

# Procedures for Submitting Objections on Guidelines of Environmental and Social Considerations in Trade Insurance

Established on September 4, 2003  
Partially amended on May 20, 2015

## Chapter 1 General

### Article 1 (Purpose)

The purpose of these procedures is as follows:

In order to ensure the compliance with the Guidelines on Environmental and Social Considerations in Trade Insurance (hereinafter referred to as “the Guidelines”) by Nippon Export and Investment Insurance (hereinafter referred to as NEXI),

- 1) To investigate facts as to whether or not NEXI has complied with the Guidelines, and to report the results thereof to the Chairman and CEO (hereinafter referred as to the Chairman).
- 2) To encourage dialogues among the parties concerned (hereinafter referred to as the “Parties Concerned”), namely, the requester who submitted the objections (hereinafter referred to as the “Requester”), the insured and the entity which carries out the project (hereinafter referred to as the “Project Sponsor”), in order to assist early resolution of the disputes concerning specific environmental or social problems over the projects with NEXI’s insurance coverage caused due to NEXI’s non-compliance with the Guidelines.

## Chapter 2 Submitting Objections

### Article 2 (Submitting Objections)

Submission of Objections in order to achieve the purpose mentioned in Article 1 (hereinafter referred as to the “submission of the objections”) is to be implemented in accordance with this chapter.

### Article 3 (Cases coming under the procedures)

Objections may be submitted with respect to the following cases:

- \*Cases in which confirmation of environmental and social considerations based on the Guidelines are required.
- \*Cases in which it is judged that substantial damage has actually incurred or is likely to be incurred in the future, due to NEXI’s non-compliance with the Guidelines.

### Article 4 (Qualifications of Requester)

(1) Objections must be submitted by two or more residents of the country where the project is implemented, promoted by the supply of funds of the insured (hereinafter referred to as “the Concerned Project” and “the Project Country”). They are also considered suffering actual and direct

damage or likely to suffer damage in the future.

(2) A request may be submitted by an agent when submission by the Requester is not possible due to the particular circumstances of the “Project Country.” In this case, the name of the Requester should be identified and evidence must be submitted showing the necessity to submit the request by an agent and the fact that the agent has been duly authorized by the Requester.

#### Article 5 (Period)

(1) A request pointing the non-compliance of the Guidelines may be submitted during the period between the conclusion of the insurance contract and the completion of the supply of funds. Notwithstanding the foregoing, in the case where, based on the Guidelines, NEXI decides to make the final commitment on the condition that it will undertake the environmental reviews after the decision is made, a request pointing out any non-compliance with the Guidelines may be submitted within one year after NEXI discloses the results of environmental reviews on NEXI’s website.

(2) Regardless of the first clause of the Article 5, for a project in the monitoring period in accordance with the Guidelines, a request pointing out NEXI’s non-compliance with the monitoring provision of the Guidelines may be submitted.

(3) If an outside person submits comments on suspicion of non-compliance with the Guidelines prior to the conclusion of the insurance contract, the Examiner, as necessary, may transfer the comments to the NEXI’s section in charge of underwriting business (Underwriting Department, Structured and Trade Finance Insurance Department and Environment Group of Financial Risk Management Department, hereinafter referred to as section in charge of underwriting business). The Examiner may request the sections in charge of underwriting business to respond to the comments appropriately in accordance with the Guidelines, and report to the Chairman the fact of transferring the comments.

(4) In the case of transfer mentioned in the third clause of Article 5, the section in charge of underwriting business must faithfully respond to the request in accordance with the Guidelines, notify the project sponsor through an applicant of an insurance contract, report to the Chairman and the Examiner the results of the response.

(5) On the receipt of the report mentioned in the fourth clause of Article 5, the Examiner may, as necessary, inform the results of the response to the person who furnished comments.

#### Article 6 (Contents of Request)

(1) A requester must submit a request with the following contents to the Examiner, in accordance with the Exhibit 1.

