

# Foreign Exchange Order

(Cabinet Order No. 260 of October 11, 1980)

The Cabinet, pursuant to Article 6, Article 9, Article 11-2, Articles 15 through 18, Articles 20 through 25, Article 66, Article 67, Article 69, Article 69-2, and Article 69-4 of the Foreign Exchange and Foreign Trade Control Act (Act No. 228 of 1949), and in order to enforce the provisions of the same Act, enacts this Cabinet Order.

## Table of Contents

- Chapter I General Provisions (Articles 1 to 3)
- Chapter II Deleted
- Chapter III Payment, etc. (Articles 6 to 8-2)
- Chapter IV Capital Transactions, etc. (Articles 9 to 18-3)
- Chapter IV-2 Report (Articles 18-4 to 18-9)
- Chapter V Miscellaneous Provisions (Articles 19 to 27)
- Supplementary Provisions

## Chapter I General Provisions

(Purpose)

Article 1 This Cabinet Order is to specify necessary matters, etc. in regard to the payment, etc. prescribed in Chapters I, III and IV of the Foreign Exchange and Foreign Trade Act (hereinafter referred to as the "Act"), control or coordination pertaining to capital transactions or other transactions or acts, and the report, etc. pursuant to the provisions of Chapter VI-2 of the Act.

(Definitions)

Article 2 (1) The means of payment specified by Cabinet Order as prescribed in Article 6, paragraph (1), item (vii) of the Act are the following:

- (i) promissory notes (excluding those falling under securities or certificates prescribed in the following paragraph);
- (ii) those which are similar to any of those listed in (a) or (b) of Article 6, paragraph (1), item (vii) of the Act or in the preceding item, which may be used for payment.

(2) The securities or certificates specified by Cabinet Order as prescribed in Article 6, paragraph (1), item (xi) of the Act are the deposit certificates of negotiable deposits or other securities or certificates, which are specified by Ministry of Finance Order.

- (3) Market transactions of derivatives specified by Cabinet Order as prescribed in Article 6, paragraph (1), item (xiv) of the Act are the following:
- (i) transactions listed in Article 2, paragraph (21), item (i), and item (iv) through item (vi) of the Financial Instruments and Exchange Act (Act No. 25 of 1948) wherein the transfer of financial instruments (meaning financial instruments prescribed in paragraph (24) of the same Article; hereinafter the same applies in this Article), rights pertaining to financial instruments or monetary claims (excluding those that are financial instruments and those that are rights pertaining to financial instruments; the same applies in item (i) of the following paragraph) is promised (excluding those wherein settlement of the transactions may be made only by paying or receiving the differences);
  - (ii) transactions listed in Article 2, paragraph (21), item (iii) of the Financial Instruments and Exchange Act (excluding transactions pertaining to transactions equivalent to the transactions listed in item (ii) of the same paragraph which are specified by financial instruments exchanges).
- (4) Over-the-counter transactions of derivatives specified by Cabinet Order as prescribed in Article 6, paragraph (1), item (xiv) of the Act are the following:
- (i) transactions listed in Article 2, paragraph (22), item (i), and item (v) through item (vii) of the Financial Instruments and Exchange Act wherein the transfer of financial instruments, rights pertaining to financial instruments or monetary claims is promised (excluding those wherein settlement of the transactions may be made only by paying or receiving the differences);
  - (ii) transactions listed in Article 2, paragraph (22), item (iii) of the Financial Instruments and Exchange Act.
- (5) The transactions specified by Cabinet Order as prescribed in Article 6, paragraph (1), item (xiv) of the Act are transactions promising the transfer of the amount of money calculated based on the difference between the numeric value, which has been agreed upon between parties in advance as the interest rate, price of a currency, price of goods or numeric value of another index, and the actual numeric value of such index at a certain time in the future, or transactions similar thereto (limited to those which may be conducted as social activities or business pursuant to the provisions of an act or an order based on an act), which are specified by Ministry of Finance Order.

(Suspension of Transactions in Case of Emergency)

Article 3 (1) In this Article, the meanings of the terms set forth in the following items are as prescribed respectively in those items:

- (i) financial index: Meaning a financial index prescribed in Article 2, paragraph (25) of the Financial Instruments and Exchange Act or an index similar

- thereto;
- (ii) market transactions of derivatives: Meaning market transactions of derivatives prescribed in Article 2, paragraph (21) of the Financial Instruments and Exchange Act;
  - (iii) over-the-counter transactions of derivatives: Meaning over-the-counter transactions of derivatives prescribed in Article 2, paragraph (22) of the Financial Instruments and Exchange Act;
  - (iv) financial instruments exchange: Meaning a financial instruments exchange prescribed in Article 2, paragraph (16) of the Financial Instruments and Exchange Act;
  - (v) financial instruments market: Meaning a financial instruments market prescribed in Article 2, paragraph (14) of the Financial Instruments and Exchange Act;
  - (vi) foreign financial instruments market: Meaning a foreign financial instruments market prescribed in Article 2, paragraph (8), item (iii), (b) of the Financial Instruments and Exchange Act;
  - (vii) market transactions of derivatives, etc.: Meaning market transactions of derivatives or transactions similar to market transactions of derivatives conducted in a foreign financial instruments market;
  - (viii) financial instruments business operator: Meaning a financial instruments business operator prescribed in Article 2, paragraph (9) of the Financial Instruments and Exchange Act who engages in Type I financial instruments business prescribed in Article 28, paragraph (1) of the same Act or Type II financial instruments business prescribed in paragraph (2) of the same Article;
  - (ix) market transactions of derivatives pertaining to a currency: Meaning market transactions of derivatives that fall under the following transactions:
    - (a) among the transactions listed in Article 2, paragraph (21), item (i) of the Financial Instruments and Exchange Act, those falling under currency sales transactions;
    - (b) among the transactions listed in Article 2, paragraph (21), item (iii) of the Financial Instruments and Exchange Act (excluding those pertaining to the transactions listed in item (ii) of the same paragraph), those pertaining to a currency;
    - (c) among the transactions listed in Article 2, paragraph (21), item (ii) of the Financial Instruments and Exchange Act or the transactions listed in item (iii) of the same paragraph (limited to those pertaining to the transactions listed in item (ii) of the same paragraph), those pertaining to a financial index for a currency;
  - (x) over-the-counter transactions of derivatives pertaining to a currency: Meaning over-the-counter transactions of derivatives that fall under the

following transactions:

- (a) among the transactions listed in Article 2, paragraph (22), item (i) of the Financial Instruments and Exchange Act, those falling under currency sales transactions;
  - (b) among the transactions listed in Article 2, paragraph (22), item (iii) of the Financial Instruments and Exchange Act, those pertaining to a currency (excluding those falling under the transactions listed in (c));
  - (c) among the transactions listed in Article 2, paragraph (22), item (ii) of the Financial Instruments and Exchange Act or the transactions listed in item (iii) of the same paragraph, those pertaining to a financial index for a currency;
  - (xi) member, etc. of a financial instruments exchange: Meaning a member, etc. prescribed in Article 56-4, paragraph (1) of the Financial Instruments and Exchange Act;
  - (xii) foreign means of payment, etc.: Meaning foreign means of payment or claims in foreign currency (meaning claims receivable in foreign currency);
  - (xiii) sales transactions, etc. of foreign means of payment, etc.: Meaning sales transactions of foreign means of payment, etc. (excluding those falling under over-the-counter transactions of derivatives or market transactions of derivatives, etc.) or transactions similar to market transactions of derivatives pertaining to a currency, which are conducted outside the financial instruments market and foreign financial instruments market (excluding those falling under sales transactions of foreign means of payment, etc.);
  - (xiv) market for foreign exchange between banks, etc.: Meaning a market in which sales transactions, etc. of foreign means of payment, etc. are conducted by use of a telecommunications facility between banks or others that conduct sales transactions, etc. of foreign means of payment, etc. in the course of trade.
- (2) When the Minister of Finance orders, pursuant to Article 9, paragraph (1) of the Act, those listed in the following items to suspend transactions pertaining to capital transactions prescribed respectively in those items (meaning capital transactions prescribed in Article 20 of the Act; the same applies hereinafter), when finding it urgently necessary for the purpose of maintaining the stability of currency, the Minister is to do so designating the scope of transactions subject to the suspension order by a public notice for transactions prescribed in item (i) or by a notice to those listed in item (ii) or (iii) for transactions prescribed in item (ii) or (iii); provided, however, that with regard to transactions prescribed in item (i) which are conducted by those listed in the same item, when the Minister of Finance finds that it would be difficult to achieve the purpose of the Act if the scope of transactions subject to the

suspension order is designated by a public notice, the scope of the transactions may be designated by a posting at the Ministry of Finance and the Bank of Japan or other method specified by Ministry of Finance Order:

- (i) among residents who conduct sales transactions, etc. of foreign means of payment, etc. in the market for foreign exchange between banks, etc. in the course of trade, those specified by Ministry of Finance Order (referred to as the "participants in the specified foreign exchange market" in paragraph (5)): Transactions pertaining to the occurrence, alternation or extinction of claims based on a contract pertaining to sales transactions, etc. of foreign means of payment, etc. (hereinafter referred to as the "transactions pertaining to the occurrence, etc. of claims"), which are conducted in the market for foreign exchange between banks, etc.;
  - (ii) member, etc. of a financial instruments exchange: The following capital transactions:
    - (a) among the transactions pertaining to the occurrence, etc. of claims based on a sales contract for foreign means of payment, etc., market transactions of derivatives that fall under the transactions listed in item (ix), (a) or (b) of the preceding paragraph;
    - (b) among the transactions pertaining to the occurrence, etc. of claims based on a futures contract on a financial index, etc. (limited to such contracts pertaining to a financial index for a currency; hereinafter the same applies in this paragraph), those conducted in the financial instruments market established by a financial instruments exchange;
    - (c) among the transactions pertaining to the occurrence, etc. of claims based on a sales contract for foreign means of payment, etc. or a futures contract on a financial index, etc., those falling under the transactions listed in item (x) of the preceding paragraph;
  - (iii) financial instruments business operators or those specified by Ministry of Finance Order: The following capital transactions:
    - (a) among the transactions pertaining to the occurrence, etc. of claims based on a sales contract for foreign means of payment, etc., transactions similar to market transactions of derivatives that fall under the transactions listed in item (ix), (a) or (b) of the preceding paragraph, which are conducted in the foreign financial instruments market;
    - (b) transactions similar to the transactions pertaining to the occurrence, etc. of claims based on a futures contract on a financial index, etc., which are conducted in the foreign financial instruments market.
- (3) When the Minister of Finance orders the suspension of transactions pertaining to capital transactions through designation by a method prescribed in the proviso of the preceding paragraph, the Minister is to take measures for making public that effect and the content of the order (meaning the content of

- capital transactions designated as the subject of the suspension order and the period of the suspension order) and also promptly give a public notice thereon.
- (4) With regard to suspension ordered pursuant to the provisions of paragraph (2), the period specified by Cabinet Order as prescribed in Article 9, paragraph (1) of the Act is the period not exceeding one month specified by the Minister of Finance.
- (5) The participants in the specified foreign exchange market, members, etc. of a financial instruments exchange, financial instruments business operators or those specified by Ministry of Finance Order, who have been ordered to suspend capital transactions pursuant to the provisions of paragraph (2) may not conduct the designated capital transactions within the period specified by the Minister of Finance as set forth in the preceding paragraph.

## **Chapter II Deleted**

Article 4 Deleted.

Article 5 Deleted.

## **Chapter III Payment, etc.**

(Permission for Payment, etc.)

- Article 6 (1) Where the Minister of Finance or the Minister of Economy, Trade and Industry imposes, pursuant to Article 16, paragraphs (1) through (3) of the Act, the obligation to obtain permission for payment from Japan to a foreign state by a resident or a non-resident or for payment, etc. (meaning payment or receipt of payment; the same applies hereinafter) by a resident to a non-resident, the Minister is to do so designating payment, etc. that require permission, after clarifying, in advance, by a public notice, the provision, among these provisions, based on which the obligation to obtain permission is imposed.
- (2) When a resident or a non-resident intends to make a payment, etc. designated pursuant to the provisions of the preceding paragraph, the resident or non-resident must obtain permission from the Minister of Finance or the Minister of Economy, Trade and Industry through procedures specified by Ministry of Finance Order or Order of the Ministry of Economy, Trade and Industry.
- (3) Where one payment, etc. that a resident or a non-resident intends to make falls under two or more kinds of payment, etc. designated pursuant to the provisions of paragraph (1) based on two or more provisions of paragraphs (1) through (3) of Article 16 of the Act, when the resident or non-resident intends to file, pursuant to paragraph (4) of the same Article, an application for

permission as prescribed in the two or more provisions in block in regard to the one payment, etc. that the resident or non-resident intends to make, the resident or non-resident is to file the application through procedures specified by Ministry of Finance Order or Order of the Ministry of Economy, Trade and Industry, after clarifying the provision, among paragraphs (1) through (3) of the same Article, based on which the obligation to obtain permission has been imposed for the payment, etc. for which the application for permission has been filed.

- (4) Where the Minister of Finance or the Minister of Economy, Trade and Industry has imposed the obligation to obtain permission for a payment, etc. pursuant to the provisions of paragraph (1), the Minister must, when finding that there is no longer a need to impose the obligation, promptly cancel the obligation by a public notice.
- (5) The cases specified by Cabinet Order as prescribed in Article 16, paragraph (5) of the Act are the cases of making a payment, etc. pertaining to the import or export of goods for which the obligation to obtain permission or approval is imposed pursuant to the provisions of the following laws and regulations, which has been designated by a public notice by the Minister of Economy, Trade and Industry as finding, by considering the parties to the import or export of the goods and the content thereof and other matters, that even if the payment, etc. is made, no particular obstruction to achieving the purpose of the Act would be caused:
- (i) Article 48, paragraph (1) of the Act;
  - (ii) Article 2, paragraph (1) of the Export Trade Control Order (Cabinet Order No. 378 of 1949) or Article 4, paragraph (1) of the Import Trade Control Order (Cabinet Order No. 414 of 1949).

(Scope of Restrictions on Payment, etc.)

Article 6-2 (1) Financial institutions specified by Cabinet Order as prescribed in Article 16-2 of the Act are the following:

- (i) banks (meaning banks prescribed in Article 2, paragraph (1) of the Banking Act (Act No. 59 of 1981); the same applies in Article 11-2, paragraph (1)), long-term credit banks (meaning long-term credit banks prescribed in Article 2 of the Long-Term Credit Bank Act (Act No. 187 of 1952); the same applies in Article 11-2, paragraph (1)), credit unions, federations of credit unions, workers' credit union banks, federations of workers' credit union banks, credit cooperatives and federations of credit cooperatives (meaning federations of cooperatives that conduct business set forth in Article 9-9, paragraph (1), item (i) of the Small and Medium-Sized Enterprises Cooperatives Act (Act No. 181 of 1949));
- (ii) agricultural cooperatives, federations of agricultural cooperatives, fisheries

- cooperatives, federations of fisheries cooperatives, fishery processing cooperatives and federations of fishery processing cooperatives, which may accept savings or thrift savings in the course of trade;
- (iii) the Bank of Japan, Norinchukin Bank, Shokochukin Bank Limited., the Development Bank of Japan, and Japan Bank for International Cooperation.
- (2) Payment, etc. specified by Cabinet Order as prescribed in Article 16-2 of the Act is payment, etc. made based on a sales contract (limited to that for which both payment pertaining to the payment, etc. and the receipt thereof are conducted in Japan; hereinafter the same applies in this paragraph) or other payment, etc. specified by the Minister of Finance or the Minister of Economy, Trade and Industry, of which the amount is not more than that equivalent to one hundred thousand yen.
- (3) Where the Minister of Finance or the Minister of Economy, Trade and Industry, pursuant to the provisions of Article 16-2 of the Act, prohibits a person who has made payment, etc., for which the obligation to obtain permission is imposed pursuant to the provisions of Article 16, paragraph (1) of the Act, without obtaining the permission from making, in whole or in part, payment from Japan to a foreign state and payment, etc. between a resident and a non-resident, or imposes on such a person the obligation to obtain permission, the Minister is to do so designating, in advance, by a notice to that person, payment, etc. that are prohibited or that require permission.
- (4) When a person who has been obliged to obtain permission for the payment, etc. pursuant to the provisions of the preceding paragraph intends to make payment, etc. designated by a notice set forth in the same paragraph as the payment, etc. that require permission, the person must obtain permission from the Minister of Finance or the Minister of Economy, Trade and Industry through procedures specified by Ministry of Finance Order or Order of the Ministry of Economy, Trade and Industry.
- (5) Where the Minister of Finance or the Minister of Economy, Trade and Industry, pursuant to the provisions of paragraph (3), has prohibited, in whole or in part, payment, etc. or imposed the obligation to obtain permission for the payment, etc., the Minister must, when finding that there is no longer a need to prohibit or impose the obligation to obtain permission, promptly cancel the prohibition or the obligation to obtain permission by a notice to the person who has been prohibited or obliged to obtain permission.
- (6) When the Minister of Finance or the Minister of Economy, Trade and Industry is unable to ascertain the domicile or residence, or the location of the business office or office, of a person to whom a notice pursuant to the provisions of paragraph (3) is to be given, the Minister may designate payment, etc. that are prohibited or that require permission, after clarifying, by a public notice instead of a notice pursuant to the same paragraph, a person who is



prohibited from making, in whole or in part, payment, etc. prescribed in the same paragraph or obliged to obtain permission for such payment, etc. In this case, with regard to the application of provisions of the preceding two paragraphs in the cases where the Minister of Finance or the Minister of Economy, Trade and Industry has given the public notice, the terms "preceding paragraph" and "notice" in paragraph (4) are deemed to be replaced with "preceding paragraph and paragraph (6)" and "public notice," respectively, and the terms "paragraph (3)" and "notice to the person who has been prohibited or obliged to obtain permission" in the preceding paragraph are deemed to be replaced with "paragraph (3) and the following paragraph" and "public notice," respectively.

