Fujisawa Town, Iwai District, Iwate Prefecture merged with Ichinoseki City, Iwate Prefecture on September 26, 2011 and is included in Ichinoseki City.

17. Act for Partial Revision of the Local Tax Act (Act No. 30 of 2011)

Described in Chapter 2, Section 4, 3.

18. Act for Partial Revision of the Local Tax Act and the Act on Special Fiscal Aid and Subsidies for Recovery from the Great East Japan Earthquake to Deal with the Disaster Caused by the Nuclear Power Station Accident following the Great East Japan Earthquake (Act No. 96 of 2011)

Described in Chapter 2, Section 4, 3.

19. Act on Special Provisions for the Issue of Passports in Relation to Victims of the Great East Japan Earthquake (Act No. 64 of 2011)

(1) Background for formulating and purpose for enacting

In addition to the earthquake itself, an unprecedented, large-scale tsunami was generated by the Great East Japan Earthquake so household goods were not only damaged, but also swept away to completely different places and many victims lost their passports and were even unable to look for them.

To address this situation, it was decided to establish the “Act on Special Provisions for the Issue of Passports in Relation to Victims of the Great East Japan Earthquake” to enable the issue of “special earthquake passports,” ordinary passports, for the period to the expiration date of lost passports without collecting the national government’s processing fees¹⁴³ for disaster victims who submitted a notice of the loss of their passport aimed at:

① restoring the status quo prior to the Great East Japan Earthquake (meaning having a passport with a certain effective period remaining) without imposing an additional financial burden on disaster victims who lost their passports due to the Great East Japan Earthquake, thereby contributing to rebuilding the livelihoods of disaster victims and the reconstruction of the local industry and economy; and ② providing disaster victims with an incentive to submit a report of the loss of their passports (revocation procedures) to restore passport order by revoking promptly the passports held by disaster victims at the time of the earthquake.

(2) Background of Diet deliberations, promulgation, and implementation

The bill for this act was approved by cabinet decision and submitted to the Diet on May 13, 2011. This bill was passed unanimously by the Committee on Foreign Affairs (House of Representatives) on May 25, passed unanimously at the plenary session (House of Representatives) on May 26, passed unanimously by the Committee on Foreign Affairs (House of Councillors) on May 31 and passed unanimously and established at the plenary session (House of Councillors) on June 1.

This act was promulgated on June 8, 2011 and entered into force from the same day together with related ministerial ordinances.

(3) Overview of the act and details of measures

If a disaster victim whose residence was completely destroyed, washed away, partially destroyed, inundated above floor level or suffered other equivalent damage due to the Great East Japan Earthquake, and lost, etc., a passport valid at the time of the earthquake, submitted notice of the loss of that passport and an application for a replacement during the period from the effective date of this act (June 8, 2011) to March 31, 2013, the Minister for Foreign Affairs was able to issue a special earthquake passport (with a period of validity reckoned in months of not more than five years and to expire on or before the expiry date of the lost passport) without a processing fee (portion paid to the national government) with a period of validity to the expiry date of the passport held by the disaster victim as of March 11, 2011 (hereinafter referred to as “Lost Passport”).

In addition, if the expiry date of a five-year special earthquake passport issued based on the special provisions above was one month or more prior to the expiry date of the disaster victim’s Lost Passport, the Minister for Foreign Affairs was able to issue another special earthquake passport with a period of validity to the expiry date of the Lost Passport in response to an application by the disaster victim (with a period of validity reckoned in months of not more than five years and to expire on or before the expiry date of the Lost Passport) without a processing fee (portion paid to the national government)¹⁴⁴.

The administrative work related to the issue of special earthquake passports was designated an item (i) statutory

¹⁴³ Under the then Passport Act (Act No. 267 of 1951), the fees for issuing ordinary passports (paid to the national government) were 14,000 yen for a 20-year passport, 9,000 yen for a five-year passport (4,000 yen for a child less than 12 years of age) and 4,000 yen for all other passports.

¹⁴⁴ Because the ordinary passport creation system of the Ministry of Foreign Affairs and the prefectures does not allow passports with a period of validity of more than five years but less than 10 years to be created, it was decided to issue a special earthquake passport with a period of validity of five years and then issue another special earthquake passport with a period of validity for the remaining portion of the Lost Passport’s period of validity in excess of five years when the period of validity of the first special earthquake passport expired.

entrusted function as stipulated in Article 2, Paragraph 9, Item 1 of the Local Autonomy Act (Act No. 67 of 1947), which made it possible for part of the administrative work concerning the issue of special earthquake passports¹⁴⁵ to be conducted by prefectural governors.

(4) Actual application

The number of special earthquake passports issued was 1,952 in the first round and 246 in the second round¹⁴⁶.

(5) Subsequent legal amendments

This act was abolished by the Act to Abolish the Act on Special Provisions for the Issue of Passports in Relation to Victims of the Great East Japan Earthquake (Act No. 34 of 2022) because it was no longer assumed that applications for the issue of special earthquake passports would be made from March 11, 2021, when 10 years had elapsed since the Great East Japan Earthquake.

¹⁴⁵ Under Article 2, Paragraph 1 of the Order for Enforcement of the Act on Special Provisions for the Issue of Passports in Relation to Victims of the Great East Japan Earthquake (Cabinet Order No. 165 of 2011), the administrative work handled by prefectures was the preparation of special earthquake passports (including records made by electromagnetic means based on the provisions of Article 7 of the Passport Act).

¹⁴⁶ Both figures based on Ministry of Foreign Affairs data.

20. Act on Special Provisions Concerning Local Government Bonds Related to Merged Municipalities Damaged by the Great East Japan Earthquake (Act No. 102 of 2011), etc.

(1) Background for formulating and purpose for enacting

Municipalities that applied for a merger from April 1999 to the end of March 2005 and merged by the end of March 2006 (hereinafter referred to as “Merged Municipalities”) were able to allocate special merger bonds¹⁴⁷ to projects included in municipal construction plans¹⁴⁸ limited to the fiscal year of the merger and the 10 following fiscal years based on the Act on Special Provisions Concerning Merger of Municipalities (Act No. 6 of 1965; hereinafter referred to as “Former Merged Municipalities Act”).

However, the Great East Japan Earthquake had a significant impact on the promotion of special merger projects based on municipal construction plans in Merged Municipalities, both within and outside the disaster-affected area. In other words, because Merged Municipalities in the disaster-affected area had to give priority to restoration and reconstruction projects involving large-scale financial expenditures, they had no choice but to suspend or postpone projects based on their previously planned municipal construction plans, and even Merged Municipalities that were not directly damaged by the earthquake, for example, Merged Municipalities in coastal areas, it was assumed that they may have been forced to change their municipal construction plans as they needed to take new measures, such as reviews of the location and structure of public facilities positioned in their municipal construction plans, enhancing and strengthening disaster-prevention facilities, and connecting roads within the municipalities, in light of the tsunami damage.

In such circumstances, some disaster-affected municipalities, for example, Ofunato City in Iwate Prefecture and Itako City in Ibaraki Prefecture, which merged in FY2001, were approaching the deadline for the issue of special merger bonds at the end of FY2011.

Because of this, related local governments, including disaster-affected local governments, strongly requested an extension of the period during which they could issue special merger bonds, the national government conducted a fact-finding survey, and the LDP put together a proposal to extend the period during which special merger bonds could be issued limited to Merged Municipalities damaged by the Great East Japan Earthquake by five fiscal years, which was approved by the party’s General Affairs Committee on July 26, 2011. In response to this, at the meeting of its General Affairs Division held on August 10, 2011, the DPJ discussed its response to the LDP proposal, put together a “Proposal on the extension of the period during which special merger bonds can be issued”¹⁴⁹ and, as an emergency special measures, approved the submission of a bill in line with the content of the LDP proposal to the Committee on Public Management, Home Affairs, Posts and Telecommunications Administration (House of Representatives).

Following this process, the “Act on Special Provisions Concerning Local Government Bonds Related to Merged Municipalities Damaged by the Great East Japan Earthquake” (hereinafter referred to as the “Special Merger Bond Act” in this Section 20) was established to extend the period during which Merged Municipalities still able to issue special merger bonds in FY2011 and whose area was a specified disaster-stricken zone¹⁵⁰ could issue special merger bonds by five fiscal years.

(2) Background of Diet deliberations, promulgation, and implementation

This bill was drafted as a trilateral joint proposal by the Democratic Party of Japan/Independent Club, the Liberal Democratic Party/Independent Group and Komeito, the parties decided unanimously to submit the bill as the

¹⁴⁷ Local government bonds that Merged Municipalities can appropriate for projects conducted based on municipal construction plans. Based on the provisions of Article 11-2, Paragraph 1 of the Former Merged Municipalities Act, special merger bonds could be used as financial resources for expenses that did not fall under the categories of expenses specified in the items of Article 5 of the Local Government Finance Act (Act No. 109 of 1948).

¹⁴⁸ Meaning the basic plans concerning the construction of the Merged Municipalities prepared by a merged council based on Article 5 of the Former Merged Municipalities Act.

¹⁴⁹ The proposal called on the national government to amend the law with regard to the extension of the period during which special merger bonds can be issued, including: ① making all Merged Municipalities subject to the extension; and ② making the period of the extension about 10 years for disaster-affected local governments, and at least several years for local governments outside the disaster-affected area.

¹⁵⁰ Meaning the specified disaster-stricken zones stipulated in Article 2, Paragraph 3 of the Act on Special Fiscal Aid and Subsidies for Recovery from the Great East Japan Earthquake (Act No. 40 of 2011).

Committee on Public Management, Home Affairs, Posts and Telecommunications Administration (House of Representatives) on August 11, 2011 and the bill was passed at the plenary session (House of Representatives) the same day. Subsequently, the bill was passed unanimously by the Committee on Public Management, Home Affairs, Posts and Telecommunications Administration (House of Councillors) on August 23, and it was passed unanimously and established at the plenary session (House of Councillors) held the next day, August 24. Resolutions and supplementary resolutions were attached by the committees of the House of Representatives and the House of Councillors to: ① take appropriate measures, such as extending the period during which special merger bonds can be issued, if recognized to be necessary; and ② take similar special measures for the extension of the period in Merged Municipalities located outside the disaster-affected area taking their actual situations into account¹⁵¹.

This act was promulgated on August 30, 2011 and entered into force the same day.

(3) Overview of the act and details of measures

The period during which Merged Municipalities still able to issue special merger bonds in FY2011 and whose area was a specified disaster-stricken zone can issue merger special bonds was extended from 10 fiscal years by a further five fiscal years to 15 fiscal years.

(4) Background and overview of amendments

1) Act for Partial Revision of the Act on Special Provisions Concerning Local Government Bonds Related to Merged Municipalities Damaged by the Great East Japan Earthquake (Act No. 36 of 2012)

a. Background for formulating and purpose for enacting

Under the Special Merger Bond Act, the period during which disaster-affected municipalities could issue special merger bonds was extended by five years, but many local governments considered the formulation of reconstruction plans of around 10 years and they would have no choice but to prioritize reconstruction projects during the reconstruction plan period so it was expected that the implementation of projects funded by special merger bonds would be difficult. In addition, even in municipalities outside the disaster-affected area, it was thought that there were some projects that needed to be reviewed in light of the Great East Japan Earthquake, and in those cases, it was estimated that it would take about five years after the revision of the municipal construction plan to implement projects based on the new plan.

In light of such circumstances and the purpose of the supplementary resolution attached to the Special Merger Bond Act, the “Act for Partial Revision of the Act on Special Provisions Concerning Local Government Bonds Related to Merged Municipalities Damaged by the Great East Japan Earthquake” was established, extending the period during which disaster-affected municipalities could issue special merger bonds from 15 fiscal years by a further five fiscal years, and to extend the period during which merged municipalities other than disaster-disaster-affected municipalities could issue special merger bonds from 10 fiscal years by a further five fiscal year.

¹⁵¹ The supplementary resolutions of the Committee on Public Management, Home Affairs, Posts and Telecommunications Administration (House of Councillors) were as follows.

Supplementary resolutions to the Act on Special Provisions Concerning Local Government Bonds Related to Merged Municipalities Damaged by the Great East Japan Earthquake

In implementing this act, the national government should strive for the realization of the following matters.

(i) The extension of the period during which merger special bonds can be issued is an emergency special measure that takes into consideration the actual conditions of merged municipalities located in the disaster-affected area following the Great East Japan Earthquake so the government is to strive to grasp actual conditions, including the prospects of recovery and reconstruction projects in said merged municipalities, and take appropriate measures such as the extension of the period if it is recognized to be necessary based on the requests of said merged municipalities.

(ii) In cases where the implementation of projects, etc., carried out based on municipal construction plans is delayed due to the circumstances caused by the Great East Japan Earthquake in merged municipalities located outside the disaster-affected area, the national government is to take special measures for the extension of the period similar to those for merged municipalities in the disaster-affected area in consideration of the actual conditions of said merged municipalities. Resolved on as above.

b. Background of Diet deliberations, promulgation, and implementation

The bill for this act was approved by cabinet decision and submitted to the Diet on November 1, 2011. It was referred to the Committee on Public Management, Home Affairs, Posts and Telecommunications Administration (House of Representatives) on December 8 the same year, and handling a review while the Diet was out of session was passed unanimously at the meeting of the committee the following day, December 9.

Subsequently, this bill was referred again to the Committee on Public Management, Home Affairs, Posts and Telecommunications Administration (House of Representatives) on January 24, 2012, passed unanimously by the committee on June 7, passed unanimously at the plenary session (House of Representatives) on June 8, passed unanimously by the Committee on Public Management, Home Affairs, Posts and Telecommunications Administration (House of Councillors) on June 19 and passed unanimously and established at the plenary session (House of Councillors) the following day, June 20. During the plenary session (House of Representatives), the meeting of the Committee on Public Management, Home Affairs, Posts and Telecommunications Administration (House of Councillors), and the plenary session (House of Councillors), the bill was discussed together with the Bill for Partial Revision of the Act on Special Measures for Promotion for Independence for Underpopulated Areas.

This act was promulgated on June 27, 2012 and entered into force the same day.

c. Overview of the act and details of measures

The period during which disaster-affected Merged Municipalities could issue special merger bonds was extended from 15 fiscal years by a further five fiscal years to 20 fiscal years, and the period during which Merged Municipalities other than disaster-affected Merged Municipalities could issue special merger bonds was extended from 10 fiscal years by a further five fiscal years to 15 fiscal years.

In addition, the name of the act was revised to “Act on Special Provisions for Local Government Bonds Related to Merged Municipalities Following the Great East Japan Earthquake.”

2) Act for Partial Revision of the Act on Special Provisions for Local Government Bonds Related to Merged Municipalities Following the Great East Japan Earthquake (Act No. 19 of 2018)

a. Background for formulating and purpose for enacting

This bill was drafted jointly as a seven-party proposal of the Liberal Democratic Party, the Constitutional Democratic Party of Japan/Shimin Club, the Party of Hope/Independent Club, Komeito, the Independent Group, the Japan Innovation Party, and the Social Democratic Party/Civil Alliance for Peace and Constitutionalism at the meeting of the Committee on Public Management, Home Affairs, Posts and Telecommunications Administration (House of Representatives) on April 10, 2018, and was submitted to the Diet as a committee-submitted bill. The purpose of the draft was as follows¹⁵².

Local government bonds, so-called special merger bonds, for merged municipalities to meet the expenses required for development projects, etc., for public facilities carried out based on municipal construction plans, were allowed to be issued only in the fiscal year of the merger and the 10 following fiscal years under the Former Merged Municipalities Act, but following the Great East Japan Earthquake, legislative measures were taken in 2011 and 2012, and the period during which the bonds could be issued by merged municipalities affected by the Great East Japan Earthquake was extended to the fiscal year of the merger and the following 20 fiscal years, and for other merged municipalities, to the fiscal year of the merger and the following 15 fiscal years.

However, a series of large-scale disasters including the Kumamoto Earthquake of 2016, the nationwide increase in construction demand, demographic changes in municipalities affected by the Great East Japan Earthquake and other factors have hampered the implementation of projects carried out based on the municipal construction plans of merged municipalities.

In light of the recent situations of merged municipalities, this bill is intended to revise the Act on Special Provisions for Local Government Bonds Related to Merged Municipalities Following the Great East Japan Earthquake to extend the period during which special merger bonds can be issued for a further five years.

¹⁵²Excerpts from remarks by Tetsushi Sakamoto, member of the Committee on Public Management, Home Affairs, Posts and Telecommunications Administration (House of Representatives), 196th Diet (April 10, 2018).

b. Background of Diet deliberations, promulgation, and implementation

As mentioned above, this bill was passed unanimously by the Committee on Public Management, Home Affairs, Posts and Telecommunications Administration (House of Representatives) on April 10, 2018 and by the plenary session (House of Representatives) on April 12. Moreover, the bill was passed unanimously by the Committee on Public Management, Home Affairs, Posts and Telecommunications Administration (House of Councillors) on April 17, and it was passed unanimously and established at the plenary session (House of Councillors) held the next day, April 18.

At the time of the vote, the Committee on Public Management, Home Affairs, Posts and Telecommunications Administration (House of Representatives) and the Committee on Public Management, Home Affairs, Posts and Telecommunications Administration (House of Councillors) adopted resolutions and supplementary resolutions stating that the national government should strive for the realization of: ① the provision of necessary advice so that merged municipalities can implement and complete projects, etc., based on municipal construction plans within the period without extending the period of issue of special merger bonds further, based on the purpose of establishing the period during which special merger bonds can be issued of fostering a sense of unity among merged municipalities at an early stage; and ② ensuring that the public is fully informed so that special merger bonds can be used effectively and systematically based on the agreement of residents¹⁵³.

This act was promulgated and entered into force on April 25, 2018.

c. Overview of the act and details of measures

The period during which disaster-affected Merged Municipalities could issue special merger bonds was extended from 20 fiscal years by a further five fiscal years to 25 fiscal years, and the period during which Merged Municipalities other than disaster-affected Merged Municipalities could issue special merger bonds was extended from 15 fiscal years by a further five fiscal years to 20 fiscal years.

In addition, the name of the act was revised to “Act on Special Provisions for Local Government Bonds Related to Merged Municipalities Following the Great East Japan Earthquake, etc.”

¹⁵³ The supplementary resolutions of the Committee on Public Management, Home Affairs, Posts and Telecommunications Administration (House of Councillors) were as follows.

Supplementary resolutions for the Act for Partial Revision of the Act on Special Provisions for Local Government Bonds Related to Merged Municipalities Following the Great East Japan Earthquake

In implementing this act, the national government should strive for the realization of the following matters.

(i) The national government is to provide the necessary advice so that merged municipalities can respect the agreement of residents and implement and complete projects, etc., based on municipal construction plans within the period without extending the period of issue being extended this time any further, based on the purpose of establishing the period during which special merger bonds can be issued of fostering a sense of unity among merged municipalities at an early stage.

(ii) In light of the actual circumstances of the regions, such as changes in demand for public facilities due to the future population decline, etc., the national government is to disseminate information thoroughly so that special merger bonds can be used effectively and systematically in merged municipalities based on the agreement of residents.

Resolved on as above.

21. Act for Partial Revision of the Act on Special Measures for Promotion for Independence for Underpopulated Areas (Act No. 39 of 2012)

(1) Background for formulating and purpose for enacting

The Act on Special Measures for Promotion for Independence for Underpopulated Areas (Act No. 15 of 2000) was a law to take financial and other special measures for the promotion of independence in underpopulated areas, aimed at promoting independence in these areas by taking the special measures necessary to implement comprehensive and systematic countermeasures, and an act of 2010 for its partial revision added requirements for underpopulated areas, expanded support measures for soft projects, etc., and extended its expiry date from March 31, 2010 to March 31, 2016.

It was assumed that under-population countermeasure projects would be delayed significantly due to the impact of the Great East Japan Earthquake, making it difficult to implement comprehensive and systematic measures within the deadline of the Act on Special Measures for Promotion for Independence for Underpopulated Areas (March 31, 2016), and having received strong requests from disaster-affected municipalities, etc., for the act's expiry date to be extended, various parties and factions held repeated consultations, resulting in the "Act for Partial Revision of the Act on Special Measures for Promotion for Independence for Underpopulated Areas" being enacted, stipulating that the expiry date of the act be extended for five years to March 31, 2021.

(2) Background of Diet deliberations, promulgation, and implementation

This bill was submitted to the Diet as a bill proposed by the chair of the Committee on Public Management, Home Affairs, Posts and Telecommunications Administration (House of Representatives) on June 12, 2012. Subsequently, it was submitted to the plenary session (House of Representatives) and passed unanimously on June 13, was passed unanimously at the meeting of the Committee on Public Management, Home Affairs, Posts and Telecommunications Administration (House of Councillors) on June 19, and passed unanimously and established at the plenary session (House of Councillors) on June 20 before being promulgated and entering into force on June 27, 2012. At the plenary session (House of Representatives), the meeting of the Committee on Public Management, Home Affairs, Posts and Telecommunications Administration (House of Councillors) and the plenary session (House of Councillors), the bill was discussed together with the Bill for Partial Revision of the Act on Special Provisions Concerning Local Government Bonds Related to Merged Municipalities Damaged by the Great East Japan Earthquake.

This act was promulgated and entered into force on June 27, 2012.

(3) Overview of the act and details of measures

The effective period of the Act on Special Measures for Promotion for Independence for Underpopulated Areas was extended by five years from March 31, 2016 to March 31, 2021.

22. Act on Emergency Measures Related to Damage Caused by the 2011 Nuclear Accident (Act No. 91 of 2011)

(1) Background for formulating and purpose for enacting

According to the Act on Compensation for Nuclear Damage (hereinafter referred to as “Nuclear Damage Compensation Act”), compensation for damage caused by the accident at the Fukushima nuclear power station should, in principle, be made at the responsibility of TEPCO, but from the perspective of the smooth progress of compensation procedures, the Dispute Reconciliation Committee for Nuclear Damage Compensation, which was established on April 11, 2011 based on the Nuclear Damage Compensation Act, categorized the damages to be compensated for by TEPCO, and provided guidelines on several occasions. Meanwhile, on April 15, 2011, TEPCO announced the payment of “provisional compensation money” for damages to evacuees, etc., (1 million yen per household, 750,000 yen per single-person household; TEPCO later paid additional provisional compensation money of from 100,000 to 300,000 yen), started procedures for payment from April 26, and started provisional payments to agriculture, forestry and fisheries workers from May, and to small and medium-sized business operators from June.

However, it was pointed out that the scope of damages had not been determined while returning to normal after the accident could not be foreseen even three months after the accident, and there were damages that did not fall within the scope of the guidelines presented by the Dispute Reconciliation Committee for Nuclear Damage Compensation, and it was also pointed out that TEPCO’s payments of provisional compensation money not based on law was insufficient from the perspective of immediate relief for victims in terms of its amount, speed, etc.¹⁵⁴. Under these circumstances, it was decided this act (the so-called “Nuclear Victims Early Relief Act”)¹⁵⁵ would be enacted with two main pillars: the implementation of provisional payments by the national government to victims; and subsidies for the Nuclear Damage Emergency Response Funds established by local governments.

(2) Background of Diet deliberations, promulgation, and implementation

This bill was submitted to the House of Councillors as a joint proposal by four opposition parties and factions: the Liberal Democratic Party, Komeito, Your Party, and the Sunrise Party of Japan/New Renaissance Party on June 21, 2011. After the explanation of the purpose on July 8 the same year, the government and opposition parties discussed the revision repeatedly, but did not reach agreement on the clarification of role sharing for the provisional payments between the national government and TEPCO, or the guarantee that TEPCO would respond to the national government’s demand for reimbursement¹⁵⁶, so the Special Committee on Reconstruction after the Great East Japan Earthquake (House of Councillors) reviewed and passed the bill as it was on July 14, and it was passed at the plenary session (House of Councillors) the following day, July 15. In the House of Representatives, the ruling and opposition parties discussed the revisions, and a revised draft was submitted to the committee on July 26, which passed both the revised bill and the original bill and attached a supplementary resolution¹⁵⁷ (the revised and original drafts of the Nuclear Damage Compensation Facilitation Corporation Bill (described below) submitted by the government were also discussed and adopted by the committee). The bill was passed at the plenary session (House of Representatives) on July 28, and the bill circulated at the House of Representatives was agreed to and established at the plenary session (House of Councillors) the following day, July 29.

The main amendments in the House of Representatives included the addition of the statement that “Provisional payments made by the national government are to be prompt for the early relief of people who have suffered specified nuclear damage, and appropriate from the perspective of the public burden,” the addition of a provision requiring consideration so that an excessive burden is not imposed on prefectures that are supposed to conduct part of the payment work, with Fukushima Prefecture in mind, the expansion of the competent ministers, and the extension of the date of enforcement.

This act was promulgated on August 5, 2011 and entered into force on September 18.

¹⁵⁴From the explanation of the purpose by the initiator, etc.

¹⁵⁵As the abbreviation of this act, the proposer referred to it as the “Nuclear Victims Early Relief Act,” but it is also sometimes referred to as the “Provisional Payment Act.”

¹⁵⁶From the reply by Diet member Masayoshi Hamada at the meeting of the Special Committee on Reconstruction after the Great East Japan Earthquake on July 14 (2011)

¹⁵⁷The supplementary resolutions included measures such as organic cooperation with related systems, the prevention of confusion and delay caused by provisional payments by both the government and nuclear power station business operator, and taking procedures to confirm in advance that the nuclear power station business operator will respond to the government’s demand for reimbursement.

(3) Overview of the act and details of measures

In light of special circumstances, such as the time required to pay compensation for specified nuclear damage (the damage caused by the accident at the Fukushima Daiichi Nuclear Power Station that the nuclear operator should be liable to provide compensation for), it was decided that the national government would make provisional payments to the victims as an emergency measure. The scope of damage subject to payment was based on the guidelines provided by the Dispute Reconciliation Committee for Nuclear Damage Compensation, and the division of roles between TEPCO and the national government was to be clarified by government ordinance¹⁵⁸. The amount of the provisional payments was the amount obtained by multiplying an approximate amount calculated by a simplified method by a ratio specified by cabinet order of no less than 5/10 (“5/10” in the cabinet order). Apart from the national government, part of the administrative work related to the payment of provisional payments could be entrusted to a party established by cabinet order (Nuclear Damage Compensation Facilitation Corporation, TEPCO). With regard to the relationship with compensation for damages by TEPCO, if a victim had received compensation, etc., the national government would not make the provisional payment to the extent of that compensation, etc., and if the national government made the provisional payment, the victim’s right to claim damages would be subrogated to the extent of the payment.

In addition, in light of the fact that there were damages, etc., that were beyond the scope of the guidelines established by the Dispute Reconciliation Committee for Nuclear Damage Compensation¹⁵⁹, it was decided to establish the Nuclear Damage Emergency Response Funds at local governments and for the national government to provide necessary subsidies, with Fukushima Prefecture in mind, to allocate funds for emergency measure projects implemented by local governments to prevent and mitigate the impacts of the accident on the economy, society and the lives of residents.

(4) Actual application

1) Provisional payments by the national government

In light of the expected period of time until the commencement of compensation payments by TEPCO, the urgency of receiving provisional payments, etc., it was decided to include among the subjects of provisional payments by the national government by cabinet order based on the act, the reputational damage caused by the accident to small and medium-sized business operators engaged in tourism in Fukushima Prefecture, Ibaraki Prefecture, Tochigi Prefecture and Gunma Prefecture based on the Enforcement Order for the Act on Emergency Measures Related to Damage Caused by the 2011 Nuclear Accident (Cabinet Order No. 294 of 2011). Based on the cabinet order, the national government started accepting applications for provisional payments on September 21, 2011, while entrusting the administrative work to the Nuclear Damage Compensation Facilitation Corporation and TEPCO, and received 64 applications for provisional payments from business operators by March 19, 2012, of which, it paid a total of 1.7 billion yen in 50 cases. The national government claimed reimbursement from TEPCO for these provisional payments and received the full amount of those provisional payments from TEPCO.

2) Nuclear Damage Emergency Response Funds

Place of establishment: Fukushima Prefecture

Fund period: FY2011 to FY2017

¹⁵⁸ On July 25, 2011, at the meeting of the Special Committee on Reconstruction after the Great East Japan Earthquake (House of Representatives), Diet member Masayoshi Hamada replied that, “I think parts that TEPCO is doing things faster and faster should be left to TEPCO. For something like mental damage, they are paying 100,000 yen. (Omission) But reputational damage is difficult. For those kinds of things, there should be a division of roles, using the wisdom of Kasumigaseki, the wisdom of the Ministry of Agriculture, Forestry and Fisheries, the Tourism Agency and others. (Omission) There is also the situation that social welfare corporations, educational institutions and medical corporations have not been paid, for example. Ultimately, the national government is responsible for them so we divided roles this time.”

¹⁵⁹ On July 11, 2011, at the meeting of the Special Committee on Reconstruction after the Great East Japan Earthquake (House of Representatives), Diet member Masayoshi Hamada replied with regard to the purpose of establishing the funds that, “For example, people who have evacuated voluntarily and small and medium-sized enterprises outside of the area (omission) ... if funds are established, they should be positioned clearly in law rather than handled with a single secondary supplementary budget,” Diet member Masahisa Sato replied, “It is not just matters of the character of provisional payments omitted from the guidelines, these funds can also be used on various projects implemented by local governments based on the Special Measures Act, decontamination or health management,” and there were replies of the funds being on the scale of 300 billion or 500 billion yen.