- a. Name of the Requester
- b. Address or place of contact of the Requester (If the Requester hopes nondisclosure of such personal information to the insured and the Project Sponsor, it should be stated.)
- c. Case with respect to which the objection is submitted

- (a) Name of country
  - (b) Project site
  - (c) Outline of the project
  - d. Description of substantial damage actually incurred by the Requester or substantial damage likely to be incurred by the Requester in the future.
  - e. Relevant provisions of the Guidelines considered by the Requester to have been violated and the facts constituting non-compliance alleged by the Requester.
  - f. Casual linkage between non-compliance with the Guidelines and damage
  - g. Resolution desired by the Requester
  - h. Information on dialogues between the Requester and the Project Sponsor, such as date and hour, names of the persons who respond to the Requester, the contents of the response and other detailed facts (If there were unavoidable reasons that prevented the Requester from endeavoring to have dialogues with the Project Sponsor, such reasons should be stated.)
  - i. Information on dialogues between the Requester and the section in charge of underwriting business, such as date and hour, names of the persons who respond to the Requester, the contents of the response and the other detailed facts (If the response of the section in charge of underwriting business was considered unsatisfactory, reasons should be stated.)
  - j. In the case of the submission of the objections by agent, the necessity to submit the request by an agent. (Evidence must be submitted showing the fact that the agent has been duly authorized by the Requester.
- (2) The objection must be submitted in the real name and a contact address must be specified, provided that, unless otherwise required by law, the information on the Requester shall not be disclosed to outside persons.
- (3) In order to encourage dispute resolution between the Requester and the Project Sponsor by their own efforts, the Requester is requested to endeavor to have dialogues with the Project Sponsor prior to the submission of the objections.
- (4) Prior to the submission of the objections, the Requester is requested to have dialogues with the section in charge of underwriting business.
- (5) In order to have the dialogues promptly and appropriately that are mentioned in the fourth clause of the Article 6, upon the inquiry from outside, NEXI's Public Relations Group must immediately introduce the section in charge of underwriting business. In this case, the section in charge of underwriting business should carry out the screening and environmental review, recognizing the importance of the information provided by stakeholders and utilizing it, pursuant to the provision of the Guidelines.
- (6) A Request mentioned in the Article 1 (hereinafter referred to as the Request) must state the following contents in Japanese, English or the official language of the Project Country (hereinafter referred to as the official language).
- (7) If the Request is written in the official language, the Examiner should translate the Request into

Japanese or English.

#### Article 7 (Procedures of submitting objections)

(1) The Examiner receives the Request when it includes name of the Requester and address or place of contact of the Requester. In the case of seventh clause of Article 6, the Request shall be received after the completion of the translation.

(2) The Examiner must report to the parties concerned and the section in charge of underwriting business the receipt of the Request, within five business days as a general rule, in the form of Exhibit 2. If the Requester asks in the Request not to disclose his/her personal information to the insured and the Project Sponsor, such information should not be disclosed.

(3) The Examiner shall investigate the Request whether or not it is thoroughly written on the matters required and if the description is insufficient or inadequate, the Examiner may ask the Requester to correct the deficiencies.

(4) Upon the investigations on the Request mentioned in third clause of Article 7 (hereinafter referred as to Preliminary Investigations), The Examiner can interview the parties concerned, if necessary, on whether or not the Requester fills the conditions stipulated in first clause of Article 4.

(5) The Examiner shall, considering the public benefit of the host country, from the viewpoint of avoiding undue influence on the implementation of the project and preventing abuse, check the objection to confirm that the objection was submitted in good faith and adequately in conformity with the purpose of the procedures. Examples of abuse are the following:

- a. The Request is submitted for the purpose of unduly obtaining compensation.
- b. The Request is submitted solely for the purpose of delaying the implementation of the project.
- c. The procedures are utilized for the purpose of damaging the credit or reputation of the Project Sponsor.
- d. The Request is submitted for political purposes unrelated to the project.
- e. The Request contains material falsehood.

(6) Unless there is a special circumstance which prevents the Examiner from doing so, Preliminary Investigations will, in principle, be completed in approximately one month after the receipt of the Request, and the decision will be made whether to commence the procedures or reject the submission of the objection.

#### Article 8 (Decision to commence the procedures)

(1) The Examiner shall make a decision to commence the Formal Investigation stipulated in Article 9 (hereinafter referred as to "Formal Investigation") and inform the decision to the Chairman and the parties concerned in accordance with the Exhibit 3, if the submission of the objections satisfies the requirements of this procedure and the descriptions in the Request are recognized to be fairly reasonable in accordance with the attached sheet 1.