(Transactions Subject to the Confirmation Obligation of Banks, etc.)

Article 7 The transactions or acts specified by Cabinet Order as prescribed in Article 17, item (iii) of the Act are the following transactions or acts (excluding those designated by the Minister of Finance or the Minister of Economy, Trade and Industry by a public notice):

- (i) specified capital transactions prescribed in Article 24, paragraph (1) of the Act for which the obligation to obtain permission is imposed pursuant to the provisions of paragraph (1) or (2) of the same Article;
- (ii) service transactions, etc. prescribed in Article 25, paragraph (6) of the Act for which the obligation to obtain permission is imposed pursuant to the provisions of the same paragraph;
- (iii) among inward direct investment, etc. prescribed in Article 26, paragraph (2) of the Act for which the obligation to give notification is imposed pursuant to the provisions of Article 27, paragraph (1) of the Act, those specified, pursuant to the provisions of Article 27, paragraph (1), by Cabinet Order as falling under the inward direct investment, etc. listed in Article 27, paragraph (3), item (iii) of the Act;
- (iv) import of goods for which the obligation to obtain approval is imposed pursuant to the provisions of Article 52 of the Act (limited to those for which the obligation to obtain approval was imposed by the Minister of Economy, Trade and Industry from the same viewpoint as that adopted in the cases where the Minister imposes, pursuant to the provisions of Article 16, paragraph (1) of the Act, the obligation to obtain permission for payment, etc.).

(Small Payment or Payment, etc. Exempted from the Obligation to Identify Customers of Banks, etc.)

Article 7-2 The small payment or payment, etc. specified by Cabinet Order as prescribed in Article 18, paragraph (1) of the Act is payment or payment, etc.

not more than the amount equivalent to 100,000 yen.

(Foreign Nationals Specified by Cabinet Order as Prescribed in Article 18,  
Paragraph (1), Item (i) of the Act)

Article 7-2-2 The foreign nationals not having their domicile or residence in Japan who are specified by Cabinet Order as prescribed in Article 18, paragraph (1), item (i) of the Act are foreign nationals residing in Japan whose domicile or residence in the states to which the foreign nationals belong cannot be confirmed based on the entries in the passports (meaning passports listed in Article 2, item (v) of the Immigration Control and Refugee Recognition Act (Cabinet Order No. 319 of 1951)) or crew member's pocket-ledgers (meaning crew member's pocket-ledgers listed in Article 2, item (vi) of the Immigration Control and Refugee Recognition Act) that they possess.

(States, Local Governments, Associations or Foundations without Legal  
Personality or Those Specified by Cabinet Order)

Article 7-3 Those specified by Cabinet Order as prescribed in Article 18,  
paragraph (3) of the Act are the following:

- (i) states;
- (ii) local governments;
- (iii) associations or foundations without legal personality;
- (iv) incorporated administrative agencies prescribed in Article 2, paragraph (1) of the Act on General Rules for Incorporated Administrative Agency (Act No. 103 of 1999);
- (v) corporations of which not less than a half of the stated capital, funds or those equivalent thereto is contributed by a state or a local government (excluding those listed in the preceding item, the following item and item (viii));
- (vi) foreign governments, foreign governmental institutions, foreign local governments, foreign central banks or international organizations of which Japan is a member state;
- (vii) workers who conclude a workers' property accumulation savings contract, etc. (meaning the workers' property accumulation savings contract prescribed in Article 6, paragraph (1) of the Act on the Promotion of Workers' Property Accumulation (Act No. 92 of 1971), the workers' property accumulation pension savings contract prescribed in paragraph (2) of the same Article, and the contract on workers' property accumulation savings for house construction prescribed in paragraph (4) of the same Article; the same applies in Article 11-4);
- (viii) issuers of the securities listed in the items of Article 27-2 of the Order for Enforcement of the Financial Instruments and Exchange Act (Cabinet Order

- No. 321 of 1965) (excluding securities listed in Article 2, paragraph (1), item (xi) of the Financial Instruments and Exchange Act and those pertaining to such securities, and those falling under the tradable securities prescribed in Article 67-18, item (iv) of the Act);
- (ix) those specified by Ministry of Finance Order as equivalent to those set forth in the preceding items.

(Permission for Import or Export of Means of Payment, etc.)

- Article 8 (1) Where the Minister of Finance imposes, pursuant to Article 19, paragraph (1) or (2) of the Act, the obligation to obtain permission for import or export of the means of payment or securities prescribed in paragraph (1) of the same Article, or precious metal (hereinafter referred to as the "means of payment, etc.") by a resident or a non-resident, the Minister is to do so designating, in advance, by a public notice, the import or export of the means of payment, etc. that require permission.
- (2) When a resident or a non-resident intends to import or export the means of payment, etc. designated pursuant to the provisions of the preceding paragraph, the resident or non-resident must obtain permission from the Minister of Finance through procedures specified by Ministry of Finance Order.
- (3) Where the Minister of Finance has imposed, pursuant to the provisions of paragraph (1), the obligation to obtain permission for import or export of the means of payment, etc., the Minister must, when finding that there is no longer a need to impose the obligation, promptly cancel the obligation by a public notice.

(Notification of Import or Export of Means of Payment, etc.)

- Article 8-2 (1) The cases specified by Cabinet Order as prescribed in Article 19, paragraph (3) of the Act are the cases other than the cases of intending to import or export by carrying the means of payment, etc. that fall under any of the following items:
- (i) means of payment or securities prescribed in Article 19, paragraph (1) of the Act (limited to those respectively specified by Ministry of Finance Order), for which the amount calculated as its value by a method specified by Ministry of Finance Order (where two or more means of payment are involved, where two or more securities are involved, or where two or more means of payment and securities are involved in total, the total of the amounts calculated by a method specified by Ministry of Finance Order as the values of each) exceeds that equivalent to one million yen (or 100,000 yen for cases specified by the Minister of Finance as cases of intending to import or export by carrying the means of payment or securities by designating a specified region as destination or place of shipment, while taking into consideration the status

- of economic transactions with Japan and other circumstances);
- (ii) precious metal (limited to that specified by Ministry of Finance Order) whose weight (where two or more precious metals are involved, the total of the weights of each) exceeds one kilogram.
- (2) Any person who intends to import or export the means of payment, etc. subject to notification pursuant to the provisions of Article 19, paragraph (3) of the Act must, pursuant to the provisions of Ministry of Finance Order, give the notification prior to the date on which the person intends to import or export it.
- (3) The matters specified by Cabinet Order as prescribed in Article 19, paragraph (3) of the Act are the following matters:
  - (i) name and domicile or residence of a notifier (for a corporation, its name, location of its principal office and name of its representative);
  - (ii) kind, quantity, amount (for precious metal, weight), and destination or place of shipment of the means of payment, etc. to be imported or exported;
  - (iii) date of performance of import or export of the means of payment, etc.;
  - (iv) other matters specified by Ministry of Finance Order.

#### **Chapter IV Capital Transactions, etc.**

(Current Expenditures)

- Article 9 (1) The transfer of funds specified by Cabinet Order as prescribed in Article 20, item (xi) of the Act is the following transfer of funds:
- (i) transfer of funds pertaining to personal expenses, fuel, light and water charges or other general administrative expenses, which are necessary for operating an office (excluding those pertaining to the establishment or expansion of a branch office, factory or other business office);
  - (ii) transfer of funds prescribed in (a) to (c) below, which is conducted between offices in Japan and in a foreign state of a corporation in regard to transactions listed in (a) to (c) below, which are conducted by the office in Japan of the corporation:
    - (a) import or export of goods: Transfer of charge for import or export of the goods or freight, insurance fees or funds directly incidental to import or export of the goods;
    - (b) transactions related to the buying and selling, leasing and lending, or gifting of goods involving the movement of goods between foreign states: Transfer of charge for the buying and selling of the goods pertaining to the transactions or freights, insurance fees or other funds directly incidental to the transactions;
    - (c) service transactions: Transfer of consideration for the service transactions or funds directly incidental to the service transactions.
- (2) The term "service transactions" set forth in item (ii), (c) of the preceding

paragraph means transactions designed to provide labor or benefit.

(Designation of Capital Transactions)

Article 10 The transactions specified by Cabinet Order as prescribed in Article 20, item (xii) of the Act are the transactions pertaining to the occurrence, etc. of claims based on a sales contract for gold bullion between a resident and a non-resident.

(Capital Transactions, etc. That Require Permission from the Minister of Finance)

Article 11 (1) Where the Minister of Finance imposes, pursuant to Article 21, paragraph (1) or (2) of the Act, on a resident or a non-resident the obligation to obtain permission for conducting capital transactions, the Minister is to do so designating capital transactions that require permission, after clarifying, in advance, by a public notice, the provision, among these provisions, based on which the obligation to obtain permission is imposed; provided however, where the Minister of Finance finds that it would become difficult to achieve the purpose of the Act if the capital transactions are to be designated by a public notice in the case of imposing, pursuant to the same paragraphs, the obligation to obtain permission for capital transactions by a resident or a non-resident, the capital transactions may be designated by a posting at the Ministry of Finance and the Bank of Japan or by other appropriate method specified by Ministry of Finance Order.

(2) When the Minister of Finance has designated capital transactions pursuant to the provisions of the proviso of the preceding paragraph, the Minister is to take measures for making public that effect and the content of the designated capital transactions and also promptly give a public notice thereon.

(3) When a resident or a non-resident intends to conduct capital transactions designated pursuant to the provisions of paragraph (1), the resident or non-resident must obtain permission from the Minister of Finance through procedures specified by Ministry of Finance Order.

(4) Where one capital transaction that a resident or a non-resident intends to conduct falls under two or more kinds of capital transactions designated pursuant to the provisions of paragraph (1) based on Article 21, paragraph (1) or (2), when the resident or non-resident intends to file, pursuant to paragraph (5) of the same Article, an application for permission as prescribed in paragraphs (1) and (2) of the same Article in block in regard to the one capital transaction that the resident or non-resident intends to conduct, the resident or non-resident is to file the application through procedures specified by Ministry of Finance Order, after clarifying that the application for permission pertains to the capital transaction for which the obligation to obtain

permission has been imposed pursuant to these provisions.

- (5) Where capital transactions designated pursuant to the provisions of paragraph (1) are the transactions listed in Article 20, item (iv) or (ix) of the Act, when one party to the transactions has obtained permission pursuant to the provisions of paragraph (3), the other party to the transactions is not required to obtain permission pursuant to the provisions of the same paragraph, notwithstanding the provisions of the same paragraph.
- (6) Where the Minister of Finance has imposed, pursuant to the provisions of paragraph (1), the obligation to obtain permission for conducting capital transactions, the Minister must, when finding that there is no longer a need to impose the obligation, promptly cancel the obligation by a public notice.

(Handling of the Special International Financial Transactions Account)

- Article 11-2 (1) Financial institutions specified by Cabinet Order as prescribed in Article 21, paragraph (3) of the Act are banks, long-term credit banks, credit unions, federations of credit unions, Norinchukin Bank, Shokochukin Bank Limited, insurance corporations (meaning insurance corporations prescribed in Article 2, paragraph (2) of the Insurance Business Act (Act No. 105 of 1995) and foreign insurance corporations, etc. prescribed in paragraph (7) of the same Article) and financial instruments business operators (limited to financial instruments business operators prescribed in Article 2, paragraph (9) of the Financial Instruments and Exchange Act who conduct acts listed in Article 28, paragraph (1), item (i) of the same Act in the course of trade).
- (2) Those specified by Cabinet Order as prescribed in Article 21, paragraph (3) are corporations having their principal office in a foreign state (excluding corporations established based on foreign laws and regulations) and non-resident business offices of banks, etc. prescribed in Article 16-2 of the Act (hereinafter referred to as the "banks, etc.") which are Japanese corporations.
  - (3) The deposit contract specified by Cabinet Order as prescribed in Article 21, paragraph (3), item (i) of the Act is a deposit contract (excluding those pertaining to a negotiable deposit) that fulfills, according to the classification of deposit contracts listed in the following items, the requirements prescribed respectively in those items:
    - (i) deposit contract with a non-resident prescribed in Article 21, paragraph (3), item (i) of the Act who is a financial institution or another kind specified by Ministry of Finance Order: With regard to a deposit contract with no set due date for refund, the refund is made on and after the day following the date of cancellation of the deposit contract, and with regard to a deposit contract with a set due date for refund, the due date for refund arrives on and after the day following the date of cancellation of the deposit contract;
    - (ii) deposit contract with a non-resident other than those listed in the

preceding item as prescribed in Article 21, paragraph (3), item (i) of the Act: The deposit contract is a deposit contract with a set due date for refund, and the due date for refund arrives on and after the date when two days have passed from the date of conclusion of the deposit contract, and the amount of deposit based on the deposit contract is not less than the amount specified by the Minister of Finance.

- (4) The securities specified by Cabinet Order as prescribed in Article 21, paragraph (3), item (iii) of the Act are corporate bonds issued by corporations established based on foreign laws and regulations, public bonds issued by foreign governments and local governments, and bonds issued by foreign governmental institutions and international organizations or other securities specified by the Minister of Finance (hereinafter referred to as the "foreign public and corporate bonds, etc." in this Article).
- (5) The transactions or acts specified by Cabinet Order as prescribed in Article 21, paragraph (3), item (iv) of the Act are the following:
- (i) derivative transactions with a non-resident which are incidental to a deposit contract, etc. with a non-resident or a deposit contract for other account, etc.;
  - (ii) derivative transactions with a non-resident accompanying the possession of the foreign public and corporate bonds, etc. or liquid securities;
  - (iii) transactions pertaining to the occurrence, etc. of claims based on a loan contract or a deposit contract for the foreign public and corporate bonds, etc., national government bond securities or liquid securities with a non-resident, which is concluded for the purpose of securing the transactions listed in the preceding two items;
  - (iv) negotiation of national government bond securities to a non-resident;
  - (v) acquisition of national government bond securities with sell-back conditions from a non-resident;
  - (vi) acquisition of transferred national government bond securities with buy-back conditions from a non-resident;
  - (vii) acquisition of national government bond securities from a non-resident or those specified by Ministry of Finance Order, which is for negotiating national government bond securities with buy-back conditions or for conducting the transactions pertaining to the occurrence, etc. of claims based on a loan contract or a deposit contract for national government bond securities or a loan contract with a monetary security for national government bond securities, which are conducted for the purpose of securing the transactions listed in item (i) or (ii);
  - (viii) acquisition of liquid securities from a non-resident or negotiation thereof to a non-resident;
  - (ix) acquisition of liquid securities from the issuer thereof for negotiating liquid securities;

- (x) transactions pertaining to the occurrence, etc. of claims based on a loan contract with a monetary security for the foreign public and corporate bonds, etc., national government bond securities or liquid securities with a non-resident;
- (xi) the following transactions or acts with another approved financial institution for special international financial transactions account (meaning financial institutions that have obtained approval from the Minister of Finance for setting, pursuant to the provisions of Article 21, paragraph (3) of the Act, the special international financial transactions account prescribed in the same paragraph (hereinafter referred to as the "special international financial transactions account" in this Article); hereinafter the same applies in this Article and in Article 18-7, paragraph (2), item (i)), of which accounting related to the operation or procurement of funds pertaining to the transactions or acts is adjusted in the special international financial transactions account of another approved financial institution for the special international financial transactions account:
  - (a) transactions pertaining to the occurrence, etc. of claims based on a deposit contract (excluding those pertaining to a negotiable deposit);
  - (b) transactions pertaining to the occurrence, etc. of claims based on a money loan contract;
  - (c) derivative transactions incidental to a deposit contract, etc. with a non-resident or a deposit contract for other account, etc.;
  - (d) derivative transactions accompanying the possession of the foreign public and corporate bonds, etc. or liquid securities;
  - (e) transactions pertaining to the occurrence, etc. of claims based on a loan contract or a deposit contract for the foreign public and corporate bonds, etc., national government bond securities or liquid securities, which are conducted for the purpose of securing the transactions listed in (c) or (d);
  - (f) acquisition or negotiation of the foreign public and corporate bonds, etc., national government bond securities or liquid securities;
  - (g) transactions pertaining to the occurrence, etc. of claims based on a loan contract with a monetary security for the foreign public and corporate bonds, etc., national government bond securities or liquid securities.
- (6) In the preceding paragraph, the meanings of the terms set forth in the following items are as prescribed respectively in those items:
  - (i) deposit contract, etc. with a non-resident: Meaning a deposit contract with a non-resident prescribed in Article 21, paragraph (3), item (i) of the Act, which is specified by Cabinet Order, a monetary loan contract with a non-resident or the acquisition of the foreign public and corporate bonds, etc. or liquid securities from a non-resident or negotiation thereof to a non-resident;
  - (ii) deposit contract for other account, etc.: Meaning a contract pertaining to