Amount of subsidy: The funds were created using the 40.3 billion yen subsidy (subsidy for special emergency projects for measures to reduce radiation doses (emergency projects)) recorded as the Fukushima Prefecture nuclear damage emergency response funds in the 2011 general account (reserve funds for recovery and reconstruction after the Great East Japan Earthquake) established on February 10, 2012.

Main use: Projects such as the development of inspection equipment for whole bag inspections of rice, etc., (projects to restore the safety and security of agricultural, forestry and fisheries products, and food) and activities for children to experience nature, etc., aimed at providing early relief to people affected by the nuclear power station accident associated with the Great East Japan Earthquake.

(5) Subsequent legal amendments

Based on the experience of the national government's efforts for the provisional payment of compensation based on this act, a system under which the national government lends funds for provisional payments was established permanently in the Act for Partial Revision of the Act on Compensation for Nuclear Damage (Act No. 90 of 2018) as a framework to encourage nuclear operators to implement provisional payments promptly so that provisional payments can be made similarly in the event of nuclear damage in the future, and this act also provides that the national government may entrust the Nuclear Damage Compensation and Decommissioning Facilitation Corporation to carry out work related to such loans.

23. Nuclear Damage Compensation Facilitation Corporation Act (Act No. 94 of 2011)

(1) Background for formulating and purpose for enacting

With regard to nuclear power accidents, the Nuclear Damage Compensation Act stipulates that a maximum of 120 billion yen (the amount for compensation measures) should be reserved by private insurance or national government compensation as a measure to guarantee compensation for damages, which are expected to be huge, while maintaining the principles of the nuclear operator's strict liability and concentration of responsibility (main clause of Article 3, Paragraph 1, Article 4)¹⁶⁰. However, if that limit is exceeded and the national government recognizes it to be necessary, it can provide the necessary assistance within the scope of a resolution by the Diet (Article 16). Because this amount of compensation was expected to be absolutely insufficient for the Fukushima nuclear power accident from the outset,¹⁶¹ on April 11, 2011, the national government established a ministerial-level "Nuclear Accident Economic Damage Response Headquarters" (renamed the "Nuclear Power Station Accident Economic Damage Response Team" on May 9)¹⁶² to discuss a framework for dealing with the economic damage caused by the series of accidents at the Fukushima Daiichi Nuclear Power Station and the Fukushima Daini Nuclear Power Station¹⁶³. On the other hand, TEPCO was placed in a difficult fund procurement environment due to payments of provisional compensation and the cost of securing fuel for thermal power generation, the alternative to nuclear power.

On May 10, 2011, TEPCO submitted a "Request for state support related to compensation for nuclear damage" to the Minister of State in Charge of Nuclear Power Economic Damage, in which it expressed its intention to provide fair and prompt compensation based on the Nuclear Damage Compensation Act, and requested a framework for government assistance based on Article 16 of the Nuclear Damage Compensation Act on the grounds that financial difficulties might cause it to fall into a situation that could hinder stable power supply and compensation for victims. On the same day, the national government presented six items for confirmation (management rationalization, etc.), and TEPCO replied the following day that it agreed to these items. In response, the Nuclear Power Station Accident Economic Damage Response Team stated that "The national government will provide support to TEPCO under the framework of the Act on Compensation for Nuclear Damage based on minimizing the burden on the public in recognition of its social responsibility, with the government having promoted nuclear energy policy jointly with nuclear operators to that point" for the reason that "three things must be ensured: first, all possible measures for prompt and appropriate compensation for damages; second, stabilization of the condition of the TEPCO Fukushima nuclear power stations and the avoidance of adverse effects on the business operators related to accident management; and third, the stable supply of electricity, which is indispensable to the lives of the people," in "Concerning the framework of government support for compensation for nuclear damage related to the accident at TEPCO's Fukushima nuclear power stations," which was determined on May 13 (approved by cabinet decision unchanged on June 14)¹⁶⁴.

Based on this policy, it was decided that the Nuclear Damage Compensation Facilitation Corporation Act, including the establishment of a support organization for damages for compensation in the event nuclear damage occurred, would be enacted as a permanent general act not limited to the Fukushima accident.

¹⁶⁰ There is a provision (the proviso of Article 3, Paragraph 1 of the Nuclear Damage Compensation Act) that exempts nuclear operators from liability for "extraordinary natural disasters, etc.," and there was a question as to whether or not the Great East Japan Earthquake fell under this category, but on April 19, 2011, the Minister of Education, Culture, Sports, Science and Technology stated in answer to the Diet that "it is assumed that the accident at the Fukushima nuclear power station is subject to application of the main clause of Article 3, Paragraph 1," quoting an answer to the Diet at the time of enactment of the Nuclear Damage Compensation Act that a subject accident would be "a major event beyond human expectations" "an event beyond imagination," so the proviso of Article 3, Paragraph 1 was not applied, and the handling of compensation was advanced assuming TEPCO was responsible for the accident.

¹⁶¹ At the plenary session (House of Representatives) on July 8, 2011, there was a reply to the effect that provisional payments of nearly 60 billion yen had already been made.

¹⁶² Team Leader: Minister of State in Charge of Nuclear Power Economic Damage, Vice Team Leader: Chief Cabinet Secretary, Minister of Finance, Minister of Education, Culture, Sports, Science and Technology, and Minister of Economy, Trade and Industry, etc., the secretariat was the Cabinet Office.

¹⁶³ The accident at the Fukushima Daini Nuclear Power Station is not subject to the systems and measures based on this act.

¹⁶⁴ Apart from this, in light of the statement "[TEPCO] must cooperate with an investigation of the actual condition of its management and finance by a third-party committee established by the government to carry out a strict asset evaluation and a thorough review of expenses, etc.," in the same determined document from the perspective of minimization of the burden on the people, the "Investigation Committee on TEPCO's Management and Finances" (composed of experts under the chair of the committee, lawyer, Kazuhiko Shimokobe) was established on May 24, 2011, holding 10 meetings and issuing a report on October 3.

(2) Background of Diet deliberations, promulgation, and implementation

The bill for this act was approved by cabinet decision and submitted to the Diet on June 14, 2011. On July 8, at the meeting of the Special Committee on Reconstruction after the Great East Japan Earthquake (House of Representatives), the Minister of State in Charge of Nuclear Power Economic Damage explained the reason for the proposal, but discussions became complicated over the responsibility of the state, the appropriateness of the government's financial support for TEPCO, the need to dispose of TEPCO's assets and legal action against it, concerns about the burden on the people, and the relationship with then Prime Minister's policy of "moving away from nuclear power." After about 20 hours of Q&A across five meetings, the ruling and opposition parties agreed to discuss amendments, and on July 26, it was decided that the amendments to this bill and the amendments to the Nuclear Victims Early Relief Bill described above would be discussed and voted on together¹⁶⁵. Two draft amendments to this bill were submitted the same day, and after an explanation of the purpose and Q&A, the draft amendments submitted by the Democratic Party of Japan, the Liberal Democratic Party, Komeito and the Sunrise Party of Japan were passed¹⁶⁶. In addition, a supplementary resolution¹⁶⁷ was also attached. The revisions of the government proposal were resolved upon at the plenary session (House of Representatives) on July 28. The bill was passed as sent by the House of Representatives at the meeting of the Special Committee on Reconstruction after the Great East Japan Earthquake (House of Councillors) on August 2, and passed and established at the plenary session (House of Councillors) the next day.

The provisions added by the amendments in the House of Representatives included ① provisions on the responsibility of the national government ("social responsibility associated with it having promoted nuclear energy policy to that point")¹⁶⁸; ② the provision that the national government can provide funds to the corporation only when the funds related to special financial assistance are insufficient even if government bonds are provided¹⁶⁹; ③ the provision that the corporation can pay all or part of the compensation for damage upon entrustment by the nuclear operator¹⁷⁰; and ④ the provision on consideration related to the review of the Nuclear Damage Compensation Act (described below).

This act was promulgated and entered into force on August 10, 2011.

(3) Overview of the act and details of measures

In light of the possibility of a huge amount of damages arising in relation to nuclear power business, a mechanism was to be built centered on a support organization (the Nuclear Damage Compensation Facilitation Corporation;

¹⁶⁵ There was also discussion of matters such as whether the support of the national government through the corporation based on this act would be unnecessary if the national government made provisional payments under the Nuclear Victims Early Relief Act, and the arguments of the ruling and opposition parties conflicted each other, but at the meeting of the Special Committee on Reconstruction after the Great East Japan Earthquake (House of Representatives) held on July 26, 2011, the Prime Minister said, "I believe that the Facilitation Corporation Bill and the Provisional Payments Bill submitted by the five opposition parties are bills to provide prompt and appropriate compensation to the victims of the nuclear power station accident rather than bills that are opposed to each other," and the Minister of State in Charge said, "With the establishment of the Facilitation Corporation Bill and the Provisional Payments Bill that will work together with it, TEPCO's provisional payments will be faster than they have been until now."

¹⁶⁶ Your Party submitted an amendment to this bill that would have newly established a scheme for the bankruptcy of nuclear operators, but it was rejected.

¹⁶⁷ The supplementary resolutions included 11 items in the House of Representatives and 15 items in the House of Councillors, such as an urgent review of the national government's involvement and responsibility in nuclear power policy, and reconsideration of TEPCO's recovery while also looking at returning to normal after the accident, the report of the accident investigation and verification, and the approximate amount of damages.

¹⁶⁸ Regarding the responsibility of the national government, the government stated that "The term 'responsibility of the national government' is not included in the text or wording of the act, but it is included in the cabinet decision for the determination of this act in light of the social responsibility of the national government, which has promoted nuclear energy policy jointly with the nuclear operators" (Minister of State in Charge of Nuclear Power Economic Damage and Minister of Economy, Trade and Industry Kaieda at the meeting of the Special Committee on Reconstruction after the Great East Japan Earthquake (House of Representatives) held on July 12, 2011), but it was added in the revision discussions.

¹⁶⁹ The so-called "fresh water provision" was also included in the government bill (currently Article 68), but at the meeting of the Special Committee on Reconstruction after the Great East Japan Earthquake (House of Representatives) held on July 26, 2011, Diet member Masaaki Kakinuma replied with regard to the reason for the revision that "If the government funds of Article 51 were not there, no one would be compensated after the completion of the issue of funds from the government bonds, and it would not be possible to provide relief to victims so in that sense, this has clarified what was a little unclear in the original draft."

¹⁷⁰ At a meeting of the Special Committee on Reconstruction after the Great East Japan Earthquake (House of Representatives) held on July 26, 2011, Diet member Yasutoshi Nishimura replied with regard to the purpose of this provision, "There are two routes. One is for TEPCO to make provisional payments and the other is for the national government to make provisional payments. TEPCO actually knows the account details of the disaster victims so the best way would be for TEPCO to manage the payments, or to handle them through TEPCO, but since TEPCO has its hands full at the moment, TEPCO and the facilitation corporation will work on this together. Therefore, my perspective is that although it has been written that TEPCO cannot do some or all of the work, we will proceed with compensation efficiently by entrusting it to TEPCO."

hereinafter referred to as “Corporation”) that could handle the payment of nuclear damage compensation, etc., in the future based on the idea of mutual aid by nuclear operators. Specifically, the following matters were stipulated.

- Contributions will be collected from nuclear operators and saved at the Corporation to prepare for compensation for damages generated by nuclear damage.
 - (Ordinary assistance) If a nuclear operator requires the assistance of the Corporation in implementing compensation for damages, it will provide financial assistance (delivery of funds, subscription of shares, financing, purchase of corporate bonds, etc.). In order to procure the funds necessary for such financial assistance, the national government may issue government-guaranteed bonds or borrow money from financial institutions.
 - (Special assistance) If the special support of the government is required when the Corporation provides financial assistance to a nuclear operator, a “special business plan” will be prepared together with the nuclear operator and approved by the competent minister. In this case, the government will deliver government bonds to the Corporation, and the Corporation will claim the redemption (encashment) of the government bonds. The government may deliver necessary funds to the Corporation only when it finds that there is a risk that funds to be allocated to compensation for damage will be insufficient even after government bonds have been delivered. The Corporation will procure funds through the issue of government-guaranteed bonds, etc., to support business operators.
 - Nuclear operators that have received assistance from the Corporation will pay special contributions. The Corporation will make payments to the national treasury with the contributions, etc., until the amount of the redeemed government bonds is reached (however, the government may provide necessary funds to the Corporation if the stable supply of electricity, etc., may be hindered due to contributions or it places a significant burden on users, etc.).
 - The Corporation may provide consultation services to victims, purchase assets held by nuclear operators and make compensation payments on their behalf to facilitate compensation for damage (and the payment of compensation on consignment from nuclear operators, and provisional payments* on consignment from the national government, etc.).
- * Provisional payments by the national government based on the Nuclear Victims Early Relief Act
- The Corporation will manage the number of contributions by each nuclear operator¹⁷¹.
 - The provisions on consideration (supplementary provisions) include: ① in addition to considering as soon as possible¹⁷² after the enforcement of the act the responsibility of the national government under the nuclear compensation system, taking necessary measures such as a fundamental review of a revision of the Nuclear Damage Compensation Act, etc.; ② considering promptly again after the enforcement of the act, the burdens on the national government, TEPCO and other nuclear operators from the perspective of minimizing the burden on the people; and ③ in addition to considering the responsibility of the national government while considering energy policy, taking necessary measures such as a fundamental review of acts related to nuclear power.

(4) Actual application

The Nuclear Damage Compensation Facilitation Corporation was established on September 12, 2011 (President: Takehiko Sugiyama) as an authorized corporation based on this act, and commenced operations on September 26. Contributions to the Corporation at the time of its establishment were a total of 14 billion yen, consisting of 7 billion yen appropriated by the national government in the second supplementary budget for FY2011 and 7 billion yen from the nuclear operators, and as of March 2021, the Corporation had provided 9,818.1 billion yen to TEPCO based on Article 41, Paragraph 1 of the act, and had subscribed to 1 trillion yen of shares issued by TEPCO based on Paragraph 2 of the same article.

(5) Subsequent legal amendments

Due to the Act for Partial Revision of the Nuclear Damage Compensation Facilitation Corporation Act (Act No. 40 of 2014), the Corporation, which had provided financial assistance to TEPCO and supervised management overall as the largest shareholder, was given additional duties in addition to compensation support, such as research and development on the technologies necessary for decommissioning, as well as advice, guidance, and

¹⁷¹ Provisions added by Diet members' revisions. It was also argued that the general contributions and special contributions should be divided into separate accounts, but in light of the purpose of the mutual aid system, the government settled on this kind of provision.

¹⁷² In the supplementary resolution, the term “as soon as possible” of ① was set at “about one year” and the term “promptly” of ② was set at two years.

recommendations to have TEPCO provide comprehensive technical support for the decommissioning of the accident reactors¹⁷³. As a result, the act was renamed the Nuclear Damage Compensation and Decommissioning Facilitation Corporation Act, the name of the organization was changed to the Nuclear Damage Compensation and Decommissioning Facilitation Corporation, and it was reorganized, including establishing a decommissioning facilitation division within the Corporation.

Moreover, based on the “Basic Policy for Accelerating Fukushima Recovery from the Nuclear Disaster” (approved by cabinet decision on December 20, 2016), the Act for Partial Revision of the Nuclear Damage Compensation and Decommissioning Facilitation Corporation Act (Act No. 30 of 2017) established that, while maintaining the principle that TEPCO will fulfill its responsibility for the implementation of decommissioning, a nuclear operator decommissioning an accident reactor will be obliged to save the funds necessary for decommissioning with the Corporation every fiscal year, as a system to meet the huge demand for funds over a long period of time.

In addition, with regard to ① the nuclear damage compensation system, which was to be considered under the supplementary provisions, the establishment of a system of loans for provisional payments by the national government, etc., was revised under the Act for Partial Revision of the Act on Compensation for Nuclear Damage (Act No. 90 of 2018). In addition, a subcommittee expressed the view that the future form of compensation for damages measures needs to continue to be considered carefully in light of the purpose of the current Nuclear Damage Compensation Act, the appropriate division of roles between the public and private sectors, etc., while also taking into consideration the perspectives of implementation of prompt and fair compensation for victims, minimization of the burden on the people and ensuring predictability for nuclear operators. With regard to ② the roles of the national government and TEPCO regarding the burden of compensation for damages for the accident, the national government determined its policy on compensation, decontamination, and the costs of the interim storage facility project by cabinet decision at the end of 2013. With regard to ③ the fundamental review of acts related to nuclear power based on consideration of energy policy, acts on nuclear energy were revised drastically, and the strictest regulatory standards in the world to date were established by the revision of the Act on the Regulation of Nuclear Source Material, Nuclear Fuel Material and Reactors (Act No. 47 of 2012). In addition, the 4th Basic Energy Plan (approved by cabinet decision in April 2014) indicates the importance of prioritizing safety above all other circumstances in the use of nuclear energy, breaking away from the “myth of safety” and pursuing continuously the world’s highest level of safety, while the revision of the Act on Special Measures Concerning Nuclear Emergency Preparedness (Act No. 47 of 2012) enhanced evacuation plans in readiness for a nuclear disaster, and due to the Act for Partial Revision of the Act on Compensation for Nuclear Damage (Act No. 90 of 2018) measures were taken such as obliging nuclear operators to prepare and publish policies on the implementation of compensation for damages, but the government will continue to review nuclear energy policy constantly in light of changes in domestic and international circumstances.

¹⁷³ At a meeting of the Committee on Economy, Trade and Industry (House of Councillors) on April 22, 2014, the Minister for Economy, Trade and Industry replied that, “Looked at from a practical perspective, the Corporation is TEPCO’s largest shareholder. Consequently, it is able to carry out strong supervision on a daily basis and the special business plan to be prepared based on the Nuclear Damage Compensation Facilitation Corporation Act will be prepared jointly by TEPCO and the Corporation, and by adding statements here on the state of implementation of decommissioning and the development of the implementation system, the competent minister will be able to issue orders if necessary in the future. I think that by using the scheme of the Compensation Corporation in this way, the national government will be able to participate positively in decommissioning and the contaminated water countermeasures, and implement and supervise effective countermeasures.”

24. Act on Special Provisions for Administrative Disposition Related to Residents Who Evacuated to Deal with the Disaster Caused by the Nuclear Power Station Accident Following the Great East Japan Earthquake and on Measures Related to Relocating Residents (Act No. 98 of 2011)

(1) Background for formulating and purpose for enacting

The accident at the Fukushima Daiichi Nuclear Power Station resulted in an unprecedented situation in which many residents from neighboring municipalities evacuated nationwide without transferring their residence certificates, and nine municipalities were forced to relocate their entire government offices. Initially, the ministries and agencies in charge of various administrative services issued notices requesting “special consideration” so that even if evacuees did not transfer their residence certificates, local governments of evacuation destinations could provide them medical care, welfare services, education, and other administrative services that should have been provided by the local government of the places where they were from.

However, it became clear that it would take a certain period of time for the nuclear power station accident to be brought under control, and it was not possible to oblige the local governments of evacuation destinations to process administrative work by notification alone, and because it was necessary to consult individually and entrust administrative work for another local government to process the administrative work related to a local governments’ residents under the Local Autonomy Act (Act No. 67 of 1947)¹⁷⁴, and it was thought necessary to maintain the bonds between the places and local governments where people had evacuated from and those former residents until the time in the future when they could return by leaving their certificates of residence alone in those places, an exceptional legal system was required. Awareness of these kinds of problems in an exchange of views between the Minister of Internal Affairs and Communications and the mayor of Iitate Village, Fukushima Prefecture, on May 9, 2011, was one of the triggers for the enactment of the law, and with repeated meetings to exchange opinions between related local governments and ministerial level personnel in June and July¹⁷⁵, it was decided this act (the so-called “Act on Special Measures for Nuclear Evacuees”) would be enacted, obliging evacuation-destination local governments to provide administrative services to evacuees who had not transferred their residence certificates to them.

(2) Background of Diet deliberations, promulgation, and implementation

The bill for this act was approved by cabinet decision and submitted to the Diet on July 22, 2011. The “Bill for Partial Revision of the Local Tax Act and the Act on Special Fiscal Aid and Subsidies for Recovery from the Great East Japan Earthquake to Deal with the Disaster Caused by the Nuclear Power Station Accident following the Great East Japan Earthquake”¹⁷⁶ was submitted to the Diet the same day, and both bills were reviewed together in both the House of Representatives and the House of Councillors. At the meeting of the Committee on Public Management, Home Affairs, Posts and Telecommunications Administration (House of Representatives) held on August 2, the Democratic Party of Japan/Independent Club, the Liberal Democratic Party/Independent Group, and Komeito submitted a three-party revision proposal, and both the original and revision proposals were passed unanimously. The amended bill was passed unanimously at a plenary session (House of Representatives) the same day. The bill was passed unanimously by the Committee on Public Management, Home Affairs, Posts and Telecommunications Administration (House of Councillors) on August 4, and it was passed unanimously and established at the plenary session (House of Councillors) held the next day, August 5. In addition, supplementary resolutions were attached by the Committee on Public Management, Home Affairs, Posts and Telecommunications Administration of both the House of Representatives and the House of Councillors¹⁷⁷.

The amendments made in the House of Representatives added Article 3 of the Supplementary Provisions, which provides that the national government is to take necessary measures for residents who were forced to evacuate other

¹⁷⁴ At the meeting of the Committee on Public Management, Home Affairs, Posts and Telecommunications Administration (House of Representatives) held on August 2, 2011, Minister of Internal Affairs and Communications Katayama replied with regard to the entrustment of affairs based on Article 252-14 of the Local Autonomy Act, that “If you want to do it under the current act, you can do it, and it would be rude to say that it is troublesome, but it requires very strict procedures, such as concluding a contract for the entrustment of each piece of work, requiring a resolution of the Diet, and having to issue a public notice.”

¹⁷⁵ Specifically, the ministers in charge of the Nuclear Sufferers Life Support Team, the Disaster Victims Livelihood Support Team, and the Ministry of Internal Affairs and Communications exchanged opinions with the mayors of municipalities from which people had evacuated on June 4 and July 11, and with the mayors of evacuation destination municipalities on July 4 to grasp their respective circumstances, etc.

¹⁷⁶ Establishing special provisions for fixed asset taxes, real estate acquisition taxes, etc., on assets such as real estate and automobiles in the evacuation zone, etc., and substitute assets for assets in the no-entry zone. See Chapter 2, Section 4, 3.

¹⁷⁷ Apart from measures and consideration in line with the purpose of this act, the supplementary resolutions included striving to grasp promptly the actual situations of those residents of municipalities in Fukushima Prefecture other than designated municipalities who had evacuated voluntarily following the Fukushima nuclear power station accident and take appropriate measures.

than the “evacuated residents” subject to this law.¹⁷⁸

This act was promulgated and entered into force on August 12.

(3) Overview of the act and details of measures

The following matters were stipulated with regard to the municipalities included in the no-entry zone, planned evacuation zone, or emergency evacuation preparation zone, etc., following the Great East Japan Earthquake (the designated municipalities described below) and prefectures encompassing the areas of those municipalities (the designated prefectures described below): ① the provision of appropriate resident services by the evacuation-destination local authority to residents who evacuated (residents who evacuated to other municipalities with their resident certificates unchanged); and ② the maintenance of relationships between relocated residents (residents who transferred their resident certificates to their evacuation destinations) and the local government of the place they evacuated from.

1) Special provisions for the administrative processing of evacuated residents

The local government of the origin of evacuation (designated municipalities and designated prefectures; hereinafter referred to as “Evacuation Origin Authorities”) could decide that the local government of the evacuation destination was to process that administrative work related to evacuated residents based on law or cabinet orders that was difficult for it to process itself, upon notification, etc., to the Minister of Internal Affairs and Communications. When doing so, evacuated residents were to notify the Evacuation Origin Authorities of their information (name, date of birth, gender, address, place of evacuation) and the Evacuation Origin Authorities were to notify the local government of the evacuation destination of the same, after which, the local government of the evacuation destination would process the administrative work for grasped evacuated residents on the other local government’s behalf and in principle, the local government of the evacuation destination would bear the expenses required for processing the administrative work (the national government was to take necessary financial measures).

2) Measures related to people transferring address

Evacuation Origin Authorities were to strive to promote projects to promote resident exchanges, such as providing information and visiting local communities to designated address relocators (those people who have changed address officially who continue to have an interest in their Evacuation Origin Authorities and have applied to receive information from the designated municipality or designated prefecture), and the national government was to take the necessary financial measures.

(4) Actual application

1) Special provisions for the administrative processing of evacuated residents

- State of designation of Evacuation Origin Authorities (designated prefectures, designated municipalities)
 - One prefecture and 13 municipalities (no change from September 16, 2011)
 - Designated prefecture: Fukushima Prefecture
 - Designated municipalities: Iwaki City, Tamura City, Minamisoma City, Kawamata Town, Hirono Town, Naraha Town, Tomioka Town, Okuma Town, Futaba Town, Namie Town, Kawauchi Town, Katsurao Village and Iitate Village
- Administrative work that the Minister of Internal Affairs and Communications has announced as administrative work to be processed by the local governments of evacuation destinations
 - 268 types governed by eleven acts (as of April 2022)
 - Medical and welfare-related: Certification of nursing care needs, etc., admission to nursery schools, vaccinations, payment of child allowances, decisions on the payment of nursing care benefits, etc., for the

¹⁷⁸ The government did not include any provisions on residents living in designated evacuation-recommended places (so-called “hot spots”), etc., in the draft because the subject districts and households are localized and the government does not require evacuation uniformly, and it would be sufficient to hold individual consultations based on the provisions of the existing Local Autonomy Act without relying on this act. In addition, the government’s draft did not include provisions for people who evacuated due to the tsunami because the scale of evacuations was not the entire population of municipalities, and it was not anticipated that such evacuations would last as long as those due to the nuclear disaster.

- disabled and children with disabilities
- Education-related: School attendance, etc., and school attendance assistance, etc., at the compulsory education stage
- The expenses required for accepted administrative work concerning evacuated residents were to be paid by tax revenues allocated to the local government.

2) Measures related to people transferring address

A special local allocation tax for recovery from earthquake disaster measure has been implemented since FY2012 to cover the expenses required for measures to contribute to the maintenance of relationships with evacuated residents and designated address relocators by Evacuation Origin Authorities.

(5) Subsequent legal amendments

This act created an extremely exceptional legal system that imposed an obligation to provide administrative services (an obligation to strive even for administrative services not stipulated in law) on the local governments of evacuation destinations based on the unilateral will of the Evacuation Origin Authorities, but legislation was arrived at with the understanding of related parties, bearing in mind that it would be operated on a limited basis in response to the unprecedented situation of dispersed evacuation nationwide caused by the nuclear power station accident.

25. Act on Special Measures Concerning the Handling of Environmental Pollution by Radioactive Materials Discharged by the Nuclear Power Plant Accident Associated with the Tohoku District Off the Pacific Ocean Earthquake That Occurred on 11 March 2011 (Act No. 110 of 2011)

(1) Background for formulating and purpose for enacting

Radioactive materials released into the atmosphere due to the accident at the TEPCO Fukushima Daiichi Nuclear Power Station were dispersed widely apart from the surrounding areas, centered on the Tohoku and Kanto regions, and there were concerns about the impacts on the health of residents and the living environment caused by waste and soil contaminated as a result. Because of this, dealing with environmental pollution caused by radioactive materials from the accident as soon as possible and reducing the impacts on human health and the living environment promptly became urgent issues.

On the other hand, environmental pollution caused by radioactive materials is classified under nuclear energy and environmental legal systems. Previously, the Basic Act on the Environment excluded radioactive materials from the subjects of regulation as they were “governed by the Atomic Energy Basic Act (Act No. 186 of 1955) and other related acts” and based on the same thinking, the Air Pollution Control Act (Act No. 97 of 1968) and the Waste Disposal Act (Act on Waste Management and Public Cleaning (Act No. 137 of 1970)) also excluded from their application pollution caused by radioactive materials. On the other hand, under the Atomic Energy Basic Act, the Act on the Regulation of Nuclear Source Materials, Nuclear Fuel Materials and Reactors (Act No. 166 of 1957; hereinafter referred to as the “Nuclear Regulation Act”) basically presupposed appropriate management by nuclear operators, and established provisions on the handling, etc., of waste under the control of nuclear operators within nuclear power plants, but dealing with situations in which radioactive materials were dispersed widely outside of nuclear facilities was not envisaged so there were no appropriate foundations and no procedures or the like were established.

Under such circumstances, the Ministry of the Environment cooperated with the Nuclear Emergency Response Headquarters and the Ministry of Economy, Trade and Industry to compile “Temporary Handling of Disaster Waste in Fukushima Prefecture” on May 2, 2011, which presented the policy of not disposing of disaster waste in evacuation zones and planned evacuation zones for the time being, and presented the policy on the handling of “disaster waste that may be contaminated by radioactive materials” outside of evacuation zones and planned evacuation zones in “Policy on Disaster Waste Management in Fukushima Prefecture” on June 23, 2011. On the other hand, highly concentrated radioactive materials were detected in incinerated ash at waste incineration plants in the Tokyo metropolitan area and sewage sludge from various prefectures in eastern Japan, and removed topsoil at elementary and junior high schools in Fukushima Prefecture was placed temporarily on school grounds because the disposal method had not been decided. This problem was taken up by various committees in the Diet, and there were successive calls from neighboring municipalities wanting early decontamination led by the national government¹⁷⁹ so fundamental measures beyond those of earlier interpretations were called for. Consequently, the “Act on Special Measures Concerning the Handling of Environmental Pollution by Radioactive Materials Discharged by the Nuclear Power Plant Accident Associated with the Tohoku District Off the Pacific Ocean Earthquake That Occurred on 11 March 2011” (“Act on Special Measures Concerning Radioactive Contamination”) was enacted through legislation introduced by a Diet member.