(2) If the Request does not fall under the case stipulated in first clause of Article 8, the Examiner

shall reject the submission of the objections and shall inform the fact of rejection and the reasons for it to the Chairman and the parties concerned in accordance with the Exhibit 4.

(3) Even in the case of rejecting the submission of the objections, if the Examiner finds it useful for environmental review and monitoring of the project concerned, the Examiner may transfer the submission of the objections to the section in charge of underwriting business. In this case, the Examiner shall inform the Chairman and the Requester of the fact of the transfer.

(4) In spite of first clause of Article 8, the Examiner may suspend to make a decision to commence Formal Investigation or may reject the submission of the objections in case of the following:

\*A dispute concerning the project is pending or has been settled already in a judicial or administrative proceeding in Japan or in the Project Country or a proceeding of an international organization or other dispute resolution proceeding (hereinafter referred as to other dispute resolution proceedings) and

\*The disputing point of other dispute resolution proceeding is substantially identical with the one of the NEXI's procedures.

In either case of suspending to make a decision to commence Formal Investigation, or rejecting the submission of the objections, the Examiner shall inform the decision of the suspension or the rejection to the parties concerned and the section in charge of underwriting business.

(5) In the case of suspending to make a decision to commence Formal Investigation in accordance with the provision of forth clause of Article 8, the Examiner may decide to commence Formal Investigation, if the intention of the Requester to continue the procedures is confirmed after the grounds for suspension ceased to exist.

(6) In view of the legal principle of non bis in idem, if the procedures were conducted in the past concerning the same damage, the Examiner may reject the submission of the objections.

(7) Even in the case of the submission of the objection that was rejected in accordance with fourth and/or sixth clause of Article 8, the Requester may submit the objection, if it was based on new facts.

(8) The Requester may submit his/her opinion in writing to the Examiner if the submission of the objection is rejected. In this case, the Examiner must faithfully consider the Requester's opinion and, if necessary, must transfer the opinion to the section in charge of underwriting business.

#### Article 9 (Formal Investigations)

(1) After the decision made in accordance with first clause of Article 8, the Examiner shall commence immediately the investigations of facts on the compliance of the Guidelines.

(2) In order to carry out the investigations stipulated in first clause of Article 9 (hereinafter referred as to the Formal Investigations), the Examiner may do the followings:

On the interviews with the Project Sponsor, the insured or the government of the host country, the Examiner will initially make arrangements to conduct interviews through the section in charge of underwriting business.

1) To meet the Requester directly and interview directly on the matter of the submission of the

objections.

- 2) To interview the section in charge of underwriting business and confirm the facts on NEXI's confirmation of environmental and social considerations conducted before the conclusion of the insurance contract and monitoring.
- 3) To inspect all the materials used by NEXI in confirming environmental and social considerations and monitoring
- 4) To interview the residents having the same view as that of the Requester, residents with the different views from the Requester, the insured, the Project Sponsor, Specialists, the government of the host country and other persons concerned

#### Article 10 (Encouragement of Dialogues)

- (1) For the immediate resolution of disputes, the Examiner can mediate a dialogue between the residents (including the Requester) who have been adversely affected and the Project Sponsor and can interview them separately as well.
- (2) Over the mediation of a dialogue stipulated in first clause of Article 10, the Examiner must listen to the opinions of the persons concerned in a well-balanced manner, conducting the separate interviews in such manner as not to diminish the trust in the Examiner's neutrality.

#### Article 11 (Matters handled cautiously in implementing investigations and activities to encourage dialogues)

- (1) After the decision of commencing Formal Investigations, the Examiner may tentatively suspend Formal Investigations and activities to encourage dialogue, if the dispute concerning the project becomes pending in the other dispute resolution proceedings and the disputing point of them is substantially identical with that of NEXI's procedures.
- (2) If the Formal Investigations have been suspended in accordance with the provision stipulated in first clause of Article 11, the Examiner must inform the parties concerned of the suspension.
- (3) The Examiner shall recommence NEXI's procedures, if the intention of the Requester to continue the Formal Investigations is confirmed after the grounds for suspension ceased to exist.