- the transactions listed in item (xi), (a) or (b) of the preceding paragraph with another approved financial institution for the special international financial transactions account, of which accounting related to the operation or procurement of funds pertaining to the transactions is adjusted in the special international financial transactions account of the another approved financial institution for the special international financial transactions account, or the acquisition or negotiation of the foreign public and corporate bonds, etc. or liquid securities from or to another approved financial institution for the special international financial transactions account, of which accounting related to the operation or procurement of funds pertaining to the act is adjusted in the special international financial transactions account of the another approved financial institution for the special international financial transactions account;
- (iii) derivative transactions: Meaning the transactions pertaining to the occurrence, etc. of claims based on a sales contract for means of payment or claims or a futures contract on a financial index, etc., which are specified by Ministry of Finance Order;
  - (iv) liquid securities: Meaning specified corporate bonds prescribed in Article 2, paragraph (9) of the Act on the Securitization of Assets (Act No. 105 of 1998), or beneficiary certificates prescribed in paragraph (15) of the same Article for which specified assets prescribed in paragraph (1) of the same Article are only the foreign public and corporate bonds, etc., or beneficiary certificates prescribed in Article 2, paragraph (7) of the Act on Investment Trusts and Investment Corporations (Act No. 198 of 1951) pertaining to securities investment trust prescribed in paragraph (4) of the same Article for which the subject of investment are only the foreign public and corporate bonds, etc.
- (7) Approved institutions for the special international financial transactions account must keep books and documents specified by Ministry of Finance Order and record, in these books and documents, the operation or procurement of funds pertaining to the transactions or acts listed in the items of Article 21, paragraph (3) of the Act by the standard and method specified by Ministry of Finance Order.
- (8) The transfer of funds between the special international financial transactions account and other accounts must be as prescribed below:
- (i) the amount pertaining to the transfer of funds from the special international financial transactions account to other accounts at the closing time of every day (if the current day is a holiday, the previous day thereof; hereinafter the same applies in this paragraph) does not exceed the amount calculated by multiplying the amount, which is obtained by dividing the monthly total of the amounts pertaining to the operation of funds to non-residents prescribed in Article 21, paragraph (3) of the Act, of which

- accounting is settled in the special international financial transactions account at the closing time of every day in the month previous to the month to which the relevant day belongs, by the number of days of the month (where the amount obtained by dividing the total amount by the number of days of the month is not more than the amount specified by the Minister of Finance, the amount specified by the Minister of Finance), by the rate specified by the Minister of Finance (for the period from the day when an approved financial institution for the special international financial transactions account started accounting related to the special international financial transactions account to the last day of the month following the month to which the relevant day belongs, the amount instructed by the Minister of Finance by considering the state of money loan in foreign currency provided by the approved financial institution for the special international financial transactions account or other circumstances);
- (ii) the monthly total of the amounts pertaining to the transfer of funds from the special international financial transactions account to other accounts at the closing time of every day does not exceed the monthly total of the amounts pertaining to the transfer of funds from other accounts to the special international financial transactions account.
- (9) Approved financial institutions for the special international financial transactions account must confirm the other parties to the transactions or acts listed in Article 21, paragraph (3), items (i) through (iii) of the Act of which accounting is settled in the special international financial transactions account and the transactions or acts listed in the items of paragraph (5), by means of collecting documents specified by Ministry of Finance Order or by other methods specified by Ministry of Finance Order, and also confirm, pursuant to the provisions of Ministry of Finance Order, the use of funds pertaining to money loan of which accounting is settled in the special international financial transactions account.

(Scope of Restrictions on Capital Transactions)

- Article 11-3 (1) Where the Minister of Finance, pursuant to Article 22, paragraph (1) of the Act, prohibits a person who has conducted capital transactions, for which the obligation to obtain permission is imposed pursuant to the provisions of Article 21, paragraph (1) of the Act, without obtaining the permission from conducting, in whole or in part, capital transactions or imposes on such a person the obligation to obtain permission for conducting capital transactions, the Minister is to do so designating, in advance, by a notice to the person, the capital transactions that are prohibited or that require permission.
- (2) When a person, who has been, pursuant to the provisions of the preceding

paragraph, obliged to obtain permission for capital transactions that the person conducts, intends to conduct capital transactions designated by a notice set forth in the same paragraph as those that require permission, the person must obtain permission from the Minister of Finance through procedures specified by Ministry of Finance Order.

- (3) Where the Minister of Finance, pursuant to the provisions of paragraph (1), has prohibited a person from conducting, in whole or in part, capital transactions or imposed on a person the obligation to obtain permission for conducting capital transactions, the Minister must, when finding that there is no longer a need to prohibit capital transactions or impose the obligation to obtain permission, promptly cancel the prohibition or the obligation by a notice to the person who has been prohibited or obliged to obtain permission.
- (4) When the Minister of Finance is unable to ascertain the domicile or residence, or the location of the business office or office, of a person to whom a notice pursuant to the provisions of paragraph (1) is to be given, the Minister may designate capital transactions that are prohibited or that require permission, after clarifying, by a public notice instead of a notice pursuant to the same paragraph, a person who is prohibited from conducting, in whole or in part, capital transactions or obliged to obtain permission for conducting transactions. In this case, with regard to the application of the provisions of the preceding two paragraphs in the cases where the Minister of Finance has given the public notice, the terms "preceding paragraph" and "notice" in paragraph (2) are deemed to be replaced with the "preceding paragraph and paragraph (4)" and "public notice," respectively, and the terms "paragraph (1)" and "notice sent to a person who has been prohibited or obliged to obtain permission" in the preceding paragraph are deemed to be replaced with "paragraph (1) and the following paragraph" and "public notice," respectively.

(Those Equivalent to Customers)

Article 11-4 Those specified by Cabinet Order as prescribed in Article 22-2, paragraph (1) of the Act are the beneficiaries of trust contracts prescribed in Article 20, item (i) or (iv) of the Act (excluding those pertaining to workers' property accumulation savings contracts, etc., workers' property accumulation benefit contracts prescribed in Article 6-2, paragraph (1) of the Act on the Promotion of Workers' Property Accumulation, workers' property accumulation fund contracts prescribed in Article 6-3, paragraph (1) of the same Act, asset management contracts prescribed in Article 65, paragraph (3) of the Defined-Benefit Corporate Pension Act (Act No. 50 of 2001), contracts listed in the items of Article 65, paragraph (1) of the same Act which are concluded by corporate pension funds pursuant to the provisions of Article 66, paragraph (1) of the same Act and trust contracts prescribed in Article 66, paragraph (2) of

the same Act, protective trust contracts concluded pursuant to the provisions of Article 51, paragraph (1) of the Act on the Transfer of Corporate Bonds, Shares, etc. (Act No. 75 of 2001), asset management contracts prescribed in Article 8, paragraph (2) of the Defined Contribution Pension Act (Act No. 88 of 2001), or other contracts specified by Ministry of Finance Order.

(Act of Concluding Contracts Pertaining to Capital Transactions)

Article 11-5 (1) Acts specified by Cabinet Order as prescribed in Article 22-2, paragraph (1) of the Act are the following acts (excluding acts of concluding a contract pertaining to customer-oriented money trust (meaning trust pursuant to the provisions of Article 43-2, paragraph (2) of the Financial Instruments and Exchange Act) or designating beneficiaries pertaining to such a contract, or other acts specified by Ministry of Finance Order); provided, however, that for the acts listed in items (i) through (viii), acts committed with customers, etc. (meaning customers, etc. prescribed in Article 22-2, paragraph (1) of the Act, including natural persons who are deemed to be customers pursuant to the provisions of Article 18, paragraph (3) of the Act; hereinafter the same applies in this Article) whose identity has already been confirmed are excluded:

- (i) conclusion of a deposit contract as prescribed in Article 20, item (i) or (iv) of the Act (limited to those on the acceptance of deposits);
- (ii) conclusion of a trust contract as prescribed in Article 20, item (i) or (iv) of the Act (excluding contracts in which subject beneficial interest is the right indicated on securities prescribed in Article 2, paragraph (1) of the Financial Instruments and Exchange Act (excluding those listed in items (xii) through (xiv) of the same paragraph; hereinafter the same applies in this Article) or the right deemed to be securities pursuant to the provisions of Article 2, paragraph (2) of the Financial Instruments and Exchange Act (excluding those listed in items (i) and (ii) of the same paragraph), and trust contracts prescribed in Article 2, paragraph (1) of the Secured Debenture Trust Act (Act No. 52 of 1905); hereinafter referred to as the "trust contracts" in this Article);
- (iii) designation or change of the beneficiary of a trust contract (excluding those pertaining to acts prescribed in Article 2, paragraph (8), item (i) of the Financial Instruments and Exchange Act);
- (iv) conclusion of a money loan contract as prescribed in Article 20, paragraph (2) or (4) of the Act (limited to those on loan of money by financial institutions, etc. (meaning financial institutions, etc. as prescribed in Article 22-2, paragraph (1) of the Act; hereinafter the same applies in this Article));
- (v) conclusion of a sales contract for the means of payment or claims or another sales contract as prescribed in Article 20, item (iii) or (iv) of the Act (excluding those pertaining to money exchange business as prescribed in

- Article 22-3 of the Act);
- (vi) conclusion of a contract on the act of having customers, etc. conduct the acquisition or negotiation of securities prescribed in Article 20, item (v) of the Act;
  - (vii) conclusion of a futures contract on a financial index, etc. as prescribed in Article 20, item (viii) or (ix) of the Act, or the act of accepting entrustment of transactions pertaining to a futures contract on a financial index, etc. or the act of acting as an intermediary, agency or agent for the entrustment;
  - (viii) among acts committed based on the conclusion of a contract pertaining to capital transactions (excluding those pertaining to money exchange business prescribed in Article 22-3 of the Act), acts of receiving or paying cash, bearer checks (meaning checks drawn as bearer checks listed in Article 5, paragraph (1), item (iii) of the Checks Act (Act No. 57 of 1933) or checks deemed to be bearer checks pursuant to the provisions of paragraph (2) or (3) of the same Article; hereinafter the same applies in this item), bank cashiers checks (meaning checks drawn to self pursuant to the provisions of Article 6, paragraph (3) of the same Act; hereinafter the same applies in this item), traveler's checks, or certificates or interest coupons of public and corporate bonds not bearing the owner's name (meaning public and corporate bonds listed in Article 2, paragraph (1), item (ix) of the Income Tax Act), of which the amount exceeds that equivalent to two million yen (for bearer checks and bank cashiers checks, limited to those without crossing prescribed in Article 37, paragraph (1) of the Checks Act);
  - (ix) among acts listed in the preceding items, acts committed with customers, etc. or representatives, etc. (meaning representatives, etc. as prescribed in Article 18, paragraph (2) of the Act; the same applies in the following item) in the cases where the customers, etc. or the representatives, etc. are suspected of having falsified the identifying matters (meaning the identifying matters prescribed in paragraph (1) of the same Article) at the time of identity confirmation (meaning the identity confirmation pursuant to the provisions of Article 18, paragraph (1) and Article 22-2, paragraph (1) of the Act; the same applies in the following paragraph);
  - (x) among acts listed in items (i) through (viii), the acts committed in the cases where another party to the acts is suspected of pretending to be a registered person of the acts or representatives, etc.
- (2) "Acts committed with customers, etc. whose identity has already been confirmed" prescribed in the preceding paragraph mean acts committed with customers, etc. in the following cases, for which financial institutions, etc. (in the cases listed in items (iii) through (vi), including other financial institutions, etc. prescribed in these items) have confirmed that the identity confirmation has already been conducted in regard to the customers, etc. by a method

specified by Ministry of Finance Order:

- (i) where the financial institution, etc. have already conducted identity confirmation and also preserve a record of identity confirmation (meaning record of identity confirmation as prescribed in Article 18-3, paragraph (1) of the Act) in regard to the identity confirmation;
- (ii) where the financial institutions, etc. have already committed acts with those listed in Article 7-3 (excluding those listed in item (iii) of the same Article; hereinafter the same applies in this paragraph) and have, in committing the acts, conducted identity confirmation in regard to natural persons who are deemed to be customers, etc. pursuant to the provisions of Article 18, paragraph (3) of the Act, as applied mutatis mutandis pursuant to Article 22-2, paragraph (2) of the Act, and also preserve a record of identity confirmation in regard to the identity confirmation;
- (iii) where the financial institutions, etc. commit acts prescribed in the preceding paragraph through entrustment to other financial institutions, etc., when the other financial institutions, etc. have already conducted identity confirmation of customers, etc. and also preserve a record of identity confirmation in regard to the identity confirmation;
- (iv) where the financial institutions, etc. commit the acts prescribed in the preceding paragraph through entrustment to other financial institutions, when the other financial institutions, etc. have already committed the acts with those listed in Article 7-3 and have, in committing the acts, conducted the identity confirmation of natural persons who are deemed to be customers, etc. pursuant to the provisions of Article 18, paragraph (3) of the Act, as applied mutatis mutandis pursuant to Article 22-2, paragraph (2) of the Act, and also preserve a record of the identity confirmation in regard to the identity confirmation;
- (v) where the financial institutions, etc. succeed the business of other financial institutions, etc. due to merger, transfer of business or other reasons equivalent thereto, when the other financial institutions, etc. have already conducted identity confirmation of customers, etc. and have handed over a record of identity confirmation prepared in regard to the identity confirmation to the financial institutions, etc., and the financial institutions, etc. preserve the record of the identity confirmation;
- (vi) where the financial institutions, etc. succeed the business of other financial institutions, etc. due to merger, transfer of business or other reasons equivalent thereto, the other financial institutions, etc. have already committed the acts with those listed in Article 7-3 and have, in committing the acts, conducted identity confirmation of natural persons who are deemed to be customers, etc. pursuant to the provisions of Article 18, paragraph (3) of the Act, as applied mutatis mutandis pursuant to Article 22-2, paragraph

(2) of the Act, and have handed over the record of identity confirmation prepared in regard to the identity confirmation to the financial institutions, etc., and the financial institutions, etc. preserve the record of identity confirmation.

(3) Where financial institutions, etc. commit the acts listed in paragraph (1), item (ii) or (iii), when the beneficiary of a trust contract has yet to be specified or does not exist, when the beneficiary of a trust contract has yet to manifest the intention to receive benefits, or when conditions precedent or time limit are set on the beneficiary's beneficial interest in a trust contract, the provisions of the same items apply, deeming that the beneficiary of the trust contract listed in the same items has been specified at the time when the financial institutions, etc. came to know the specification or existence of the beneficiary, manifestation of intention to receive benefits or fulfillment of the conditions precedent or arrival of the time limit.

(Small Money Exchange Exempted from the Obligation to Identify Customers)

Article 11-6 The small money exchange specified by Cabinet Order as prescribed in Article 22-3 of the Act is money exchange not more than the amount equivalent to two million yen.

(Notification of Outward Direct Investment)

Article 12 (1) The outward direct investment specified by Cabinet Order as prescribed in Article 23, paragraph (1) of the Act is outward direct investment prescribed in paragraph (2) of the same Article pertaining to business that falls under any of the following (hereinafter referred to as "outward direct investment" in this Article):

(i) business that belongs to a business type specified by Ministry of Finance

Order as the specified business type in the cases where the act of making an outward direct investment pertaining to business that belongs to the specified business type is likely to cause any of the situations set forth in the items of Article 23, paragraph (4) of the Act;

(ii) business conducted in the region specified by Ministry of Finance Order as the specified region in the cases where the act of making an outward direct investment pertaining to business conducted in the specified region is likely to cause any of the situations set forth in the items of Article 23, paragraph (4) of the Act;

(iii) business that belongs to a business type specified by Ministry of Finance Order as a specified business type which is conducted in the region specified by Ministry of Finance Order as a specified region in the cases where the act of making an outward direct investment pertaining to business that belongs to the specified business type, which is conducted in the specified region, is

likely to cause any of the situations set forth in the items of Article 23, paragraph (4) of the Act.