(2) Background of Diet deliberations, promulgation, and implementation

Preparation for the submission of a bill stipulating the disposal of waste contaminated by radioactive materials and the decontamination of soil was advanced jointly by the Democratic Party of Japan, the Liberal Democratic Party and Komeito¹⁸⁰, the “Bill on Special Measures Concerning the Handling of Environmental Pollution by Radioactive Materials Discharged by the Nuclear Power Plant Accident Associated with the Tohoku District Off the Pacific Ocean Earthquake That Occurred on 11 March 2011” was drafted and passed as a bill proposed by the Committee on Environment on August 23, 2011. After being passed at the plenary session (House of

¹⁷⁹ For example, the mayors of Tomioka Town and Kawamata Town made statements at the meeting of the Committee on Public Management, Home Affairs, Posts and Telecommunications Administration (House of Representatives) held on July 28, 2011.

¹⁸⁰ At the meeting of the Committee on Budget (House of Representatives) held on August 8, 2011, Diet member Hase stated that “Since April, our party and members of Komeito have been making quite a din for the prompt creation of rules and laws, but nothing has yet come out so in fact, from about two weeks ago, I have been in charge from the Liberal Democratic Party, and with Yasuyuki Eda of Komeito and also members of the Democratic Party of Japan, although I will not give their names, we have been working out what to do.”

Representatives) on the same day, the bill was referred to the Committee on Environment (House of Councillors) on August 25, before being passed and established at the plenary session (House of Councillors) on August 26. Based on discussions in the Diet to that point, the Committee on Environment (House of Representatives) resolved upon “Matters Concerning the Handling of Environmental Contamination by Radioactive Materials Discharged from the Accident at a Nuclear Power Station Caused by the Tohoku-Pacific Ocean Earthquake that Occurred on March 11, 2011,” which included the differences in responsibilities and roles of the national government and local governments, etc., the national government paying for all costs and then making the required claims for compensation from the related nuclear operator, the prompt establishment of standards for the disposal of radioactive waste and decontamination measures, and the securing of final disposal sites at the responsibility of the national government. A supplementary resolution was attached by the Committee on Environment (House of Councillors) including the same content.

This act was promulgated on August 30, 2011 and entered into force partially the same day, but because a certain period of time is required for the establishment of zones, the formulation of technical standards, etc., the date of its full entry into force was January 1, 2012. On the other hand, because decontamination was an urgent issue that needed to be addressed immediately, the Nuclear Emergency Response Headquarters determined the “Basic Policy the Emergency Implementation of Decontamination” on August 26, 2011, and based on this decision, took measures for decontamination, such as contributing subsidies to Fukushima Prefecture for the establishment of a fund.

(3) Overview of the act and details of measures

1) Responsibilities and basic policy

It is stipulated that the national government is to take necessary measures in light of its “social responsibility associated with having promoted nuclear energy policy to this point,” that local governments are to cooperate with the national government’s measures, and that related nuclear operators are to take necessary measures in good faith and cooperate with the measures implemented by the national government and local governments.

The Minister of the Environment is to formulate a draft of the basic policy on dealing with environmental pollution and seek a cabinet decision.

2) Disposal of waste contaminated by radioactive materials

The Minister of the Environment designated areas where waste within the area may be contaminated to a degree that requires special management as “contaminated waste countermeasure areas” and designated waste with a radioactivity concentration exceeding 8,000 Bq/kg as specified waste, with waste within the countermeasure areas (waste within the contaminated waste contaminated waste countermeasure areas) and specified waste to be processed by the national government.

3) Measures such as decontamination of soil contaminated by radioactive materials, etc.

In consideration of the severity of contamination, etc., the Minister of the Environment decided to designate areas where the national government was required to implement decontamination as “special decontamination areas” and also to designate areas outside of those areas recognized to have a certain level of contamination or a significant risk of contamination as “intensive contamination survey areas,” with decontamination, etc., of the former to be implemented by the national government and that of the latter by municipalities, etc.

4) Cost burden

The government was to take financial measures with regard to the costs required to promote measures to deal with pollution. In addition, the measures of this act were to be implemented at the expense of the related nuclear operator that released the radioactive materials arising from the accident.

5) Other

Apart from the general review clauses, the supplementary provisions included consideration of the legal system related to radioactive materials and the legal developments required with regard to nuclear reactors, etc., related to nuclear power station accidents.

(4) Actual application

The basic policy was approved by cabinet decision on November 11, 2011, and the way of thinking related to measures such as the monitoring and measurement of the state of environmental contamination, the processing of waste contaminated by radioactive materials from the accident, decontamination of soil, etc., was compiled. On December 28, 2011, eleven municipalities (parts of four municipalities) were designated as contaminated waste countermeasure areas and special decontamination areas, and 104 municipalities were designated as intensive contamination survey areas the same day and on February 28, 2012. Decontamination was completed in the special decontamination areas in March 2017 and in the intensive contamination survey areas in March 2018.

* For details, see Chapter 7, Section 3, 1.

(5) Subsequent legal amendments

In association with the enactment of the Act for Establishment of the Nuclear Regulation Authority (Act No. 47 of 2012), established in June 2012, the Basic Act on the Environment was revised, and the provision to the effect that measures for the prevention of environmental pollution by radioactive materials were to be entrusted to the Atomic Energy Basic Act was deleted. Subsequently, the provisions exempting environmental pollution by radioactive materials from application of the Air Pollution Control Act, the Water Pollution Prevention Act, and other related laws and regulations were deleted the following year by the Act on Arrangement of Relevant Acts for Prevention of Environmental Pollution Caused by Radioactive Materials (Act No. 60 of 2013).

In addition, with regard to the legal developments required for nuclear reactors, etc., related to nuclear power station accidents included in the supplementary provisions, measures were taken such as the enactment of the Act for Establishment of the Nuclear Regulation Authority and in association with this, amendments to the Nuclear Regulation Act and the Act on Special Measures Concerning Nuclear Emergency Preparedness (Act No. 156 of 1999).

26. Act for Partial Revision of the Act on Japan Environmental Safety Corporation (Act No. 120 of 2014)

(1) Background for formulating and purpose for enacting

A large amount of waste contaminated with radioactive materials and soil and waste removed in association with the implementation of decontamination, etc., (hereinafter referred to as “Removed Soil, etc.”) was generated by the accident at the nuclear power station, but it was difficult to clarify immediately the final method of disposal for the huge amount of Removed Soil, etc., so “interim storage facilities” where it would be stored and managed safely and intensively for a certain period of time were essential. Prime Minister Naoto Kan made a request to the governor of Fukushima Prefecture regarding the establishment of such facilities in Fukushima Prefecture on August 27, 2011. Moreover, on October 29, 2011, the Ministry of the Environment formulated the “Basic Concept of the Interim Storage Facilities Required for Dealing with Environmental Pollution Due to Radioactive Materials Associated with the Accident at TEPCO Fukushima Daiichi Nuclear Power Station,” (roadmap) which presented concrete images of the interim storage facilities¹⁸¹.

There was strong opposition from Fukushima Prefecture and other local governments to such interim storage in Fukushima Prefecture, but the national government repeatedly explained its policy of completing final disposal outside of Fukushima Prefecture within 30 years after the start of interim storage so guaranteeing this by stipulation in law, etc., was called for.

In addition, the policy when the national government entrusted the series of projects related to long-term interim storage to a third party, was to add the projects to the business of the Japan Environmental Safety Corporation (hereinafter referred to as “JESCO”) after reorganizing JESCO into the Interim Storage and Environmental Safety Corporation because it was appropriate to have the work carried out by a company that is majority-owned by the government, is under the direction and supervision of the Minister of the Environment, and has a track record in the treatment of hard-to-treat waste such as polychlorinated biphenyl waste (PCB waste), rather than to a private company with which the national government had only a contractual relationship.

It was decided that the “Act on Japan Environmental Safety Corporation” would be revised to stipulate these matters.

(2) Background of Diet deliberations, promulgation, and implementation

This bill was approved by cabinet decision on October 3, 2014, submitted to the Diet, passed unanimously by the Committee on Environment (House of Representatives) on October 31 and passed by majority by the plenary session (House of Representatives) on November 4. Subsequently, the bill was passed by majority by the Committee on Environment (House of Councillors) on November 18, and passed by majority and established by the plenary session (House of Councillors) the following day, November 19. Supplementary resolutions were attached during the vote in both houses of the Diet, which included preparing a schedule for the technological development required for the selection of final disposal sites, etc., reporting the state of progress of such efforts to the Diet every year, and listening fully to local opinions on the formulation of transportation routes for Removed Soil, etc.

This act was promulgated on November 27, 2014, entered partially into force the same day, and entered force in full on December 24 the same year.

(3) Overview of the act and details of measures

Of the Removed Soil, etc., and specified waste based on the Act on Special Measures Concerning Radioactive Contamination, this act applies to Removed Soil, etc., in Fukushima Prefecture (Removed Soil, etc., and specified waste generated in Fukushima Prefecture (contaminated significantly by radioactive materials from the accident)), and apart from stipulating that the necessary measures are to be taken to ensure the development and safety of interim storage facilities as the responsibility of the national government, the act also stipulates that “The national government will take the necessary measures to complete final disposal outside Fukushima Prefecture within 30 years after the start of interim storage.”

In addition, JESCO was commissioned by the national government, the prefecture, municipalities in the

¹⁸¹ Prior to this act, the policy on establishing interim storage facilities in Fukushima Prefecture was included in the basic policy based on the Act on Special Measures Concerning Radioactive Contamination (described above) and the Basic Guidelines for the Reconstruction and Revitalization of Fukushima based on the Fukushima Special Measures Act. Later, after coordination with local governments, the final locations for the specific places of establishment were Futaba Town and Okuma Town.

prefectures, and other entities to take charge of interim storage business¹⁸², JESCO's name was changed to "Japan Environmental Storage and Safety Corporation" and the title of the act was changed to "Act on Japan Environmental Storage & Safety Corporation." The company will also continue to conduct PCB waste processing business.

The definition of "interim storage" was given as "storage or disposal of removed soil, etc., in Fukushima Prefecture carried out in accordance with the processing standards for removed soil, etc., in Fukushima Prefecture until final disposal is carried out."

(4) Actual application

After the act entered into force on December 24, 2014, JESCO changed name to Japan Environmental Storage and Safety Corporation, and established "Interim Storage Department" at head office and an "Interim Storage Management Center" in Iwaki City, Fukushima Prefecture. In addition, it was decided that the PCB waste treatment business, JESCO's existing business, would continue without any change in the system (the name of the business site changed).

Further, transportation started in March 2015, and the target of most of the Removed Soil, etc., generated during decontamination in Fukushima Prefecture being transported to the interim storage facility by the end of FY2021, excluding the difficult-to-return zone, was achieved. As of the end of December 2022, about 13.38 million m³ of Removed Soil, etc., (including the difficult-to-return zone) had been transported to interim storage facilities.

¹⁸² At the meeting of the Committee on Environment (House of Representatives) held on October 28, 2014, there was a reply with regard to the eligibility and structure of JESCO, which had not handled radioactive materials before, that "JESCO is the only entity that works with highly concentrated PCBs, and it is appropriate as a business entity that has accumulated rather detailed expertise such as the management of acceptance of hazardous waste and related technology, the management of workers, and the release of processed waste into the environment." "With a private company, the government would not have the strong command and supervision authority that it has over special companies like JESCO, and the continuation of the interim storage business as a corporate business for the period required by the government has not been guaranteed by law."

27. Act on Special Provisions for the Suspension of the Extinctive Prescription Related to the Use of Mediation Procedures for Settlement by the Dispute Reconciliation Committee for Nuclear Damage Compensation Regarding Disputes over Nuclear Damage Compensation Related to the Great East Japan Earthquake (Act No. 32 of 2013)

(1) Background for formulating and purpose for enacting

Article 18, Paragraph 2, Item 1 of the Nuclear Damage Compensation Act provides that “mediation for the reconciliation of disputes related to compensation for nuclear damage” is part of the duties of the Dispute Reconciliation Committee for Nuclear Damage (hereinafter referred to as “Reconciliation Committee”), the Ministry of Education, Culture, Sports, Science and Technology established the “Nuclear Damage Compensation Dispute Resolution Center” (commonly known as the ADR Center) (work commenced from September 1, 2011) as the organization to implement the settlement mediation procedures of the Reconciliation Committee, and it subsequently mediated settlements between victims and TEPCO. However, the Reconciliation Committee received more than 300 applications for the mediation of settlement every month, and in view of the state of processing at that time, it was expected to be difficult to process all of the cases before the passage of time leading to the extinctive prescription of claim for compensation for loss or damage caused by tort of Article 724 of the Civil Code (Act No. 89 of 1896), “three years from the time when the victim comes to know the damage and the identity of the perpetrator” (the so-called short-term extinctive prescription; as soon as March 2014)¹⁸³.

However, under the Civil Code, a petition for mediation of settlement does not have the effect of interrupting the extinctive prescription on claims, so if there is no prospect of a settlement before the extinctive prescription on claims arises, there is no choice but to transition to court proceedings, and also, people who want to use mediation of settlement may hesitate to do so out of fear that the extinctive prescription on claims will arise, so there was a risk that the system of mediation of settlement, which is advantageous to victims, would not be used.

Because of this, this act (the so-called “Act on Suspension of the Extinctive Prescription on Claims for Compensation ADR”) was enacted as an urgently necessary measure for victims to use mediation procedures for settlement without worrying about the extinctive prescription on claims¹⁸⁴.

(2) Background of Diet deliberations, promulgation, and implementation

The bill for this act was approved by cabinet decision and submitted to the Diet on April 23, 2013. At the meeting of the Committee on Education, Culture, Sports, Science and Technology (House of Representatives) held on May 17, the Japanese Communist Party and the Social Democratic Party/Civil Alliance for Peace and Constitutionalism proposed an amendment to not apply the short-term extinctive prescription in the first place, but the amendment was rejected and the original proposal was passed. The bill was passed unanimously at the plenary session (House of Representatives) on May 21, was passed at the meeting of the Committee on Education, Culture, Sports, Science and Technology (House of Councillors) held on May 28, and was passed unanimously and established at the plenary session (House of Councillors) the following day, May 29. In both the House of Representatives and the House of Councillors, supplementary resolutions were attached that included the taking of necessary measures, including the consideration of legal measures concerning the short-term extinctive prescription, the extinctive prescription, and their exclusion with regard to the right to claim nuclear damage compensation.

This act was promulgated and entered into force on June 5, 2013.

¹⁸³ At the meeting of the Committee on Education, Culture, Sports, Science and Technology (House of Representatives) held on May 17, 2013, there was a reply by the Ministry of Education, Culture, Sports, Science and Technology that, “As of yesterday, May 16, there were 6,422 applications” followed by “We have raised the aim of concluding standard cases within about three months of filing. However, as I mentioned earlier, the number of complaints is quite large, and looking on average at the present time at the number of cases filed to 2012, it took more than eight months to close a case.” At the meeting of the Committee on Education, Culture, Sports, Science and Technology (House of Councillors) held on May 28, there was a reply by the Ministry of Education, Culture, Sports, Science and Technology that, “From March last year to July, we received about 400 petitions a month, and the highest number was 480 in May last year. But, recently, the number of petitions has actually been tending to decrease, and in April this year, we received about 340 petitions for the month.”

¹⁸⁴ As precedents for this, there were examples of similar provisions in other laws such as the Act on the Settlement of Environmental Pollution Disputes and the Equal Employment Act.

(3) Overview of the act and details of measures

Under this Act, if the Reconciliation Committee discontinues the mediation of settlement¹⁸⁵ and the person who filed for mediation of settlement files an action within one month from the date of receipt of the notice, the action is deemed to have been filed at the time of filing the request for mediation of settlement. As a result, even if the extinctive prescription on claims will arise during the mediation of settlement, if a lawsuit is filed with the court within one month from the date of receiving the notice of discontinuation of the mediation of settlement, the time the application for mediation of settlement is filed will be deemed to be the time of filing the lawsuit and the extinctive prescription on claims would be suspended at that time, so TEPCO, the debtor, would not be able to assert the extinctive prescription on its liability for compensation in the lawsuit.

(4) Subsequent legal amendments

With the amendment of the Civil Code (Law of Obligations) in 2017, the provision on the suspension of the extinctive prescription was also amended, and the name of the act was changed to “Act on Special Provisions for Postponement of Expiry of Prescription Related to the Use of Mediation Procedures for Settlement by the Dispute Reconciliation Committee for Nuclear Damage Compensation Regarding Disputes over Nuclear Damage Compensation Related to the Great East Japan Earthquake” under the Act on Coordination, etc., of Related Acts in Line with Enforcement of the Act for Partial Revision of the Civil Code (Act No. 45 of 2017).

Subsequently, the Act for Partial Revision of the Act on Compensation for Nuclear Damage (Act No. 90 of 2018) established a special provision concerning the suspension of the extinctive prescription in the event that mediation of settlement was discontinued (Article 18-2 of the Nuclear Damage Compensation Act) not only for this accident, but also for procedures for mediation of settlement by the Dispute Reconciliation Committee for Nuclear Damage Compensation in general, and this act was abolished.

¹⁸⁵ Under Article 2 of the Act, the effectiveness of the suspension of the extinctive prescription on claims is recognized only in cases where the reason for the termination of mediation of settlement is “There is no prospect that the dispute over nuclear damage compensation related to the Great East Japan Earthquake will be resolved through mediation of settlement,” but if the Reconciliation Committee discontinues the mediation of settlement, this reason will be applicable in all cases.

28. Act on Measures to Realize Early and Reliable Compensation for Nuclear Damage Caused by the Nuclear Power Station Accident following the Great East Japan Earthquake and Special Provisions on Extinctive Prescription, etc., of the Right to Claim Compensation Related to that Nuclear Damage (Act No. 97 of 2013)

(1) Background for formulating and purpose for enacting

Apart from the above-described Act on Suspension of the Extinctive Prescription on Claims for Compensation ADR being formulated concerning the extinctive prescription of the right to claim compensation in relation to nuclear damage caused by the Fukushima nuclear power station accident, flexible handling was promised in TEPCO's comprehensive special business plan (approved in February 2014 based on the Nuclear Damage Compensation Facilitation Corporation Act) and measures were taken by TEPCO to delay the starting point and treat the period of direct consultation with a victim as a period of de facto suspension without including it in the prescriptive period. However, due to the wide range of damage caused by the nuclear power plant, including evacuation expenses, property damage, employment compensation, and psychological damage, and the difficulty of collecting evidence for many of the victims, there was no prospect that compensation for damages would be completed by March 2014, three years after the accident, and there was a risk that the right to claim compensation would be extinguished by prescription.

In response to this situation, assertions that special legislative measures should be taken concerning the extinctive prescription of the right to claim compensation for this nuclear damage became stronger at various organizations, including the Japan Federation of Bar Associations¹⁸⁶ and in Diet deliberations on the aforementioned Act on Suspension of the Extinctive Prescription on Claims for Compensation ADR¹⁸⁷.

On November 8, 2013, the Liberal Democratic Party and Komeito put together a proposal entitled "Towards the acceleration of reconstruction from nuclear accident damage - everything is for the recovery of the disaster victims and the disaster-affected area" (ruling party's third proposal), which included "In light of local concerns remaining about the extinctive prescription of claims for nuclear damage compensation, measures including legal measures to suspend or extend the prescription should be considered in cooperation with the ruling parties in order to dispel such concerns." The same month, the "Ruling parties' working team on the problem of prescription of the right to claim compensation related to nuclear damage (chair: Fukushima Nukaga (Liberal Democratic Party), deputy chair: Yoshinori Oguchi (Komeito))" was established and it was decided to vote on a proposal to extend the (three-year short-term extinctive prescription of the) first part of Article 724 of the Civil Code to 10 years. Subsequently, in parallel with the procedures within the ruling parties, the Liberal Democratic Party and Komeito and after obtaining the agreement of the opposition parties, it was decided that this act (the so-called "Special Act on the Prescriptive Period for Nuclear Damage Compensation Claims") would be proposed by the chair of the House of Representatives' Committee on Education, Culture, Sports, Science and Technology.

(2) Background of Diet deliberations, promulgation, and implementation

A proposal to make this bill a committee-submitted bill was resolved upon unanimously at the meeting of the Committee on Education, Culture, Sports, Science and Technology (House of Representatives) held on November 27, 2013, it was unanimously decided that this bill should be submitted to the Committee, and a resolution¹⁸⁸ on its

¹⁸⁶ In the opinion issued by the Japan Federation of Bar Associations on April 18, 2013, it was asserted that the short-term extinctive prescription, etc., should not be applied, but in the opinion issued on July 18 the same year, it was asserted that legislative measures should be taken by the end of 2013, such as making the prescriptive period "10 years from the time when it became possible to exercise rights."

As mentioned above, this was included in the supplementary resolutions when the House of Representatives and the House of Councillors voted on the Act on Suspension of the Extinctive Prescription on Claims for Compensation ADR.

¹⁸⁷ At the meeting of the Committee on Education, Culture, Sports, Science and Technology (House of Councillors) held on May 28, 2013, the Minister of Education, Culture, Sports, Science and Technology replied with regard to the need for comprehensive legislative measures for the prescriptive period problem that, "As the demerits you have pointed out in the case where the prescriptive period stipulated in the Civil Code was extended or the prescription itself abolished, it is conceivable, for example, that it may become difficult for both the victim and the offender to resolve the dispute due to the documents required to clarify responsibility and the amount of damage being scattered and lost, or the incentive for early resolution may be lost, and it is possible in such ways that dispute resolution would conversely be prolonged. On the other hand, it is also possible that some victims are in circumstances that make it difficult for them to claim damages within the prescriptive period stipulated in the Civil Code, so I think it is necessary at this point in time to continue considering this matter while cooperating with various ministries and agencies and while taking such circumstances into account."

¹⁸⁸ "Concerning the appropriate and reliable implementation of compensation for the victims of nuclear damage related to the Great East Japan Earthquake." The government was called on to confirm regularly the state of implementation of compensation and to consider legal measures concerning the prescriptive period based on the results.

merits was adopted. This bill was passed unanimously at the plenary session (House of Representatives) the following day, November 28, and was also passed at the meeting of the Committee on Education, Culture, Sports, Science and Technology (House of Councillors) on December 3, before being passed unanimously and established at the plenary session (House of Councillors) the following day, December 4. There was no debate on this bill in either the House of Representatives or the House of Councillors.

This act was promulgated and entered into force on December 11, 2013.

(3) Overview of the act and details of measures

This act established the following two points with respect to specified nuclear damage (damage caused by the nuclear power plant accident caused by the Tohoku-Pacific Ocean earthquake that occurred on March 11, 2011, for which TEPCO bears liability for compensation).

1) Measures to realize prompt and certain compensation

The following were stipulated as necessary measures for the national government to build a system for early compensation to victims of specified nuclear damage¹⁸⁹.

- Development of a system for facilitating compensation for specified nuclear damage within national government administrative organs (specifically, measures such as the expansion of the Nuclear Damages Affairs Office of the Agency for Natural Resources and Energy, Ministry of Economy, Trade and Industry were envisaged)
- Enhancement of the human resources structure of the Dispute Reconciliation Committee for Nuclear Damage Compensation and courts for the prompt resolution of disputes (specifically, budgetary measures required for the enhancement of the committee's personnel system related to the mediation of settlements and the enhancement of personnel systems by the courts were envisaged)
- Strengthening of the system of counseling by the Nuclear Damage Compensation Facilitation Corporation (the further strengthening of the support system for victims, including the establishment of information desks based on the Nuclear Damage Compensation Facilitation Corporation Act, was envisaged)

2) Special provision on extinctive prescription

Article 724 of the Civil Code was to be read as follows as a special provision on the extinctive prescription of the right to claim compensation for specified nuclear damage.

Article 724 of the Civil Code (at the time)	Read as
In the following cases, the claim for compensation for loss or damage caused by tort is extinguished by prescription: (i) the right is not exercised within <u>three years</u> from the time when the victim or legal representative thereof comes to know the damage and the identity of the perpetrator; or (ii) the right is not exercised within 20 years <u>from the time of the tortious act</u> .	In the following case, the claim for compensation for loss or damage caused by tort is extinguished by prescription: (i) the right is not exercised within 10 years from the time when the victim or legal representative thereof comes to know the damage and the identity of the perpetrator. The same applies even when 20 years have elapsed from the time the damage occurred.

The short-term extinctive prescription of "10 years" of the first sentence was set with reference also to the extinctive prescription of claims of Article 167, Paragraph 1 of the Civil Code, taking comprehensively into account matters such as the need to extend the prescription beyond a certain period to dispel the anxieties of victims. In addition, with regard to the exclusion period of "20 years" of the latter part, the starting point for calculation of the exclusion period is stated clearly as "the time the damage occurred" for the same purpose, based on the fact that legal precedent had been established that the starting point for calculation of the exclusion period for late-onset health damage was "the time the damage occurs."¹⁹⁰

¹⁸⁹ With reference to the article "Legal explanation: Act on Special Provisions for Early Compensation for Nuclear Damage," "LIBRA Vol. 14 No. 3," March 2014 (Haryuki Minakawa, The Legislative Bureau of the House of Representatives), published by the Tokyo Bar Association.

¹⁹⁰ Same as above.

(4) Subsequent legal amendments

With the amendment of the Civil Code (Law of Obligations) in 2017, the provision on the extinctive prescription was also amended, the name of the act was changed to “Act on Measures to Realize Early and Reliable Compensation for Nuclear Damage Caused by the Nuclear Power Station Accident following the Great East Japan Earthquake and Special Provisions on Extinctive Prescription of the Right to Claim Compensation Related to that Nuclear Damage” under the Act on Coordination, etc. of Related Acts in Line with Enforcement of the Act for Partial Revision of the Civil Code (Act No. 45 of 2017), and an amendment was made so as not to apply the newly established Article 724-2 of the Civil Code.

Subsequently, the situation has changed as 10 years have passed since the accident, including the difficulty of collecting evidence due to the forced evacuation and the problem of the time required to claim compensation, which were legislative facts at the time of submission of the Special Act on the Prescriptive Period for Nuclear Damage Compensation Claims, and in light of the facts that TEPCO is not considering uniformly rejecting claims for compensation upon completion of the prescriptive period as stated in “TEPCO’s Approach to the Extinctive Prescription of Claims for Nuclear Damage (October 30, 2019)” followed by “TEPCO’s Approach to the Extinctive Prescription of Claims for Nuclear Damage (February 4, 2013),” and has expressed its policy of responding flexibly to the extinctive prescription to carry through with compensation to the very last person based on the special business plan, the above period was not extended again because it was thought that rather than aiming to extend the prescriptive period again, it would be more appropriate move towards the early completion of compensation through efforts such as promoting positive advertising and appropriate handling by TEPCO¹⁹¹.

¹⁹¹ A written opinion calling for the re-extension of the short-term extinctive prescription to “20 years” was published by the Japan Federation of Bar Associations on March 18, 2020.

29. Act on the National Diet TEPCO Fukushima Nuclear Power Station Accident Investigation Commission (Act No. 112 of 2011)

30. Act for Partial Revision of the Diet Act (Act No. 111 of 2011)

(1) Background for formulating and purpose for enacting

Based on a cabinet decision dated May 24, 2011,¹⁹² the government established the TEPCO Fukushima Nuclear Power Station Accident Investigation Committee (consisting of 10 academic experts, including Yotaro Hatamura (University of Tokyo Emeritus Professor and Kogakuin University Professor); the so-called “Government Investigation Committee”)¹⁹³ to investigate and verify the accident at the Fukushima nuclear power stations, but there was criticism that the committee’s authority was vague because it was based on a cabinet decision rather than law, and for having an organ of the government verify the government’s response¹⁹⁴.

In such circumstances, the Liberal Democratic Party drew up an outline proposal to establish a third-party investigative organ in the Diet (with the authority to summon witnesses (with penalties)). In addition, Komeito also said that an accident investigation organ should be established in the Diet and put together a proposal including establishing a joint special investigative committee of both houses comprised of Diet members. Subsequently, both parties coordinated and the Bill on the National Diet TEPCO Fukushima Nuclear Power Station Accident Investigation Commission (Bill No. 24, 177th Diet) and the Bill for Revision of the Diet Act (Bill No. 25, 177th Diet) (hereinafter, the two bills are referred to collectively as the “Opposition Bills”) were submitted on August 9, 2011 by three parties: the Liberal Democratic Party/Independent Group; Komeito; and the Sunrise Party of Japan.

(2) Background of Diet deliberations, promulgation, and implementation

In response to the submission of the Opposition Bills, working-level consultations were held among members of each party, centered on the directors of the Committee on Rules and Administration of both Houses. At first, the ruling party insisted on an administrative body like the Fair Trade Commission or the National Personnel Authority, but with strong independence from the cabinet. However, the opposition insisted that the establishment of an accident investigation organ in the Diet was a precondition, no conclusion was reached during the 177th Diet, and it was confirmed that a final draft would be obtained during the next extraordinary session of the Diet. After that too, working-level talks between the ruling and opposition parties continued, and as a result, a final draft was put together based on the Opposition Bills and partly reflecting the opinions of the ruling party¹⁹⁵.

