



May 10, 2022

House of Councillors Committee on Cabinet

**Supplementary Resolution to the Act on Promotion
of Ensuring Security by Taking Economic Measures
in an Integrated Manner (Upper House)**

In the enforcement of the Act, the national government should take appropriate measures with regard to the following points.

- I. In the enforcement of the Act, pay sufficient attention to the importance of balancing economic measures to ensure security and promoting free and fair economic activity.
- II. Formulate the Basic Policy with attention to the impact that measures under the Act will have on Japan's industrial competitiveness so that regulations, etc. made to ensure security do not unduly impede the freedom of economic activity, and ensuring the autonomy of enterprises, etc. is respected and proper competitive relations among enterprises are not unduly impeded.
- III. In the formulation of the respective Basic Guidelines for four areas, pay sufficient attention to ensure that the freedom of economic activity is not unduly impeded and that enterprises, etc. do not face an excessive burden. Also, with regard to coordination with the enterprises or other relevant persons who are representative of Specified Social Infrastructure Enterprises and other relevant persons regarding ensuring stable supply of Specified Social Infrastructure Services by preventing Specified Interference Actions (Article 49, Paragraph 2, Item (v) of the Act), provide consultation, advice, and other assistance, and constantly endeavor to foster a relationship of trust with sufficient communication.
- IV. Enact the Cabinet orders to designate Specified Critical Materials, the Orders of the Competent Ministry to designated Corporations to Support Ensuring Stable Supply, and the Orders of the Competent Ministry to specify designation criteria for Specified Social Infrastructure Enterprises with sufficient consideration of the opinions of relevant enterprises, organizations of relevant enterprises, and other relevant persons. Also, for the enactment of the Cabinet orders to designate Specified Critical Materials, reference the

- opinions of persons with the necessary expertise.
- V. Given that there was debate in the Diet to the effect that collection of reports from individuals or corporations engaged in businesses of producing, importing, or selling materials (Article 48, Paragraph 1 of the Act) and recommendations after, etc. the introduction, etc. of Specified Critical Facilities (Article 55, Paragraph 1 of the Act) should be kept to the minimum necessary to ensure that they do not become an excessive burden on enterprises, etc., collect reports and make recommendations with further consideration of the extent determined to be reasonably necessary to ensure security.
- VI. Regarding Specified Critical Materials or the raw materials, etc. necessary for the production thereof, give sufficient consideration to measures necessary to ensure, etc. means of transport, given that means of transport will also be critical for stockpiling and otherwise ensuring stable supply.
- VII. In systems to ensure stable supply of Specified Social Infrastructure Services, carefully consider whether or not to include small and medium-sized businesses in the scope of regulations given that there would be limited impact on the citizens' lives or economic activity if a hindrance arose in the stable supply of services, and that compliance with the regulations would be a relatively large burden.
- VIII. Conduct examinations pertaining to the introduction, etc. of Specified Critical Facilities within as short a period of time as possible in light of the impact on business activity. For that reason, make efforts for a robust examination framework, including coordination among relevant ministries and agencies, to enable efficient conduct of necessary examinations.
- IX. Regarding development support for Specified Critical Technologies, properly identify covered technologies after sufficiently examining whether or not the technology will contribute to Japan's technological superiority and therefore indispensability, and intensively engage in support for those for which it is truly necessary.
- X. Regarding development support for Specified Critical Technologies, pay attention to the importance of space science and technology, ocean science and technology, atomic science and technology, artificial intelligence-related technology, and biotechnology and deliberate to ensure appropriate promotion of research and development of Specified Critical Technologies and the appropriately utilizing the results thereof.

- XI. Take sufficient fiscal measures to support development of Specified Critical Technologies.
- XII. In the selection of Protected Inventions, limit coverage to the extent possible in consideration of the impact on industry. In such cases, for dual-use technologies, limit to cases with no hindrances, keeping in mind technologies that are the result of entrusted operations using national government funding, technologies developed for use in defense, etc., or cases where the applicant itself has consented, etc.
- XIII. Carefully operate the system for non-disclosure of patent applications after hearing the opinions of relevant persons to ensure the desire for innovation is not undermined.
- XIV. In the operation of the system for non-disclosure of patent applications, give due consideration to ensure patent applicants can follow procedures smoothly.
- XV. For organizations conducting protection examinations, develop a framework to enable sufficient utilization of the expertise of relevant ministries, agencies, and experts, and give due consideration to enhancing the expertise of officials involved in protection examinations.
- XVI. In compensation for losses pursuant to the provisions of Article 80 of the Act, give sufficient consideration to ensuring patent applicants do not incur excess disadvantages.
- XVII. Publicize and sufficiently explain to the Diet and the citizens the enforcement status of this Act in its entirety and specific, individual measures, and endeavor to gain understanding thereof, including from enterprises, researchers, etc.
- XVIII. When determined to be necessary from the viewpoint of collecting, organizing, and analyzing information on economic measures regarding ensuring security, promptly deliberate the framework thereof and take measures pursuant to the results thereof.
- XIX. When determined to be necessary in consideration of the status of collecting reports under the provisions of Article 48, Paragraph 1 of the Act, deliberate a method to ensure effectiveness of the collection of reports under the provisions of Paragraph 1 at an appropriate time after the enforcement of the Act, and take necessary measures pursuant to the results thereof.
- XX. In light of the fact that local governments own water supplies, railways, etc. that are the foundation of residents' lives and economic activity in regional areas, as well as the existence of small and

medium enterprises the possess state-of-the-art technologies in regional areas, provide necessary advice and other support from the viewpoint of economic security.

- XXI. With the smooth promotion of joint international research in mind, to ensure and maintain Japan's technological superiority, consider developing systems to certify the suitability of persons to handle information, including private citizens, and take necessary measures, including legislative measures.
- XXII. Given that respect for human rights in economic activity is a critical issue, including internationally, engage in necessary deliberations to ensure that economic takes place with consideration for human rights.
- XXIII. Regarding methods to comprehensively promote various measures regarding economic security beyond the four areas in an effective manner, make deliberations at an appropriate time after the enforcement of the Act and take necessary measures pursuant to the results thereof.

The above is hereby resolved.