- (2) A notification pursuant to the provisions of Article 23, paragraph (1) of the Act must be given through procedures specified by Ministry of Finance Order within two months prior to the day on which a person intends to make an outward direct investment pertaining to business listed in the items of the preceding paragraph.
- (3) The matters specified by Cabinet Order as prescribed in Article 23, paragraph (1) of the Act are the following matters:
  - (i) name and domicile or residence of a notifier (for a corporation, its name, location of its principal office and name of its representative);
  - (ii) content of the outward direct investment;
  - (iii) time of making the outward direct investment;
  - (iv) reason for making the outward direct investment;
  - (v) other matters specified by Ministry of Finance Order.
- (4) The acquisition of securities or loan of money specified by Cabinet Order as prescribed in Article 23, paragraph (2) of the Act is the following acquisition of securities or loan of money (limited to those for which the loan period exceeds one year) by a resident:
  - (i) acquisition of securities issued by a corporation established based on foreign laws and regulations (hereinafter referred to as the "foreign corporation" in this paragraph) in the cases where the number of shares of the foreign corporation held by the resident or the amount of contribution thereof made by the resident accounts for not less than one-tenth of the total number of issued shares of the foreign corporation or the total amount of contribution thereof and in the cases that fall under those specified by Minister of Finance Order as cases equivalent thereto;
  - (ii) acquisition of securities issued by the foreign corporation, for which the number of shares held by the resident or the amount of contribution thereof made by the resident accounts for not less than one-tenth of the total number of issued shares of the foreign corporation or the total amount of contribution thereof, or by the foreign corporation specified by Ministry of Finance Order as equivalent to such foreign corporation, or loan of money to such foreign corporation;
  - (iii) beyond what is listed in the preceding two items, acquisition of securities issued by the foreign corporation, which has a permanent relationship with the resident through dispatch of officers, long-lasting supply of raw materials or others specified by Ministry of Finance Order, or loan of money to the foreign corporation.

(Service of a Recommendation or an Order)



- Article 13 (1) A recommendation or an order pursuant to the provisions of Article 23, paragraph (4) or 9 of the Act is given by service of a document, in which the content of the recommendation or order is described, to a domicile or residence, or business office of a person who is to receive the service, by mail or by letter prescribed in Article 2, paragraph (2) of the Act on the Service of Letters by Private Business Operators (Act No. 99 of 2002) by a general letter services operator prescribed in paragraph (6) of the same Article or a specified letter service operator prescribed in paragraph (9) of the same Article (hereinafter referred to as the "letter" in this Article), or by delivery.
- (2) Where a document prescribed in the preceding paragraph has been sent by ordinary mail or letter, the postal item or the letter item prescribed in Article 2, paragraph (3) of the Act on the Service of Letters by Private Business Operators is presumed to have been serviced at the time when it is to arrive by ordinary.
- (3) Where the Minister of Finance sends a document prescribed in paragraph (1) by ordinary mail or letter, the Minister must prepare a record sufficient to confirm the name of the person who is to receive the service of the document (for a corporation, its name), address, and the date of sending the document.
- (4) Service by delivery prescribed in paragraph (1) is conducted by the official of the administrative organ (including the employees of the Bank of Japan who engage, pursuant to Article 69, paragraph (1) of the Act, in the affairs listed in Article 26, item (iii) or (v)) through delivery of a document prescribed in paragraph (1) to a person who is to receive the service of the document in the place to which the document is to be serviced; provided, however, when a person who is to receive the service has no objection, the document may be delivered to other places.
- (5) In the cases listed in the following items, service by delivery set forth in paragraph (1) may be conducted through acts prescribed respectively in those items, in addition to delivery pursuant to the preceding paragraph:
- (i) in the case of being unable to meet a person who is to receive the service of a document prescribed in paragraph (1) in the place to which the service is to be sent: The document is delivered to the person's employee or other worker, or a person living together with the person who has the capacity to receive the document (referred to as the "employees, etc." in the following item);
- (ii) where a person who is to receive the service of a document prescribed in paragraph (1) or other employees, etc. is not in the place to which the service is to be sent or where these persons refuse to receive the document without justifiable grounds: The document is placed in the place to which the service is to be sent.
- (6) A notice pursuant to the provisions of Article 23, paragraph (6) of the Act must be given through procedures specified by Ministry of Finance Order.

(Specified Capital Transactions That Require Permission from the Minister of Economy, Trade and Industry)

Article 14 Specified capital transactions prescribed in Article 24, paragraph (1) of the Act (hereinafter referred to as the "specified capital transactions") are the transactions pertaining to the occurrence, etc. of claims based on any of the following contracts (excluding transactions for settlement of international commercial transactions for which the period from the occurrence of claims pertaining to the transactions to extinguishment thereof is not longer than one year):

- (i) money loan contracts that are concluded by a resident who imports goods with another party to an import contract for the goods and are directly incidental to the import contract for the goods, which are related to the offsetting of the total amount of claims based thereon and the whole or part of the charges of the import goods (including acts substantially recognized as offsetting; the same applies in the following item);
- (ii) monetary debt contracts that are concluded by a resident who exports goods with another party to an export contract for the goods and are directly incidentally to the export contract for the goods, which are related to the offsetting of the total amount of debts based thereon and the whole or part of the charges of the export goods;
- (iii) the following debt guarantee contracts that are concluded by a resident who imports or exports goods with a non-resident:
  - (a) guarantee contracts that are concluded in conformity with the conditions for bid pertaining to the import or export of the goods;
  - (b) performance guarantee contracts for an import or export contract for the goods, refund guarantee contracts for advances received or advance payments for the charges of the goods, and other guarantee contracts that are concluded directly incidental to an import or export contract for the goods and pursuant to the provisions of such contracts;
- (iv) money loan contracts or debt contracts which a resident who is a party to a contract pertaining to the transfer of the mining right, industrial property right or other right similar thereto or establishment of the right of use of these rights (hereinafter referred to as the "transfer, etc. of the mining right, etc." in this Article) with another party to the contract based on the contract for the purpose of the transfer, etc. of the mining right, etc., which are related to the offsetting of the total amount of claims or debts based thereon and the whole or part of considerations for the transfer, etc. of the mining right, etc.;
- (v) guarantee contracts that are concluded by a resident who is a party to a contract pertaining to the transfer, etc. of the mining right, etc. with a non-

resident based on the contract.

Article 15 (1) Where the Minister of Economy, Trade and Industry imposes, pursuant to Article 24, paragraph (1) or (2) of the Act, on a resident the obligation to obtain permission for conducting the specified capital transactions, the Minister is to do so designating the specified capital transactions that require permission after clarifying, in advance, by a public notice, the provision, among these provisions, based on which the obligation to obtain permission is imposed.

(2) When a resident intends to conduct the specified capital transactions designated pursuant to the provisions of the preceding paragraph, the resident must obtain permission from the Ministry of Economy, Trade and Industry through procedures specified by Order of the Ministry of Economy, Trade and Industry.

(3) Where one specified capital transaction that a resident intends to conduct falls under two or more kinds of specified capital transactions designated pursuant to the provisions of paragraph (1) based on Article 24, paragraph (1) or (2) of the Act, when the resident intends to file, pursuant to paragraph (3) of the same Article, an application for permission as prescribed in the provisions of paragraphs (1) and (2) of the same Article in block in regard to the one specified capital transaction that the resident intends to conduct, the resident is to file the application through procedures specified by Order of the Ministry of Economy, Trade and Industry, after clarifying that the application for permission pertains to the specified capital transaction for which the obligation to obtain permission has been imposed pursuant to these provisions.

(4) Where the Minister of Economy, Trade and Industry has imposed, pursuant to the provisions of paragraph (1), the obligation to obtain permission for conducting the specified capital transactions, the Minister must, when finding that there is no longer a need to impose the obligation, promptly cancel the obligation by a public notice.

#### (Scope of Restrictions on the Specified Capital Transactions)

Article 16 (1) Where the Minister of Economy, Trade and Industry, pursuant to Article 24-2 of the Act, prohibits a person who has conducted the specified capital transactions, for which the obligation to obtain permission is imposed pursuant to the provisions of Article 24, paragraph (1) of the Act, without obtaining the permission from conducting, in whole or in part, the specified capital transactions, or imposes on such a person the obligation to obtain permission for conducting the specified capital transactions, the Minister is to do so after designating, in advance, by a notice to that person, the specified capital transactions that are prohibited or that require permission.

- (2) When a person, who has been obliged, pursuant to the provisions of the preceding paragraph, to obtain permission for the specified capital transactions that the person conducts, intends to conduct the specified capital transactions designated by a notice set forth in the same paragraph as those that require permission, the person must obtain permission from the Minister of Economy, Trade and Industry through procedures specified by Order of the Ministry of Economy, Trade and Industry.
- (3) Where the Minister of Economy, Trade and Industry, pursuant to the provisions of paragraph (1), has prohibited a person from conducting, in whole or in part, the specified capital transactions or imposed on a person the obligation to obtain permission for conducting the specified capital transactions, the Minister must, when finding that there is no longer a need to prohibit the transactions or impose the obligation, promptly cancel the prohibition or the obligation by a notice to a person who has been prohibited or obliged to obtain permission.
- (4) When the Minister of Economy, Trade and Industry is unable to ascertain the domicile or residence, or the location of the business office or office, of a person to which a notice pursuant to the provisions of paragraph (1) is to be given, the Minister may designate the specified capital transactions that are prohibited or that require permission, after clarifying, by a public notice instead of a notice pursuant to the provisions of the same paragraph, a person who is prohibited from conducting, in whole or in part, the specified capital transactions or obliged to obtain permission for conducting the specified capital transactions. In this case, with regard to the application of the provisions of the preceding two paragraphs in the cases where the Minister of Economy, Trade and Industry has given the public notice, the terms "preceding paragraph" and "notice" in paragraph (2) are deemed to be replaced with "preceding paragraph and paragraph (4)" and "public notice," respectively, and the terms "paragraph (1)" and "notice to a person who has been prohibited or obliged to obtain permission" in the preceding paragraph are deemed to be replaced with "paragraph (1) and the following paragraph" and "public notice," respectively.

(Permission for Service Transactions)

Article 17 (1) The transactions designed to provide technology pertaining to the design, manufacture or use of specific kinds of goods specified by Cabinet Order in the specified foreign state as prescribed in Article 25, paragraph (1) of the Act (hereinafter such technology is referred to as the "specified technology" in this paragraph and the following paragraph, as well as in Article 18-2, paragraph (1); and such foreign state is referred to as the "specified state" in this paragraph), or the transactions designed to provide the specified

technology to a non-resident of the specified state are transactions designed to provide the technology listed in the middle column of the appended table in the foreign state listed in the right column of the same table or transactions designed to provide the technology listed in the middle column of the same table to a non-resident of the foreign state listed in the right column of the same table.

- (2) Any person who intends to conduct acts prescribed in Article 25, paragraph (3), item (i) of the Act (excluding persons who have obtained permission set forth in paragraph (1) of the same Article for transactions designed to provide specified technology pertaining to the acts) must obtain permission from the Minister of Economy, Trade and Industry through procedures specified by Order of the Ministry of Economy, Trade and Industry; provided, however, that this does not apply to acts designated by the Minister of Economy, Trade and Industry as finding, by taking into consideration the parties to the acts, the content thereof and other matters, that the acts will cause no particular obstruction to achieving the purpose of the Act.
- (3) The transactions related to the buying and selling, leasing and lending, or gifting of goods involving the movement of goods between foreign states specified by Cabinet Order as prescribed in Article 25, paragraph (4) of the Act are transactions that fall under any of the following:
  - (i) transactions related to the buying and selling, leasing and lending, or gifting of the goods listed in the middle column of row 1 of appended table 1 of the Export Trade Control Order involving the movement of the goods between foreign states;
  - (ii) transactions related to the buying and selling, leasing and lending, or gifting of the goods listed in the middle column of rows 2 to 16 of appended table 1 of the Export Trade Control Order involving the movement of the goods between foreign states (excluding those in which the goods pertaining to the transactions are shipped from or exported to the regions listed in appended table 3 of the same Order), which fall under any of the following:
    - (a) the transactions in the cases that fall under the cases specified by Order of the Ministry of Economy, Trade and Industry wherein the goods are likely to be used for the development, manufacture, use or storage (hereinafter referred to as "development, etc." in (b)) of nuclear weapons, CW agents or military bacterial agents or devices for spraying the agents, or rockets or unmanned aerial vehicles capable of transporting these with a range or flight range of 300km or longer (hereinafter referred to as "nuclear weapons, etc." in (b) and Article 27, paragraph (2));
    - (b) the transactions in the cases where a notice has been made by the Minister of Economy, Trade and Industry that an application for permission should be filed because the goods are likely to be used for the

development, etc. of nuclear weapons, etc.

- (4) Any person who intends to obtain permission from the Minister of Economy, Trade and Industry pursuant to the provisions of Article 25, paragraph (1) or (4) of the Act must file an application for the permission through procedures specified by Order of the Ministry of Economy, Trade and Industry.
- (5) Transactions prescribed in paragraph (1) or (3), which have been designated by the Minister of Economy, Trade and Industry as finding, by taking into consideration the parties to the transactions, the content thereof and other matters, that the transactions will cause no particular obstruction to achieving the purpose of the Act, may be conducted without obtaining permission from the Ministry of Economy, Trade and Industry pursuant to the provisions of Article 25, paragraph (1) or (4) of the Act.

Article 18 (1) The service transactions specified by Cabinet Order as prescribed in Article 25, paragraph (5) of the Act are service transactions pertaining to the processing or storage of minerals, separation or remanufacture of irradiated nuclear fuel material, or disposal of radioactive waste (excluding those specified by Ministry of Finance Order or Order of the Ministry of Economy, Trade and Industry as causing no particular obstruction to achieving the purpose of the Act, by taking into consideration the parties to the service transactions, the content thereof and other matters).

- (2) When a resident intends to obtain permission from the Minister of Finance or the Minister of Economy, Trade and Industry pursuant to the provisions of Article 25, paragraph (5) of the Act, the resident must file an application for the permission through procedures specified by Ministry of Finance Order or Order of the Ministry of Economy, Trade and Industry.
- (3) Where the Minister of Finance or the Minister of Economy, Trade and Industry imposes, pursuant to Article 25, paragraph (6) of the Act, on a resident the obligation to obtain permission for conducting service transactions, etc. (meaning service transactions, etc. prescribed in the same paragraph; hereinafter the same applies in this Article and Article 18-3), the Minister is to do so designating, in advance, by a public notice, the service transactions, etc. that require permission.
- (4) When a resident intends to conduct service transactions, etc. designated pursuant to the provisions of the preceding paragraph, the resident must obtain permission from the Minister of Finance or the Minister of Economy, Trade and Industry through procedures specified by Ministry of Finance Order or Order of the Ministry of Economy, Trade and Industry.
- (5) Where the Minister of Finance or the Minister of Economy, Trade and Industry has imposed, pursuant to the provisions of paragraph (3), the obligation to obtain permission for conducting service transactions, etc., the

Minister must, when finding that there is no longer a need to impose the obligation, promptly cancel the obligation by a public notice.

(Confirmation by the Directors-General of Custom-Houses)

- Article 18-2 (1) The directors-general of custom-houses must, as instructed by the Minister of Economy, Trade and Industry, confirm that a person who intends to export documents, pictures or recording media in which information on the specified technology is stated or recorded has obtained permission under Article 17, paragraph (2) or is not required to obtain the permission.
- (2) When the directors-general of custom-houses have confirmed the fact pursuant to the provisions of the preceding paragraph, they are to give a notice on the results thereof to the Minister of Economy, Trade and Industry, pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.
- (3) When the Minister of Economy, Trade and Industry has imposed a disposition pursuant to the provisions of Article 25-2, paragraphs (1) through (3) of the Act, the Minister is to give a notice thereon to the directors-general of custom-houses without delay.

(Scope of Restrictions on Service Transactions, etc.)

- Article 18-3 (1) Where the Minister of Finance or the Minister of Economy, Trade and Industry, pursuant to Article 25-2, paragraph (6) of the Act, prohibits a person who has conducted service transactions, etc., for which the obligation to obtain permission is imposed pursuant to the provisions of Article 25, paragraph (4) of the Act, without obtaining the permission, from conducting, in whole or in part, service transactions, etc. or imposes on such a person the obligation to obtain permission for conducting service transactions, etc., the Minister is to do so designating, in advance, by a notice to that person, the service transactions, etc. that are prohibited or that require permission.
- (2) When a person, who has been obliged, pursuant to the provisions of the preceding paragraph, to obtain permission for service transactions, etc. that the person conducts, intends to conduct service transactions, etc. designated by a notice set forth in the same paragraph as those that require permission, the person must obtain permission from the Minister of Finance or the Minister of Economy, Trade and Industry through procedures specified by Ministry of Finance Order or Order of the Ministry of Economy, Trade and Industry.
- (3) Where the Minister of Finance or the Minister of Economy, Trade and Industry, pursuant to the provisions of paragraph (1), has prohibited a person from conducting, in whole or in part, service transactions, etc. or imposed on a person the obligation to obtain permission for conducting the service transactions, etc., the Minister must, when finding that there is no longer a

need to prohibit or impose the obligation, promptly cancel the prohibition or the obligation by a notice to a person who has been prohibited or obliged to obtain permission.

- (4) When the Minister of Finance or the Minister of Economy, Trade and Industry is unable to ascertain the domicile or residence, or the location of the business office or office, of a person to whom a notice pursuant to the provisions of paragraph (1) is to be given, the Minister may designate service transactions, etc. that are prohibited or that require permission, after clarifying, by a public notice instead of a notice pursuant to the provisions of the same paragraph, a person who is prohibited from conducting, in whole or in part, service transactions, etc. or obliged to obtain permission for conducting service transactions, etc. In this case, with regard to the application of the provisions of the preceding two paragraphs in the cases where the Minister of Finance or the Minister of Economy, Trade and Industry has given the public notice, the terms "preceding paragraph" and "notice" in paragraph (2) are deemed to be replaced with "preceding paragraph and paragraph (4)" and "public notice," respectively, and the terms "paragraph (1)" and "notice to a person who has been prohibited or obliged to obtain permission" in the preceding paragraph are deemed to be replaced with "paragraph (1) and the following paragraph" and "public notice," respectively.