The meeting of the Committee on Rules and Administration (House of Representatives) held on September 29, 2011 decided unanimously to make the Bill on the National Diet TEPCO Fukushima Nuclear Power Station Accident Investigation Commission (Bill No. 2, 178th Diet) and the Bill for Revision of the Diet Act (Bill No. 1, 178th Diet) committee-submitted bills, and they were submitted urgently to the plenary session (House of Representatives) and passed unanimously the same day. The following day, September 30, the bills were approved unanimously by both the Committee on Rules and Administration (House of Councillors) and the plenary session (House of Councillors), and thereby established.

¹⁹²“Holding of a meeting of the TEPCO Fukushima Nuclear Power Station Accident Investigation Committee” (May 24, 2011).

¹⁹³The committee put together its interim report on December 26, 2011 and its final report on July 23, 2012 (a total of 13 meetings were held), and was abolished on September 28, 2012. Apart from the National Diet Investigation Commission and the Government Investigation Committee, investigations were carried out and reported by the so-called Private Sector Investigation Commission (The Independent Investigation Commission on the Fukushima Nuclear Accident (reported on February 27, 2012)) and the so-called TEPCO Investigation Committee (The Fukushima Nuclear Power Station Accident Investigation Committee (reported June 20, 2012)).

¹⁹⁴Diet member Shozo Kusakawa remarked at the meeting Committee on Education, Culture, Sports, Science and Technology (House of Councillors) held on May 31, 2011 that “I think that the government is also in a position to be verified so I am concerned that the grounds for establishing the committee were limited to a cabinet decision rather than a law. (Omission) The cabinet decision of May 24 did not clarify the purpose and scope of the committee’s investigation.”

¹⁹⁵For the background to the planning and deliberations between the ruling and opposition parties, reference has been made to: Hirofumi Nakagawa (Planning and Coordination Section, Legislative Planning and Coordination Department, The Legislative Bureau of the House of Representatives), Act No. 1906 at the Time of “Establishment of the Diet Nuclear Accident Investigation Committee” (May 2012), p. 4 on; Yasuhisa Shiozaki “Letter of Challenge from a Legislative Body, ‘The Diet Nuclear Accident Investigation Committee’” (Tokyo Press Club, December 2011); and Yuji Okada (former secretary to member of the House of Representatives Yasuhisa Shiozaki), “Background to the Establishment of the Diet Nuclear Accident Investigation Committee and Legislative Issues,” Houritsu no Hiroba for Lawyers (April 2012), p. 24 on. Amendments made after the ruling party’s adjustments include the point that the joint committee of both houses will not conduct investigations on its own, but will solely provide indirect support exercising the right to conduct parliamentary investigations at the request of third-party organizations, and the point that it can conduct preliminary or complementary investigations (open in principle) before or after an investigation by a third-party organization.

The acts were promulgated on October 7 and entered into force on October 30.

(3) Overview of the act and details of measures

1) Act for Partial Revision of the Diet Act

Supplementary provisions were added to establish a joint council of the Committee on Rules and Administration of both houses in the Diet (hereinafter referred to as “Joint Council of both Houses”) and the National Diet TEPCO Fukushima Nuclear Power Station Accident Investigation Commission (hereinafter referred to as “National Diet Investigation Commission”) as separately provided for by law in order to investigate the causes of the nuclear power station accident associated with the Tohoku-Pacific Ocean earthquake. The deadline for the establishment of the Joint Council of Both Houses was the period when the Act on the National Diet TEPCO Fukushima Nuclear Power Station Accident Investigation Commission was in effect.

The establishment of a third-party organ in the Diet comprised of private-sector experts who were not Diet members in this way has been described as the “first such attempt in the history of constitutional government.”¹⁹⁶ In addition, ensuring the political neutrality of the National Diet Investigation Commission established in the political forum of the Diet was emphasized¹⁹⁷.

3) Act on the National Diet TEPCO Fukushima Nuclear Power Station Accident Investigation Commission

The National Diet TEPCO Fukushima Nuclear Power Station Accident Investigation Commission was established in the Diet to investigate the causes of the nuclear power station accident associated with the Tohoku-Pacific Ocean earthquake, was an organization with a chair and nine members, all of whom were appointed by the leaders of both houses with the approval of both houses based on the recommendations of the Joint Council of Both Houses.

It was decided that the National Diet Investigation Commission could invite witnesses¹⁹⁸ and request the submission of documents from the government, nuclear operators, and other related parties as necessary. In addition, it could also make a request to the Joint Council of Both Houses to conduct a parliamentary investigation when recognized to be particularly necessary.

The National Diet Investigation Commission was to compile a report about six months after the date of its appointment and conclude its investigation activities upon its submission, with the Act itself to lose effect on the day one year has elapsed from the date of its entry into force. In addition, the report of the National Diet Investigation Commission was to be sent to the cabinet, and in relation to this, under the revision of the Diet Act described above in 1), the cabinet had to submit annually to the Diet a report on measures taken in response to the report for the time being.

¹⁹⁶For example, at the third meeting of the Joint Council of Both Houses on December 8, 2011, Chair Kodaira said, “The Diet also decided unanimously to establish the Accident Investigation Commission as a third party body comprised of experts other than Diet members for the first time in constitutional history.”

¹⁹⁷The arrangements on the operation of both acts, which was confirmed by the Committee on Rules and Administration (House of Representatives) on September 29, 2011 and by the Committee on Rules and Administration (House of Councillors) the following day, include that “Members of this house must not use the commission politically from a partisan standpoint or exert political influence on it” and “[Omission] ... care must be taken so that there are no doubts at all that the commission is lacking in political neutrality,” etc.

¹⁹⁸There were various discussions within the opposition parties about giving private members the right to conduct investigations of the government, and the Liberal Democratic Party’s draft had granted the right to “summon witnesses” (with penalties), but that was deleted after coordination with Komeito, and the right was limited to inviting witnesses (from Yuji Okada (former secretary to member of the House of Representatives Yasuhisa Shiozaki), “Background to the Establishment of the Diet Nuclear Accident Investigation Committee and Legislative Issues,” Houritsu no Hiroba for Lawyers (April 2012).

(4) Actual application

1) Joint Council of Both Houses

On November 2, 2011, the leaders of each house nominated 15 people from each house and 30 people were nominated. At the first meeting of the Joint Council of Both Houses the same day, Tadamasa Kodaira, chair of the Committee on Rules and Administration (House of Representatives), was nominated as chair, and Yosuke Tsuruho, chair of the Committee on Rules and Administration (House of Councillors), was nominated as deputy chair.

Subsequently, meetings were held on December 1, 2011 and December 8, at which the committee members were recommended, etc.

2) National Diet Investigation Commission

On December 1, 2011, a resolution was passed by the Joint Council of Both Houses on their recommendations for the chair and commissioners, the recommendations were approved by the plenary sessions of both houses the following day, and on December 8, the leaders of both houses appointed 10 commissioners, including the chair, Kiyoshi Kurokawa (Doctor of Medicine, Professor Emeritus, University of Tokyo, former President of the Science Council of Japan).

After a series of hearings with related parties, visits to nuclear power plants, town meetings, etc., a report containing seven recommendations was put together at the 20th meeting of the commission on July 5, 2012, including the monitoring of the regulatory authorities by the Diet, a review of the government's crisis management system, and the requirements for a new regulatory organization, and the report was submitted to the leaders of both houses the same day¹⁹⁹.

3) Reports by the cabinet

In November 2012, the national government established the Expert Committee for Follow-up of the Accident Investigation (chair: Koichi Kitazawa (chair of the Private Sector Investigation Commission (The Independent Investigation Commission on the Fukushima Nuclear Accident) and former President of the Japan Science and Technology Agency) secretariat: Cabinet Office) to consider the follow-up by the government based on the recommendations of the reports of the National Diet Investigation Commission and the Government Investigation Committee, and eleven times from FY2012 (June 2012) to FY2021 (June 2022), the "Measures taken in response to the report of the National Diet TEPCO Fukushima Nuclear Power Station Accident Investigation Commission" have been approved by cabinet decision and reported to the Diet.

¹⁹⁹ See Chapter 7, Section 1 for the contents of the report of each accident investigation.

31. Act on Special Measures for Securing Financial Resources Necessary to Respond to the Great East Japan Earthquake (Act No. 42 of 2011)

(1) Background for formulating and purpose for enacting

Because the Great East Japan Earthquake caused extensive damage and it took time to calculate the amount involved, the government determined the policy of compiling supplementary budgets for FY2011, and under the assumption that supplementary budgets would be compiled multiple times, the first supplementary budget for FY2011 (4,015.3 billion yen) was submitted to the Diet on April 28, 2011.

The national government needed to secure the financial resources necessary for the first supplementary budget for FY2011, but given the severe fiscal situation of the national government, it was necessary to indicate the direction of fiscal consolidation so it was decided to secure the first supplementary budget for the recovery phase prior to the reconstruction phase, which would require large-scale fiscal mobilization, without relying on government bonds²⁰⁰ and to secure the financial resources by reducing the reserve fund for the response to the economic crisis and regional revitalization (about 800 billion yen) and the transfer of the share of the basic pension to the special pension fund (about 2.5 trillion yen).

Having decided in December 2010, prior to the earthquake, that the difference between 50% and 36.5% of basic pension benefit costs (the ratio of the national treasury contribution at the time) would be borne by the national treasury as a measure limited to FY2011 using the retained earnings of the special operations account of the Japan Railway Construction, Transport and Technology Agency, the reserve of the Fiscal Loan Fund Account of the Special Account for Fiscal Investment and Loan, and the surplus of the foreign exchange fund special account as temporary financial resources²⁰¹, the policy was amended²⁰² on April 19, 2011 to turn these into financial resources for the first supplementary budget for FY2011.

The “Act on Special Measures for Securing Financial Resources Necessary to Respond to the Great East Japan Earthquake” was established to provide special measures to enable these financial resources to be used for reconstruction after the Great East Japan Earthquake and to secure financial resources for the first supplementary budget of FY2011.

(2) Background of Diet deliberations, promulgation, and implementation

The bill for this act was approved by cabinet decision and submitted to the Diet on April 28, 2011. This bill was passed unanimously by the Committee on Financial Affairs (House of Representatives) on April 30, passed unanimously at the plenary session (House of Representatives) the same day, passed unanimously by the Committee on Financial Affairs (House of Councillors) on May 2 and passed unanimously and established at the plenary session (House of Councillors) the same day.

This act was promulgated and entered into force on May 2, 2011.

The first supplementary budget for FY2011 was approved the same day.

* Supplementary resolutions by the Committee on Financial Affairs (House of Councillors)

Supplementary resolutions for the Bill on Special Measures for Securing Financial Resources Necessary to Respond to the Great East Japan Earthquake

The national government should give due consideration to the following matters.

- Expending all possible means over the response so that the areas affected by the Great East Japan Earthquake undergo reconstruction as quickly as possible, including the prompt restoration and reconstruction of road, railway and other transportation networks.

²⁰⁰ Prime Minister Naoto Kan (to Diet member Motoyuki Fujii) at the Committee on Budget (House of Councillors) 177th Diet, May 1, 2011

²⁰¹ Agreement of the Minister of Finance, the Minister of Health, Labour and Welfare, and the Minister of State in Charge of National Strategy, “Treatment of the Basic Pension Share by the National Treasury from Fiscal Year 2011” (December 22, 2010)

²⁰² Agreement of the Minister of Finance, the Minister of Health, Labour and Welfare, and the Minister of State in Charge of National Strategy, “The National Treasury’s Burden of the Basic Pension in Fiscal Year 2011” (April 19, 2011)

- Consideration, also including a review, of the temporary financial resources for pensions, which were used as a financial measure in the first supplementary budget for FY2011, when compiling the second supplementary budget for FY2011.
- Prompt consideration of a review of expenditure measures such as child allowances, making expressways free-of-charge, income compensation for individual farmers, etc., for the compilation of the second supplementary budget for FY2011.
- Taking temporary extraordinary measures, and implementing with certainty support for JR Mishima Freight Company, debt repayment for the Hokuriku Shinkansen, etc., with regard to the payment to the national treasury by the Japan Railway Construction, Transport and Technology Agency and the Japan Expressway Holding and Debt Repayment Agency.

(3) Overview of the act and details of measures

Special measures were established for a transfer from the Fiscal Loan Fund Account of the Special Account for Fiscal Investment and Loan to the general account, for a transfer from the foreign exchange fund special account to the general account, and for payments to the national treasury by the Japan Railway Construction, Transport and Technology Agency and the Japan Expressway Holding and Debt Repayment Agency in FY2011 to secure the financial resources necessary to respond to the Great East Japan Earthquake.

1) Transfer from the Fiscal Loan Fund Account of the Special Account for Fiscal Investment and Loan to the general account

It was decided that 1,058.8 billion yen could be transferred from the Fiscal Loan Fund Account of the Special Account for Fiscal Investment and Loan to the general account.

2) Transfer from the foreign exchange fund special account to the general account

In addition to the transfer of the surplus in the settlement of accounts, it was decided that 230,858,961,000 yen from the foreign exchange fund special account could be transferred to the general account.

3) Special provision on payment to the national treasury by the Japan Railway Construction, Transport and Technology Agency

It was decided that the Japan Railway Construction, Transport and Technology Agency had to pay 1.2 trillion yen from its special business account to the national treasury.

4) Special provision on payment to the national treasury by the Japan Expressway Holding and Debt Repayment Agency

It was decided that the Japan Expressway Holding and Debt Repayment Agency had to pay 250 billion yen from its expressway account to the national treasury.

32. Act on Special Measures for Securing Financial Resources Necessary to Implement Measures for Reconstruction following the Great East Japan Earthquake (Act No. 117 of 2011)

(1) Background for formulating and purpose for enacting

Article 7 of the Basic Act on Reconstruction in Response to the Great East Japan Earthquake (Act No. 76 of 2011) stipulated that the national government must endeavor to secure funds for reconstruction following the Great East Japan Earthquake by “Carrying out a thorough review of budgets for measures other than reconstruction measures or those related thereto, as well as reducing expenditures for such other measures” and “Fully utilizing funds related to the fiscal investment and loan program as well as funds from the private sector,” etc., and Article 8 stipulated that “The national government will issue government bonds as specified separately by an act in order to secure the necessary funds for the reconstruction in response to the Great East Japan Earthquake” and with regard to those government bonds (hereinafter referred to as “Reconstruction Bonds”), “The national government will manage the Reconstruction Bonds distinctly from other bonds and clarify the redemption schedule in advance by taking a number of measures including those specified separately by an act.”

The “Basic Guidelines for Reconstruction in Response to the Great East Japan Earthquake” formulated based on Article 3 of the same act (revised on August 11, 2011 by the Great East Japan Earthquake Reconstruction Headquarters), stated that “The scale of the measures and projects (including the first supplementary budget and second supplementary budget for FY2011) that are expected to be implemented during the ‘concentrated reconstruction period’ of five years to the end of FY2015 is expected to be at least about 19 trillion yen in total for the national and local governments (public expenditure),” that those financial resources were to be “based on sharing the burden among all generations living in the present without transferring the burden to the next generation” and that for the financial resources to be allocated for recovery and reconstruction projects during the five-year “concentrated reconstruction period,” “in addition to the financial resources of the first and second supplementary budgets for FY2011, the national government will secure about 13 trillion yen through expenditure cuts, the sale of national assets, reviews of special accounts, personnel expenses for public servants, etc., the securing of additional non-tax revenues, and temporary tax measures.”

In addition, the guidelines also included with regard to reconstruction bonds, that the “national government will consider fully how to issue those bonds and will manage them distinctly from normal bonds,” “will consider their redemption period in the future based on the concentrated reconstruction period and subsequent reconstruction period,” and that the “national government will implement temporary tax measures during the redemption period, and all of those tax revenues will be allocated to recovery and reconstruction costs, including the redemption of reconstruction bonds, and will be managed separately from other revenues to clarify that those tax revenues will not be allocated to other expenses.”

Moreover, the same guidelines stated that, “A bill for the issuance of reconstruction bonds and tax measures will be formulated and submitted to the Diet in conjunction with the compilation of the third supplementary budget for FY2011,” and that “The activity details of the tax measures will be examined by the Tax Commission in August and thereafter, based on the Basic Guidelines, and after reporting to the Great East Japan Earthquake Reconstruction Headquarters multiple options combining elements such as specific tax items and the scales for each fiscal year, the government and the ruling parties will reexamine and a decision will be made at the Reconstruction Headquarters.”

The Tax Commission issued “‘Multiple options’ (national taxes) for tax measures as financial resources for reconstruction and hepatitis B countermeasures”²⁰³ on September 16, 2011, presenting an estimated total of about 10.4 trillion yen in the case of “[1] Calling for a burden on income and corporate taxes among basic taxes²⁰⁴” and the case of “[2] Focusing on basic taxes (income tax and corporate tax), but calling for a burden on individual indirect taxes as well²⁰⁵.” Subsequently, on October 11 of the same year, the Tax Commission presented the “Outline of tax reform related to financial resources for projects for reconstruction following the Great East Japan Earthquake and hepatitis B countermeasures,” which included the creation of the “special income tax surcharge for reconstruction

²⁰³ The trial calculation examples related to the “multiple options” were formulated aimed at being used as “material for discussion” or a “starting point” in the process of this series of considerations, and based on the “Basic Guidelines for Reconstruction” and the “Basic Policy on the Framework for Overall Resolution of Hepatitis B Litigation,” etc., the work was conducted with as little pre-judgment as possible and with a number of technical assumptions.

²⁰⁴ The FY2011 tax reform measures (700 billion yen) were to be allocated to the funding source for reconstruction, and temporary additional taxes were to be imposed on income tax (7.5 trillion yen) and corporate tax (2.4 trillion yen).

²⁰⁵ FY2011 tax reform measures (700 billion yen) were to be allocated to the funding sources for recovery and reconstruction, and additional taxes were to be imposed on income tax (5.5 trillion yen) and corporate tax (2.4 trillion yen), as well as a temporary special tobacco tax (etc.) (1.7 trillion yen).

(tentative name),” “special corporate tax surcharge for reconstruction (tentative name)” and “special tobacco tax for reconstruction (tentative name).”

Based on this background, the “Bill on Special Measures for Securing Financial Resources Necessary to Implement Measures for Reconstruction following the Great East Japan Earthquake” stipulating measures concerning non-tax revenues, the creation of a special reconstruction tax, the issue of reconstruction bonds, etc., was submitted by the cabinet to the Diet aimed at legislating with regard to the financial resources for reconstruction following the Great East Japan Earthquake.

On the other hand, in the Diet deliberations described below, the House of Representatives passed resolutions including the amendment of the taxable period and tax rate of the special income tax surcharge for reconstruction, the deletion of the special tobacco tax for reconstruction, and the extension of the redemption period of reconstruction bonds, etc., to develop the “Act on Special Measures for Securing Financial Resources Necessary to Implement Measures for Reconstruction following the Great East Japan Earthquake.”

(2) Background of Diet deliberations, promulgation, and implementation

The bill for this act was approved by cabinet decision and submitted to the Diet on October 28, 2011. The purpose of the bill was explained and Q&A took place at a plenary session (House of Representatives) on November 7, and after the purpose of the bill was explained at the meeting of the Committee on Financial Affairs (House of Representatives) on November 9, and Q&A took place on November 18, an amendment proposal was submitted jointly by three parties: the Democratic Party of Japan, the Liberal Democratic Party and Komeito. Prior to the submission of this amendment proposal, the three parties had reached agreement on “Results of consultations on tax matters” (agreement between the heads of the three-party tax system investigation committee by the Democratic Party of Japan, the Liberal Democratic Party and Komeito, November 10, 2011), “Concerning the third supplementary budget for FY2011” (agreement between the heads of the three-party policy (political affairs) research committee of the Democratic Party of Japan, the Liberal Democratic Party and Komeito, November 11, 2011), and “Non-tax revenues” (three-party working-level agreement between the Democratic Party of Japan, the Liberal Democratic Party and Komeito, November 15, 2011). On November 22, witnesses were summoned and Q&A took place on the draft submitted by the cabinet and the amendment proposal, and after that, Q&A took place with the attendance of the Prime Minister, and the amendment proposal was passed by a majority the same day (* with supplementary resolutions). The amended bill was passed by a majority at the plenary session (House of Representatives) on November 24.

The following day, November 25, the purpose of the bill was explained and Q&A took place at the plenary session (House of Councillors), and the purpose of the bill was explained at a meeting of the Committee on Financial Affairs (House of Councillors). The same committee held Q&A, invited witnesses and held more Q&A on November 29, and the bill was passed by a majority (*with supplementary resolutions), and the bill was passed by a majority vote and established at the plenary session (House of Councillors) the following day, November 30.

This act was promulgated and entered into force (excluding part) on December 2, 2011.

Discussions were conducted in the Diet mainly on the following points.

1) Reconstruction bond redemption period

There was discussion that the third supplementary budget, which was being deliberated on at the same time, should include expenses subject to the issue of construction bonds, and that the redemption period should be 60 years, like construction bonds, from the perspective of reducing the burden in a single year. While the redemption period for reconstruction bonds was initially set at 10 years, Prime Minister Noda gave the reply that, “We have set the redemption period thinking of our basic policy for reconstruction of sharing the burden jointly with the entire generation living today without deferring the burden to the next generation. It is true that if we set a longer redemption period, the tax burden in a single year would be reduced, but the younger generation will continue to bear the burden, while the older generation will bear the burden only for a short period of time.”²⁰⁶ In addition, as a reason for hastening the redemption of the reconstruction bonds, the Prime Minister said, “While the burden on future generations increases due to the declining birthrate, the aging of society and the declining population, we have set the period based on the idea that deferring the burden further onto future generations should be avoided, that it would be easier for people to understand the implementation of tax measures while the use of tax money can be felt

²⁰⁶ Reply of Prime Minister Yoshihiko Noda (to Yasutoshi Nishimura), plenary session of the House of Representatives, 179th Diet, November 7, 2011

clearly, and on the recognition that given the extremely severe financial situation in Japan and an historical situation in which the credibility of the nation is being questioned severely, we need to give full consideration to ensuring the credibility of government bonds.”²⁰⁷ Subsequently, it was decided to extend the redemption period to 25 years in the “Results of consultations on tax matters.”

2) Distinct management

With regard to what form the distinct management mentioned in the Basic Act on Reconstruction should be carried out in, while Prime Minister Noda replied to the question of whether a special account should be established that “Expenses related to recovery and reconstruction are distinguished from other expenses in the general account budget, etc., by, for example, indicating clearly as an item that they are expenses related to recovery and reconstruction, and this enables the government to respond fully to the demand for separate management and transparency of the flow of funds in the Basic Act on Reconstruction and the Basic Guidelines for Reconstruction” he also said that “The establishment of a special account can be considered as one way to respond to the demand for distinct management and the transparency of financial flows.”²⁰⁸ After the establishment of the special account was decided in “Concerning the third supplementary budget for FY2011,” questions were asked about the state of consideration of the establishment of the special account.

3) Financial sources for redemption

The government bill stipulated the establishment of a special tobacco tax for reconstruction, about which it said “We considered this based on the increase in tobacco tax revenue following the increase in the tobacco tax rate in October last year, the price of cigarettes, and the increase in JT’s profits, as well as JT taking its measures to support leaf tobacco farmers, etc.”²⁰⁹ In response, it was pointed out in the Diet that the tobacco tax had just been raised in the tax reform of FY2010, and that there were concerns about the impact on retailers and leaf tobacco farmers, etc., and ultimately, it was decided to delete this tax item in “Results of consultations on tax matters.” In addition, there was some discussion at that time about raising consumption tax, so there was some discussion about using consumption tax as a financial resource, but Prime Minister Noda replied that, “As the draft Comprehensive Reform of Social Security and Tax states that these funds should be used to finance social security in the future, I instructed the Tax Commission to remove it from the list of options at the stage it compiled the ‘multiple options’.”²¹⁰ Moreover, questions were raised about financial resources other than tax revenues, such as whether it would be possible to further reduce expenditures, whether it would be possible to use the surplus from the settlement of accounts of the general account, and whether it would be possible to use the surplus from the Government Bond Consolidation Fund Special Account, and it was pointed out that the government should not rely on simple tax increases. With regard to the surplus from the settlement of accounts, it was stated in “Concerning the third supplementary budget for FY2011,” that the government should strive to allocate that preferentially to the financial resources for reimbursement expenses, and similar provisions were added in the supplementary provisions of this act.

4) Criticism of preferential treatment for companies

With regard to the additional tax on corporations, because the FY2011 tax reform reduced the effective tax rate from the viewpoint of the international competitiveness of corporations, there were discussions over the point of whether there would actually be a tax reduction supposing that the additional tax was imposed and whether corporate tax should be increased.

* Supplementary resolutions by the Committee on Financial Affairs (House of Representatives)

Supplementary resolutions for the Bill on Special Measures for Securing Financial Resources Necessary to Implement Measures for Reconstruction following the Great East Japan Earthquake

²⁰⁷ Reply of Prime Minister Yoshihiko Noda (to Yasutoshi Nishimura), plenary session of the House of Representatives, 179th Diet, November 7, 2011

²⁰⁸ Reply of Prime Minister Yoshihiko Noda (to Yasutoshi Nishimura), plenary session of the House of Representatives, 179th Diet, November 7, 2011

²⁰⁹ Reply of Prime Minister Yoshihiko Noda (to Yasutoshi Nishimura), plenary session of the House of Representatives, 179th Diet, November 7, 2011

²¹⁰ Reply of Prime Minister Yoshihiko Noda (to Yasutoshi Nishimura), plenary session of the House of Representatives, 179th Diet, November 7, 2011

The national government should give due consideration to the following matters.

- When considering the use of the surplus of the Fiscal Loan Fund Account of the Special Account for Fiscal Investment and Loan for reconstruction funds, the government must consider the financial soundness of the account in the budget preparation process.
- When selling shares in Japan Tobacco Inc., by reducing the ratio of the government's share ownership obligation from half or more of the total number of shares issued at the time of incorporation to one-third or more of the total number of shares issued, the government must determine the timing of the sale carefully taking stock market conditions into account, and when considering a further review of the government's share ownership obligation based on Article 13 of the amended supplementary provisions, the government must ascertain fully the impact on leaf tobacco farmers and retailers when "considering how the national government should be involved in tobacco-related industries, etc., based on the Tobacco Business Act, etc."
- Based on Article 13 of the amended supplementary provisions, when considering a review of the holding of shares belonging to the special account for energy measures, the national government must ascertain fully the impacts on securing rights and interests related to ensuring resources for Japan and maintaining cooperative relations with partner countries when "based on the perspective of energy policy."
- In view of the fact that this bill permits the issuance of reconstruction bonds over a period of several years, the issue of reconstruction bonds must be allocated to the expenses for measures that truly contribute to reconstruction following the Great East Japan Earthquake in light of the basic principles stipulated in the Basic Act on Reconstruction.

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- In view of the fact that this bill permits the issuance of reconstruction bonds over a period of several years, the issue of reconstruction bonds must be allocated to the expenses for measures that truly contribute to reconstruction following the Great East Japan Earthquake in light of the basic principles stipulated in the Basic Act on Reconstruction.

(3) Overview of the act and details of measures²¹¹

Because the securing of non-tax revenues and the establishment of temporary tax measures, as well as measures for the issue of reconstruction bonds as a bridge form an indivisible relationship from the perspective of the immediate financial resources necessary to implement recovery and reconstruction projects, this act legislated on all of them together. This is consistent with Article 8 of the Basic Act on Reconstruction in Response to the Great East

²¹¹ Based overall on "Concerning the Act on Special Measures for Securing Financial Resources Necessary to Implement Measures for Reconstruction following the Great East Japan Earthquake" (Finance, December 2011), published in Finance, the Ministry of Finance's public relations magazine.

Japan Earthquake, which stipulates to the effect that the issue of reconstruction bonds is allowed and that the route for redemption is to be clarified in advance.

Chapter 1 of this act established the general provisions, and chapters 2 and 3 established measures such as transfers from the Fiscal Loan Fund Account of the Special Account for Fiscal Investment and Loan to the Government Bond Consolidation Fund Special Account and the transfer of shares of Japan Tobacco Inc., and Tokyo Metro Co., Ltd., to the Government Bond Consolidation Fund Special Account. This is based on the idea that the financial resources for reconstruction should come firstly from non-tax revenues. Chapters 4 and 5 established provisions concerning the creation of a special income tax surcharge for reconstruction and a special corporate tax surcharge for reconstruction (hereinafter referred to as “Special Reconstruction Taxes”), chapter 6 established measures for the issue of reconstruction bonds as a bridge until these sources of revenue are secured, and chapter 7 established provisions on the use of income from the Special Reconstruction Taxes, etc.

The details of the main provisions and measures are as follows.

1) Basic principle

In addition to the reduction of expenditures, it was decided that the source of funds for expenses to be appropriated using the revenue from reconstruction bonds would be secured by the Special Reconstruction Taxes, the reserve fund of the Fiscal Loan Fund Account of the Special Account for Fiscal Investment and Loan, the proceeds from the disposal of shares in Japan Tobacco Inc., and Tokyo Metro Co., Ltd., the proceeds from the disposal of other government-owned property, and other non-tax revenues. Based on this principle, reconstruction bonds could not be issued beyond the scope secured by these resources.