#### Article 12 (Report to the Chairman & CEO)

- (1) Within three months after the decision to commence the procedures, formulating a report in accordance with the form of attached sheet 2 on the result of the Formal Investigations and the progress of dialogues (and the agreement between the parties concerned as well if the dispute has been settled between them), the Examiner shall submit the report to the Chairman & CEO.
- (2) If in the report stipulated in first clause of Article 12 (hereinafter referred as to "the report") the Examiner determines that the Guidelines have not been complied with, the Examiner may recommend to the Chairman & CEO possible measures to cure such non-compliance, if necessary.
- (3) If the Examiner is not able to ascertain as to whether or not the Guidelines have been complied

with and/or if the parties concerned reached agreement on that they do not need the Examiner's investigations of the facts of compliance or non-compliance with the Guidelines, the Examiner shall report to the Chairman & CEO the progress of dialogues and said agreement between the parties concerned.

(4) If the Examiner considers that more time is required for the Formal Investigations and/or encouragement of dialogues, the Examiner may report to the Chairman & CEO the particulars of further activities required and the reasons why such activities are indispensable. Upon receipt of such a report, if the Chairman & CEO considers that there are a fair amount of unavoidable circumstances to extend the period, the Chairman & CEO may extend the period stipulated in first clause of Article 12 for a further period of up to two months.

(5) After completion of formulating the report, it shall be immediately sent to the parties concerned. Upon sending, the Examiner must inform that the report will be disclosed to the public except personal information, corporate information and other information which is decided not to be disclosed by law (hereinafter referred as to undisclosed matter).

#### Article 13 (Opinion from the section in charge of underwriting business)

(1) The section in charge of underwriting business shall report its opinion in writing on the following, to the Chairman & CEO and the Examiner within one month after the submission of the report, if necessary:

\*Opinion on the report

\*Measures to be taken for ensuring future compliance of the Guidelines in the case of the Examiner's decision that the Guidelines have not been complied with.

(2) When the Examiner receives the written opinions and measures stipulated in first clause of Article 13, he/she must send a copy of it to the parties concerned.

(3) The parties concerned may submit their opinions in writing within one month after the receipt of the report stipulated in fifth clause of Article 12, or the opinions of the section in charge of underwriting business stipulated in second clause of Article 13.

#### Article 14 (Instructions of the Chairman & CEO)

The Chairman & CEO can give necessary instructions to the section in charge of underwriting business, after considering the report, the recommended measures stipulated in second clause of Article 12, opinions of the section in charge of underwriting business and the opinions of the parties concerned.

### Chapter 3 Disclosure of Information

#### Article 15 (Follow-up)

(1) Upon receipt of the instructions from the Chairman & CEO stipulated in Article 14, the section in charge of underwriting shall conduct the instructions.

(2) The Examiner shall be informed by the section in charge of underwriting business of the status of implementation of the instructions given by the Chairman & CEO, and the Examiner shall report it to the Chairman & CEO in the annual report of activities stipulated in fifth clause of Article 16. If the Examiner considers it necessary, he/she may report to the Chairman & CEO at any time and from time to time the status of implementation of the instructions from the Chairman & CEO, which the section in charge of underwriting business is working on.

(3) Based on the results of investigations on each case which was judged not to be in compliance with the Guidelines, the Examiner may state his/her opinion on the measures to be taken to ensure future compliance with the Guidelines in the annual report of activities, if necessary.

#### Article 16 (Procedures on the Disclosure of Information)

(1) The report and written opinion of the section in charge of underwriting business, respectively, shall be disclosed immediately on NEXI's website, after checking whether or not undisclosed matter is included in them.

(2) The Examiner shall disclose the status of the receipt of the submission of the objection and progress of the procedures on NEXI's website, exercising precautions that they do not contain any undisclosed matter.

(3) As principle, the report and the written opinion of the section in charge of underwriting business shall be disclosed, and they must be written so as not to include any undisclosed matter. If it is not possible to avoid including undisclosed matter because of the structure of the report, consent of the parties related to the undisclosed matter shall be obtained beforehand.

(4) Other information to which the Examiner has had access in performing of his/her duties shall be disclosed in accordance with applicable laws.