## **Chapter IV-2 Report**

(Report of Payment, etc.)

Article 18-4 (1) The cases specified by Cabinet Order as prescribed in Article 55, paragraph (1) of the Act are cases where payment, etc. made by a resident or a non-resident falls under any of the following payment, etc.:

- (i) small payment, etc. specified by Ministry of Finance Order or Order of the Ministry of Economy, Trade and Industry;
  - (ii) payment, etc. made by a person who imports or exports goods, directly incidental to the import or export;
  - (iii) other payment, etc. specified by Ministry of Finance Order or Order of the Ministry of Economy, Trade and Industry as causing no particular obstruction to achieving the purpose of the Act even without a report pursuant to Article 55, paragraph (1) of the Act.
- (2) Reports of payment, etc. pursuant to the provisions of Article 55, paragraph (1) of the Act (including those made through the banks, etc. pursuant to the provisions of paragraph (2) of the same Article or through fund transfer specialists prescribed in Article 2, paragraph (3) of the Act on Financial Settlements (Act No. 59 of 2009)) must be made through procedures specified by Ministry of Finance Order or Order of the Ministry of Economy, Trade and



Industry within a period specified by Ministry of Finance Order or Order of the Ministry of Economy, Trade and Industry.

- (3) The matters specified by Cabinet Order as prescribed in Article 55, paragraph (1) of the Act are the following matters:
- (i) name and domicile or residence of a reporter (for a corporation, its name, location of its principal office and name of its representative);
  - (ii) distinction between payment and receipt of payment, and the amount thereof;
  - (iii) date of making payment, etc.;
  - (iv) other matters specified by Ministry of Finance Order or Order of the Ministry of Economy, Trade and Industry.

(Report of Capital Transactions)

Article 18-5 (1) The cases specified by Cabinet Order as prescribed in Article 55-3, paragraph (1) of the Act are cases where capital transactions to which a resident or a non-resident is a party fall under any of the following capital transactions:

- (i) among capital transactions listed in Article 55-3, paragraph (1), items (i) through (ix) of the Act, those on a small scale that are specified by Ministry of Finance Order according to the classifications of capital transactions specified by Ministry of Finance Order;
  - (ii) among capital transactions listed in Article 55-3, paragraph (1), item (iv) of the Act, those other than the transactions pertaining to the occurrence, etc. of claims based on a sales contract for foreign means of payment or claims between a resident and another resident;
  - (iii) capital transactions specified by Ministry of Finance Order as causing no particular obstruction to achieving the purpose of the Act even without a report pursuant to Article 55-3, paragraph (1) of the Act.
- (2) Reports pursuant to the provisions of Article 55-3, paragraph (1) must be made through procedures specified by Ministry of Finance Order within a period specified by Ministry of Finance Order.
- (3) The matters specified by Cabinet Order as prescribed in Article 55-3, paragraph (1) of the Act are the following matters:
- (i) name and domicile or residence of a reporter (for a corporation, its name, location of its principal office and name of its representative);
  - (ii) content of capital transactions;
  - (iii) date of conducting capital transactions;
  - (iv) other matters specified by Ministry of Finance Order.
- (4) Reports pursuant to the provisions of Article 55-3, paragraph (2) of the Act must be made through procedures specified by Ministry of Finance Order within a period specified by Ministry of Finance Order.

- (5) The matters specified by Cabinet Order as prescribed in Article 55-3, paragraph (2) of the Act are the following matters:
- (i) name of a reporter, and location of principal office and name of representative thereof;
  - (ii) name or denomination and domicile or residence of parties to capital transactions;
  - (iii) content of capital transactions;
  - (iv) date of conducting capital transactions;
  - (v) other matters specified by Ministry of Finance Order.
- (6) Where a report pursuant to the provisions of Article 55-3, paragraph (5) of the Act is made, the report must be made through procedures specified by Ministry of Finance Order within a period specified by Ministry of Finance Order.
- (7) Any person who has made a report pursuant to the provisions of Article 55-3, paragraph (5) of the Act must prepare, pursuant to the provisions of Ministry of Finance Order, books and documents prescribed in the same paragraph and preserve them in the location of an office pertaining to the person's business or equivalent thereto for five years from the date on which capital transactions pertaining to the report were conducted.

(Report of Specified Capital Transactions)

- Article 18-6 (1) The cases specified by Cabinet Order as prescribed in Article 55-4 of the Act are cases where the specified capital transactions to which a resident is a party are those on a small scale specified by Order of the Ministry of Economy, Trade and Industry or those falling under the specified capital transactions specified by Order of the Ministry of Economy, Trade and Industry as causing no particular obstruction to achieving the purpose of the Act even without a report pursuant to the same Article.
- (2) Reports pursuant to the provisions of Article 55-4 of the Act must be made through procedures specified by Order of the Ministry of Economy, Trade and Industry within a period specified by Order the Ministry of Economy, Trade and Industry.
- (3) The matters specified by Cabinet Order as prescribed in Article 55-4 of the Act are the following matters:
- (i) name and domicile or residence of a reporter (for a corporation, its name, location of its principal office and name of its representative);
  - (ii) content of the specified capital transactions;
  - (iii) date of conducting the specified capital transactions;
  - (iv) other matters specified by Order the Ministry of Economy, Trade and Industry.

(Report of Matters Related to Foreign Exchange Business)

Article 18-7 (1) The transactions or acts specified by Cabinet Order as prescribed in Article 55-7 of the Act are the following:

- (i) foreign exchange transactions;
- (ii) issue of foreign means of payment;
- (iii) buying and selling of foreign means of payment or claims (excluding the buying and selling of claims payable in Japanese currency between residents);
- (iv) acceptance of deposits (excluding acceptance of deposits payable in Japanese currency from a resident);
- (v) loan of money (excluding loan of money payable in Japanese currency to a resident);
- (vi) buying and selling of securities (excluding buying and selling between residents in exchange for Japanese currency);
- (vii) acquisition of securities by a resident from a non-resident, or acting as an intermediary, agency or agent for negotiation of securities by a resident to a non-resident.

(2) Those specified by Cabinet Order as prescribed in Article 55-7 of the Act are those falling under any of the following:

- (i) approved financial institutions for the special international financial transactions account;
- (ii) beyond what is listed in the preceding item, those for which the total of the amounts specified, according to the following classifications of transactions or acts, by Ministry of Finance Order as the amounts of the transactions or acts committed within a period specified by Ministry of Finance Order, or the outstanding balance of claims or debts based on the transactions or acts at the point of time specified by Ministry of Finance Order exceeds the amount specified by Ministry of Finance Order:
  - (a) foreign exchange transactions;
  - (b) issue of foreign means of payment;
  - (c) buying and selling of foreign means of payment (excluding buying and selling listed in (d)) or buying and selling of claims listed in item (iii) of the preceding paragraph;
  - (d) buying and selling of foreign currency or traveler's checks;
  - (e) acceptance of deposits listed in item (iv) of the preceding paragraph;
  - (f) loan of money listed in item (v) of the preceding paragraph;
  - (g) buying and selling of securities listed in item (vi) of the preceding paragraph;
  - (h) acquisition of securities by a resident from a non-resident, or acting as an intermediary, agency or agent for negotiation of securities by a resident to a non-resident;
- (iii) those designated by a public notice or notice by the Minister of Finance as

equivalent to those listed in the preceding item.

- (3) To the extent necessary for enforcing the Act and this Cabinet Order, the Minister of Finance may request, pursuant to the provisions of Ministry of Finance Order, those prescribed in the preceding paragraph to make a report on matters related to the performance of transactions or acts listed in the items of paragraph (1) (excluding matters subject to a report pursuant to the provisions of Article 55-3) or other matters specified by Ministry of Finance Order as matters related to the transactions or acts.

(Other Reports)

Article 18-8 (1) Where the Minister of Finance or the Minister of Economy, Trade and Industry requests, pursuant to Article 55-8 of the Act, those who conduct or have conducted any transactions, acts or payments, etc. governed by this Act, or relevant persons to make a report on the content of the transactions, acts or payments, etc. and other matters related to the transactions, acts or payments, etc., to the extent necessary for enforcing the Act (limited to Chapters I, III, IV and VI-3; hereinafter the same applies in this paragraph) and this Cabinet Order, the Minister is to designate the requested matters by a notice to these persons or by other method specified by Ministry of Finance Order or Order of the Ministry of Economy, Trade and Industry.

- (2) Any person who has been requested to make a report on matters designated pursuant to the provisions of the preceding paragraph must make the report through procedures specified by Ministry of Finance Order or Order of the Ministry of Economy, Trade and Industry.

(Statistics Related to Foreign Borrowing and Lending and International Balance of Trade)

Article 18-9 (1) The Minister of Finance must prepare the following statistics related to foreign borrowing and lending and the international balance of trade:

- (i) statistics related to foreign borrowing and lending as of December 31 of every year;
- (ii) statistics related to the international balance of trade of every month and every year.

- (2) The Minister of Finance must report the statistics listed in the items of the preceding paragraph (excluding statistics related to the international balance of trade of every month) to the Cabinet prior to May 31 of the next year.
- (3) The Minister of Finance may, when it is necessary for preparing statistics set forth in paragraph (1), request relevant administrative organs and the following to submit materials to the extent necessary:

- (i) those who conduct or have conducted transactions, acts or payments, etc. governed by the Act, or relevant persons;
- (ii) those equivalent to those listed in the preceding item.

## **Chapter V Miscellaneous Provisions**

(Classification of Matters under the Jurisdiction of the Minister of Finance and the Minister of Economy, Trade and Industry)

Article 19 Classification of matters under the jurisdiction of the Minister of Finance and the Minister of Economy, Trade and Industry in this Cabinet Order is according to what is specified by the Act and the Cabinet Order to Determine Competent Ministers in the Foreign Exchange and Foreign Trade Control Act (Cabinet Order No. 259 of 1980)

Article 20 Deleted.

(Method of Conversion)

Article 21 Conversion between Japanese currency and foreign currency or between foreign currency and other foreign currency, in the case where the Act (limited to Chapter I, Chapter III, Chapter IV, and Chapter VI-2 (excluding Article 55-5 and Article 55-6)), this Cabinet Order, and the provisions of an order based on these apply, is to be calculated by using the base exchange rate or the arbitrated exchange rate prescribed in Article 7, paragraph (1) of the Act as on the day of conducting transactions, acts, or payment, etc. for which the amount of the conversion should be calculated under the provisions, except cases where conversion is calculated in a method specified by Ministry of Finance Order or Order of the Ministry of Economy, Trade and Industry according to classification specified by Ministry of Finance Order or Order of the Ministry of Economy, Trade and Industry.

(Transactions by Governmental Institutions Which Are Not Governed by Laws and Regulations)

Article 22 The provisions pertaining to permission, notification, or a report under the Act and this Cabinet Order do not apply to transactions, acts, or payment, etc. which are conducted by the Minister of Finance based on the provisions of Chapter II, Section 5 of the Act on Special Accounts (Act No. 23 of 2007).

(Method of Public Notice)

Article 23 A public notice based on the provisions of this Cabinet Order is made in an official gazette.

Article 24 Deleted.

(Delegation of Authority)

Article 25 (1) The following authority of the Minister of Finance is delegated to the directors-general of custom-houses:

- (i) acceptance of notification pursuant to the provisions of Article 19, paragraph (3) of the Act;
  - (ii) permission pursuant to the provisions of Article 8, paragraph (2).
- (2) Among the authorities of competent ministers pursuant to the provisions of Article 68, paragraph (1) of the Act, the authority under the jurisdiction of the Minister of Finance is delegated to the director-general of the local finance bureau who governs the area in which is located the head office or principal office of a person who engages in foreign exchange business or other person who commercially conducts transactions or acts governed by the Act (such person is referred to as a "person who engages in foreign exchange business, etc." in the following paragraph through paragraph (5)) (in the case where the office is located within the jurisdictional district of the Fukuoka Local Finance Branch Bureau, the authority is delegated to the Director-General of the Fukuoka Local Finance Branch Bureau); provided, however, that it does not prevent the Minister of Finance from exercising the authority per se.
- (3) Among the authorities under the jurisdiction of the Minister of Finance prescribed in the preceding paragraph, the authority pertaining to a business office or office other than the head office or principal office of a person who engages in foreign exchange business, etc. (hereinafter, such office is referred to as a "branch office, etc.") may be exercised by the director-general of the local finance bureau who governs the area where the branch office, etc. is located (in the case where the office is located within the jurisdictional district of the Fukuoka Local Finance Branch Bureau, the authority is exercised by the Director-General of the Fukuoka Local Finance Branch Bureau), in addition to the Director-General prescribed in the same paragraph.
- (4) The director-general of the local finance bureau or the Director-General of the Fukuoka Local Finance Branch Bureau who has carried out on-site inspection or questioning of a branch office, etc. of a person who engages in foreign exchange business, etc. pursuant to the provisions of the preceding paragraph may carry out on-site inspection or questioning of the head office or principal office or other branch offices, etc. of the person who engages in foreign exchange business, etc. (other branch offices, etc. refer to those other than the branch offices, etc. for which the on-site inspection or questions were carried out), when finding it necessary to carry out on-site inspection or questioning of the head office, the principal office, or the other branch offices, etc.

- (5) Among the authorities of competent ministers pursuant to the provisions of Article 55-8 of the Act, the authority under the jurisdiction of the Minister of Finance may be exercised by the director-general of the local finance bureau or the Director-General of the Fukuoka Local Finance Branch Bureau within the limit necessary for exercising the authority to carry out on-site inspection or questions which have been delegated to the director-general of the local finance bureau or the Director-General of the Fukuoka Local Finance Branch Bureau with regard to a person who engages in foreign exchange business, etc., pursuant to the provisions of the preceding three paragraphs.
- (6) The respective provisions of the preceding paragraphs do not apply to the authority of the Minister of Finance prescribed in paragraph (1), and the authority designated by the Minister of Finance among the authority under the jurisdiction of the Minister of Finance prescribed in paragraph (2), paragraph (3), and the preceding paragraph.
- (7) In the case where the Minister of Finance made a designation set forth in the preceding paragraph, the Minister is to make a public notice to that effect. The same applies to the case where the Minister abolishes or changes this.

(Delegation of Affairs)

Article 26 Affairs which the Minister of Finance and the Minister of Economy, Trade and Industry have the Bank of Japan deal with based on the provisions of Article 69, paragraph (1) of the Act (limited to Chapter I, Chapter III, Chapter IV, and Chapter VI-2 (excluding Article 55-2, Article 55-5, and Article 55-6); the same applies in item (x)) pertaining to the enforcement of the Act are affairs specified by Ministry of Finance Order or Order of the Ministry of Economy, Trade and Industry among the following affairs:

- (i) affairs pertaining to acceptance of notification based on the provisions of Article 23, paragraph (1) of the Act;
- (ii) affairs pertaining to notice of shortening of the period based on the provisions of Article 23, paragraph (3) of the Act;
- (iii) affairs pertaining to sending of a document including the content of a recommendation based on the provisions of Article 23, paragraph (4) of the Act;
- (iv) affairs pertaining to acceptance of a notice of acceptance of a recommendation based on the provisions of Article 23, paragraph (6) of the Act;
- (v) affairs pertaining to sending of a document including the contents of an order based on the provisions of Article 23, paragraph (9) of the Act;
- (vi) affairs pertaining to permission pursuant to the provisions of Article 25, paragraph (5) of the Act or Article 6, paragraph (2), Article 11, paragraph (3), Article 15, paragraph (2), or Article 18, paragraph (4);

- (vii) affairs pertaining to acceptance (excluding those pertaining to the request of a report by the director-general of the local finance bureau or the Director-General of the Fukuoka Local Finance Branch Bureau pursuant to the provisions of paragraph (5) of the preceding Article) of a record based on the provisions of Article 55 of the Act, Article 55-3, Article 55-4, Article 55-7, or Article 55-8 (limited to the part pertaining to Article 18-8 of this Cabinet Order);
- (viii) affairs pertaining to preparation of statistics related to foreign borrowing and lending and international balance of trade based on the provisions of Article 55-9 of the Act;
- (ix) affairs pertaining to permission pursuant to the provisions of Article 6-2, paragraph (4), Article 11-3, paragraph (2), Article 16, paragraph (2), or Article 18-3, paragraph (2);
- (x) beyond affairs set forth in the preceding items, affairs necessary for the enforcement of the Act and this Cabinet Order.

(Technology That Is Especially Likely to Be Used for the Development, etc. of Nuclear Weapons, etc.)

Article 27 (1) Rockets or unmanned aerial vehicles specified by Cabinet Order as prescribed in Article 69-6, paragraph (2), item (i) of the Act are rockets or unmanned aerial vehicles capable of transporting nuclear weapons, CW agents or military bacterial agents or devices for spraying the agents with a range or flight range of 300km or longer.