2) Use of the reserve fund of the Fiscal Loan Fund Account of the Special Account for Fiscal Investment and Loan

Since the fiscal loan fund account of the special account for fiscal investment and loans may incur losses due to interest rate trends, etc., the surplus each fiscal year is accumulated as the reserve for fluctuations in interest rates up to the level established by cabinet order (5% of total assets) based on the Act on Special Accounts (Act No. 23 of 2007), and based on this act, an amount established by the budget for each fiscal year may be transferred from the fiscal loan fund account of the special account for fiscal investment and loans to the Government Bond Consolidation Fund Special Account from FY2012 to FY2015.

At that time, the reserve for fluctuations in interest rates in the fiscal loan account had been almost depleted as a result of successive special measures being taken, and the Government Revitalization Unit had evaluated that it was necessary to accumulate the amount required for the interest rate fluctuation reserve in a special account classification, but a provision was established in the supplementary provisions as a special measure just in case allowing a transfer from the general account to the fiscal loan account until FY2020, when the reconstruction period was scheduled to end, because the reserve would be used as a source of funds for reconstruction.

3) Disposal of shares in Japan Tobacco Inc.

Under the Act on Japan Tobacco Inc. (Act No. 69 of 1984), the government had to hold at least half of the total number of shares transferred free of charge at the time of incorporation and at least one-third of the total number of issued shares, and at that time, the government held 50% of the total number of shares in the investment account of the special account for fiscal investment and loans.

Under this act, the number of shares equivalent to the number exceeding that required to hold more than one-third of the total number of shares of the company (about 16.7% of the total number of shares of the company) was to be transferred from the investment account of the special account for fiscal investment and loans to the Government Bond Consolidation Fund Special Account free of charge and disposed of as soon as possible to allocate funds to the funding source for the redemption of reconstruction bonds.

In addition, under the supplementary provisions, measures were to be taken to reduce the ratio of shares in Japan Tobacco Co., Ltd., that the national government was obliged to own to more than one-third of the total number of

outstanding shares, but this continued to enable the national government to block special resolutions requiring a two-thirds majority vote at a general meeting of shareholders to amend the Articles of Incorporation, etc., so the minimum government ownership ratio necessary to secure a certain level of public involvement in important management policies will continue to be secured.

4) Disposal of shares in Tokyo Metro Co., Ltd.

The national government owned 53.4% of the total number of outstanding shares in Tokyo Metro Co., Ltd. (of which, 50.4% belonged to the Government Bond Consolidation Fund Special Account, and 3%, acquired through substitute performance of interest-free loans to the former Japan National Railways Settlement Corporation, belonged to the general account.).

Based on this act, the 3% of the shares of Tokyo Metro Co., Ltd., that belonged to the general account were to be transferred to the Government Bond Consolidation Fund Special Account free of charge to allocate the proceeds from the disposal of the shares of Tokyo Metro Co., Ltd., to the funding source for the redemption of reconstruction bonds.

5) Establishment of the Special Reconstruction Taxes

In view of the fact that the “Basic Guidelines for Reconstruction in Response to the Great East Japan Earthquake” state “the financial resources for recovery and reconstruction are to be based on sharing the burden among all generations living in the present without transferring the burden to the next generation,” the tax measures related to financial resources for restoration and reconstruction were considered taking the following perspectives, etc., into comprehensive consideration,

- ① Consideration for the economy;
- ② a simple tax system;
- ③ the setting of an appropriate time frame for the tax measures; and
- ④ the relationship with the tax reforms of FY2011,

resulting in a special income tax surcharge for reconstruction and a special corporate tax surcharge for reconstruction being newly established as temporary additional taxes on personal income and corporate income.

An additional tax of 2.1% on top of the current income tax rate was established as a temporary measure from January 2013 to December 2037 as the special income tax surcharge for reconstruction (the people obliged to pay and withhold taxes were the same as those for general income taxes).

Further, with regard to the special corporate tax surcharge for reconstruction, after the effective corporate tax rate was reduced and the tax base expanded in the FY2011 tax reform, an additional tax of 10% was established as a temporary measure from FY2012 to FY2014. The tax imposition standard was corporate tax, and the tax payers were the same as corporate tax payers. The effective corporate tax rate reduction and tax base expansion under the FY2011 tax reform was to be implemented from FY2012. This act stipulated the matters required to implement these temporary tax measures.

In the government draft submitted to the Diet, the tax period of the special income tax surcharge for reconstruction was set at 10 years from January 2013 to December 2022, but this was revised by the House of Representatives²¹² and the schedule was set as the 25-year period from January 2013 to December 2037. In addition, the rate of the special income tax surcharge for reconstruction was also lowered from the initial 4% to 2.1%. Moreover, provisions were stipulated for the establishment of a special temporary tax of 1 yen per cigarette as a temporary tax measure, but they were deleted in the established act.

²¹² The “Results of consultations on tax matters” (November 10, 2011), which were confirmed by the heads of the three-party tax system investigation committee of the Democratic Party of Japan, the Liberal Democratic Party and Komeito, stated that the tobacco tax should not be included and that the period of the additional tax on income should be 25 years (from January 2013 to December 2037).

6) Issue of reconstruction bonds

As a bridging measure until income from the Special Reconstruction Taxes, etc., was secured, reconstruction bonds could be issued within the scope of the amount approved by the Diet in the budget for each fiscal year in each fiscal year from the third supplementary budget of FY2011 to FY2015 to be allocated to the funding source for reconstruction costs.

7) Issue of reconstruction bonds equivalent to the temporary pension funds

Reconstruction bonds could be issued as a source of funds for the expenses required for the additional burden on the national treasury of the basic pension that was reduced in the first supplementary budget of FY2011.

In the initial budget of FY2011, 2.5 trillion yen in temporary pension funds was secured to raise the share of the national treasury's contribution to the basic pension from 36.5% to 50%, but the transfer of the national treasury's contribution for the basic pension to the special pension account was revised downwards to secure the funds for the first supplementary budget of FY2011. Subsequently, on August 9, 2011, the heads of the Democratic Party of Japan, the Liberal Democratic Party, and Komeito announced in a "Confirmation document" that "When compiling the third supplementary budget, each party will consider compensating for the reconstruction bonds together with measures to secure the financial resources to do that."

Based on this, expenses for the additional cost of the basic pension to be borne by the national treasury were recorded in the third supplementary budget for FY2011, and based on the background above, reconstruction bonds could be issued by deeming the costs required to do this reconstruction costs.

8) Clarification of the scope of reconstruction costs

The Diet had to pass a resolution on the scope of reconstruction costs subject to the issue of reconstruction bonds each fiscal year.

The costs subject to the issue of reconstruction bonds were specified in the basic principles established in Article 2 of the Basic Act on Reconstruction in Response to the Great East Japan Earthquake and the "Basic Guidelines for Reconstruction in Response to the Great East Japan Earthquake," which embodies the basic principles, but since they are extremely diverse and not clearly defined, they were established in the general budget provisions and approved by the Diet.

9) Relationship with construction bonds and special public bonds

In reality, the costs subject to the issue of reconstruction bonds are thought to have much in common with public works costs, which are costs subject to the issue of construction bonds based on Article 4 of the Public Finance Act. Construction bonds are redeemed over 60 years under application of the so-called "60-year redemption rule." However, the "Basic Guidelines for Reconstruction in Response to the Great East Japan Earthquake" state with regard to the sources of funds for reconstruction that "the financial resources for recovery and reconstruction are to be based on sharing the burden among all generations living in the present without transferring the burden to the next generation" so covering the funds for reconstruction with construction bonds to which the 60-year redemption rule applies was inconsistent with both the Basic Act on Reconstruction in Response to the Great East Japan Earthquake and the "Basic Guidelines for Reconstruction in Response to the Great East Japan Earthquake." Because of this, the act stipulates clearly that the national government was not allowed to issue construction bonds for reconstruction costs.

Special bonds can be issued to cover the difference in revenue and expenditure in the general account budget, and are different in nature to reconstruction bonds and construction bonds that are allowed to cover specific costs, so in FY2011, when the special account for reconstruction after the Great East Japan Earthquake did not exist, the "Act on Special Provisions for the Issue of Government Bonds in Fiscal Year 2011" (Act No. 106 of 2011) was amended with a supplementary provision by this act to clarify that the national government was not allowed to issue special bonds for reconstruction costs.

10) Redemption of reconstruction bonds

Reconstruction bonds and refinancing government bonds related to these reconstruction bonds are to be redeemed

by FY2037.

Reconstruction bonds are distinguished clearly from other public bonds in terms of the sources of funding for their redemption, with the proceeds from the disposal of government-owned shares and the Special Reconstruction Taxes expected each fiscal year to be used to redeem them. The income expected to the end of the redemption period is the special income tax surcharge for reconstruction, and since the tax period is to 2037, the redemption period for reconstruction bonds is until FY2037.

11) Use of income

Under Article 9 of the Basic Act on Reconstruction, transparency is required in the flows of national government funds for reconstruction. Because of this, it was stipulated clearly with regard to the use of the sources of funds secured based on the provisions of this act whether those funds were to be allocated to reconstruction costs or reimbursement costs.

First, whereas it is stipulated in the Act on Special Accounts, that the reserve fund of the Fiscal Loan Fund Account of the Special Account for Fiscal Investment and Loan may be transferred to the Government Bond Consolidation Fund Special Account within the scope of the excess amount if it exceeds the level established by cabinet order, by stipulating special provisions in this act, the reserve fund may be transferred to the Government Bond Consolidation Fund Special Account and allocated to the funding source for the redemption of reconstruction bonds regardless of the amount established by cabinet order based on the Act on Special Accounts.

Next, with regard to the proceeds from the sale of shares in Japan Tobacco Inc., and Tokyo Metro Co., Ltd., the national government was to allocate the proceeds to the funding source for the redemption of reconstruction bonds, in view of the fact that the portion of shares that the government was no longer obliged to hold were assets shared by the people, and because it was assumed originally that they would cover the redemption of government bonds, which are liabilities shared by the people.

It was assumed that the income from Special Reconstruction Taxes would exceed the amount of reconstruction costs and that the issue of reconstruction bonds would become unnecessary towards the end of the concentrated reconstruction period, so the national government was able to allocate the income from Special Reconstruction Taxes to the funding sources for both reconstruction costs and redemption costs.

12) Provisions on settlement in the final year of redemption

As a provision on settlement in the final year of redemption of reconstruction bonds, if there is any surplus from the income from the special income tax surcharge for reconstruction in FY2037, even after it is allocated to the funding source for redemption costs, that surplus will be allocated to the funding source for the redemption of special government bonds. In addition, if the redemption of reconstruction bonds is completed by or before FY2036, the income from Special Reconstruction Taxes from the fiscal year of completion to FY2036 will be allocated to the funding source for the redemption of special government bonds in the same way.

The Special Government Bonds Act stipulates that the issue of special government bonds is essentially not desirable and that efforts should be made to reduce such bonds promptly. Because of this, if there is any surplus, it is to be allocated to the funding sources for the redemption of special government bonds.

13) Review of measures for the securing of funding sources for reconstruction

At an appropriate time after the enforcement of this act, the national government was to review the appropriateness of reconstruction costs and the appropriateness of the various measures to secure the funding sources necessary for reconstruction measures, taking into consideration matters such as the state of reconstruction.

14) Securing funding sources from income other than tax revenues

When reviewing the Reconstruction Funding Framework, the national government was to consider the following items i) and ii) aimed at securing revenue to allocate to the funding source for reimbursement costs of an amount equivalent to 2 trillion yen between FY2011 and FY2022, and if it is recognized as a result to be unnecessary to hold all or part of the shares, the national government will dispose of the shares as soon as possible after taking legal and

any other necessary measures.

- i) Consideration of the possibility of disposal of the shares of Japan Tobacco Inc., by reviewing the ideal state of those holdings, taking into account the national government's involvement in tobacco-related industries based on the Tobacco Business Act, etc.
- ii) Consideration of the possibility of disposing of shares belonging to the special account for energy measures by reviewing the ideal state of those holdings based also on the perspective of energy policy.

Apart from this, the national government was to consider the ideal state of disposal of the shares of Japan Post Holdings Co., Ltd.,²¹³ taking into account the state of management of Japan Post Holdings Co., Ltd., the prospects for earnings and other circumstances, and dispose of them as soon as possible based on the results of the examination (excluding the shares related to the one-third of voting rights of all shareholders that the government is obliged to hold) to secure financial resources for redemption costs from income other than tax revenues. In addition, the proceeds from the disposal of shares to FY 2022 based on the results of considerations were to be allocated preferentially to the funding source for redemption costs.

15) Use of surpluses from the settlement of accounts as financial resources for redemption costs

In the case where the surplus in the settlement of accounts of general account revenue and expenditure for each fiscal year from FY2011 to FY2015 was to be allocated to a funding source for the redemption of government bonds or loans, the national government was to strive to allocate the surplus preferentially as a funding source for the redemption of reconstruction bonds.

This provision was added by amendment in the House of Representatives based on “Concerning the third supplementary budget for FY2011,” which was confirmed by three parties: the Democratic Party of Japan, the Liberal Democratic Party and Komeito.

16) Measures to reduce the burden of the Special Reconstruction Taxes

If the securing of financial resources for redemption costs by the methods described in 14) and 15) above is expected, the national government was to take the necessary measures for reduction of the tax burden related to Special Reconstruction Taxes, taking into consideration the estimated amount of reconstruction costs based on the results of the review described in 13).

17) Establishment of special accounting for reconstruction

To make the flow of national funds related to reconstruction following the Great East Japan Earthquake more transparent, and to manage the redemption of reconstruction bonds appropriately, the national government was to establish special accounting in FY2012 to account for revenues and expenditures related to reconstruction projects, and was to take necessary legislative measures. In addition, this special accounting was to succeed to the liabilities, etc., related to the redemption of the reconstruction bonds issued under the third supplementary budget of FY2011.

This provision was added by amendment in the House of Representatives based on “Concerning the third supplementary budget for FY2011.”

²¹³ With regard to the disposal of the shares of Japan Post Holdings Co., Ltd., measures had been taken to freeze the disposal of shares by the “Act on Suspension of Disposal of Shares of Japan Post Holdings Co., Ltd., Japan Post Bank Co., Ltd. and Japan Post Insurance Co., Ltd.” (Act No. 100 of 2009; hereinafter referred to as “Freezing Act”). Consequently, the establishment of the “Bill on the Coordination, etc., of Related Acts in Line with the Enforcement of the Japan Post Reform Act and Act on Japan Post Holdings Co., Ltd.,” which established the abolition of the Freezing Act, and the “Japan Post Reform Act,” which established the disposal of the shares in Japan Post Co., Ltd., and the reorganization of the entities implementing Japan Post business, was a precondition in order to sell those shares.

(4) Background and overview of amendments

1) Amendment by the Act for Partial Amendment to the Income Tax Act (Act No. 10 of 2014)

On December 5, 2013, in “Economic Measures for Realization of Virtuous Cycles,” it was decided that, “In view of an early realization of virtuous economic cycles, the government will be committed to the expansion of the tax system to promote income growth as incorporated in the ‘Economic policy package’ as well as efforts in trilateral conferences of the government and the labor and business communities. We will also end the special corporate tax surcharge for disaster reconstruction a year ahead of schedule so that it will trigger an immediate raise in corporate earnings.”

These measures also indicated that “In ending the special corporate tax surcharge for disaster reconstruction a year ahead of schedule, the government will incorporate the amount which is necessary to secure the funding for the so-called ‘Reconstruction Funding Framework’ of about 25 trillion yen for the ‘concentrated reconstruction period’ in the Special Account for Reconstruction from the Great East Japan Earthquake, utilizing a part of the surplus carried over from the year 2012.”²¹⁴

The “Act for Partial Amendment to the Income Tax Act” (Act No. 10 of 2014) was established on March 20, 2014 to prepare legal provisions for the abolition of the special corporate tax surcharge for reconstruction one year ahead of schedule and the supplementation of financial resources determined under the measures, and the “Act on Special Measures for Securing Financial Resources Necessary to Implement Measures for Reconstruction following the Great East Japan Earthquake” was also amended by provisions of the same act.

2) Amendment by the Act for Partial Revision of the Act on Special Measures for Securing Financial Resources Necessary to Implement Measures for Reconstruction following the Great East Japan Earthquake and the Act on Special Provisions for the Issue of Government Bonds to Ensure the Financial Resources Required for Fiscal Management (Act No. 23 of 2016)

In “Concerning recovery and reconstruction projects from fiscal year 2016 on,” determined by the Reconstruction Promotion Council on June 24, 2015, it was stated that “The government will secure financial resources in advance for the five-year reconstruction and revitalization period ... to further accelerate reconstruction so that the disaster-affected area can engage in reconstruction projects with peace of mind.” The same decision stated that “Based on the implementation status of reconstruction projects in FY2014, reconstruction project costs during the concentrated reconstruction period is expected to be approximately 25.5 trillion yen (total between national and local governments (public expenditure)) up to the FY2015 budget.²¹⁵ Based on the estimated cost of reconstruction projects during the reconstruction and revitalization period of approximately 6.5 trillion yen, the total cost of reconstruction projects during the 10-year reconstruction period is expected to be approximately 32 trillion yen²¹⁶,” so it was decided to manage the scale²¹⁷ of projects in each fiscal year during the reconstruction and revitalization period appropriately, and create a highly accurate budget.

At this point, “revenues for reconstruction posted so far (26.3 trillion yen), are expected to be around 28.8 trillion yen based on actual results,” and it was decided to secure about 32 trillion yen in reconstruction funds for the 10-year reconstruction period, including the reconstruction and revitalization period, by securing up to 3.2 trillion yen in addition to this. With regard to the securing of this 3.2 trillion yen: ① securing of non-tax revenue (excluding settlement surplus) largely by utilizing reserve funds in the Fiscal Loan Fund Account of the Special Account for Fiscal Investment and Loan until FY2015 and effectively utilizing assets held by the national government, such as receiving funds from the Investment Account of the Special Account for Fiscal Investment and Loan: about 800 billion yen; and ② securing about 2.4 trillion as a transfer from the general account.

²¹⁴In association with the abolition of the special corporate tax surcharge for reconstruction one year early, there was a decrease in revenue of about 800 billion yen out of the financial resources (about 25 trillion yen) of the “Reconstruction Funding Framework” during the concentrated reconstruction period.

²¹⁵Costs from FY2011 up to FY2013 are based on the settlement of accounts, those for FY2014 are based on settlement of account estimates and those for FY2015 are based on budget.

²¹⁶This does not include expenses to be borne by the operator based on the Act on Compensation for Nuclear Damage (Act No. 147 of 1961), the Nuclear Damage Compensation and Decommissioning Facilitation Corporation Act (Act No. 94 of 2011), etc.

²¹⁷The project scale for each fiscal year of the reconstruction and revitalization period was estimated at about 2 trillion yen in FY2016, 1.6 trillion yen in FY2017, 1.2 trillion yen in FY2018, 900 billion yen in FY2019, and 800 billion yen in FY2020.

In addition, it was stated with regard to reconstruction bonds that “The issue of reconstruction bonds during the period of reconstruction and revitalization as a temporary bridge to cover the costs of reconstruction projects during the period of reconstruction and revitalization will be enabled,” and “reconstruction bonds issued during the reconstruction period, including reconstruction bonds issued during the relevant period, ... will be redeemed by FY2037.”

The “Act for Partial Revision of the Act on Special Measures for Securing Financial Resources Necessary to Implement Measures for Reconstruction following the Great East Japan Earthquake and the Act on Special Provisions for the Issue of Government Bonds to Ensure the Financial Resources Required for Fiscal Management” (Act No. 23 of 2016) was established on March 31, 2016 to establish the legal provisions regarding the securing of financial resources for reconstruction and the issue of reconstruction bonds incorporated into the same decision. As a result, the period of issue of reconstruction bonds was extended for five years to FY2020, and it became possible to take measures such as transfers from the Investment Account of the Special Account for Fiscal Investment and Loan to the Government Bond Consolidation Fund Special Account and allocating the proceeds from the disposal of shares of Japan Post Holdings Co., Ltd., to the redemption costs of reconstruction bonds.

3) Amendment by the Act Partially Amending the Act for Establishment of the Reconstruction Agency, etc. (Act No. 46 of 2020)

Prior to the deadline for establishment of the Reconstruction Agency, the Act on Special Measures for Securing Financial Resources Necessary to Implement Measures for Reconstruction following the Great East Japan Earthquake and the Act on Special Accounts were amended, along with amendments to the Act for Establishment of the Reconstruction Agency to extend the deadline.

As an extension of the period for special measures, etc., to secure financial resources for reconstruction, this act extended the period for the issue of reconstruction bonds, the period for allocation of the proceeds from sales of government-held shares and other non-tax revenues to financial resources for reconstruction, etc., for five years to FY2025. In addition, the Act on Special Accounts provides for the reclassification of shares in the event that Japan Post retires treasury stock, and also provides for the allocation of proceeds from the sale of additional shares of Japan Post Holdings to allocate funds to the financial resources for the redemption of reconstruction bonds.

This act entered into force on April 1, 2021, excluding some provisions that entered into force on the date of promulgation.

33. Act on Temporary Special Provisions for Local Tax Related to Securing the Financial Resources Necessary for Disaster Prevention Measures Implemented by Local Governments for Reconstruction Following the Great East Japan Earthquake (Act No. 118 of 2011)

(1) Background for formulating and purpose for enacting

Based on the basic principles established in Article 2 of the Basic Act on Reconstruction in Response to the Great East Japan Earthquake (Act No. 76 of 2011), “immediately effective measures for disaster prevention and mitigation that need to be implemented urgently nationwide as the lesson to be learned from the Great East Japan Earthquake” (hereinafter referred to in this section as “National Disaster Prevention Projects”) are positioned in the “Basic Guidelines for Reconstruction in Response to the Great East Japan Earthquake” (revised on August 11, 2011 by the Great East Japan Earthquake Reconstruction Headquarters) as “measures to implement.” The cost of the National Disaster Prevention Projects to be borne by local governments, etc., was estimated at about 800 billion yen, financial resources that the local governments needed to secure for themselves. On the other hand, because the National Disaster Prevention Projects are essential to build an economic society in which the people of the present and future can live affluent lives with peace of mind, it was considered necessary to promote them as a country.

The Tax Commission issued “‘Multiple options’ (local taxes) for tax measures as financial resources for reconstruction and hepatitis B countermeasures” on September 16, 2011, presenting an estimated total of about 800 billion yen in the case of “[1] Calling for a burden on individual resident taxes among basic taxes²¹⁸” and the case of “[2] Calling for a burden on individual indirect taxes (local tobacco tax), along with basic tax (individual resident taxes)²¹⁹.” Subsequently, on October 11 of the same year, the Tax Commission presented the “Outline of tax reform related to financial resources for projects for reconstruction following the Great East Japan Earthquake and hepatitis B countermeasures,” which included special provisions on the standard per capita tax rate for individual resident taxes and special provisions of a local tobacco tax rate.

Based on the above, the “Bill on Temporary Special Provisions for Local Tax Related to Securing the Financial Resources Necessary for Disaster Prevention Measures Implemented by Local Governments for Reconstruction Following the Great East Japan Earthquake” was submitted to secure the necessary financial resources by temporarily raising the standard per capita rate of individual resident taxes (prefectural resident tax and municipal resident tax) and the local tobacco tax rate (prefectural tobacco tax and municipal tobacco tax) to enable local governments to implement projects smoothly. A total of about 800 billion in financial resources was expected to be secured, with 150 billion yen from the special provisions on the individual per capita resident tax standard tax rate, 480 billion yen from the special provisions on the local tobacco tax rate, and 200 billion yen from the review of the income deduction for the individual resident tax based on the FY2011 tax reform.

The reason why the standard tax rate and the tax rate were raised instead of using a special tax method was that, while the new tax measure was a temporary measure, a simple system was required in consideration of the burden on taxpayers and people under special collection obligations, and if a special tax was established, it would require major revisions to the tax return form and system in each local government, and that would have required large expenses. In addition, with regard to the individual per capita resident tax, the standard tax rate was increased rather than a uniform tax rate increase to enable local governments to choose whether to raise funds through expenditure cuts or taxes, etc., when implementing National Disaster Prevention Projects.

On the other hand, in the Diet deliberations described below, amendments were passed to extend the application period of the special provisions on the standard tax rate of the individual per capita resident tax by five fiscal years to 10 fiscal years (FY2014 to FY2023), to raise the amount to be added to the standard tax rate from 500 yen to 1,000 yen, and to delete the special provisions on the local tobacco tax rate. As a result, the “Act on Temporary Special Provisions for Local Tax Related to Securing the Financial Resources Necessary for Disaster Prevention Measures Implemented by Local Governments for Reconstruction Following the Great East Japan Earthquake” was established as an act that secured the locally-borne financial resources for National Disaster Prevention Projects through special provisions on the individual per capita resident tax standard tax rate (securing financial resources of about 800 billion yen combining 600 billion yen based on the special provisions on the individual per capita resident

²¹⁸ Raise the individual resident tax rate on a per capita basis temporarily (600 billion yen) and use the FY2011 tax reform items (increase in revenue of about 60 billion yen (normal fiscal year base) through a review of income tax deductions for individual resident taxes) (200 billion yen) as financial resources for reconstruction.

²¹⁹ Raise the individual resident tax rate on a per capita basis temporarily (150 billion yen), raise the local tobacco tax temporarily (480 billion yen) and use the FY2011 tax reform items (increase in revenue of about 60 billion yen (normal fiscal year base) through a review of income tax deductions for individual resident taxes) (200 billion yen) as financial resources for reconstruction.

tax standard tax rate and 200 billion yen based on the review of the income deduction for individual resident tax based on the FY2011 tax system reform).

(2) Background of Diet deliberations, promulgation, and implementation

The bill for this act was approved by cabinet decision and submitted to the Diet on October 28, 2011. The purpose of the bill was explained and Q&A took place at a plenary session (House of Representatives) on November 7, and after the purpose of the bill was explained at the meeting of the Committee on Public Management, Home Affairs, Posts and Telecommunications Administration (House of Representatives) on November 17, a joint amendment proposal was submitted by three parties: the Democratic Party of Japan, the Liberal Democratic Party and Komeito, and Q&A took place on November 22 before the amendments were adopted (* with supplementary resolutions) by majority. The amended bill was passed by a majority at the plenary session (House of Representatives) on November 24.

The following day, November 25, the purpose of the bill was explained and Q&A took place at the plenary session (House of Councillors), and the purpose of the bill was explained at a meeting of the Committee on Public Management, Home Affairs, Posts and Telecommunications Administration (House of Councillors). The same committee held Q&A on November 29, and the bill was passed by a majority (* with supplementary resolutions), and the bill was passed by a majority vote and established at the plenary session (House of Councillors) the following day, November 30.

This act was promulgated and entered into force on December 2, 2011.

The background to the submission of the amended bill in the House of Representatives is as follows.

After the bill was submitted, the heads of the three-party tax system investigation committee of the Democratic Party of Japan, the Liberal Democratic Party and Komeito held talks and the “Results of consultations on tax matters” were agreed on November 10, 2011, including no tobacco tax and a 1,000 yen increase in the individual per-capita resident tax rate for 10 years.

Following this, “Concerning the third supplementary budget for FY2011” (November 11, 2011, agreement between the heads of the three-party policy (political affairs) research committee of the Democratic Party of Japan, the Liberal Democratic Party and Komeito), and “Non-tax revenues” (November 15, 2011, three-party working-level agreement between the Democratic Party of Japan, the Liberal Democratic Party and Komeito) were exchanged and amendments in line with the “Results of consultations on tax matters” were submitted.

Discussions were conducted in the Diet mainly on the following points.

1) The pros and cons of raising the standard rate of the individual per capita resident tax as a financial resource for reconstruction

Points were made that even if they were called National Disaster Prevention Projects, in the end, it was assumed that the money for disaster prevention measures would be distributed mainly to the disaster-affected area or areas where a large-scale disaster was expected, and with regard to the pros and cons of raising the standard rate of the individual per capita resident tax in terms of its character as a tax, from the perspective of the strength of the benefits of the individual resident tax to residents and the right of local governments to impose tax. With regard to these points, it was said “in the sense that all citizens will be taxed equally, they will bear a wide-ranging burden lightly with the resident tax” and understanding was requested for the “fact that [the projects] are beneficial” because they will lead to a certain degree of strengthening of disaster prevention capabilities.

2) Reason for putting the tax on a per capita basis

In response to points on the reason for making the tax per capita, it was said that revenue would be secured by a per capita increase in the individual resident tax in “the sense of the amount being smaller, the wider the catchment,” taking into account the number²²⁰ of tax payers from the perspective of “as wide-ranging and small as possible.”

3) Consideration for low-income earners and the need to raise taxes in accordance with tax-bearing capacity

It was pointed out with regard to the increase in the standard rate of the individual per capita resident tax that the

²²⁰ 59.36 million people per capita, 54.77 million people on an income basis, and 50.52 million people on an income tax basis.

burden should be in accordance with tax-bearing capacity, not equal, from the perspective that the burden would be large for low-income earners. On this point, the government decided to impose a surcharge on income tax in order to secure the financial resources for national reconstruction as a burden in accordance with income, so national income tax was set at a fixed rate, and the individual resident tax of local taxes was set at a fixed amount to organize a system under which the people “were asked to bear a burden balancing both.” In addition, similar points were made with regard to the amendments, but after the same arrangements, understanding was called for based also on the point that it was a system considerate of low income earners and due to the tax exemption limit system, people with low income and weak tax-bearing capacity would not be taxed under the per capita levy, and people with total income of 1.25 million yen or less (1.35 million yen or less from FY2021), such as people with disabilities or widows would not be taxed on income.