(5) The Examiner shall make the annual report of activities according with the content of the attached sheet 3, and show it on NEXI's web-site. The annual report of activities shown on the web must be made so as not to include undisclosed matter.

(6) The Examiner shall disclose his/her contact address on NEXI's website, and endeavor to have his/her presence and activities widely known to the public by formulating and distributing pamphlets and notification on NEXI's website, in collaboration with NEXI's Public Relations Group.

### Chapter 4 The Examiner

#### Article 17 (Establishment of the Examiner)

NEXI may appoint up to a maximum of two persons "the Examiner" as an organ working under the direct control of the Chairman & CEO and independent of the section in charge of underwriting business.

#### Article 18 (Powers of the Examiner)

The Examiner shall have the following powers:



- 1) to freely access to the information necessary for his /her activities, such as documents and records which are possessed by NEXI
- 2) to interview NEXI's personnel and to ask them to submit documents
- 3) to ask relevant departments of NEXI to make arrangements to interview third parties including persons concerned and to request them submission of documents

#### Article 19 (Duties of the Examiner)

In order to perform his/her duties faithfully, the Examiner shall have the following obligations:

- 1) To listen to the opinions of all the parties concerned in a well-balanced manner, from neutral standpoint, being independent of the section in charge of underwriting business, the side of the Project Sponsor, or the side of the Requesters of objections to the project.
- 2) To deal with the submission of the objection efficiently
- 3) To submit the report and complete the activity in principle within three months after the receipt of the submission of the objection, in order to transact the procedures promptly.
- 4) To contribute to the enhancement of accountability of NEXI by disclosing his/her activities in principle, while considering the purpose of the procedures to encourage dialogues between the parties concerned and the business confidentiality of the insured and other parties concerned.
- 5) To avoid such behavior as to unduly hurt the Requester and other parties concerned, by taking due care of the human rights and business interests of the Requester and other parties concerned
- 6) To otherwise comply with the procedures prescribed in this Guidelines

#### Article 20 (Appointment of the Examiner)

(1) The Chairman & CEO shall appoint the Examiner out of the candidates who are recommended by the Selection Committee stipulated in the Article 22 and fulfill the following conditions:

- 1) a person who has no concern in the business of NEXI
- 2) a person with an excellent command of Japanese and English

(2) The Examiner shall hopefully have the following knowledge:

- 1) knowledge on law
- 2) knowledge on environmental and social considerations
- 3) knowledge on international finance and trade insurance

#### Article 21 (Term of duty of the Examiner)

The term of the Examiner is two years in principle, and may be re-appointed once. For three years after the retirement, the person worked as the Examiner shall not be employed by NEXI.

#### Article 22 (The Selection Committee)

The Selection Committee shall consist of the persons who have no concern in the business of NEXI and prospective parties concerned.

#### Article 23 (Secretariat)

(1) Secretariat of Submitting Objections (hereinafter referred as to “Secretariat”) shall be established within NEXI. The Secretariat shall follow the Examiner’s instructions to deal with clerical works on Submitting Objections stipulated in these Procedures.

(2) The Secretariat shall consist of one or more than one staff members of NEXI.

(3) The Examiner may use external specialists besides staff members of the Secretariat, if necessary.

#### Chapter 5 Others

##### Article 24 (Review)

These Procedures shall be reviewed, in principle, concurrently with the review of the Guidelines. Such review shall be conducted in consideration of the accumulated opinions and evaluations given and made by the parties concerned, other related persons and the Examiner.

##### (Supplementary provision)

These Procedures shall come into force from October 1, 2003 and shall be applied to the projects for which insurance applications are made after the effective date of these procedures.

**Request**

Date:

To: The Examiner,  
Nippon Export and Investment Insurance

(A) Name of Requester

(B) Address of place of contact of the Requester

Would you like your name to be closed to  
the insured and the Project Sponsor?