(2) Technology specified by Cabinet Order as prescribed in Article 69-6, paragraph (2), item (i) of the Act is the technology listed in the middle column of rows 1 to 4 of the appended table (excluding those pertaining to the design, manufacture, or use of goods listed in row 1, (v), (vi), and (x) to (xii) of appended table 1 of the Export Trade Control Order and nuclear weapons, etc.).

### **Supplementary Provisions**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of the date of enforcement (December 1, 1980) of the Act on the Partial Revision of the Foreign Exchange and Foreign Trade Control Act (Act No. 65 of 1979).

(Abolition of the Foreign Exchange Control Order and Other Cabinet Orders)

Article 2 The following Cabinet Orders are abolished:

- (i) Cabinet Order concerning Report by a Certified Foreign Exchange Bank or a Money Exchanger (Cabinet Order No. 377 of 1949);
- (ii) Order on Account concerning Foreign Borrowing and Lending and Balance



- (Cabinet Order No. 181 of 1950);
- (iii) Foreign Exchange Control Order (Cabinet Order No. 203 of 1950);
- (iv) Cabinet Order to Determine the Scope of Affairs the Bank of Japan is to Deal with pursuant to the Provisions of Cabinet Order on the Acquisition of Property by Foreign Nationals (Cabinet Order No. 310 of 1952);
- (v) Cabinet Order concerning Non-resident Free-yen Account (Cabinet Order No. 157 of 1960).

(Transitional Measures)

- Article 3 (1) Prior provisions continue to govern transactions or acts which were approved or for which permission or an approval was obtained based on the provisions of Article 10, Article 11, Article 13, Article 15, Article 17, Article 19, or Article 26 of the Foreign Exchange Control Order prior to abolition by this Cabinet Order (hereinafter referred to as the "Old Order" in this Article) or paragraph (9) or paragraph (10) of the Supplementary Provisions.
- (2) Among transactions or acts pertaining to an application for permission or an approval which has been filed at the time of enforcing this Cabinet Order, pursuant to the provisions of Article 10, Article 11, Article 13, Article 15, Article 17, or Article 19 of the Old Order or paragraph (9) of the Supplementary Provisions (hereinafter referred to as an "application filed based on the Old Order" in this paragraph), with regard to those for which permission must be obtained under the provisions of the Act revised by the Act on the Partial Revision of the Foreign Exchange and Foreign Trade Control Act (referred to as the "Revised Act" in the following paragraph) (hereinafter the Act revised by the Revised Act is referred to as the "New Act" in this paragraph) and this Cabinet Order, by deeming an application filed based on the Old Order to be an application for permission filed pursuant to the relevant provisions of the New Act and this Cabinet Order; and among transactions or acts pertaining to an application filed based on the Old Order, with regard to those for which notification must be given pursuant to the provisions of Article 22, paragraph (1) or Article 24, paragraph (2) of the New Act, by deeming an application filed based on the Old Order to be notification given as on the date of enforcement of this Cabinet Order pursuant to these provisions, the provisions of the New Act (excluding Chapter V and Chapter VI) and this Cabinet Order apply to such transactions and acts.
- (3) Among transactions or acts pertaining to an application for permission which has been filed at the time of enforcing the Revised Act, pursuant to the provisions of Article 35 of the Act prior to the revision by the Revised Act, the provisions of the main clause of Article 14, paragraph (1) and Article 28 of the Old Order remain in force even after the enforcement of this Cabinet Order.

Article 4 Prior provisions continue to govern the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order.

Article 5 With regard to transactions pertaining to an application which has been filed at the time of enforcing this Cabinet Order, pursuant to the provisions of Article 3, paragraph (1) of the Cabinet Order on the Acquisition of Property by Foreign Nationals prior to the abolition by the Revised Act, and a report pertaining to the transactions, the Cabinet Order to Determine the Scope of Affairs the Bank of Japan is to Deal with pursuant to the Provisions of Cabinet Order on the Acquisition of Property by Foreign Nationals prior to abolition by this Cabinet Order remains in force even after the enforcement of this Cabinet Order.

Article 6 Deleted.

(Partial Revision of the Import Trade Control Order)

Article 7 Part of the Import Trade Control Order (Cabinet Order No. 414 of 1949) is revised as follows.

Article 21 is deleted.

(Transitional Measures Accompanied with the Partial Revision of the Import Trade Control Order)

Article 8 (1) Prior provisions continue to govern transactions or acts for which permission was obtained based on the provisions of Article 21, paragraph (1) of the Import Trade Control Order prior to revision pursuant to the provisions of the preceding Article (referred to as the "Old Import Order" in the following paragraph).

(2) The provisions of this Cabinet Order apply to an application for permission which has been filed at the time of enforcing this Cabinet Order, pursuant to the provisions of Article 21, paragraph (1) of the Old Import Order by deeming the application to be an application for permission filed pursuant to the provisions of Article 18, paragraph (2) of this Cabinet Order.

(Partial Revision of the Cabinet Order on Special Provisions for Payment of Principal and Interest of National Government Bonds)

Article 9 Part of the Cabinet Order on Special Provisions for Payment of Principal and Interest of National Government Bonds (Cabinet Order No. 198 of 1954) is revised as follows.

The term "the day on which the transfer or import was approved based on the provisions of Article 32 or Article 45 of the Foreign Exchange and Foreign Trade Control Act (Act No. 228 of 1949)" in Article 2, item (ii) is revised to "the

date of the import."

(Partial Revision of the Order for Enforcement of the Act on Reserve Deposit Requirement System)

Article 10 Part of the Order for Enforcement of the Act on Reserve Deposit Requirement System (Cabinet Order No. 135 of 1957) is revised as follows.

Article 2, paragraph (3), item (ii) is revised as follows, adding the term "(referred to as a "certified foreign exchange bank" in the following item)" after "a certified foreign exchange bank" in item (i) of the same paragraph.

(ii) A deposit or other debts pertaining to an account displayed in Japanese currency against a non-resident's certified foreign exchange bank in Japan (referred to as "debts pertaining to non-resident free-yen account" in item (iii) of the following Article)

The term "debts pertaining to free-yen account" in Article 3, item (iii) is revised to "debts pertaining to non-resident free-yen account."

(Partial Revision of the Order for Enforcement of the Stamp Tax Act)

Article 11 Part of the Order for Enforcement of the Stamp Tax Act (Cabinet Order No. 108 of 1967) is revised as follows.

The term "free-yen" in the caption of Article 23 is revised to "non-resident yen," the term "Non-resident Free-yen Account specified by Cabinet Order based on the provisions of Articles 27 through 30 (Restriction and prohibition concerning payment and claims)" in the same Article is revised to "account displayed in Japanese currency against a certified foreign exchange bank in Japan prescribed in Article 11 of the same Act (Arrangement on Business) for a non-resident prescribed in Article 6, paragraph (1), item (vi) (Definitions) (hereinafter such bank is referred to as a 'certified foreign exchange bank' in this Article and Article 28)," and the terms "prescribed in Article 11 of the same Act (Arrangement on Business)" and "(referred to as a 'certified foreign exchange bank' in Article 28, paragraph (1))" are deleted.

The term "claims in foreign currency prescribed in item (xiv) of the same paragraph" in Article 28, paragraph (1), item (ii) is revised to "claims prescribed in item (xiii) of the same paragraph which can be paid in a foreign state or in foreign currency."

(Partial Revision of the Order for Organization of the Ministry of Finance)

Article 12 Part of the Order for Organization of the Ministry of Finance (Cabinet Order No. 386 of 1952) is revised as follows.

Article 47, item (viii) is changed to item (x) of the same Article, and the following two items are added after item (vii) of the same Article.

(viii) To designate a designated securities company

(ix) Matters concerning the Council on Foreign Exchange and other Transactions

Article 51, item (v) is deleted and item (vi) is changed to item (v).

**Supplementary Provisions [Cabinet Order No. 312 of November 29, 1980]**

This Cabinet Order comes into effect as of the date of enforcement (December 1, 1980) of the Act on the Partial Revision of the Foreign Exchange and Foreign Trade Control Act (Act No. 65 of 1979).

**Supplementary Provisions [Cabinet Order No. 7 of January 26, 1981]  
[Extract]**

- (1) This Cabinet Order comes into effect as of the date of promulgation.
- (3) Prior provisions continue to govern the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order.

**Supplementary Provisions [Cabinet Order No. 287 of September 22, 1981]**

This Cabinet Order comes into effect as of the date of promulgation.

**Supplementary Provisions [Cabinet Order No. 225 of June 20, 1986]**

This Cabinet Order comes into effect as of December 1, 1986; provided, however, that the provisions revising Article 4, paragraph (2) come into effect as of August 1, 1986.

**Supplementary Provisions [Cabinet Order No. 373 of November 5, 1987]  
[Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of the date of enforcement (November 10, 1987) of the Act on the Partial Revision of the Foreign Exchange and Foreign Trade Control Act.

(Transitional Measures)

Article 2 With regard to transactions for which permission is deemed to have been obtained under Article 25, paragraph (1) or paragraph (3) of the Foreign Exchange and Foreign Trade Control Act revised by the Act on the Partial Revision of the Foreign Exchange and Foreign Trade Control Act (hereinafter referred to as the "Revised Act") (hereinafter such Foreign Exchange and

Foreign Trade Control Act is referred to as the "New Act") or Article 17-2, paragraph (3) of the Foreign Exchange Control Order revised by this Cabinet Order (hereinafter referred to as the "New Order" in this Article) pursuant to the provisions of Article 2 of the Supplementary Provisions of the Revised Act, conditions attached to permission under Article 25 of the Foreign Exchange and Foreign Trade Control Act prior to the revision by the Revised Act pursuant to the provisions of Article 21, paragraph (1) of the Foreign Exchange Control Order prior to the revision by this Cabinet Order are deemed to be conditions attached under Article 25, paragraph (1) or paragraph (3) of the New Act or Article 17-2, paragraph (3) of the New Order pursuant to the provisions of Article 21, paragraph (1) of the New Order, respectively.

Article 5 Prior provisions continue to govern the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order.

**Supplementary Provisions [Cabinet Order No. 242 of August 9, 1988]**

This Cabinet Order comes into effect as of August 23, 1988.

**Supplementary Provisions [Cabinet Order No. 331 of November 26, 1988]  
[Extract]**

- (1) This Cabinet Order comes into effect as of December 20, 1988.
- (2) Prior provisions continue to govern the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order.

**Supplementary Provisions [Cabinet Order No. 53 of March 17, 1989]  
[Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of the date of enforcement of the Act (March 27, 1989).

**Supplementary Provisions [Cabinet Order No. 80 of March 29, 1989]**

This Cabinet Order comes into effect as of April 1, 1989.

**Supplementary Provisions [Cabinet Order No. 290 of September 29, 1989]**

- (1) This Cabinet Order comes into effect as of the date of promulgation; provided, however, that revising provisions set forth in the following items come into

effect as of the date set forth in the respective items:

- (i) the provisions revising row 1 (ii), row 5 (iii), row 8 (ii), row 8 (iii), row 9 (ii), row 12 (ii), row 12 (iii), row 18 (ii) and row 25 of the appended table of the Foreign Exchange Control Order in Article 1, and the provisions revising row 17, row 26, row 80, row 90, row 98, row 102, row 103, row 105, row 110, row 121, row 126, row 136, row 137, and row 151 of appended table 1 of the Export Trade Control Order in Article 2: October 16, 1989;
  - (ii) the provisions revising row 1 (iii), row 5 (ii), row 7 (ii), row 10, and row 26 of the appended table of the Foreign Exchange Control Order in Article 1, and the provisions revising row 21, row 22, row 55, row 74, row 77 (ii), row 93, row 111, row 112, row 120, row 147, row 148, row 153, row 154, row 159, row 183, and row 184 of appended table 1 of the Export Trade Control Order in Article 2: October 26, 1989.
- (2) Prior provisions continue to govern the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order.

#### **Supplementary Provisions [Cabinet Order No. 350 of December 27, 1989]**

- (1) This Cabinet Order comes into effect as of January 20, 1990; provided, however, that the provisions revising row 12 of the appended table of the Foreign Exchange Control Order in Article 1, and the provisions revising row 26, row 32, row 34, row 43, row 100, row 117, and row 124 of appended table 1 of the Export Trade Control Order in Article 2 come into effect as of the date of promulgation.
- (2) Prior provisions continue to govern the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order (with regard to revising provisions prescribed in the proviso of the preceding paragraph, the revising provisions).

#### **Supplementary Provisions [Cabinet Order No. 246 of August 15, 1990] [Extract]**

- (1) This Cabinet Order comes into effect as of August 22, 1990.

#### **Supplementary Provisions [Cabinet Order No. 308 of October 17, 1990]**

- (1) This Cabinet Order comes into effect as of November 1, 1990; provided, however, that the provisions revising row 1, row 1 (ii), row 10 (ii), row 11 (ii), row 13, row 17, and row 19 of the appended table of the Foreign Exchange Control Order in Article 1, and the provisions revising row 2, row 9, row 15, rows 29 through 30, row 46, row 53, row 58, row 71, rows 75 through 77, row 89,

row 92, row 93, row 106, row 108, row 109, row 118, row 121, row 122, rows 125 through 127, rows 129 through 131, row 140, row 142, row 144, row 145, row 149, row 153, row 155, and rows 165 through 167 of appended table 1 of the Export Trade Control Order in Article 2 come into effect as of the date of promulgation.

- (2) Prior provisions continue to govern the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order (with regard to revising provisions prescribed in the proviso of the preceding paragraph, the revising provisions).

**Supplementary Provisions [Cabinet Order No. 37 of March 18, 1991]**

- (1) This Cabinet Order comes into effect as of the date of promulgation.
- (2) Prior provisions continue to govern the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order.

**Supplementary Provisions [Cabinet Order No. 290 of September 19, 1991]**

This Cabinet Order comes into effect as of the date of promulgation.

**Supplementary Provisions [Cabinet Order No. 323 of October 14, 1991]**

- (1) This Cabinet Order comes into effect as of November 14, 1991.
- (2) Prior provisions continue to govern the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order.

**Supplementary Provisions [Cabinet Order No. 11 of January 29, 1992]**

This Cabinet Order comes into effect as of the date of promulgation.

**Supplementary Provisions [Cabinet Order No. 150 of April 15, 1992]**

- (1) This Cabinet Order comes into effect as of April 22, 1992.
- (2) The provisions of Article 18, paragraph (1) of the Foreign Exchange Control Order after the revision pursuant to the provisions of Article 1 apply to service transactions which are started on or after the date of enforcement of this Cabinet Order.

**Supplementary Provisions [Cabinet Order No. 166 of April 30, 1992]**

This Cabinet Order comes into effect as of the date of enforcement (May 20,

1992) of the provisions of Article 13, Article 14, Article 16, and Articles 18 through 20 of the Act on concerning Arrangement and Rationalization of Relationships between National and Local Governments concerning Administrative Matters.

**Supplementary Provisions [Cabinet Order No. 209 of June 19, 1992]  
[Extract]**

- (1) This Cabinet Order comes into effect as of the date of promulgation; provided, however, that revising provisions set forth in the following items come into effect as of the date set forth in the respective items:
  - (i) the provisions revising Article 18 of the Foreign Exchange Control Order in Article 1, and the provisions revising Article 4, paragraph (2) of the Export Trade Control Order and appended table 2-2 in Article 2: June 26, 1992.
- (2) The provisions of Article 18 of the Foreign Exchange Control Order after the revision pursuant to the provisions of Article 1 apply to service transactions which are started on or after June 26, 1992.
- (3) Prior provisions continue to govern transactions for which a person, who had obtained, prior to the enforcement of this Cabinet Order, permission under Article 17-2, paragraph (1) or paragraph (2) of the Foreign Exchange Control Order prior to the revision with regard to transactions for the purpose of providing specified technology in Hungary, conducts according to the permission for the purpose of providing specified technology.
- (5) Prior provisions continue to govern the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order.

**Supplementary Provisions [Cabinet Order No. 371 of December 9, 1992]**

- (1) This Cabinet Order comes into effect as of December 31, 1992.
- (2) Prior provisions continue to govern the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order.

**Supplementary Provisions [Cabinet Order No. 395 of December 28, 1992]**

This Cabinet Order comes into effect as of January 1, 1993.

**Supplementary Provisions [Cabinet Order No. 66 of March 26, 1993]**

- (1) This Cabinet Order comes into effect as of April 1, 1993.
- (2) Prior provisions continue to govern the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order.



**Supplementary Provisions [Cabinet Order No. 157 of April 27, 1993]**

This Cabinet Order comes into effect as of May 1, 1993.

**Supplementary Provisions [Cabinet Order No. 238 of June 30, 1993]**

This Cabinet Order comes into effect as of July 4, 1993.

**Supplementary Provisions [Cabinet Order No. 326 of October 6, 1993]**

This Cabinet Order comes into effect as of October 10, 1993.

**Supplementary Provisions [Cabinet Order No. 379 of December 1, 1993]  
[Extract]**

(Effective Date)

(1) This Cabinet Order comes into effect as of December 22, 1993.

**Supplementary Provisions [Cabinet Order No. 382 of December 2, 1993]**

(1) This Cabinet Order comes into effect as of December 6, 1993.