4) Handling by local governments that already impose excess tax

With regard to the situation where 31 prefectures have imposed excess tax through individual per capita resident tax aimed at allocating funds for measures such as forest environment conservation, etc., understanding was called for that unlike excess taxation, this measure was to be implemented as a nationwide increase in the standard tax rate.

- * Supplementary resolutions by the Committee on Public Management, Home Affairs, Posts and Telecommunications Administration (House of Representatives)

Supplementary resolutions on the Bill on Temporary Special Provisions for Local Tax Related to Securing the Financial Resources Necessary for Disaster Prevention Measures Implemented by Local Governments for Reconstruction Following the Great East Japan Earthquake

The national government should give due consideration to the following matters.

 - Based on the history of amendments to the bill, thorough publicity should be carried out to gain the people’s understanding of the special measures for the standard tax rate of the individual per capita resident tax while clarifying that the measures will be taken to secure financial resources for emergency disaster prevention and mitigation projects linked directly to the safety of residents’ lives and property. In addition, measures should be taken to prevent any unforeseen hindrance to the implementation of emergency disaster prevention and mitigation projects in association with the revision of the bill.
 - The voluntary judgment of local governments must be respected with regard to the implementation of emergency disaster prevention and mitigation projects, and ensure that local governments that have not implemented emergency disaster prevention and mitigation projects or that implement projects without raising the individual per capita resident tax rate through reductions in established costs are not treated disadvantageously.
 - Prevent the reduction of similar existing projects in association with the implementation of emergency disaster prevention and mitigation projects from bringing about the same result as if the financial resources obtained from the increase in the individual per capita resident tax rate were transferred to the financial resources of other projects.
- * Supplementary resolutions by the Committee on Public Management, Home Affairs, Posts and Telecommunications Administration (House of Councillors)

Supplementary resolutions on the Bill on Temporary Special Provisions for Local Tax Related to Securing the Financial Resources Necessary for Disaster Prevention Measures Implemented by Local Governments for Reconstruction Following the Great East Japan Earthquake (draft)

In implementing this act, the national government should strive for the realization of the following matters.

 - Based on the history of amendments to the bill, thorough publicity should be carried out to gain the people’s understanding of the special measures for the standard tax rate of the individual per capita resident tax while clarifying that the measures will be taken to secure financial resources for emergency disaster prevention and mitigation projects linked directly to the safety of residents’ lives and property. In addition, measures should be taken to prevent any unforeseen hindrance to the implementation of emergency disaster prevention and mitigation projects in association with the revision of the bill.
 - When implementing emergency disaster prevention and mitigation projects, the independent judgment of local governments must be respected, and appropriate support provided for the smooth implementation of projects. In addition, the national government is to ensure that local governments that do not implement these projects or that implement them without raising the individual per capita resident tax rate through the reduction of established expenses, etc., are not treated disadvantageously.

- Prevent the reduction of similar existing projects in association with the implementation of emergency disaster prevention and mitigation projects from bringing about the same result as if the financial resources obtained from the increase in the individual per capita resident tax rate were transferred to the financial resources of other projects.

(3) Overview of the act and details of measures

The following special provisions were included in the bill at the time of cabinet submission.

- Special provisions on the standard tax rate of the individual per capita resident tax
With regard to the standard tax rate of the individual per capita resident tax, 200 yen is to be added annually to prefectural resident tax and 300 yen is to be added annually to municipal resident tax each fiscal year from FY2014 to FY2018.
- Special provisions on local tobacco tax
Local tobacco tax related to manufactured cigarettes sold, etc., during the period from October 1, 2012 to September 30, 2017 is to be subject to an additional 395 yen per 1,000 cigarettes for prefectural tax and 605 yen per 1,000 cigarettes for municipal tax.

On the other hand, due to the amendments proposed in the House of Representatives, the measures under the act were to be as follows.

- Special provisions on the standard tax rate of the individual per capita resident tax
With regard to the standard tax rate of the individual per capita resident tax, 500 yen is to be added annually to prefectural resident tax and municipal resident tax each fiscal year from FY2014 to FY2023.

34. Act on Special Provisions for the Reduction of the Monthly Allowance of Diet Members to Contribute to the Recovery and Reconstruction from the Disaster Caused by the Tohoku-Pacific Ocean Earthquake, etc., in 2011 (Act No. 11 of 2011)

(1) Background for formulating and purpose for enacting

While individuals and companies were providing support for reconstruction from the Great East Japan Earthquake with donations and relief goods, etc., there were suspicions that donations by Diet members to local governments or the Japanese Red Cross Society would violate Article 199-2 of the Public Offices Election Act (Act No. 100 of 1950) (prohibition of donations by candidates for public office, etc.) so consideration was given to sharing the suffering of disaster victims by reducing the annual allowance and using the reduced amount for the recovery and reconstruction of the disaster-affected area. Against this backdrop, the secretary-general and chair of the Diet Affairs Committee of the Democratic Party of Japan, the Liberal Democratic Party and Komeito held a meeting, and the three parties agreed to cut the annual allowance (salary) of each Diet member by 3 million yen (March 28, 2011²²¹). Following this, the “Act on Special Provisions for the Reduction of the Monthly Allowance of Diet Members to Contribute to the Recovery and Reconstruction from the Disaster Caused by the Tohoku-Pacific Ocean Earthquake, etc., in 2011” was enacted to establish special provisions reducing the monthly allowance of the speaker, the deputy speaker and members of each House by 500,000 yen from April to September 2011.

(2) Background of Diet deliberations, promulgation, and implementation

This bill was submitted to the House of Representatives on March 31, 2011, at the suggestion of the chair of the Committee on Rules and Administration of the House of Representatives, as a bill submitted by said committee. The bill was passed unanimously at a plenary session (House of Representatives) held the same day, and approved unanimously by the Committee on Rules and Administration (House of Councillors) before being passed by majority and established at a plenary session (House of Councillors).

This act was promulgated the same day and entered into force on April 1.

(3) Overview of the act and details of measures

In view of the situation in which many people fell victim to the Great East Japan Earthquake and many disaster victims suffered great hardships and were forced into lives of inconvenience, measures were taken to reduce the monthly allowances of the speaker, deputy speaker and members of each house by 500,000 yen to share the hardships of the victims together with many citizens and contribute to the early reconstruction of the lives of disaster victims, the early reconstruction of industry in the disaster-affected area, and other recovery and reconstruction efforts in the disaster-affected area.

The supplementary provisions of this act stipulated that the provisions were to apply to monthly allowances from April to September 2011.

The term “Tohoku-Pacific Ocean Earthquake in 2011” is used in the title and purpose of this act (Article 1 of the act) because the formal name of the earthquake had not been defined at the time the bill was drafted (the name “Great East Japan Earthquake” was approved by cabinet decision on April 1 the same year).

In addition, the total amount of allowances reduced by this act was 2,166 million yen for the whole Diet²²².

²²¹ March 28, 2011, Nikkei Shimbun “Submission of revised bill to cut allowances by 3 million yen”

²²² Garyusha, “Toki no Horei (No. 1884)” June 30, 2011, p. 34

35. Act on the Revision of Remuneration of National Public Officers and Temporary Special Provisions (Act No. 2 of 2012)

(1) Background for formulating and purpose for enacting

The “Act on the Revision of Remuneration of National Public Officers and Temporary Special Provisions” was enacted to establish a revision of remuneration in view of the recommendations of the National Personnel Authority of September 30, 2011²²³, which included a 0.23% average reduction in monthly remuneration, and to establish special provisions concerning the remuneration of national public officers to reduce the personnel costs of national public officers because further spending cuts were essential in view of Japan’s difficult financial situation and the need to deal with the Great East Japan Earthquake.

(2) Background of Diet deliberations, promulgation, and implementation

This bill was submitted to the House of Representatives as a bill submitted by Diet members on February 22, 2012 by the Democratic Party of Japan, the Liberal Democratic Party and Komeito. The bill was referred to the Committee on Public Management, Home Affairs, Posts and Telecommunications Administration (House of Representatives) the same day, amendments were submitted by the Liberal Democratic Party and Komeito the following day, February 23, and the amendments were resolved upon by majority. The bill was passed by majority at the plenary session (House of Representatives) the same day. The bill was passed by majority by the Committee on Public Management, Home Affairs, Posts and Telecommunications Administration (House of Councillors) on February 28, and passed by majority and established at the plenary session (House of Councillors) the following day, February 29.

This act was promulgated the same day and entered into force (excluding some provisions) on March 1.

As a result of the amendment resolutions in the House of Representatives, Article 12 of the supplementary provisions included a provision to the effect that “Remuneration of local public employees is to be handled independently and appropriately by local governments in light of the Local Public Service Act (Act No. 261 of 1950) and the purpose of this act.”

(3) Overview of the act and details of measures

- Revision of remuneration related to the National Personnel Authority’s recommendations
Reduce average monthly salaries by 0.23%, abolish the transitional measure amount in full in April 2014, take measures to recover the salary increase using those funds, and revise the salaries of people to whom the Act on Salaries of Government Officials with Special Capacity²²⁴ and the Remuneration of Ministry of Defense Personnel Act²²⁵ apply in accordance with the revision for general service personnel.
- Salary reduction measure (period: April 2012 to the end of March 2014)

1) Officials to whom the Act on Remuneration of Officials in the Regular Service²²⁶ applies

- Monthly salary
Officials equivalent to director or higher at the ministry proper (designated positions, administrative (-) grade 10-7) -9.77%
Officials equivalent to deputy director or section chief at the ministry proper (administrative (-) grades 6-3) - 7.77%
Clerks (administrative (-) grades 2, 1) -4.77%

²²³ In view of Japan’s difficult financial situation and the need to deal with the Great East Japan Earthquake, the national government decided by cabinet decision on October 28, 2011 not to submit a bill to amend the Act on Remuneration to implement for the reason that the Bill on Temporary Special Provisions on the Remuneration of National Public Officers approved by cabinet decision on June 3, 2011 “takes stricter salary reduction measures than the remuneration reductions of the National Personnel Authority’s recent recommendations, and looked at comprehensively, it can be evaluated that the purpose of the other National Personnel Authority recommendations is also included.”

²²⁴ Act on Salaries of Government Officials with Special Capacity (Act No. 252 of 1949)

²²⁵ Remuneration of Ministry of Defense Personnel Act (Act No. 266 of 1952)

²²⁶ Act on Remuneration of Officials in the Regular Service (Act No. 95 of 1950)

For officials to whom other salary schedules apply, the rate of salary reduction in accordance with administrative (-)

- Special salary adjustment (managerial allowance) uniform -10%
- Term-end allowance and diligence allowance uniform -9.77%
- Daily allowance for committee members, advisors, counselors, etc. -9.77% of maximum amount
- The amount of monthly allowances linked to monthly salary such as area allowance (excluding term-end allowance and diligence allowance) are to be calculated based on the monthly salary amount after the reduction.

2) Officials to whom the Act on Salaries of Government Officials with Special Capacity applies

- Monthly salary, etc.
Prime Minister -30%
Minister class and state minister class -20%
Parliamentary secretary class, full-time chair, ambassadors, etc. (other than those listed above) -10%
- Term-end allowance
Same as the rate of monthly salary reductions for Prime Minister, ministers and state ministers
All persons other than above uniform -9.77%
- Daily allowance for non-full time committee members, etc. -9.77% of maximum amount
- Secretaries Measures in accordance with officials to whom the Act on Remuneration of Officials in the Regular Service applies

3) Officials to whom the Remuneration of Ministry of Defense Personnel Act applies

- Monthly salary, etc. Implement the same reduction measures as for national public officials in the regular service
- Special provisions for salary reduction measures
With respect to Self-Defense Forces personnel (excluding generals and deputy generals (-)) and administrative officials, etc., working for units or organizations of the Self-Defense Forces, special provisions may be established by cabinet order with respect to the application of the salary reduction measures during the period specified by cabinet order within a period not exceeding six months from April 1, 2012.

4) Other

Similar measures to these were taken under the Act for Partial Revision of the Act on Remuneration, etc. of Judges (Act No. 4 of 2012) and the Act for Partial Revision of the Act on the Salaries of Public Prosecutors (Act No. 5 of 2012).

With regard to the remuneration of local public officials, it was decided that local public entities would handle remuneration independently and appropriately based on the Local Public Service Act and the purpose of this Act.

36. Act for Partial Revision of the Act on Special Accounting (Act No. 15 of 2012)

(1) Background for formulating and purpose for enacting

The budgets related to recovery and reconstruction following the Great East Japan Earthquake, such as the first and second supplementary budgets for FY2011, were initially recorded in the general account, but Article 9 of the Basic Act on Reconstruction in Response to the Great East Japan Earthquake stipulates that “Based on the understanding that the people of Japan including disaster victims bear the task of reconstruction in response to the Great East Japan Earthquake, the national government will clarify the national money flow for the reconstruction, including setting out the relationship between national and local government finances” so transparency of the flow of national funds related to reconstruction was required by law.

Additionally, it was established in the “Basic Guidelines for Reconstruction in Response to the Great East Japan Earthquake” that “project scale in terms of measures and projects (including the first supplementary budget for FY2011 and the second supplementary budget for FY2011) that are expected to be implemented during the “concentrated reconstruction period” of five years up until the end of FY2015 is estimated to be at least about 19 trillion yen in total for the national and local governments (public expenditure) combined” so large-scale reconstruction budgets were expected. Moreover, the guidelines also included with regard to reconstruction bonds, that the “national government will consider fully how to issue those bonds and will manage them distinctly from normal bonds,” “will consider their redemption period in the future based on the concentrated reconstruction period and subsequent reconstruction period,” and that the “national government will implement temporary tax measures to finance the redemption of reconstruction bonds during the redemption period, and all of those tax revenues will be allocated to recovery and reconstruction costs, including the redemption of reconstruction bonds, and will be managed separately from other revenues to clarify that those tax revenues will not be allocated to other expenses.”

In such circumstances, the national government proposed the implementation of distinct management from the third supplementary budget for 2011 on through the following methods: ① indicating clearly in the budget items of the general account budget, etc., that they are related to recovery and reconstruction, and distinguishing them from other expenditures; ② preparing materials that allow an overview of the financial resources and expenditures related to recovery and reconstruction in the budget explanations submitted to the Diet along with budget documents; and ③ distinguishing the outstanding balance of reconstruction bonds and the year of their redemption from other government bonds in the budget reference documents submitted to the Diet based on Article 28 of the Public Finance Act. However, from the perspective of further transparency, Article 17 of the supplementary provisions was added to the “Act on Special Measures for Securing Financial Resources Necessary to Implement Measures for Reconstruction following the Great East Japan Earthquake” by the amendment of the House of Representatives in the Diet, and it was stated that “The national government is to establish a special account in FY 2012 to account for revenues and expenditures related to reconstruction projects, and is to take necessary legislative measures to make the flow of national funds related to reconstruction following the Great East Japan Earthquake transparent and to manage the redemption of reconstruction bonds appropriately.”

Based on the provisions of that article, the Special Account for Reconstruction following the Great East Japan Earthquake was established (hereinafter referred to as the “Special Account for Reconstruction”), and the “Act on Partial Revision of the Act on Special Accounts” was prepared to established provisions on its purpose, management, accounting, etc.

(2) Background of Diet deliberations, promulgation, and implementation

The bill for this act was approved by cabinet decision and submitted to the Diet on January 24, 2012.

The purpose of the bill was explained and Q&A took place at the plenary session (House of Representatives) on February 21, the purpose of the bill was explained at the meeting of the Committee on Financial Affairs (House of Representatives) on February 29, the bill was passed by majority on March 8, and the bill was passed by majority at the plenary session (House of Representatives) the same day.

On March 21, the purpose of the bill was explained and Q&A took place at the plenary session (House of Councillors), and the purpose of the bill was explained at the meeting of the Committee on Financial Affairs (House of Councillors) the following day, March 22. The bill was passed by majority by the same committee on March 29, and passed by majority and established at the plenary session (House of Councillors) the following day, March 30.

This act was promulgated on March 31, 2012 and entered into force the following day, April 1.

(3) Overview of the act and details of measures

A new section (Section 18) was established in the Act on Special Accounts, and provisions concerning the purpose, management, accounting, etc., of the Special Account for Reconstruction (Article 222 through Article 233, etc.) were newly established.

1) Purpose

The act is aimed at clarifying accounting for reconstruction projects, in order to make the flow of national funds for reconstruction following the Great East Japan Earthquake transparent and to manage the redemption of reconstruction bonds appropriately.

2) Management

The Special Account for Reconstruction was established under the joint jurisdiction of the heads of all ministries and agencies, including the Speaker of the House of Representatives, the President of the House of Councillors, the Chief Justice of the Supreme Court, and the President of the Board of Audit, while the Prime Minister (Minister for Reconstruction) was in charge of the accounting work (compilation of budget, settlement statements, etc.) for the Special Account for Reconstruction overall.

3) Revenue and expenditure

The main revenue items were income from Special Reconstruction Taxes, proceeds from the issue of reconstruction bonds and transfers from the general account (expenditure cuts and non-tax revenues). In addition, the main expenditure items included costs required for reconstruction projects and the redemption of the principal and interest on reconstruction bonds.

4) Special provisions for the classification of expenditure budgets

Expenditure items were distinguished by organization and recorded in expenditure budgets to clarify responsibility for the execution of expenditure budgets.

5) Other (supplementary provisions of the revised act)

When the Reconstruction Agency was abolished pursuant to the provisions of Article 21 of the Act for Establishment of the Reconstruction Agency (Act No. 125 of 2011), the Special Account for Reconstruction was to be abolished as provided for separately by law. In addition, liabilities related to the redemption of reconstruction bonds, etc., issued in FY2011 was to be attributed to the Special Account for Reconstruction.

37. Act on Special Provisions of the Civil Code Concerning Period for Acceptance or Renunciation of Inheritance Accompanying the Great East Japan Earthquake (Act No. 69 of 2011)

(1) Background for formulating and purpose for enacting

According to the Civil Code, “Succession opens at the death of the person” (Article 882) and “From the time the succession opens, the heirs succeed to all rights and duties attached to the property of the decedent” (the first sentence of Article 896), and “An heir must either accept the succession unconditionally or with qualifications, or renounce it, within three months of the time the heir learns that succession has opened to that heir; provided, however, that this period may be extended by the family court at the request of an interested party or the public prosecutor” (Article 915).

Many people died or went missing due to the Great East Japan Earthquake, many of their families lost their belongings, important documents, etc., and lived in places such as evacuation shelters, and apart from that, communicating with related parties, etc., was difficult, and it was difficult to grasp the state of real estate due to factors such as the prohibition of entry into the tsunami disaster-affected area and nuclear evacuation zone. Because of this, it was not possible for disaster victims to investigate and grasp the assets and liabilities of the decedent within three months (the so-called “deliberation period”), decide whether to accept or renounce the inheritance, and complete the procedures. In addition, although bar associations, etc., in the disaster-affected area engaged in publicity, enlightenment and other activities for disaster victims regarding the system of extension of the deliberation period, it was not a situation during this period in which sufficient dissemination of information on the system or applications for extension to the family court could be expected²²⁷.

In view of the current situation in the disaster-affected area, it was pointed out that it was necessary to secure a sufficient period of deliberation for heirs to decide whether to accept or renounce their inheritance²²⁸, but the national government was cautious in view of the disadvantages that could arise from automatically extending the deliberation period in association with having the extension system described above and extending the deliberation period automatically²²⁹, so after June 11, three months after the disaster, this act was enacted as Diet member-initiated legislation.

(2) Background of Diet deliberations, promulgation, and implementation

On June 15, 2011, the Democratic Party of Japan submitted the draft bill to the Committee on Judicial Affairs (House of Representatives), and the bill was submitted as a Committee on Judicial Affairs (House of Representatives)-submitted bill as originally proposed. The bill was passed at the plenary session (House of Representatives) the following day, June 16, was also passed at the meeting of the Committee on Judicial Affairs (House of Councillors) the same day, and was passed and established at the plenary session (House of Councillors) the following day, June 17.

This act was promulgated and entered into force on June 21, 2011.

(3) Overview of the act and details of measures

In order to prevent victims of the Great East Japan Earthquake who are heirs from suffering disadvantage due to the passing of the period for acceptance or renunciation of inheritance without being able to make a qualified acceptance or renunciation of inheritance due to confusion in their lives, the deliberation period was extended to

²²⁷ Based on the opinion paper below and Tadashi Okamoto “An Encouragement of Disaster Recovery and Revitalization Law” (April 2017). According to the book, of the legal consultations provided in the disaster-affected area, in Iwate Prefecture for example (mid-March to late May; 4,925 cases), consultations “wills and succession” accounted for 25.6% of all consultations.

²²⁸ For example, the Japan Federation of Bar Associations submitted an opinion on May 26, 2011 stating that “Legislative measures for special provisions should be taken immediately to extend the period to one year from the time a person becomes aware of the time the succession opens for themselves.”

²²⁹ At the meeting of the Committee on Judicial Affairs (House of Representatives) held on June 15, 2011, the Minister of Justice replied that, “The family court can extend this period, and has considered requests for early stabilization, etc., requests to prevent unjust conclusions from being reached in individual cases, and individual handling as an adjustment between the two, and there is concern that extending the deliberation period automatically may harm the interests of other heirs and interested parties. (Omission) The Ministry of Justice, which is in charge of the Basic Act, wants to consider this carefully. Of course, the Ministry of Justice does not object to the bill being enacted after careful consideration by the legislature, but the Ministry of Justice, in other words, did not make the bill into one to be submitted by the cabinet.”

November 30, 2011.

Specifically, the subject “heirs” are “disaster victims of the Great East Japan Earthquake” (see (4)).

In addition, this is not limited to cases in which the decedent died in the earthquake, but also cases where the decedent died before the earthquake and the heir suffered damage due to the earthquake during the deliberation period (specifically, people who became aware of the opening of succession on or after December 11, 2010).

The end of the extension of the deliberation period was set at “November 30, 2011” for all of the above patterns²³⁰.

Furthermore, the supplementary provisions stipulate that retroactive application also applies to heirs who are deemed to have accepted the succession unconditionally based on Article 921, Item (ii) of the Civil Code before the date of enforcement of this Act (people who have not asserted a qualified acceptance or renounced the succession within the deliberation period)²³¹. However, the supplementary provisions stipulate that this does not apply to cases where, after the heir is deemed to have made unconditional acceptance, the case falls under Item (i) of the same article before the date of enforcement (when the heir disposes of the estate in whole or in part)²³².

(4) Application results

These special provisions are for cases where the heir or heirs had an address in the areas shown in the following table on March 11, 2011 when the Great East Japan Earthquake occurred.

- * The area of municipalities excluding the area of Tokyo from the area of municipalities to which the Disaster Relief Act was applied at the time of the Great East Japan Earthquake.

Figure 2-3-86 Areas subject to the special provisions for the Civil Code related to the period for acceptance or renunciation of inheritance

Iwate Prefecture	All municipalities
Miyagi Prefecture	All municipalities
Fukushima Prefecture	All municipalities
Aomori Prefecture	Hachinohe City; Oirase Town, Kamikita District
Ibaraki Prefecture	Mito City; Hitachi City; Tsuchiura City; Ishioka City; Ryugasaki City; Shimotsuma City; Josō City; Hitachiota City; Takahagi City; Kitaibaraki City; Kasama City; Toride City; Ushiku City; Tsukuba City; Hitachinaka City; Kashima City; Itako City; Hitachiomiya City; Naka City; Chikusei City; Inashiki City; Kasumigaura City; Sakuragawa City; Kamisu City; Namegata City; Hokota City; Tsukubamirai City; Omitama City; Ibaraki Town, Higashiibaraki District; Oarai Town, Higashiibaraki District; Shirosato Town, Higashiibaraki District; Tokai Village, Naka District; Daigo Town, Kuji District; Miho Village, Inashiki District; Ami Town, Inashiki District; Kawachi Town, Inashiki District; Tone Town, Kitasoma District

²³⁰ According to the reply of Diet member Takeshi Shina at the meeting of the Committee on Judicial Affairs (House of Representatives) held on June 15, 2011, the reason why the date was set to November 30 was because, in the government's view at that time, temporary housing was expected to be largely completed after the Bon Festival, and the lives of many disaster victims were expected to be stabilized by the end of August, so the date was set to three months after that, the usual deliberation period.

²³¹ At the meeting of the Committee on Judicial Affairs (House of Representatives) held on June 15, Diet member Yoshinori Oguchi asked a question related to the constitutional problem of “disadvantage in the case where a creditor of the decedent seizes the property of the heir on the premise of inheritance, or receives payment from the heir using the property of the heir as the funding source, and in the case where it is reversed by the renunciation of inheritance,” and Diet member Megumu Tsuji replied that based on the premise that the guarantee of property rights under Article 29 of the constitution is not absolute but is limited within reasonable limits, “I think that the fact that the deliberation period is not sufficiently guaranteed in the circumstances of an unprecedented large earthquake like this greatly outweighs having to provide some kind of relief for that. In that sense, it is an acceptable problem.”

²³² At the meeting of the Committee on Judicial Affairs (House of Representatives) held on June 15, Diet member Yoshinori Oguchi asked a question concerning the treatment of a person who performed an act falling under Article 921, Item (i) of the Civil Code without being aware of the extension of the deliberation period, to which the Minister of Justice replied that a claim of invalidity could be made on the grounds of a mistake of motive, specifically, that “It is thought that if the motive is indicated and it is a legal act, it is possible to claim invalidity by mistake, but this will change depending on the understanding of the heirs in each case or various facts when the legal act was performed, so ultimately, it should be judged by the court.”

Tochigi Prefecture	Utsunomiya City; Oyama City; Moka City; Otawara City; Yaita City; Nasushiobara City; Sakura City; Nasukarasuyama City; Mashiko Town, Haga District; Motegi Town, Haga District; Ichikai Town, Haga District; Haga Town, Haga District; Takanezawa Town, Shioya District; Nasu Town, Nasu District; Nakagawa Town, Nasu District
Chiba Prefecture	Mihama Ward, Chiba City; Asahi City; Narashino City; Abiko City; Urayasu City; Katori City; Sanmu City; Kujukuri Town, Sanbu District
Niigata Prefecture	Tokamachi City; Joetsu City; Tsunan Town, Nakauonuma District
Nagano Prefecture	Sakae Village, Shimominochi District

(5) Subsequent legal amendments

In the Act for Partial Revision of the Basic Act on Disaster Management, etc., which was promulgated and entered into force on June 21, 2013 (Act No. 54 of 2013), the “Act on Special Measures Concerning Preservation of Rights and Interests of Victims of Specified Disaster” (Act No. 85 of 1996) was revised, and a provision on the extension of the deliberation period (period established by cabinet order limited to one year from the date of occurrence of the disaster) was stipulated in Article 6 as a provision for the protection of people who have difficulty judging accurately whether or not they should accept or renounce inheritance due to a disaster. As a result, it became possible to take a measure extending the deliberation period not only for the Great East Japan Earthquake, but for large-scale disasters in general.

38. Act for Partial Revision of Act on Provision of Disaster Condolence Grant (Act No. 86 of 2011)

(1) Background for formulating and purpose for enacting

Disaster condolence money was to be paid to the bereaved family of a person who died in a natural disaster, and the scope of the bereaved family was spouse, child, parent, grandchild or grandparent. On the other hand, due to the social situation and changes in family dynamics in 2011, there were family structures with siblings living together and working in the same household and at the time of the Great East Japan Earthquake too, there were cases in which households made up of brothers and sisters were victims, and it was pointed out that there was a gap between this system and the scope of payment of survivor benefits based on other systems. Moreover, depending on the local government, some enacted ordinance that allowed siblings to be included in the scope of payment of disaster condolence money, funded by their own resources, causing inequality among local governments. Because of that, the “Act for Partial Amendment of the Act on Provision of Disaster Condolence Grant” (Act No. 86 of 2011) was enacted to add siblings who lived with or shared the livelihood with the deceased person at the time of his/her death when there were no other bereaved family members in the area.

(2) Background of Diet deliberations, promulgation, and implementation

This bill was drafted by the chair of the Special Committee on Disasters of the House of Representatives on July 14, 2011 and was submitted to the House of Representatives as a bill submitted by said committee the same day. This bill was passed unanimously at the plenary session (House of Representatives) the same day, and was also passed at the meeting of the Special Committee on Disasters (House of Councillors) on July 25 before being passed unanimously and established at the plenary session (House of Councillors) the same day.

This act was promulgated and entered into force on July 29.

(3) Overview of the act and details of measures

Siblings of the deceased at the time of death (limited to people who lived with or shared a livelihood with the deceased person at the time of their death) were added to the scope of bereaved families subject to payment of disaster condolence money. However, this was limited to cases where the deceased person had no spouse, children, parents, grandchildren or grandparents at the time of death.

In addition, retroactive measures were taken in the supplementary provisions to the effect that the provisions revised by this act apply to disaster condolence money for disasters that occurred on or after March 11, 2011.