(Circle either one)

YES NO

(C) Case with respect to which the objections are submitted

\*Name of country

\*Project site

\*Outline of the Project

(D) Substantial damage actually incurred by the Requester or substantial damage likely to be incurred by the Requester in the future

(E) Relevant provisions of the Guidelines considered by the Requester to have been violated and the facts constituting non-compliance alleged by the Requester

(F) Casual linkage between non-compliance with the Guidelines and damage

(G) Resolution desired by the Requester

(H) Facts concerning the Requester's consultation with the Project Sponsor

(I) Facts concerning the Requester's consultation with the section in charge of underwriting business

(J) The necessity to submit the request by an agent and the evidence showing the fact that the agent has been duly authorized by the Requester

The Requester hereby covenants that all the matters described herein are true and correct.

(END)

**Notice of Receipt**

Date: \_\_\_\_\_

To: (Name of the Requester)

The Examiner  
Nippon Export and Investment Insurance

We hereby notify you that your request to raise objections dated \_\_\_\_\_ was received as of \_\_\_\_\_.

Upon completing preliminary investigations, we will make a decision, in principle, within one (1) month, as to whether or not we will commence the procedures. We will notify you in due course of our decision whether to commence the procedures or not.

We may ask to interview you for purpose of preliminary investigations. In that case, we will inform you separately of the date and time, etc.

If, as a result of preliminary investigations, it is decided that the procedures be commenced, we will investigate the facts of compliance or non-compliance with the Guidelines and encourage dialogues between the parties, pursuant to the Procedures for Submitting Objections on Guidelines on Environmental and Social Considerations in Trade Insurance. We may ask you to interview for this purpose. In this case we will inform you separately of the date and time, etc.

Reports to be prepared by us and opinions prepared by NEXI's section in charge of underwriting business will be publicized on NEXI's website, except for the individual, corporate or other information the disclosure of which is not required to be publicized by law.

For details of the procedure, please see <http://www.nexi.go.jp/> or make inquiry to the Examiner of NEXI.

(END)

**Notice to Commence Procedures**

Date: \_\_\_\_\_

To: (Name of the Requester)

The Examiner  
Nippon Export and Investment Insurance

We hereby notify you of our decision to commence the procedures with respect to your objections dated \_\_\_\_\_ (received as of \_\_\_\_\_) as described below. For details, please refer to the enclosed Results of Examination.

For approximately two(2) months from now, we will investigate the facts of compliance or non-compliance with the Guidelines and encourage dialogues between the parties, pursuant to the "Procedures for Submitting Objections on Guidelines of Environmental and Social Considerations in Trade Insurance." We may ask you to interview for these purposes. In that case we will inform you separately of the date and time, etc.

Reports to be prepared by the Examiner and opinions prepared by NEXI's section in charge of underwriting the insurance will be on NEXI's public website, except for the individual, corporate or other information the disclosure of which is not required by law.

For details of the procedure, please see <http://www.nexi.go.jp/> or make inquiry to the Examiner of NEXI.

(END)

**Notice of Rejection**

Date: \_\_\_\_\_

To: (Name of the Requester)

The Examiner  
Nippon Export and Investment Insurance

We hereby notify you of our decision to reject your objection dated \_\_\_\_\_ (received as of \_\_\_\_\_). For details, please refer to the enclosed Results of Examination.

(Reasons for decision to reject your objection will be stated here. Further, examination and monitoring procedures by NEXI's section in charge of underwriting business will be described if necessary.)

Thank you very much for your attention to NEXI's procedures for submitting objections.

(END)

## Results of Examinations

### 1. Formality of the Request

- (1) All items are written in Japanese, English or the official language of the country in which the Requester resides.
- (2) There are items descriptions of which are insufficient.  
(Items the descriptions of which are insufficient: )

### 2. Requirements to commence the procedures

#### (1) Requirements regarding the Requester

- ①The objection has been submitted by two or more residents in the country in which the project is implemented.
- ②The objection does not satisfy the above requirement.
- ②The fact that the objection has been submitted by the Requester cannot be confirmed.

#### (2)Project with respect to which the objections are submitted

- ①As a result of identifying the project from the reading of the Request, it has been confirmed that it is a project covered by NEXI.
- ②As a result of identifying the project from the reading of the Request, it has been confirmed that it is not a project covered by NEXI.
- ③The project cannot be identified by reading the Request.