(2) The provisions of Article 18, paragraph (1) of the Foreign Exchange Control Order after the revision pursuant to the provisions of Article 1 apply to service transactions which are started on or after the date of enforcement of this Cabinet Order.

**Supplementary Provisions [Cabinet Order No. 17 of January 28, 1994]**

(1) This Cabinet Order comes into effect as of the date of promulgation.

(2) Prior provisions continue to govern transactions for which a person, who had obtained, prior to the enforcement of this Cabinet Order, permission under Article 17-2, paragraph (1) of the Foreign Exchange Control Order prior to the revision with regard to transactions for the purpose of providing specified technology in Czech or Slovakia, conducts according to the permission for the purpose of providing specified technology.

(3) Prior provisions continue to govern export of goods for which a person, who had obtained, prior to the enforcement of this Cabinet Order, permission under Article 1, paragraph (1) of the Export Trade Control Order prior to the revision with regard to export of goods to Czech or Slovakia, conducts according to the permission.

- (4) Prior provisions continue to govern the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order.

**Supplementary Provisions [Cabinet Order No. 143 of May 24, 19]**

This Cabinet Order comes into effect as of May 27, 1994.

**Supplementary Provisions [Cabinet Order No. 153 of June 24, 1994]  
[Extract]**

(Effective Date)

- (1) This Cabinet Order comes into effect as of July 6, 1994; provided, however, that the provisions revising row 8 of the appended table of the Foreign Exchange Control Order (limited to the part which revises the term "goods set forth in row 8 (i) of appended table 1 of the Export Trade Control Order" in (ii) of the same row to "computers or their attached equipment, or components of these") in Article 1, and the provisions revising row 8 of appended table 1 of the Export Trade Control Order in Article 2 come into effect as of the date of promulgation.

(Transitional Measures)

- (2) Prior provisions continue to govern service transactions for which a person, who had obtained, prior to the enforcement of this Cabinet Order, permission under Article 17-2, paragraph (1) of the Foreign Exchange Control Order prior to the revision with regard to transactions for the purpose of providing specified technology, conducts according to the permission and to which the provisions of Article 17-2, paragraph (3) of the same Order after the revision apply.
- (4) Prior provisions continue to govern the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order.

**Supplementary Provisions [Cabinet Order No. 335 of October 26, 1994]**

- (1) This Cabinet Order comes into effect as of the date of promulgation.
- (2) Prior provisions continue to govern the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order.

**Supplementary Provisions [Cabinet Order No. 338 of October 28, 1994]**

This Cabinet Order comes into effect as of the date of promulgation.

**Supplementary Provisions [Cabinet Order No. 409 of December 26, 1994]**

- (1) This Cabinet Order comes into effect as of December 28, 1994.
- (2) The provisions of Article 18, paragraph (1) of the Foreign Exchange Control Order after the revision apply to service transactions which are started on or after the date of enforcement of this Cabinet Order.

**Supplementary Provisions [Cabinet Order No. 420 of December 20, 1995]  
[Extract]**

(Effective Date)

- (1) This Cabinet Order comes into effect as of October 1, 1996; provided, however, that revising provisions set forth in the following items come into effect as of the date set forth in the respective items:
  - (i) the part pertaining to row 2 (ii) among the provisions revising row 2 of the appended table of the Foreign Exchange Control Order in Article 1, the part pertaining to row 2 (xii) among the provisions revising row 2 of appended table 1 of the Export Trade Control Order in Article 2, and the provisions of the following paragraph through paragraph (4) of the Supplementary Provisions: the date of promulgation.

(Transitional Measures)

- (2) Prior provisions continue to govern service transactions for which a person, who had obtained, prior to the enforcement of this Cabinet Order, permission under Article 17-2, paragraph (1) of the Foreign Exchange Control Order prior to the revision with regard to transactions for the purpose of providing technology set forth in row 2 (ii) of the appended table of the same Order, conducts according to the permission and to which the provisions of Article 17-2, paragraph (3) of the Foreign Exchange Control Order after the revision apply.
- (3) Prior provisions continue to govern export of goods for which a person, who had obtained, prior to the enforcement of this Cabinet Order, permission under Article 1, paragraph (1) of the Export Trade Control Order prior to the revision with regard to export of goods set forth in row 2 (xii) of appended table 1 of the same Order, conducts according to the permission and to which the provisions of Article 1, paragraph (2), and Article 2, paragraph (1), item (i) of the Export Trade Control Order after the revision apply.
- (4) Prior provisions continue to govern the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order.

**Supplementary Provisions [Cabinet Order No. 250 of August 23, 1996]**

**[Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of September 13, 1996.

(Transitional Measures)

Article 2 Prior provisions continue to govern service transactions for which a person, who had obtained, prior to the enforcement of this Cabinet Order, permission under Article 17-2, paragraph (3) of the Foreign Exchange Control Order prior to the revision with regard to transactions for the purpose of providing technology set forth in the middle columns of rows 5 through 15 of the appended table of the same Order, conducts according to the permission and to which the provisions of Article 17-2, paragraph (1) of the Foreign Exchange Control Order after the revision apply.

Article 3 Prior provisions continue to govern export of goods for which a person, who had obtained, prior to the enforcement of this Cabinet Order, permission under Article 1, paragraph (2) of the Export Trade Control Order prior to the revision or an approval under Article 2, paragraph (1), item (i) of the same Order with regard to export of goods set forth in the middle columns of rows 5 through 15 of appended table 1 of the same Order, conducts according to the permission or the approval and to which the provisions of Article 1, paragraph (1) of the Export Trade Control Order after the revision apply.

Article 4 With regard to an application which has been filed, at the time of enforcing this Cabinet Order, for permission under Article 17-2, paragraph (3) of the Foreign Exchange Control Order prior to the revision pertaining to transactions for the purpose of providing technology set forth in the middle columns of rows 5 through 15 of the appended table of the same Order, and which is pertaining to transactions which require permission under Article 17-2, paragraph (1) of the Foreign Exchange Control Order after the revision, such application is deemed to be one for permission under the same paragraph.

Article 5 With regard to an application which has been filed, at the time of enforcing this Cabinet Order, for permission under Article 1, paragraph (2) of the Export Trade Control Order prior to the revision or for an approval under Article 2, paragraph (1), item (i) of the same Order pertaining to export of goods set forth in the middle columns of rows 5 through 15 of appended table 1 of the same Order, and which is pertaining to export of goods which requires permission under Article 1, paragraph (1) of the Export Trade Control Order after the revision, such application is deemed to be one for permission under

the same paragraph.

(Transitional Measures Pertaining to Penal Provisions)

Article 6 Prior provisions continue to govern the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order.

**Supplementary Provisions [Cabinet Order No. 315 of November 1, 1996]**

(Effective Date)

(1) This Cabinet Order comes into effect as of the date of promulgation.

(Transitional Measures Pertaining to Penal Provisions)

(2) Prior provisions continue to govern the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order.

**Supplementary Provisions [Cabinet Order No. 94 of March 28, 1997]**

This Cabinet Order comes into effect as of the day on which the Convention on the Prohibition of the Development, Manufacture, Stockpiling and Use of Chemical Weapons and on their Destruction becomes effective in Japan (April 29, 1997).

**Supplementary Provisions [Cabinet Order No. 320 of October 29, 1997]**

This Cabinet Order comes into effect as of November 2, 1997.

**Supplementary Provisions [Cabinet Order No. 327 of November 12, 1997]**

(Effective Date)

(1) This Cabinet Order comes into effect as of November 16, 1997.

(Transitional Measures)

(2) The provisions of Article 18, paragraph (1) of the Foreign Exchange Control Order after the revision pursuant to the provisions of Article 1 apply to service transactions which are started on or after the date of enforcement of this Cabinet Order.

**Supplementary Provisions [Cabinet Order No. 383 of December 25, 1997]  
[Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of the date of enforcement (April 1, 1998) of the Act on the Partial Revision of the Foreign Exchange and Foreign Trade Control Act; provided, however, that the provisions of Article 3 of the Supplementary Provisions come into effect as of the date of promulgation.

(Transitional Measures)

Article 2 (1) With regard to the case where payment, etc. (which refers to payment or receipt of payment; the same applies hereinafter) pertaining to exchange transactions conducted by a bank, etc. (which refers to a bank, etc. prescribed in Article 17, paragraph (1) of the Foreign Exchange and Foreign Trade Act revised by the Act on the Partial Revision of the Foreign Exchange and Foreign Trade Control Act (hereinafter referred to as the "Revised Act") (hereinafter such Foreign Exchange and Foreign Trade Control Act is referred to as the "New Act"); the same applies hereinafter) with its customers pertains to capital transactions (which refer to capital transactions prescribed in Article 20 of the Foreign Exchange and Foreign Trade Control Act prior to the revision by the Revised Act (hereinafter referred to as the "Old Act"); hereinafter the same applies in this paragraph, Article 5 of the Supplementary Provisions and Article 6 of the Supplementary Provisions) which were conducted prior to the date of enforcement of the Revised Act (hereinafter referred to as the "date of enforcement"), the application of the provisions of Article 17 of the New Act and Article 7 of the Foreign Exchange Order after the revision (hereinafter referred to as the "New Order") in such case is in accordance with what is provided for as follows:

- (i) "Article 21, paragraph (1) or paragraph (2)" in Article 17, paragraph (1), item (ii) of the New Act is deemed to be replaced with "Article 21, paragraph (1) or paragraph (2) of the Foreign Exchange and Foreign Trade Control Act prior to the revision by the Act on the Partial Revision of the Foreign Exchange and Foreign Trade Control Act (Act No. 59 of 1997; hereinafter referred to as the "Revised Act" in this item and the following item) (such Foreign Exchange and Foreign Trade Control Act is referred to as the "Old Act" in the following item)," and "capital transactions" is deemed to be replaced with "capital transactions (limited to capital transactions falling under those for which the obligation to obtain permission is imposed pursuant to the provisions of Article 21, paragraph (1) or paragraph (2) supposing such transactions are to be conducted on or after the date of enforcement of the Revised Act).";
- (ii) "Those specified by Cabinet Order" in Article 17, paragraph (1), item (iii) of the New Act is deemed to be replaced with "capital transactions prescribed in Article 23, paragraph (1) of the Old Act for which the obligation to give notification is imposed pursuant to the provisions of Article 22, paragraph (1)

of the Old Act, or capital transactions prescribed in Article 24, paragraph (1) of the Old Act for which the obligation to give notification is imposed pursuant to the provisions of paragraph (2) of the same Article (both limited to capital transactions falling under those for which the obligation to obtain permission is imposed pursuant to the provisions of Article 21, paragraph (1) or paragraph (2) supposing such transactions are to be conducted on or after the date of enforcement of the Revised Act) or those specified by Cabinet Order.";

- (iii) "Article 24, paragraph (1) or paragraph (2) of the Act" in Article 7, item (i) of the New Order is deemed to be replaced with "Article 24, paragraph (1) of the Foreign Exchange and Foreign Trade Control Act prior to the revision by the Act on the Partial Revision of the Foreign Exchange and Foreign Trade Control Act (Act No. 59 of 1997; hereinafter referred to as the "Revised Act" in this item)," and "specified capital transactions prescribed in paragraph (1) of the same Article" is deemed to be replaced with "capital transactions prescribed in the same paragraph (limited to specified capital transactions falling under those prescribed in paragraph (1) of the same Article for which the obligation to obtain permission is imposed pursuant to the provisions of Article 24, paragraph (1) or paragraph (2) supposing such transactions are to be conducted on or after the date of enforcement of the Revised Act)."
- (2) With regard to the application of the provisions of Article 17 of the New Act and Article 7 of the New Order in the case where payment, etc. pertaining to exchange transactions conducted by a bank, etc. with its customers pertains to transactions conducted prior to the date of enforcement which is prescribed in Article 25, paragraph (3) of the Old Act, "Article 25, paragraph (4) of the Act" in item (ii) of the same Article is deemed to be replaced with "Article 25, paragraph (3) of the Foreign Exchange and Foreign Trade Control Act prior to the revision by the Act on the Partial Revision of the Foreign Exchange and Foreign Trade Control Act (Act No. 59 of 1997; hereinafter referred to as the "Revised Act" in this item)," and "service transactions, etc." is deemed to be replaced with "transactions (limited to services transactions, etc. falling under those for which the obligation to obtain permission is imposed pursuant to the provisions of Article 25, paragraph (4) of the Act supposing such transactions are to be conducted on or after the date of enforcement of the Revised Act)."
- (3) With regard to the application of the provisions of Article 17 of the New Act and Article 7 of the New Order in the case where payment, etc. pertaining to exchange transactions conducted by a bank, etc. with its customers pertains to export of goods conducted prior to the date of enforcement for which the obligation to obtain an approval is imposed pursuant to the provisions of Article 52 of the Old Act, "Article 16, paragraph (1) of the Act" in item (iv) of the same Article is deemed to be replaced with "Article 16, paragraph (2) of the

Foreign Exchange and Foreign Trade Control Act prior to the revision by the Act on the Partial Revision of the Foreign Exchange and Foreign Trade Control Act (Act No. 59 of 1997; hereinafter referred to as the "Revised Act" in this item)," and "those for which the obligation is imposed" is deemed to be replaced with "limited to those for which the obligation is imposed and those falling under export of goods for which the Minister of International Trade and Industry imposed the obligation to obtain an approval from the same viewpoint as in the case the Minister imposes the obligation to obtain permission for payment, etc. pursuant to the provisions of Article 16, paragraph (1) of the Act supposing the export is to be conducted on or after the date of enforcement of the Revised Act)."

Article 3 (1) The method of payment prescribed in Article 19, paragraph (1) of the New Act which is subject to notification pertaining to import or export under paragraph (3) of the same Article, or a resident or a non-resident who intends to import or export securities or precious metals on the date of enforcement, may give notification in accordance with the provisions of paragraph (3) of the same Article as on the previous day of the date of enforcement.

(2) In the case where notification is given under the provisions of the preceding paragraph, matters to be notified in the notification and delegation of authority of the Minister of Finance pertaining to the notification is in accordance with the provisions of Article 8-2, paragraph (3) and Article 25, paragraph (1) (excluding item (ii)) of the New Order.

Article 4 Payment, etc. specified by Cabinet Order prescribed in Article 2, paragraph (1) of the Supplementary Provisions of the Revised Act is payment, etc. falling under any of the following:

- (i) among payment, etc. designated by a public notice based on the provisions of Article 6, paragraph (1) of the New Order as on the date of enforcement, payment etc. which was specified by the public notice as that for which the obligation to obtain permission is imposed pursuant to the provisions of Article 16, paragraph (1) of the New Act, deeming it particularly necessary for making Japan's contribution to international efforts for achieving international peace;
- (ii) payment, etc. designated by a public notice based on Article 6, paragraph (1) of the New Order after the date of enforcement.

Article 5 Capital transactions specified by Cabinet Order prescribed in Article 3, paragraph (1) of the Supplementary Provisions of the Revised Act or transactions prescribed in the same paragraph are capital transactions falling



under any of the following or transactions prescribed in the same paragraph (hereinafter referred to as "capital transactions, etc." in this Article):

- (i) among capital transactions, etc. designated by a public notice based on the provisions of Article 11, paragraph (1), Article 15, paragraph (1), or Article 18, paragraph (3) of the New Order as on the date of enforcement, capital transactions, etc. which were specified by the public notice as one for which the obligation to obtain permission is imposed pursuant to the provisions of Article 21, paragraph (1), Article 24, paragraph (1), or Article 25, paragraph (4) of the New Act, deeming that they might cause a situation that hinders Japan's contribution to international efforts for achieving international peace and makes it difficult to attain the purpose of the New Act;
- (ii) capital transactions designated by a public notice based on Article 11, paragraph (1), Article 15, paragraph (1), or Article 18, paragraph (3) of the New Order after the date of enforcement.

Article 6 Capital transactions Subject to Examination in Advance under the Old Act specified by Cabinet Order prescribed in Article 5, paragraph (1) of the Supplementary Provisions of the Revised Act are capital transactions falling under any of the following:

- (i) among capital transactions designated by a public notice based on the provisions of Article 11, paragraph (1) of the New Order as on the date of enforcement, capital transactions which were specified by the public notice as those for which the obligation to obtain permission is imposed pursuant to the provisions of Article 21, paragraph (1) of the New Act, deeming that they might cause a situation that hinders Japan's contribution to international efforts for achieving international peace and makes it difficult to attain the purpose of the New Act;
- (ii) capital transactions designated by a public notice based on Article 11, paragraph (1) of the New Order after the date of enforcement.

(Transitional Measures Pertaining to Penal Provisions)

Article 7 Prior provisions continue to govern the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order.

**Supplementary Provisions [Cabinet Order No. 369 of November 20, 1998]  
[Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of December 1, 1998.

(Transitional Measures Pertaining to the Application of Penal Provisions)

Article 30 Prior provisions continue to govern the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order.

**Supplementary Provisions [Cabinet Order No. 190 of June 18, 1999]  
[Extract]**

(Effective Date)

- (1) This Cabinet Order comes into effect as of the date of promulgation; provided, however, that revising provisions set forth in the following items come into effect as of the date set forth in the respective items:
- (i) the provisions revising row 7 of the appended table of the Foreign Exchange Order in Article 1: July 2, 1999.