The enforcement notice of this act presented draft ordinance on the amendment of ordinance related to this act, and local governments were urged to make swift efforts to amend their ordinance and related administrative work. At this time, it was made clear that disaster condolence money could be paid to siblings who meet the requirements of the amended Act on Provision of Disaster Condolence Grant (Act No. 82 of 1973) after enforcement of the act without waiting for the amendment of ordinance, aiming for the prompt payment of condolence money by local governments.

39. Act for Partial Revision of Act on Provision of Disaster Condolence Grant and Act on Support for Reconstructing Livelihoods of Disaster Victims (Act No. 100 of 2011)

40. Act on Prohibition of Seizures, etc. of Donations Related to the Great East Japan Earthquake (Act No. 103 of 2011)

(1) Background for formulating and purpose for enacting

Many disaster victims lost their jobs due to the Great East Japan Earthquake and many were expected to have a large amount of debt remaining on housing loans, etc., but because there were no provisions at the time prohibiting the seizure of the support grants for reconstructing livelihoods of disaster victims, disaster condolence money, disaster consolation grant for disaster disabilities, and relief donations, which were provided to disaster victims in such severe economic conditions, there were concerns that this money could be seized by creditors contrary to the purpose of the system and the intentions of donors, thereby hindering rebuilding the livelihoods of disaster victims²³³. This was also out of balance with the fact that it is stated clearly that the seizure of pensions is prohibited²³⁴.

Based on discussions by the Democratic Party of Japan, the national government compiled “Concerning the ‘Policy for Handling the Double Debt Problem’ Due to the Great East Japan Earthquake” at the ministerial meeting on the double debt problem on June 17, 2011. This document included, “With regard to livelihood recovery support funds for disaster victims, relief donations, and condolence money, due consideration will be given to avoid confusion in the procedures for compulsory execution, etc., in light of the fact that the seizure of claims and money already paid will be prohibited after the enactment of the bill prohibiting the seizure of such money.”

Three parties: the Democratic Party of Japan; the Liberal Democratic Party; and Komeito, considered the issue at working-level talks, the policy of proposing a bill prohibiting the seizure of condolence money, etc., was confirmed jointly by the three parties on July 14 the same year, and it was decided that the “Act for Partial Amendment of the Act on Provision of Disaster Condolence Grant and the Act on Support for Reconstructing Livelihoods of Disaster Victims” and the “Act on Prohibition of Seizure, etc., of Relief Donations Related to the Great East Japan Earthquake” would be enacted.

(2) Background of Diet deliberations, promulgation, and implementation

Both bills (Bill No. 14 and Bill No. 15, House of Councillors, 177th Diet) were submitted jointly by the three parties on August 3, 2011. Subsequently, both bills were withdrawn on August 9, and both bills with the same titles and content (Bill No. 19 and Bill No. 20, House of Councillors, 177th Diet) were passed unanimously as bills to be submitted by the Special Committee on Disasters. This bill was passed unanimously at the plenary session (House of Councillors) the following day, August 10, and was also passed unanimously at the meeting of the Special Committee on Disasters (House of Representatives) and at the plenary session (House of Representatives) and established on August 23. The Special Committee on Disasters (House of Councillors) passed a resolution unanimously concerning the prohibition, etc., of the seizure of disaster condolence money, condolence money for disability due to disaster, livelihood recovery support funds for disaster victims and relief donations related to the Great East Japan Earthquake²³⁵. There were no discussions on this bill in either the House of Representatives or the House of Councillors.

Both acts were promulgated and entered into force on August 30, 2011.

²³³ The purpose of the bill was explained by the proposer, who said that “Needless to say, support money, condolence money and solatium money is money that should be used by disaster victims themselves to take their first steps toward the future in light of the intentions of donors regarding relief money and the purpose of the system. While many disaster victims are suffering from double loans, it is against our justice that banks, financial institutions, payday lenders and usurers seize and intercept such money to recover receivables from disaster victims.” In addition, the Japan Federation of Bar Associations asserted in an opinion regarding these payments with a consolation money-type character on June 23, 2011 that “They are all to be paid exclusively to individuals. Consequently, they are not intended to constitute non-exempt property to be applied to the creditors of the recipients and it would not be socially acceptable for them to be consumed for the sake of any third party other than their recipients.”

²³⁴ Based on Tadashi Okamoto “An Encouragement of Disaster Recovery and Revitalization Law” (April 2017).

²³⁵ Joint proposal by the Democratic Party of Japan/Shinryokufukai, the Liberal Democratic Party, Komeito, Your Party and the Japanese Communist Party. It was decided that efforts should be made to ensure the appropriate operation of this act, such as sharing information with the courts after investigating the actual state of certificates, etc., issued by prefectures and municipalities, etc., so that it was possible to identify and distinguish money whose seizure was prohibited in compulsory execution.

(3) Overview of the act and details of measures

1) Act for Partial Amendment of the Act on Provision of Disaster Condolence Grant and the Act on Support for Reconstructing Livelihoods of Disaster Victims

The need to ensure condolences for the bereaved families of people who died in the disaster, sympathy for people who suffered significant physical or mental disabilities, and support for the rebuilding of the lives of people who suffered significant damage to their livelihoods was not limited to the Great East Japan Earthquake, and measures were taken as action common to disasters in general.

Specifically, the right to receive payment of disaster condolence money, condolence money for disability due to disaster, and livelihood recovery support funds for disaster victims cannot be transferred, pledged as collateral, or seized, and money received cannot be seized.

2) Act on Prohibition of Seizure, etc., of Relief Donations Related to the Great East Japan Earthquake

So-called “relief donations” have no legal basis and are collected and delivered through various channels. The requirements and amounts of donations vary depending on the disaster, but measures were taken to limit the amount of “relief donations” subject to this act to those provided by prefectures or municipalities in accordance with certain allocation standards, using money contributed voluntarily to support or console disaster victims or bereaved families following the Great East Japan Earthquake.

Specifically, the right to receive relief donations related to the Great East Japan Earthquake cannot be transferred, pledged as collateral, or seized, and money received cannot be seized.

(4) Subsequent legal amendments

The seizure of relief donations was also prohibited by individual laws after the Kumamoto Earthquake of 2016 and later torrential rain (five acts including this act). On the other hand, there were concerns that it would be difficult to take individual legislative measures while the Diet is in recess. The Act on Prohibition of the Seizure, etc., of Natural Disaster Relief Donations (Act No. 64 of 2021) was promulgated and put into effect on June 11, 2021, and not only livelihood recovery support funds for disaster victims and disaster condolence money, but also relief funds²³⁶ were made assets whose seizure is prohibited with regard to natural disasters in general.

²³⁶ Money prefectures or municipalities grant to disaster victims, etc., in accordance with certain allocation standards using as funds money contributed voluntarily to support the lives of the victims of natural disasters and to comfort disaster victims, etc., was established as natural disaster relief donations.

41. Act on Special Provisions for Services of the Japan Legal Support Center for the Assistance of Victims of the Great East Japan Earthquake (Act No. 6 of 2012)

(1) Background for formulating and purpose for enacting

Apart from the inheritance issues described above, disaster victims had many legal consultation needs following the Great East Japan Earthquake, such as double debts, dismissal from work, neighborly relations and lease problems, and moreover, enormous needs were expected among victims of the nuclear power station accident. To respond to these needs, local and regional bar associations provided legal consultations in the disaster-affected area, and the Japan Legal Support Center (known as “Houterasu”) established branch offices²³⁷. However, as stipulated in the Comprehensive Legal Support Act (Act No. 74 of 2004), the services provided by Houterasu as legal aid in civil matters included representation assistance and document preparation assistance (payment of fees and actual expenses to lawyers and judicial scriveners, etc.) in civil court proceedings for people without financial resources,²³⁸ and legal consultation assistance (free legal consultation), and because of this, Houterasu was unable to provide assistance related to alternative dispute resolution (ADR) procedures or administrative appeals, and was unable to provide assistance to disaster victims, etc., who did not meet the requirement of having no financial resources because they had received earthquake insurance, etc. Matters such as the administrative burden related to confirmation of the financial resources requirements of disaster victims were also pointed out. In addition, because the local bar association had established an ADR Center when the Great Hanshin-Awaji Earthquake occurred, with financial support from the Japan Legal Aid Association (the predecessor of Houterasu), the Sendai Bar Association established an earthquake ADR service in April 2011 after the Great East Japan Earthquake too, but it was not able to receive financial support from Houterasu because it was outside the scope of the Comprehensive Legal Support Act²³⁹. Based on such circumstances, the need for special legislation was pointed out, but the national government had said that careful consideration of the financial resources requirements in particular was needed, as they relate to the foundation of the legal aid system²⁴⁰. This act (the so-called “Houterasu Disaster Special Measures Act”) was enacted as Diet member-initiated legislation.

(2) Background of Diet deliberations, promulgation, and implementation

The meeting of the Committee on Judicial Affairs (House of Representatives) held on March 16, 2012 passed this bill, which was a trilateral joint proposal by the Democratic Party of Japan/Independent Club, the Liberal Democratic Party/Independent Group and Komeito, as a bill to be submitted by the committee, the bill was passed unanimously at the plenary session (House of Representatives) the same day, was passed by the Committee on Judicial Affairs (House of Councillors) on March 22, and was passed and established at the plenary session (House of Councillors) on March 23. The Committee on Judicial Affairs (House of Councillors) attached a supplementary resolution requiring proper accounting and reporting on the state of business execution (bad debt rate, etc.) out of concern about the financial situation of Houterasu, which would be providing services without the requirement on lacking financial resources.

This act was promulgated on March 29, 2012 and entered into force on April 1.

(3) Overview of the act and details of measures

The Japan Legal Support Center was newly commissioned to provide legal aid related to the Great East Japan Earthquake (earthquake legal aid). The subjects of this project were disaster victims* of the Great East Japan Earthquake and the services provided included representation assistance in civil court proceedings, etc., document preparation assistance, and legal consultation assistance. In addition, Houterasu was made able to take out long-term loans to cover the expenses necessary for this work.

The differences from civil legal aid services in normal times were as follows: ① the financial status of disaster victims who receive assistance was not questioned; ② in addition to civil court proceedings, Houterasu could also assist in the preparation and conduct of ADR and administrative appeal proceedings (including settlement

²³⁷ Statement by the President of the Japan Federation of Bar Associations on December 14, 2011. As of the time of the President’s statement, the number legal consultations conducted in the disaster-affected area exceeded 34,000 cases.

²³⁸ For a single person, monthly income of 182,000 yen or less and assets of 1.8 million yen or less, and for a family of four, monthly income of 299,000 yen or less and assets of 3 million yen or less, etc.

²³⁹ Based on Tadashi Okamoto “An Encouragement of Disaster Recovery and Revitalization Law” (April 2017).

²⁴⁰ Replies by the Minister of Justice at the Committee on Judicial Affairs (House of Representatives) on April 13, 2011 and December 2, 2011, and the Committee on Budget (House of Councillors) on February 7, 2012.

negotiations prior to civil court proceedings); and ③ Houterasu could suspend the reimbursement and payment of lawyers' fees, etc., (advances) paid by it as legal representation assistance and document preparation assistance during the preparation and conduct of civil court proceedings, etc.

- * People who had an address, residence, business office or office on March 11, 2011 in an area of a municipality to which the Disaster Relief Act was applied (excluding the Tokyo region)²⁴¹ when the Great East Japan Earthquake occurred. In addition, this act was to expire on the day three years had passed from the enforcement date.

(4) Actual application

The numbers of cases of assistance provided under this act (totals from FY2012 to FY2020) are as shown in the following table.

Figure 2-3-87 Results for legal aid related to the Great East Japan Earthquake (earthquake legal aid)

	Earthquake-related representation assistance	Earthquake documentation assistance	Earthquake legal counseling assistance
Iwate Prefecture	219 cases	0 case	80,130 cases
Miyagi Prefecture	867 cases	85 cases	180,796 cases
Fukushima Prefecture	1,321 cases	65 cases	100,154 cases
Nationwide total	10,578 cases * The highest was in 2012 (2,699 cases) and the lowest in 2019 (100 cases)	173 cases	456,754 cases * The highest was in 2018 (54,765 cases) and the lowest in 2012 (42,981 cases)

* For details, see Chapter 4, Section 1, 7.

(5) Subsequent legal amendments

1) Extension and re-extension of this act

At the time the expiration of the act was approaching three years later, the need for earthquake-related legal aid had not decreased, and based on the facts that the extinctive prescription on the right to claim compensation for nuclear damage had been extended to 10 years, and legal consultations were also expected in association with the progress of recovery and reconstruction, such as moving out of temporary housing and relocation to higher ground, the act was extended for three years by the Act Partially Amending the Act on Special Provisions for Services of the Japan Legal Support Center for the Assistance of Victims of the Great East Japan Earthquake (Act No. 4 of 2015), and was later extended again for a further three years by the Act Partially Amending the Act on Special Provisions for Services of the Japan Legal Support Center for the Assistance of Victims of the Great East Japan Earthquake (Act No. 5 of 2018) until March 31, 2021.

2) Amendment of the Comprehensive Legal Support Act

“Legal Consultation Assistance for Disaster Victims,”²⁴² a system of free legal consultation for victims of large-scale disasters regardless of their financial resources, was newly established under the Act for Partial Revision of the Comprehensive Legal Support Act (Act No. 53 of 2016) promulgated on June 3, 2016, with the system used following the Kumamoto Earthquake of April 2016 and other disasters.

²⁴¹ The specific municipalities are as stated in 37. (4).

²⁴² At a meeting of the Committee on Judicial Affairs (House of Councillors) held on May 26, 2016, the Ministry of Justice replied with regard to the new system providing only “legal consultation services” for “a period of not more than one year to be specified by cabinet order,” which is different to this act, that “While it is possible to implement legal consultation assistance with conceivably particularly large demand promptly by cabinet order without the formulation of a special measures law, on the other hand, if there is a one-year period, the government can consider during that time whether or not it is necessary to provide not only legal consultation, but also legal assistance such as representation assistance and document preparation assistance, and what kind of special measures law it would be appropriate to enact if necessary based on the state of damage after a large-scale disaster, and if necessary, meet the needs of disaster victims by enacting a special measures law.”

42. Act for Partial Revision of Act on Special Provisions to Reinforce Financial Function to Reinforce the Management Foundation of Financial Institutions in Response to the Great East Japan Earthquake and Act on Special Measures for Promotion of Organizational Restructuring of Financial Institutions (Act No. 80 of 2011)

(1) Background for formulating and purpose for enacting

Amid concerns about the various impacts of the Great East Japan Earthquake on financial functions, it was considered essential for the reconstruction of the regional economy to maintain and strengthen financial functions across the wide-ranging disaster-affected area and to provide a framework to provide depositors with a sense of security.

Accordingly, the Act on Special Measures for Strengthening Financial Functions (Act No. 128 of 2004; hereinafter referred to as the “Act on Strengthening Financial Functions”), a framework for strengthening the financial mediation functions of financial institutions through capital participation by the national government, was amended, and special provisions for the earthquake disaster were established, such as clarifying that management responsibility would not be questioned in cases where institutions intended to receive the capital participation of the national government²⁴³.

(2) Background of Diet deliberations, promulgation, and implementation

The bill for this act was approved by cabinet decision and submitted to the Diet on May 27, 2011. This bill was passed unanimously by the Committee on Financial Affairs (House of Representatives) on June 8, passed unanimously at the plenary session (House of Representatives) the following day, June 9, passed unanimously by the Committee on Financial Affairs (House of Councillors) on June 21 and passed unanimously and established at the plenary session (House of Councillors) the following day, June 22. Supplementary resolutions were added by the committees of both the House of Representatives and House of Councillors²⁴⁴.

This act was promulgated on June 29, 2011 and entered into force and was applied from July 27 together with related ministerial ordinances and notices.

(3) Overview of the act and details of measures

This act promised the sound and efficient business operation of financial institutions, etc., and revitalization of the regional economy through special measures concerning the reinforcement of the capital of financial institutions, etc., to enhance the management foundations of financial institutions, etc., in response to the Great East Japan Earthquake, and its main contents are as follows.

- Special provisions, etc., related to the reinforcement of capital for financial institutions, etc., taking special measures following the earthquake disaster

²⁴³ Prior to submission of the bill, the Minister for Financial Services gave a press conference entitled “Ensuring Financial Functions after the Great East Japan Earthquake” on May 13, 2011.

²⁴⁴ Under the Committee on Financial Affairs (House of Representatives), supplementary resolutions were attached that the national government should give due consideration to: ① advancing prompt consideration of necessary measures as the state to contribute to the reconstruction of the lives of disaster victims and management with regard to the double debt problem of SMEs and housing loan users, etc., that suffered damage due to the Great East Japan Earthquake; and ② with regard to the special provisions for cooperative financial institutions, responding appropriately with due consideration for the actual situation if there are submissions for the extension of application deadlines for business reconstruction, etc., including financial institutions in the nuclear power station area. In addition, when the Committee on Financial Affairs (House of Councillors) voted, supplementary resolutions were attached that the national government should give due consideration to: ① paying special attention so that swift and flexible handling can continue to be implemented with regard to the various financial measures related to the Great East Japan Earthquake that have been implemented thus far, and taking measures that respond appropriately to demand for funds for recovery and reconstruction from now on and the rebuilding of the lives and businesses of victims; ② advancing prompt consideration with regard to the handling required with regard to the double debt problem related to disaster-affected housing loan users, small and medium-sized business operators, etc., to contribute to restart support for disaster victims based on the fact that reconstruction of the lives and businesses of the disaster victims who lost the base of their daily lives and means of making a living due to the unprecedented damage caused by the Great East Japan Earthquake will be a major issue for recovery and reconstruction in the future; and ③ giving due consideration to problems related to disaster-affected companies’ lease liabilities, etc., based on the actual situations of disaster victims, lease companies, etc.

It was made clear that management responsibility would not be questioned in the formulation of management strengthening plans in cases where financial institutions, etc., taking special measures following the earthquake disaster (meaning financial institutions, etc., that require the enhancement of capital to implement the smooth provision of credit in the regions where they mainly operate due to the impact of the Great East Japan Earthquake) intend to receive capital participation from the national government, special provisions were provided for the earthquake disaster, such as not requiring specific targets for the improvement of profitability, efficiency, etc.

- Special provisions on the reinforcement of capital for specified cooperative financial institutions taking special measures following the earthquake disaster by a cooperative structured central financial institution
 - ① In view of the characteristics of cooperative financial institutions, a framework was provided for the national government and cooperative structured central financial institutions to undertake capital participation jointly in specified cooperative financial institutions taking special measures following the earthquake disaster (meaning those cooperative financial institutions that require the enhancement of capital to implement the smooth provision of credit in the regions where they mainly operate due to the impact of the Great East Japan Earthquake, and whose management base was impacted significantly by the Great East Japan Earthquake due to being disaster victims of the Great East Japan Earthquake, holding considerable claims against debtors who were disaster victims of the Great East Japan Earthquake or some other reason, and with regard to whom it is recognized that it has become difficult to forecast their financial situation with certainty).
 - ② Under the framework of ①, cooperative structured central financial institutions were to play the role of guiding the management of specified cooperative financial institutions taking special measures following the earthquake disaster and receiving capital participation, and it was possible to organize participating capital by using funds from deposit insurance, etc., if it became necessary to dispose of losses carried forward in association with future business restructuring.
- Extension of the deadline for application for capital participation by the national government, etc.
The deadline for applications for capital participation by the national government, etc., was extended from the end of March 2012 to the end of March 2017.

Figure 2-3-88 Comparison of the main provisions of the Act on Strengthening Financial Functions and the special provisions following the earthquake disaster

			Special provisions following the earthquake disaster	
			General special provisions	Special provisions for cooperative financial institutions
Subject of capital participation			All financial institutions	Financial institutions that extend credit and require the enhancement of capital to implement the smooth provision of credit in the regions where they mainly operate due to the impact of the Great East Japan Earthquake on their financial situation
Matters stated in the plan	Plan period		Up to three years	Up to five years
	Objectives and measures related to the improvement of profitability and efficiency		Necessary	Unnecessary However, under the general special provisions, a revenue forecast must be given.
	Objectives and measures related to the facilitation of finance for SMEs		Necessary	Unnecessary However, the state of provision of credit to disaster victims and measures that contribute to reconstruction from the earthquake must be given.
Capital participation standards	The recovery of public funds must not be difficult.		Necessary	Unnecessary
	Assets must have been assessed appropriately.		Necessary	Possible if assets have been assessed appropriately based on the most recent available information Unnecessary
Other	Dividend rate		Set at normal levels (12-month TIBOR (current 0.38%) + 1-2%)	Set in fund procurement costs in the financial function strengthening account of the Deposit Insurance Corporation (0.20% in FY2012)
	Type of participating capital	Banks	Preferred stock in principle	Stock, subordinated bonds and subordinated loans
		Cooperative financial institutions	Preferred equity, subordinated loans and preferred trust beneficiary rights	Trust beneficiary rights (No preferred or subordinated relationship)
	Repayment by withdrawal of participating capital		Possible	
	Capital organization in association with business restructuring		Not possible	

(4) Actual application

A total of 231 billion was used for capital participation in 12 financial institutions based on the special provisions following the earthquake disaster of the Act on Strengthening Financial Functions.

Figure 2-3-89 State of capital participation based on the Act on Strengthening Financial Functions (special provisions following the earthquake)

	Regional banks					Shinkin banks				Credit unions		
	Sendai Bank	Tsukuba Bank	The 77 Bank	Tohoku Bank	Kirayaka Bank	Miyako Shinkin Bank	Kesennuma Shinkin Bank	Ishinomaki Shinkin Bank	Abukuma Shinkin Bank	Soso Shinkumi Bank	Iwaki Shinkumi	Nasu Shinkumi Bank
Capital participation amount (100 million yen)	300	350	200	100	300	150	180	200	200	160	200	70
Date of decision	September 14, 2011	December 8, 2011	September 13, 2012			February 2, 2012				December 28, 2011		March 14, 2012
Date of execution	September 30, 2011	December 28, 2011	September 28, 2012	December 28, 2012		February 20, 2012				January 18, 2012		March 30, 2012

43. Act for Partial Revision of Act on Enhancement and Restructuring of Credit Business Conducted by The Norinchukin Bank and Specified Agricultural and Fishery Cooperative Savings Insurance Cooperation, etc. (Act No. 89 of 2011)

(1) Background for formulating and purpose for enacting

While severe damage was caused to fishermen and farmers by the Great East Japan Earthquake, it was considered necessary to maintain and strengthen the financial functions of the agricultural and fishery cooperative system and to establish a framework to provide a sense of security to fishermen, farmers and other savers for the resumption and reconstruction of fishing and farming business management.

For this reason, the Act on Enhancement and Restructuring of Credit Business Conducted by The Norinchukin Bank and Specified Agricultural and Fishery Cooperative Savings Insurance Cooperation, etc., (Act No. 118 of 1996; hereinafter referred to as “Act on Enhancement and Restructuring”), aimed at the strengthening of the financial functions of the agricultural and fisheries cooperative system, was revised and special provisions on the enhancement of equity capital established following the earthquake disaster to strengthen the credit business of specified agricultural and fisheries cooperatives, etc., to deal with the Great East Japan Earthquake.

(2) Background of Diet deliberations, promulgation, and implementation

The bill for this act was approved by cabinet decision and submitted to the Diet on June 3, 2011. This bill was passed unanimously by the Committee on Agriculture, Forestry and Fisheries (House of Representatives) on July 14, passed unanimously at the plenary session (House of Representatives) the following day, July 15, passed unanimously by the Committee on Agriculture, Forestry and Fisheries (House of Councillors) on July 26 and passed unanimously and established at the plenary session (House of Councillors) the following day, July 27. Supplementary resolutions were added by the committees of both the House of Representatives and House of Councillors²⁴⁵.

This act was promulgated on August 3, 2011 and entered into force from September 26 together with related ministerial ordinances.

(3) Overview of the act and details of measures

This act promised the sound and efficient operation of the credit business of specified agricultural and fisheries cooperatives, etc., and revitalization of the regional economy through special measures concerning the enhancement of the capital of those cooperatives, etc., to strengthen the credit business of specified agricultural and fisheries cooperatives, etc., in response to the Great East Japan Earthquake, and its main contents are as follows.

- Applications for the acquisition of specified preferred equity investment, etc., related to cooperatives, etc., taking special measures following the earthquake disaster

The designated support corporation (meaning the designated support corporation based on the Act on Enhancement and Restructuring; the same applies below) was able to apply to the Agricultural and Fishery Co-operative Savings Insurance Corporation (hereinafter referred to as “SIC”) for the acquisition of preferred equity investment if it received a request from The Norinchukin Bank related to a subscription to a preferred equity investment issued by a cooperative, etc., taking special measures following the earthquake disaster (meaning

²⁴⁵ When the Committee on Agriculture, Forestry and Fisheries (House of Representatives) and the Committee on Financial Affairs (House of Councillors) voted, supplementary resolutions were attached stating that the national government was to strive for the realization of: ① operation of the amended act that contributes to the smooth reconstruction of the management and livelihoods of disaster-affected farmers and fishermen under the close cooperation and appropriate division of roles of the designated support corporation and the Agricultural and Fishery Co-operative Savings Insurance Corporation; ② implementation by the national government of the handling required to contribute to the reconstruction of the management and livelihoods of disaster-affected farmers and fishermen with regard to the problem of double debts due to the Great East Japan Earthquake; ③ the expending of all possible means for the support of reconstruction of common use facilities, etc., in accordance with the reconstruction plans of affected areas because the agricultural cooperatives, fisheries cooperatives, etc., that will be important players in the reconstruction of the disaster-affected area may have been damaged by the disaster themselves; and ④ although the amendment of this act is to maintain and strengthen the financial functions of agricultural and fishery cooperative organizations in the disaster-affected area without the injection of public funds, based on the principle that agricultural and fisheries cooperative organizations are for their members, the proper implementation of lending and other financial business so that there is no hindrance to fair, just and smooth funding arrangements, with the national government striving to grasp the actual state of such business and taking concrete measures as required.

those specified agricultural and fisheries cooperatives, etc., that require the enhancement of capital to implement the smooth provision of credit in the regions where they mainly operate due to the impact of the Great East Japan Earthquake, and whose management base related to credit business was impacted significantly by the Great East Japan Earthquake and with regard to whom it is recognized that it has become difficult to forecast their financial situation with certainty; hereinafter the same).

- Determination of the acquisition of specified preferred equity investments, etc.

If SIC received an application from the designated support corporation by March 31, 2017, SIC would ask the competent minister to decide whether or not to acquire the specified preferred equity investment, etc., related to the application, and the competent minister would decide the preferred equity investment, etc., should be acquired in light of the credit business plan, etc., submitted by the cooperative, etc., taking special measures following the earthquake disaster.

- Application for certification

A cooperative, etc., taking special measures following the earthquake disaster had to apply to the competent minister for either certification to the effect that its credit business had improved or certification to the effect that it could undertake capital organization in association with business restructuring (meaning a merger, etc., for the greater soundness of credit business; hereinafter the same) by the day on which 10 years had elapsed reckoned from the day on which specified preferred equity investment, etc., had been bought by SIC.

- Giving of money required for the cancellation of a specified preferred equity investment, etc.

When it was necessary for a cooperative, etc., taking special measures following the earthquake disaster to cancel a preferred equity investment related to a specified preferred equity investment, etc., SIC was able to donate the money necessary for the cancellation with the authorization of the competent minister.

(4) Actual application

Based on the Act on Enhancement and Restructuring, preferred equity investments totaling 57.0 billion yen were subscribed to in eight agricultural cooperatives and one fisheries cooperative in Iwate Prefecture, Fukushima Prefecture and Miyagi Prefecture received.

Figure 2-3-90 State of subscription to preferred equity investments based on the Act on Enhancement and Restructuring

	Iwate Prefecture	Fukushima Prefecture		Miyagi Prefecture					
Name of cooperative	Ofunato JA	Futaba JA	Soma JA	Minamisanriku JA	Ishinomaki JA	Sendai JA	Natori Iwanuma JA	Miyagi Watari JA	Miyagi Prefecture JF
Subscription amount (million yen)	10,790	9,660	9,900	1,350	5,470	10,510	750	1,860	6,680
Subscription date	February 24, 2012			March 23, 2012					
Repayment date	May 27, 2016	January 13, 2016		March 25, 2016					July 27, 2018

44. Act on Special Provisions, etc., for the Total Amount of Local Allocation Tax for Fiscal 2011 (Act No. 41 of 2011)

(1) Background for formulating and purpose for enacting

As a supplementary measure for local finance in association with the first supplementary budget for fiscal year 2011, the “Act on Special Provisions, etc., Concerning Total Amount of Local Allocation Tax to be Distributed as Allocation for Fiscal 2011” was established, adding 120 billion yen to the total amount of local allocation tax distributed (special allocation tax) for FY2011 among other provisions, to increase the special allocation tax to respond to special fiscal demands related to the Great East Japan Earthquake.

(2) Background of Diet deliberations, promulgation, and implementation

The bill for this act was approved by cabinet decision and submitted to the Diet on April 26, 2011. This bill was passed unanimously by the Committee on Public Management, Home Affairs, Posts and Telecommunications Administration (House of Representatives) on April 30, passed unanimously at the plenary session (House of Representatives) the same day, passed unanimously by the Committee on Public Management, Home Affairs, Posts and Telecommunications Administration (House of Councillors) on May 2 and passed unanimously and established at the plenary session (House of Councillors) the same day.