#### (3)Period

- ①The objection was submitted during the period between the conclusion of the insurance contract and the completion of the supply of funds.
- ②The objection was submitted prior to the conclusion of the insurance contract and is appropriate to be transferred to the section in charge of underwriting business.
- ③ The objection was submitted after the completion of the supply of funds and the non-compliance with the Guidelines concerning NEXI's monitoring is pointed out.
- ④The objection was submitted after the end of the supply of funds and the non-compliance with the Guidelines concerning NEXI's monitoring is not pointed out.

#### (4)Direct and substantial damage actually incurred by the Requester or the possibility of substantial damage likely to be incurred in the future by the Requester

- ①Direct and substantial damage actually incurred or the possibility of substantial damage

likely to be incurred in the future is described.

② Direct and substantial damage actually incurred or the possibility of substantial damage likely to be incurred in the future is not described.

(5) Relevant provisions of the Guidelines which the Requester considers to have been violated and the facts that the Requester considers as non-compliance

① Provisions not complied with and the facts of non-compliance are fairly reasonably described.

② Provisions not complied with and the facts of non-compliance are not fairly reasonably described.

(6) Casual linkage between non-compliance with the Guidelines and damage

① Description of casual linkage is fairly reasonable.

② Description of casual linkage is not considered fairly reasonable.

(7) Facts concerning the Requester's consultation with the Project Sponsor

① The Requester has proposed to have dialogues with the Project Sponsor.

② There is an unavoidable reason for the Requester which prevents the Requester from endeavoring to have dialogues with the Project Sponsor.

③ As the Requester has not fully endeavored to have dialogues with the Project Sponsor, the Requester should first propose to have dialogues.

(8) Facts concerning the Requester's consultation with NEXI

① The Requester has communication with the section in charge of underwriting business.

② As the Requester has not fully endeavored to have communication with NEXI's section in charge of underwriting business, the Requester should first propose to have dialogues.

(9) Prevention of abuse

① There is no concern that the objection was submitted for abusive purposes.

② Since there is a concern that the objection was submitted for abusive purposes and it is inappropriate to commence the procedures.

③ There is a serious false description in the Request.

(Describe the reasons why the request is considered to have been submitted for abusive purposes and describe the matters which are considered to be false.)

(END)



### Form of the Examiner's Report

1 . Summary of objection received

- (1) Name of country:
- (2) Name of city in which the project is located:
- (3) Name of project:
- (4) Alleged damage:
- (5) Alleged non-compliance with the Guidelines:

2 . Results of preliminary investigations (Results of examination are attached)

3 . Results of investigations on relevant facts and encouragement of dialogues

- (1) Record of interviews with the section in charge of underwriting business for purposes of investigating compliance/non-compliance with the Guidelines

①Date and time of interviews

②Contents of interviews

- (2) Results of investigations on the facts concerning compliance /non-compliance with the Guidelines

①Damage actually incurred

②Facts concerning compliance/non-compliance with the Guidelines

③ Casual linkage between the damage actually incurred and the facts concerning compliance/non-compliance with the Guidelines

④Final results

⑤(If the Guidelines are not complied with) Possible measures to cure the non-compliance in the particular case

- (3) Agreement between the parties on the encouragement of dialogues and record of dialogues held between the parties

①Date and time of dialogues

②Contents of dialogues

- (4) Contents of agreement reached between the parties (if any)

- (5)Necessity of further mediation

4 . Lists of materials on which the Examiner's judgement was based

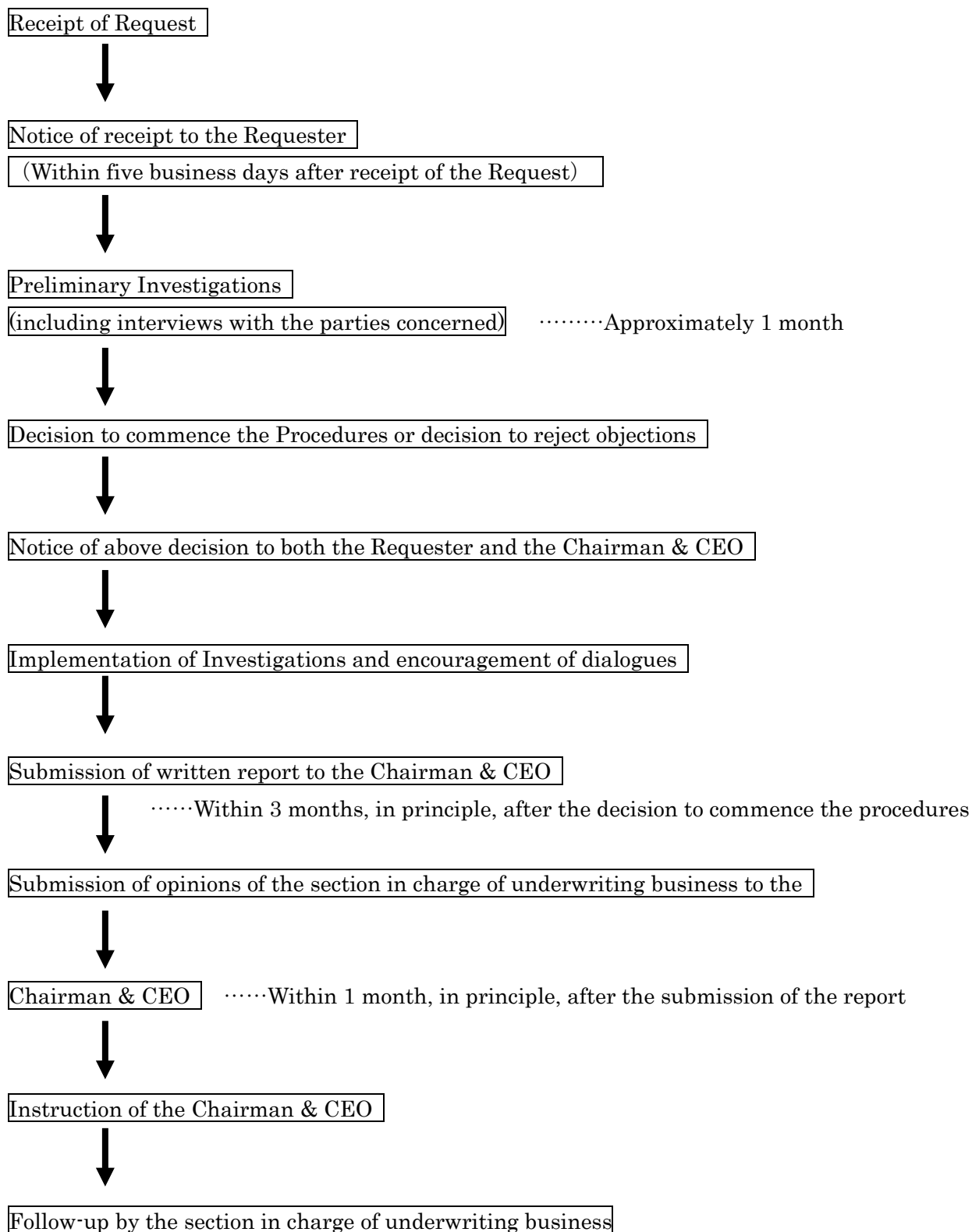
(END)

**Form of the Examiner's Annual Report of Activities**

- 1 . Summary of activities conducted during the current business year
  - (1) Number of Requests received
  - (2) Number of decisions to commence the Procedures and number of decisions to reject objections
  - (3) Analysis of the reasons for decisions not to commence the Procedures (such as reasons for decisions to reject which appeared frequently)
  - (4) Number of reports prepared by the Examiner
  - (5) Analysis of items with respect to the non-compliance with the Guidelines have been pointed out (such as provisions the non-compliance with which were frequently pointed out)
  
- 2 . Opinions of users
  - (1) Opinions of the Requester
  - (2) Opinions of the Project Sponsor
  - (3) Opinions of the section in charge of underwriting business
  
- 3 . Status of implementation of instructions issued by the Chairman & CEO
  - (1) Report from the section in charge of underwriting business on the status of implementation of instruction issued by the Chairman & CEO
  - (2) The Examiner's opinion on the report made by the section in charge of underwriting business
  
- 4 . Administration and implementation systems

(END)

**Procedure Flowchart**



(Note) If there is any ambiguity in English version and/or any inconsistency with Japanese version, the Japanese version prevails.