This act was promulgated and entered into force on May 2.

(3) Overview of the act and details of measures

The damage caused by the Great East Japan Earthquake was extremely severe, and because large expenses were expected for locally-borne disaster condolence money, emergency response costs related to the maintenance of administrative functions and support for disaster victims, and the expenses required for support for the disaster-affected area related to the first supplementary budget for FY2011, measures were taken to add 120 billion yen to the total amount of local allocation tax distributed (special allocation tax) for FY2011 to meet these special financial needs.

With regard to the amount equivalent to the increase (120 billion yen) due to these measures, 120 billion yen was added as a transfer from the general account for FY2011 to the special account for allocation tax and donation tax distribution, and in view of the fact that this was an unprecedented, super-large scale disaster, it was decided not to take measures such as reducing the total amount of local allocation tax distributed each year in subsequent years as an extraordinary measure.

In addition, since all of this 120 billion yen was to be added to the special allocation tax, special provisions were established making the amount equivalent to 94% of the amount after deducting 120 billion yen the total amount of ordinary allocation tax, and the amount equivalent to 6% of that amount plus 120 billion yen the total amount of special allocation tax as a special provision for the total amount of ordinary allocation tax and special allocation tax in FY2011.

45. Act for Partial Revision of Act on Special Provisions, etc., for the Total Amount of Local Allocation Tax for Fiscal 2011 (Act No. 116 of 2011)

(1) Background for formulating and purpose for enacting

As a supplementary measure for local finance in association with the third supplementary budget for fiscal year 2011, the “Act for Partial Revision of the Act on Special Provisions, etc., Concerning Total Amount of Local Allocation Tax to be Distributed as Allocation for Fiscal 2011” was established, increasing the total amount of local allocation tax distributed for FY2011 by 1,663.5 billion yen among other provisions, to increase the special allocation tax to respond to ensure that the “special local allocation tax for recovery from earthquake disaster” could be distributed to meet special fiscal demands for the implementation of reconstruction projects, etc., related to the Great East Japan Earthquake.

(2) Background of Diet deliberations, promulgation, and implementation

The bill for this act was approved by cabinet decision and submitted to the Diet on October 28, 2011. This bill was passed unanimously by the Committee on Public Management, Home Affairs, Posts and Telecommunications Administration (House of Representatives) on November 22, passed unanimously at the plenary session (House of Representatives) on November 24, passed unanimously by the Committee on Public Management, Home Affairs, Posts and Telecommunications Administration (House of Councillors) on November 29 and passed unanimously and established at the plenary session (House of Councillors) the following day, November 30.

This bill was discussed together with the Bill on Temporary Special Provisions for Local Taxes Related to Securing the Financial Resources Necessary for Disaster Prevention Measures Implemented by Local Governments in Connection with Reconstruction following the Great East Japan Earthquake, and the Bill for Partial Revision of the Local Tax Act, etc., to Build a Tax System Corresponding to Changes in the Economic and Social Structure.

This act was promulgated on December 2, 2011 and entered into force from the same day together with a related ministerial ordinance²⁴⁶.

(3) Overview of the act and details of measures

- Details of the revision of the Act on Special Provisions, etc., Concerning Total Amount of Local Allocation Tax to be Distributed as Allocation for Fiscal 2011

The act added 1,663.5 billion yen to the total amount of local allocation tax for FY2011 as a special local allocation tax for recovery from earthquake disaster to respond to the special financial demand for the implementation of reconstruction projects, etc., related to the Great East Japan Earthquake. At that time, the special local allocation tax for recovery from earthquake disaster was intended to make the financial burden on disaster-affected local governments zero by taking monetary measures tailored to the state of implementation of projects so that the disaster-affected local governments could manage their finances for recovery, reconstruction, etc., without issuing bonds, and provisions were established distinguishing the special local allocation tax from the normal local allocation tax, such as clarifying the purpose and objective of the special local allocation tax for recovery from earthquake disaster as something different to the addition of an ordinary special local allocation tax in law because it was responding as a temporary and extraordinary measure in combination with funding resources such as reconstruction bonds being specially secured.

Furthermore, with regard to carrying over local allocation tax, it was normal for an amount not exceeding the amount obtained by deducting the amount of ordinary local allocation tax and special local allocation tax for the fiscal year from the total amount of local allocation tax for that fiscal year to be carried over, but given the circumstances at that time, it was difficult to determine the amount of special allocation tax required for the fiscal year so a provision was established enabling the carry-over of the amount of special allocation tax required for FY2012 from the special local allocation tax for recovery from earthquake disaster for FY2011 in consideration of the state of implementation of reconstruction projects.

In addition, as an exception to the provision of Article 15, Paragraph 2 of the Local Allocation Tax Act (Act No. 211 of 1950), which stipulates that the timing of determination of the special allocation tax is in December

²⁴⁶ The related ministerial ordinance (Ministerial Ordinance Concerning Special Provisions on the Method for Calculation of the Amount of Special Local Allocation Tax for Recovery from Earthquake Disaster to be Distributed to Local Governments for Fiscal Year 2011, the Timing of Determination, the Amount Determined, etc. (Ordinance of the Ministry of Internal Affairs and Communications No. 52 of 2011)), excluding part, was enforced from the same day.

and March in principle, a special provision concerning the timing of determination of the special local allocation tax for recovery from earthquake disaster was established and provisions on replacement of terms were established so that the impact of an increase in the special local allocation tax for recovery from earthquake disaster would not reach the upper limit for the amount of the ordinary special allocation tax, excluding the special local allocation tax for recovery from earthquake disaster, granted in December.

- Details of the revisions to the Local Allocation Tax Act

Amid anxiety over the future financial situation because of the Great East Japan Earthquake, predictability at local governments and democratic control by the Diet were thought necessary so it was specified in law that redemption of the principal and interest in later fiscal years of local government bonds related to nationwide emergency disaster prevention projects associated with the third supplementary budget would be included in standard financial demand.

- Details of the revisions to the Act on Special Fiscal Aid and Subsidies for Recovery from the Great East Japan Earthquake (Act No. 40 of 2011)

To make up for the decrease in local tax revenues due to enforcement of the Act on Temporary Special Provisions of Acts Related to National Tax, in Relation to Victims, etc. of the Great East Japan Earthquake (Act No. 29 of 2011), Article 9 of the Act on Special Fiscal Aid and Subsidies for Recovery from the Great East Japan Earthquake provided that measures would be taken with ordinary local allocation tax for the redemption of principal and interest in later years after local governments issue revenue deficit bonds, but because it was decided that the decrease in local tax revenues would also be covered by the special local allocation tax for recovery from earthquake disaster, necessary adjustments were made to the provisions, including the deletion of this existing provision.

46. Act on Special Provisions for Treatment of Surplus Related to Account Settlement of Revenue and Expenditure for Fiscal 2010 (Act No. 88 of 2011)

(1) Background for formulating and purpose for enacting

The “Act on Special Provisions for Treatment of Surplus Related to Account Settlement of Revenue and Expenditure for Fiscal 2010,” which established special provisions for the treatment of surplus in the settlement of revenues and expenditures, was enacted to allocate the surplus in the settlement of revenues and expenditures for FY2010 as a source of funding for the second supplementary budget for FY2011, which included the fiscal measures necessary to respond to immediate recovery measures following the Great East Japan Earthquake, from the perspective of not relying on the issue of new government bonds.

(2) Background of Diet deliberations, promulgation, and implementation

The bill for this act was approved by cabinet decision and submitted to the Diet on July 15, 2011. This bill was passed unanimously by the Committee on Financial Affairs (House of Representatives) on July 20, was passed unanimously at the plenary session (House of Representatives) the same day, was passed unanimously by the Committee on Financial Affairs (House of Councillors) on July 25 and was passed unanimously and established at the plenary session (House of Councillors) the same day.

When the Committee on Financial Affairs (House of Councillors) voted, supplementary resolutions were attached stating that the national government should give due attention to: ① making every effort for the prompt implementation of measures for full-fledged reconstruction while giving due consideration to fiscal discipline when formulating further supplementary budgets, in light of the fact that steady recovery and reconstruction from the unprecedented damage caused by the Great East Japan Earthquake are the most important issues at present; and ② keeping in mind appropriate measures against excessive exchange rate fluctuations that do not reflect fundamentals and considering the ideal holding of foreign currency assets and risk management while the Bank of Japan also conducts appropriate asset management and efficient business operations, based on the fact that the Bank of Japan’s payments to the national treasury in FY2010 were far below the budgeted amount due to exchange losses on foreign currency assets held, etc.

In addition, this act was promulgated and entered into force on July 29, 2011.

(3) Overview of the act and details of measures

Article 6, Paragraph 1 of the Public Finance Act, which established that an amount not less than half of the surplus in the settlement of accounts for revenue and expenditure must be allocated to fund the redemption of public bonds or borrowings, was not applied to the surplus for FY2010.

47. Act on Temporary Special Provisions on Election Dates, etc., for Members and Heads of Local Governments in Association with the Tohoku-Pacific Ocean Earthquake of 2011 (Act No. 2 of 2011), etc.

(1) Background for formulating and purpose for enacting

Unified local elections were scheduled for April 2011, but local governments in areas that suffered significant damage due to the Great East Japan Earthquake were expected to find it impossible to hold elections for the time being because many residents had left their homes due to the impact of the Great East Japan Earthquake, it was difficult for election officials who carry out election-related administrative work to execute their duties because of recovery from the disaster, and it was also expected that they would face significant difficulties in securing the facilities and materials necessary to hold elections.

Because of this, the “Act on Temporary Special Provisions on Election Dates, etc., for Members and Heads of Local Governments in Association with the Tohoku-Pacific Ocean Earthquake of 2011” (hereinafter referred to as the “Election Date Earthquake Special Provisions Act”) was enacted to take measures such as postponing the date of the unified local elections for local governments in areas that suffered significant damage due to the Great East Japan Earthquake.

(2) Background of Diet deliberations, promulgation, and implementation

The bill for this act was approved by cabinet decision and submitted to the Diet on March 16, 2011. The bill was passed unanimously by the Special Committee on Political Ethics and Election Law (House of Representatives) on March 17, and was passed by the plenary session (House of Representatives) and the Special Committee on Political Ethics and Election System (House of Councillors) the same day, before being passed and established by the plenary session (House of Councillors) the following day, March 18.

This act was promulgated on March 22, 2011 and entered into force from the same day together with related ministerial ordinance.

(3) Overview of the act and details of measures

With regard to the postponement of the election date, the dates for the election of the members or heads of municipalities designated by the Minister of Internal Affairs and Communications as having difficulty in conducting elections properly on the date of the unified local elections due to the impact of the Great East Japan Earthquake, and of the assemblies of prefectures that encompass the area of those municipalities were to be the dates established by cabinet order within a period of more than two months and not exceeding six months from the date of enforcement of this act. When designating these municipalities, the Minister of Internal Affairs and Communications was to seek the opinion of the Election Administration Commission of the prefecture concerned in advance, and if the Election Administration Commission of the prefecture is to raise its opinions with the Minister of Internal Affairs and Communications, it was to seek the opinion of the Election Administration Commission of the municipality concerned in advance.

Further, the term of office of a member or head of a local government assembly whose term of office expired between the date this act was entered into and June 10, 2011, was to be until the day before the election date if an election was to be held in accordance with the provisions of this act.

In addition, special provisions were established concerning the period during which donations, etc., are prohibited for elections held based on the provisions of this act.

Figure 2-3-91 State of designation of municipalities based on this act

< First designation (March 23, 2011) >

Encompassing prefecture	Designated municipalities	Postponed elections
Iwate Prefecture	Rikuzentakata City Otsuchi Town Yamada Town Tanohata Village Fudai Village Noda Village	Iwate Prefecture governor's election, Iwate Prefecture Assembly members' election Rikuzentakata City Assembly members' election Otsuchi Town mayor's election Yamada Town Assembly members' election Tanohata Village Assembly members' election Fudai Village mayor's election, Fudai Village Assembly members' election Noda Village Assembly members' election
Miyagi Prefecture	Sendai City Shiogama City Tagajo City Watari Town Yamamoto Town Matsushima Town Shichigahama Town Onagawa Town	Miyagi Prefecture Assembly members' election Sendai City Assembly members' election Shiogama City mayor's election, Shiogama City Assembly members' election Tagajo City Assembly members' election Watari Town Assembly members' election Yamamoto Town Assembly members' election Matsushima Town mayor's election Shichigahama Town mayor's election, Shichigahama Town Assembly members' election Onagawa Town Assembly members' election
Fukushima Prefecture	Soma City Hirono Town Futaba Town Shinchi Town Kawauchi Village Katsurao Village	Fukushima Prefecture Assembly members' election Soma City Assembly members' election Hirono Town Assembly members' election Futaba Town Assembly members' election Shinchi Town Assembly members' election Kawauchi Village Assembly members' election Katsurao Village Assembly members' election

< Second designation (March 28, 2011) >

Encompassing prefecture	Designated municipalities	Postponed elections
Iwate Prefecture	Morioka City Kuji City Ninohe City Shizukuishi Town Hirono Town Takizawa Village	Morioka City Assembly members' election Kuji City Assembly members' election Ninohe City Assembly members' election Shizukuishi Town Assembly members' election Hirono Town Assembly members' election Takizawa Village Assembly members' election
Miyagi Prefecture	Shiroishi City Murata Town Kawasaki Town Rifu Town Tomiya Town Shikama Town Ohira Village	Shiroishi City Assembly members' election Murata Town mayor's election Kawasaki Town mayor's election Rifu Town Assembly members' election Tomiya Town Assembly members' election Shikama Town mayor's election Ohira Village Assembly members' election

Fukushima Prefecture	Fukushima City	Fukushima City Assembly members' election
	Aizuwakamatsu City	Aizuwakamatsu City mayor's election, Aizuwakamatsu City Assembly members' election
	Koriyama City	Koriyama City Assembly members' election
	Shirakawa City	Shirakawa City Assembly members' election
	Sukagawa City	Sukagawa City Assembly members' election
	Kunimi Town	Kunimi Town Assembly members' election
	Kawamata Town	Kawamata Town Assembly members' election
	Kagamiishi Town	Kagamiishi Town Assembly members' election
	Bandai Town	Bandai Town mayor's election, Bandai Town Assembly members' election
	Inawashiro Town	Inawashiro Town mayor's election
	Aizubange Town	Aizubange Town mayor's election
	Yanaizu Town	Yanaizu Town mayor's election
	Hinoemata Village	Hinoemata Village mayor's election, Hinoemata Village Assembly members' election
	Showa Village	Showa Village Assembly members' election
	Nishigo Village	Nishigo Village Assembly members' election

< Third designation (March 31, 2011) >

Encompassing prefecture	Designated municipalities	Postponed elections
Ibaraki Prefecture	Mito City	Mito City mayor's election, Mito City Assembly members' election

(4) Background and overview of amendments

1) Act for Partial Revision of the Act on Temporary Special Provisions on Election Dates, etc., for Members and Heads of Local Governments in Association with the Tohoku-Pacific Ocean Earthquake of 2011 (Act No. 55 of 2011), etc.

a. Background for formulating and purpose for enacting

Under the Election Date Earthquake Special Provisions Act before the revision of this bill, the local governments whose elections were postponed were limited to those subject to the unified local elections. On the other hand, as the state of the disaster became clear, it was obvious that it would be difficult for some local governments other than those subject to the unified local elections to hold elections so the “Act for Partial Revision of the Act on Temporary Special Provisions on Election Dates, etc., for Members and Heads of Local Governments in Association with the Tohoku-Pacific Ocean Earthquake of 2011” was enacted to postpone the election dates of local governments other than those subject to the unified local elections.

b. Background of Diet deliberations, promulgation, and implementation

The bill for this act was approved by cabinet decision and submitted to the Diet on May 10, 2011. The bill was passed unanimously by the Special Committee on Political Ethics and Election Law (House of Representatives) on May 13, and was passed unanimously by the plenary session (House of Representatives) on May 17 and the Special Committee on Political Ethics and Election System (House of Councillors) on May 18, before being passed and established by the plenary session (House of Councillors) on May 20.

When the Special Committee on Political Ethics and Election Law (House of Representatives) voted, supplementary resolutions were attached stating that: ① the postponement of the election dates is an unavoidable

temporary special measure considerate of actual conditions in the disaster-affected area, and the national government must provide sufficient support so that related local governments can hold their elections as soon as possible; and ② this committee is to take appropriate measures if it is difficult to hold elections by the deadline while considering the state of recovery and reconstruction, and taking into full account the opinions of related local governments.

In addition, when the Special Committee on Political Ethics and Election System (House of Councillors) voted, supplementary resolutions were attached stating that: ① the postponement of the election dates is an unavoidable temporary measure considerate of actual conditions in the disaster-affected area so the national government must provide sufficient support so that related local governments can hold their elections as soon as possible; and ② appropriate measures are to be taken if it is difficult to hold elections by the postponed deadline, while considering the state of recovery and reconstruction, and taking into full account the opinions of related local governments.

This act was promulgated on May 27, 2011 and entered into force from the same day together with related ministerial ordinance.

c. Overview of the act and details of measures

Revisions were made so that local governments not subject to the unified local elections were also subject to postponement of the election date, and postponed election dates were to be the date established by cabinet order within a period of more than two months but not exceeding six months from the date of enforcement of the current act. The Minister of Internal Affairs and Communications was to listen to the opinions of the Prefectural Election Administration Commission and the Prefectural Election Administration Commission was to listen to the opinions of Municipal Election Administration Commissions, and those opinions had to be respected, when designating the subject local governments and drafting the cabinet order to establish an election date.

In addition, the term “Tohoku-Pacific Ocean Earthquake of 2011” used in the title of the act was changed to “Great East Japan Earthquake²⁴⁷.”

Figure 2-3-92 State of designation of municipalities based on the Election Date Earthquake Special Provisions Act after amendment by this act²⁴⁸

< Designated on May 27, 2011 >

Prefecture	Designated municipalities	Postponed elections
Iwate Prefecture	Kamaishi City	Kamaishi City Assembly members' election
Miyagi Prefecture	Osato Town Kami Town	Osato Town Assembly members' election Kami Town mayor's election
Fukushima Prefecture	Okuma Town	Okuma Town mayor's election ²⁴⁹

< Designated on July 7, 2011 >

Prefecture	Designated municipalities	Postponed elections
Miyagi Prefecture	Natori City	Natori City Assembly member's election (by-election)

²⁴⁷ The name was changed to “Act for Partial Revision of the Act on Temporary Special Provisions on Election Dates, etc., for Members and Heads of Local Governments in Association with the Great East Japan Earthquake.”

²⁴⁸ An election in a municipality already designated as a local government subject to the unified local elections at that time was also postponed in the same way as elections subject to unified local elections due to the amendment of this act. (Murata Town Assembly members' election, Miyagi Prefecture)

²⁴⁹ Due to the amendments of 2), the Diet elections were similarly postponed in association with the extension of the deadline for postponement of election dates to December 31, 2011.

2) Act for Partial Revision of the Act on Temporary Special Provisions on Election Dates, etc., for Members and Heads of Local Governments in Association with the Great East Japan Earthquake (Act No. 92 of 2011)

a. Background for formulating and purpose for enacting

This bill was drafted by the Special Committee on Political Ethics and Election Law (House of Representatives) and submitted to the Diet as a bill submitted by the Committee on July 28, 2011. The purpose of the draft was as follows²⁵⁰.

In light of the actual situation in the areas that suffered significant damaged due to the Great East Japan Earthquake, a special provisions bill to postpone the date of elections was submitted twice by the cabinet during the current Diet session, in March and May, and has been deliberated upon and enacted.

Of course, elections are fundamental to democracy and must be held as soon as possible. While busy with recovery and reconstruction from the disaster, many local governments overcame difficult issues such as grasping voters and developing an execution system, and decided to hold their elections by the postponed deadline, but nevertheless, some related local governments have raised opinions requesting an extension of the postponed deadline because it has been difficult to hold their elections properly.

In response to this, discussions were held by the Board, etc., and at this committee's last meeting, in the supplementary resolution attached when we resolved upon the special provisions bill on May 13, the committee stated that "appropriate measures are to be taken ... taking into full account the opinions of related local governments" so having agreed unanimously, the committee decided to submit the draft proposal that has been distributed to you.

b. Background of Diet deliberations, promulgation, and implementation

As stated above, this bill was submitted to the Diet as a bill submitted by the Special Committee on Political Ethics and Election Law (House of Representatives) on July 28, 2011²⁵¹. Subsequently, this bill was passed unanimously at the plenary session (House of Representatives) the same day, was passed unanimously by the Special Committee on Political Ethics and Election System (House of Councillors) the following day, July 29, and was passed unanimously and established at the plenary session (House of Councillors) on August 3.

In addition, when the Special Committee on Political Ethics and Election System (House of Councillors) voted, supplementary resolutions were attached stating that since postponement of the election dates, etc., is an unavoidable temporary measure considerate of actual conditions in the disaster-affected area, the national government was to provide sufficient support to related local governments in the implementation of this act, such as the dispatch of staff and other personnel support necessary for the establishment of an election implementation system, financial support for the additional expenses necessary for holding elections in the disaster-affected area, and other measures to grasp the whereabouts of evacuees and implement absentee voting smoothly, taking into account the intentions of related local governments, so that elections can be held as soon as possible in the related local government areas.

This act was promulgated on August 10, 2011 and entered into force from the same day together with related ministerial ordinance.

²⁵⁰ Excerpt from a statement by Kimiaki Matsuzaki, chair of the Special Committee on Political Ethics and Election Law (House of Representatives) 177th Diet (July 28, 2011).

²⁵¹ The review by the Special Committee on Political Ethics and Election Law (House of Representatives) was omitted.

c. Overview of the act and details of measures

Under this act, the postponed deadline for the election dates of members and heads of local government bodies in association with the Great East Japan Earthquake was extended from within a period of more than two months and not exceeding six months from the date of enforcement of the Election Date Earthquake Special Provisions Act (the period to September 22, 2011) to December 31, 2011.

In addition, the date of notification of a special election date could be made prior to the date of notification stipulated in the Election Date Earthquake Special Provisions Act prior to the revision (for example, five days before the date of a town or village election).

(5) Actual application

The local governments whose elections were postponed, the respective dates of expiry of their terms of office, and their special election dates based on the Election Date Earthquake Special Provisions Act are as shown in Figure 2-3-93.

Figure 2-3-93 List of local governments whose elections were postponed, the respective dates of expiry of their terms of office, and their special election dates based on the Election Date Earthquake Special Provisions Act

Prefecture	Local government	Date of expiry of term of office		Special election date
		Governor/mayor	Members	
Iwate Prefecture		4/29	4/29	9/11
Iwate Prefecture	Morioka City	9/1 (*2)	5/1	8/28
	Kuji City	-	4/29	8/7
	Rikuzentakata City	-	4/29	9/11
	Kamaishi City (*1)	-	8/31 (*3)	9/11
	Ninohe City	-	4/30	7/31
	Shizukuishi Town	-	5/8	7/31
	Takizawa Village	-	4/30	7/31
	Otsuchi Town	5/7	8/31 (*2)	8/28
	Yamada Town	-	4/29	9/11
	Tanohata Village	-	4/30	8/28
	Fudai Village	4/30	4/30	6/26
	Noda Village	-	4/29	8/7
	Hirono Town	-	4/30	6/19
Miyagi Prefecture		-	4/29	11/13
Miyagi Prefecture	Sendai City	-	5/1	8/28
	Shiogama City	4/30	4/30	9/11
	Shiroishi City	-	4/29	7/31
	Natori City (*1)	-	6/20 (*3, 4)	11/13
	Tagajo City	-	4/30	9/11
	Murata Town	5/24	8/3 (*3)	8/28
	Kawasaki Town	5/8	-	8/28
	Watari Town	-	4/30	11/13
	Yamamoto Town	-	4/30	11/13
	Matsushima	4/21	-	9/11

	Town			
	Shichigahama Town	4/29	4/29	9/11
	Rifu Town	-	4/29	9/11
	Osato Town (*1)	-	6/30 (*3)	9/11
	Tomiya Town	-	4/29	9/11
	Ohira Village	-	4/29	9/11
	Shikama Town	4/29	-	8/28
	Kami Town (*1)	6/16 (*3)	-	8/28
	Onagawa Town	9/18 (*3)	4/29	11/13
Fukushima Prefecture		-	4/29	11/20
Fukushima Prefecture	Fukushima City	-	4/30	7/31
	Aizuwakamatsu City	4/26	4/29	8/7
	Koriyama City	-	4/30	9/4
	Shirakawa City	7/28 (*2)	4/30	7/10
	Sukagawa City	-	4/29	9/4
	Soma City	-	4/29	11/20
	Kunimi Town	-	4/29	6/19
	Kawamata Town	-	4/29	11/20
	Kagamiishi Town	-	4/29	9/4
	Hinoemata Village	4/30	4/30	5/29
	Bandai Town	4/30	4/30	6/26
	Inawashiro Town	4/26	-	6/26
	Aizubange Town	4/29	-	6/26
	Yanaizu Town	4/29	-	6/26
	Showa Village	-	4/29	6/26
	Nishigo Village	-	4/29	8/28
	Hirono Town	-	4/29	11/20
	Kawauchi Village	-	4/29	11/20
	Okuma Town (*1)	9/19 (*3)	10/31 (*3)	11/20
	Futaba Town	-	4/29	11/20
	Katsurao Village	-	4/29	11/20
	Shinchi Town	-	4/29	11/20
Ibaraki Prefecture	Mito City	4/26	4/30	5/29

(*1) Local government not subject to unified elections

(*2) Election upon expiry of term of office

(*3) Election not subject to unified elections

(*4) By-election

(Note) All dates are in 2011

48. Other deregulation measures, etc.

Each respective ministry took special provision measures, etc., in laws and regulations, etc., below cabinet orders to respond to the Great East Japan Earthquake, and the Cabinet Office summarized these measures, etc., in “State of Deregulation, etc., by Ministries in Relation to the Great East Japan Earthquake” (published April 19, 2011, updated December 12, 2012)²⁵² (see attached materials).

This summary includes deregulation based on notifies by each ministry and special provision measures activated by administrative agencies at times of disaster based on law, with a total of 213 items (measures related to the Act on Special Zones for Reconstruction in Response to the Great East Japan Earthquake are not included). This document also contains some legal deregulation measures that overlap with the legislative measures in 16., etc., but because it is a valuable document that organized deregulation, etc., by the government at the time comprehensively, it was decided to present it as is without omitting the duplication from 1. to 47.

These measures include, for example,

- Measures extending the duration of various permits and approvals and the date of expiry of certificates as a Cabinet Order measure based on the Act on Special Measures Concerning Preservation of Rights and Interests of Victims of Specified Disaster
- Measures to make methods of identification, etc., flexible as measures under ministerial ordinance and orders
- Measures delaying the timing of introduction of new regulations, such as exceptions and exemptions for various time limits related to qualification and examination systems, etc., and the extension of various payment deadlines, as measures based on public notices.
- Measures allowing exceptions to certain regulations regarding actions for relief and support for disaster victims, measures clarifying the concepts of the application of laws at earthquake-related businesses, etc., measures temporarily permitting the fact that changes in food labeling, etc., were not on time, measures making immigration and residence procedures more flexible, measures simplifying procedures related to import and export, etc., as measures based on notices, notification, administrative communication and other methods

Apart from these, as a response to civil law issues not included in the summary, the national government simplified the documents to be attached to death notifications for missing people whose bodies were not found, and reduced the burden of registering the loss of official authority over buildings that collapsed or were washed away, etc.²⁵³

In addition, the “Act on Temporary Treatment of Rental Land and Housing in Cities Damaged by War” (Act No. 13 of 1946), aimed at the protection of lessees whose houses have been lost, and the “Act on Special Measures concerning Reconstruction of Condominiums Destroyed by Disaster” (Act No. 43 of 1995), aimed at facilitating the reconstruction of destroyed condominiums, are applied by designating subject disasters by Cabinet Order, but it was decided not to apply them with regard to the Great East Japan Earthquake after it was judged that there was no specific legal necessity as a result of hearing the opinions, etc., of local governments in the disaster-affected area²⁵⁴.

²⁵² Cabinet Office website <https://www.cao.go.jp/sasshin/kisei-seido/publication/shinsai.html> (browsed July 19, 2023)

²⁵³ Planning and Coordination Office, Secretariat of the House of Councillors, “Main Efforts and Future Issues in the Legal and Judicial Fields Related to the Great East Japan Earthquake,” Legislation and Research, June 2012, No. 329

²⁵⁴ The “Act on Special Measures concerning Reconstruction of Condominiums Destroyed by Disaster” prior to the Great East Japan Earthquake stipulated with regard only to destroyed condominiums that reconstruction could be resolved upon by a majority vote of condominium owners, but there was no specific need in the disaster-affected area following the Great East Japan Earthquake. However, after the earthquake, this act was amended by the “Act for Partial Revision of the Act on Special Measures concerning Reconstruction of Condominiums Destroyed by Disaster” (Act No. 62 of 2013), and a system was established allowing for a resolution on demolition, etc., which originally requires unanimous consent, to be passed by a majority vote, also with regard to condominiums that suffered serious damage other than destruction. In response, Cabinet Order No. 231 of 2013 designated the Great East Japan Earthquake as a disaster subject to application of the system, and a resolution on the sale of a condominium building site in Sendai City was approved by a majority vote.