(Transitional Measures Pertaining to Penal Provisions)

- (2) Prior provisions continue to govern the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order.

**Supplementary Provisions [Cabinet Order No. 267 of September 16, 1999]  
[Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of October 1, 1999.

**Supplementary Provisions [Cabinet Order No. 272 of September 20, 1999]  
[Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of October 1, 1999.

**Supplementary Provisions [Cabinet Order No. 424 of December 27, 1999]**

This Cabinet Order comes into effect as of March 1, 2000.

**Supplementary Provisions [Cabinet Order No. 307 of June 7, 2000]  
[Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of January 6, 2001.

**Supplementary Provisions [Cabinet Order No. 483 of November 17, 2000]  
[Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of the date of enforcement (December 1, 2000) of the Act on the Partial Revision of the Securities and Exchange Act and the Financial Futures Trading Act.

**Supplementary Provisions [Cabinet Order No. 439 of December 28, 2001]**

(Effective Date)

(1) This Cabinet Order comes into effect as of April 1, 2002.

(Transitional Measures Pertaining to Penal Provisions)

(2) Prior provisions continue to govern the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order.

**Supplementary Provisions [Cabinet Order No. 209 of June 14, 2002]**

(Effective Date)

(1) This Cabinet Order comes into effect as of July 15, 2002.

(Transitional Measures Pertaining to Penal Provisions)

(2) Prior provisions continue to govern the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order.

**Supplementary Provisions [Cabinet Order No. 259 of July 26, 2002]**

**[Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of the date of enforcement of the Act on the Partial Revision of the Foreign Exchange and Foreign Trade Control Act (Act No. 34 of 2002; referred to as the "Revised Act" in the following Article).

(Transitional Measures)

Article 2 (1) In the case where financial institutions, etc. (which refer to financial institutions, etc. prescribed in Article 22-2, paragraph (1) of the Foreign Exchange and Foreign Trade Control Act revised by the Revised Act (hereinafter referred to as the "New Act" in this Article)) have confirmed matters sufficient to identify customers, etc. (which refer to customers, etc. prescribed in Article 22-2, paragraph (1) of the New Act) pursuant to the provisions of Article 18, paragraph (1) or Article 22-2, paragraph (1) of the New

Act, prior to the enforcement of the Revised Act, and have created and preserved a record pertaining to the confirmation, acts with identified customers prior to enforcement (which refer to acts falling under those with identified customers prescribed in Article 11-5, paragraph (2) after the revision in the case where the provisions of the same paragraph are applied, deeming the confirmation to be identity confirmation (which refers to identity confirmation under Article 18, paragraph (1) and Article 22-2, paragraph (1) of the New Act) and the record as a record of identity confirmation (which refers to a record of identity confirmation under Article 18-3, paragraph (1) of the New Act)) are deemed to be acts with identified customers prescribed in Article 11-5, paragraph (2) after the revision.

- (2) The provisions of the preceding paragraph apply mutatis mutandis to the postal service office or a person who engages, in Japan, in Money Exchange Business prescribed in Article 22-3, paragraph (1) of the New Act.

**Supplementary Provisions [Cabinet Order No. 363 of December 6, 2002]  
[Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of January 6, 2003.

(Transitional Measures Pertaining to Penal Provisions)

Article 6 Prior provisions continue to govern the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order.

**Supplementary Provisions [Cabinet Order No. 385 of December 18, 2002]  
[Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of April 1, 2003.

(Transitional Measures Accompanied with the Partial Revision of the Foreign Exchange Order)

Article 6 With regard to the application of the provisions of Article 11-5, paragraph (2) of the Foreign Exchange Order after the revision under the provisions of Article 62 and Article 2 of the Supplementary Provisions of the Cabinet Order on the Partial Revision of the Foreign Exchange Order (Cabinet Order No. 259 of 2002), acts conducted by the postal service office prior to the date of enforcement are deemed to be acts conducted by the public corporation.

**Supplementary Provisions [Cabinet Order No. 386 of December 18, 2002]**

**[Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of April 1, 2003.

**Supplementary Provisions [Cabinet Order No. 28 of January 31, 2003]**

**[Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of the date of enforcement (February 3, 2003) of the Act on the Utilization of Information and Communications Technology in Administrative Procedure, etc.

**Supplementary Provisions [Cabinet Order No. 197 of April 2, 2003]**

This Cabinet Order comes into effect as of July 1, 2003.

**Supplementary Provisions [Cabinet Order No. 518 of December 17, 2003]**

(Effective Date)

(1) This Cabinet Order comes into effect as of January 20, 2004.

(Transitional Measures Pertaining to Penal Provisions)

(2) Prior provisions continue to govern the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order.

**Supplementary Provisions [Cabinet Order No. 9 of January 30, 2004]**

**[Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of April 1, 2004.

(Transitional Measures Pertaining to Penal Provisions)

Article 2 Prior provisions continue to govern the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order.

**Supplementary Provisions [Cabinet Order No. 352 of November 10, 2004]**

**[Extract]**

(Effective Date)

(1) This Cabinet Order comes into effect as of January 1, 2005.

(Transitional Measures Pertaining to Penal Provisions)

(2) Prior provisions continue to govern the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order.

**Supplementary Provisions [Cabinet Order No. 425 of December 27, 2004]  
[Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of the date of enforcement (December 30, 2004) of the Act on the Partial Revision of the Act on Identity Confirmation of Customers, etc. by Financial Institutions, etc.

**Supplementary Provisions [Cabinet Order No. 429 of December 28, 2004]  
[Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of the date of enforcement of the Act (December 30, 2004).

**Supplementary Provisions [Cabinet Order No. 19 of February 16, 2005]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of April 1, 2005.

(Transitional Measures Pertaining to the Application of Penal Provisions)

Article 2 Prior provisions continue to govern the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order.

**Supplementary Provisions [Cabinet Order No. 206 of June 10, 2005]  
[Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of the date of enforcement of the Act on the Partial Revision of the Financial Futures Trading Act (referred to as the "Revised Act" in the following Article and Article 3, paragraph (1) of the Supplementary Provisions) (such day is referred to as the "date of enforcement" in the same paragraph).

(Transitional Measures Pertaining to the Application of Penal Provisions)

Article 4 Prior provisions continue to govern the application of penal provisions

to acts committed prior to the enforcement of this Cabinet Order.

**Supplementary Provisions [Cabinet Order No. 358 of December 2, 2005]**

(Effective Date)

(1) This Cabinet Order comes into effect as of January 1, 2006.

(Transitional Measures Pertaining to Penal Provisions)

(2) Prior provisions continue to govern the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order.

**Supplementary Provisions [Cabinet Order No. 42 of March 17, 2006]**

This Cabinet Order comes into effect as of the date of enforcement of the Companies Act.

**Supplementary Provisions [Cabinet Order No. 313 of September 22, 2006]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of January 4, 2007.

(Transitional Measures)

Article 2 Where banks, etc. (meaning banks, etc. prescribed in Article 16-2 of the Foreign Exchange and Foreign Trade Act (hereinafter referred to as the "Act")) have confirmed matters prescribed in the items of Article 18, paragraph (1) of the Act in accordance with the provisions of the same paragraph and have created and preserved a record pertaining to the confirmation, the provisions of Article 11-5, paragraphs (1) and (2) of the Foreign Exchange Order after the revision by this Cabinet Order apply to such confirmation and record by deeming the confirmation and the record to be the identity confirmation prescribed in the same paragraph and the record of the identity confirmation prescribed in Article 18-3, paragraph (1) of the Act, respectively.

**Supplementary Provisions [Cabinet Order No. 387 of December 20, 2006]**

(Effective Date)

(1) This Cabinet Order comes into effect as of June 1, 2007; provided, however, that the provisions revising Article 4, paragraph (1), item (iv) of the Export Trade Control Order in Article 2 (limited to the part which deletes the phrase "or goods to be exported to the regions listed in appended table 4" and the part which revises the term "exported" to "exported to the regions other than those

listed in appended table 4"), the provisions revising appended table 4 of the same Order, and the provisions revising appended table 7 of the same Order come into effect as of January 15, 2007.

(Transitional Measures Pertaining to Penal Provisions)

(2) Prior provisions continue to govern the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order.

**Supplementary Provisions [Cabinet Order No. 124 of March 31, 2007]  
[Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of April 1, 2007, and applies to the budget of the fiscal year of 2007 and thereafter.

**Supplementary Provisions [Cabinet Order No. 207 of July 13, 2007]**

This Cabinet Order comes into effect as of the date of enforcement of the Trust Act.

**Supplementary Provisions [Cabinet Order No. 233 of August 3, 2007]  
[Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of the date of enforcement of the Revised Act.

(Transitional Measures Pertaining to the Application of Penal Provisions)

Article 64 Prior provisions continue to govern the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order and acts committed after the enforcement of this Cabinet Order in the case which, pursuant to the provisions of the Supplementary Provisions, is to continue to be governed by prior provisions.

**Supplementary Provisions [Cabinet Order No. 20 of February 1, 2008]  
[Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of the date of enforcement of the provisions listed in Article 1, item (i) of the Supplementary Provisions of the Act (March 1, 2008).



**Supplementary Provisions [Cabinet Order No. 71 of March 26, 2008]**

(Effective Date)

(1) This Cabinet Order comes into effect as of May 15, 2008.

(Transitional Measures Pertaining to Penal Provisions)

(2) Prior provisions continue to govern the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order.

**Supplementary Provisions [Cabinet Order No. 180 of May 21, 2008]  
[Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of October 1, 2008.

(Transitional Measures Pertaining to Penal Provisions)

Article 4 Prior provisions continue to govern the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order.

**Supplementary Provisions [Cabinet Order No. 219 of July 4, 2008]  
[Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of the date of enforcement of the Act on the Partial Revision of the Act on Book-Entry Transfer of Company Bonds, etc. for Rationalization of Settlement of Share Transactions, etc. (hereinafter referred to as the "Revised Act").

**Supplementary Provisions [Cabinet Order No. 237 of July 25, 2008]  
[Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of October 1, 2008.

**Supplementary Provisions [Cabinet Order No. 260 of August 27, 2008]**

This Cabinet Order comes into effect as of November 1, 2008.

**Supplementary Provisions [Cabinet Order No. 297 of September 19, 2008]  
[Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of October 1, 2008.

**Supplementary Provisions [Cabinet Order No. 123 of April 22, 2009]**

This Cabinet Order comes into effect as of May 12, 2009.

**Supplementary Provisions [Cabinet Order No. 213 of August 14, 2009]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of the date of enforcement (November 1, 2009) of the Act on the Partial Revision of the Foreign Exchange and Foreign Trade Control Act; provided, however, that the provisions in Article 1 revising Article 18, paragraph (1) of the Foreign Exchange Order and the provisions in Article 2 revising Article 10 of the Export Trade Control Order (limited to the part pertaining to Chapter VI-3) come into effect as of April 1, 2010.

(Transitional Measures Pertaining to Penal Provisions)

Article 2 Prior provisions continue to govern the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order.

**Supplementary Provisions [Cabinet Order No. 304 of December 28, 2009]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of April 1, 2010.

(Transitional Measures Pertaining to Penal Provisions)

Article 2 Prior provisions continue to govern the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order.

**Supplementary Provisions [Cabinet Order No. 19 of March 1, 2010]  
[Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of the date of enforcement of the Act (April 1, 2010).

**Supplementary Provisions [Cabinet Order No. 147 of June 16, 2010]**

This Cabinet Order comes into effect as of April 1, 2010.

**Supplementary Provisions [Cabinet Order No. 141 of May 18, 2011]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of July 1, 2011.

(Transitional Measures Pertaining to Penal Provisions)

Article 2 Prior provisions continue to govern the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order.

**Supplementary Provisions [Cabinet Order No. 423 of December 26, 2011]  
[Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of April 1, 2012.

**Supplementary Provisions [Cabinet Order No. 267 of September 13, 2013]**

(Effective Date)

(1) This Cabinet Order comes into effect as of October 15, 2013.

(Transitional Measures Pertaining to Penal Provisions)

(2) Prior provisions continue to govern the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order.

**Supplementary Provisions [Cabinet Order No. 15 of January 24, 2014]  
[Extract]**

(Effective Date)

(1) This Cabinet Order comes into effect as of the date of enforcement (April 1, 2014) of the Act for the Partial Revision of the Financial Instruments and Exchange Act.

(Transitional Measures Pertaining to Penal Provisions)

(2) Prior provisions continue to govern the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order.

	Technology	Foreign states
--	------------	----------------

1	Technology for the design, manufacture, or use of the goods listed in the middle column of row 1 of appended table 1 of the Export Trade Control Order	All regions
2	(i) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the design, manufacture, or use of the goods listed in the middle column of row 2 of appended table 1 of the Export Trade Control Order	All regions
	(ii) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the use of numerically-controlled equipment	
3	(i) Technology for the design, manufacture, or use of the goods listed in row 3 (i) of appended table 1 of the Export Trade Control Order	All regions
	(ii) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the design, manufacture, or use of the goods listed in row 3 (ii) of appended table 1 of the Export Trade Control Order	
3-2	(i) Technology for the design, manufacture, or use of the goods listed in row 3-2 (i) of appended table 1 of the Export Trade Control Order	All regions
	(ii) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the design, manufacture, or use of the goods listed in row 3-2 (ii) of appended table 1 of the Export Trade Control Order	
4	(i) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the design, manufacture, or use of the goods listed in the middle column of row 4 of appended table 1 of the Export Trade Control Order	All regions
	(ii) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the design of avionics equipment or parts thereof (excluding those listed in (i) above)	
	(iii) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the use of electronic computers for rockets or unmanned aerial vehicles (excluding those listed in (i) above)	
	(iv) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the use of autoclaves	
	(v) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the use of equipment used in fixing substances generated from the thermal decomposition of gas onto substrates	

5	(i) Technology specified by Order of the Ministry of Economy, Trade and Industry and used for the design or manufacture of the goods listed in the middle column of row 5 of appended table 1 of the Export Trade Control Order	All regions
	(ii) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the use of the goods listed in the middle column of row 5 of appended table 1 of the Export Trade Control Order	
	(iii) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the design or manufacture of ceramics or raw materials therefor (excluding those listed in (i) above and in the middle column of row 15)	
	(iv) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the design or manufacture of polybenzothiazole or polybenzoxazole	
	(v) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the design or manufacture of rubber-like fluorine compounds including vinyl ether monomers	
	(vi) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the manufacture of aromatic polyamide (excluding those listed in (i) above)	
	(vii) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the design of composites (excluding those listed in the middle column of row 4)	
	(viii) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the use of electric wave absorbers or conductive polymers (excluding those listed in the middle column of row 4)	
6	(i) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the design or manufacture of goods listed in the middle column of row 6 of appended table 1 of the Export Trade Control Order	All regions
	(ii) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the use of goods listed in the middle column of row 6 of appended table 1 of the Export Trade Control Order (excluding those listed in the middle column of row 2)	

	<p>(iii) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the use of numerically-controlled equipment or coating equipment (excluding those listed in the middle column of row 2)</p> <p>(iv) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the design or use of metal processing equipment or tools, including molds (excluding those listed in (i) to (iii) above)</p> <p>(v) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the design or manufacture of hydraulic stretch forming machines and molds thereof (excluding those listed in (iv) above)</p> <p>(vi) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the design of auxiliaries for numerically-controlled equipment</p>	
7	<p>(i) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the design or manufacture of goods listed in the middle column of row 7 of appended table 1 of the Export Trade Control Order</p> <p>(ii) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the use of goods listed in the middle column of row 7 (xvi) of appended table 1 of the Export Trade Control Order</p> <p>(iii) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the design or manufacture of integrated circuits (excluding those listed in (i) above and in the middle column of row 4)</p> <p>(iv) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the design or manufacturing of equipment using superconducting materials (excluding those listed in (i) above)</p> <p>(v) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the design or manufacture of electron tubes or microchips (excluding those listed in (i) above)</p>	All regions
8	<p>(i) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the design, manufacture or use of goods listed in the middle column of row 8 of appended table 1 of the Export Trade Control Order (excluding those listed in the middle column of row 4)</p>	All regions

	(ii) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the design, manufacture or use of electronic computers, auxiliaries thereof, or parts of such computers or auxiliaries (excluding those listed in (i) above and in the middle column of row 4)	
9	(i) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the design, manufacture or use of goods listed in the middle column of row 9 of appended table 1 of the Export Trade Control Order	All regions
	(ii) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the design, manufacture or use of goods listed in the middle column of row 9 (i) to (iii) or (v) to (vi) of appended table 1 of the Export Trade Control Order (excluding those listed in (i) above and in the middle column of row 15)	
	(iii) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the design or manufacture of micro wave integrated circuits designed for communications (excluding those listed in the middle column of row 7)	
	(iv) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the design or manufacture of communication equipment using superconducting materials (excluding those listed in the middle column of row 7)	
10	(i) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the design or manufacture of goods listed in the middle column of row 10 of appended table 1 of the Export Trade Control Order	All regions
	(ii) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the use of goods listed in row 10 (ii) or (iv) to (xi) of appended table 1 of the Export Trade Control Order (excluding those listed in the middle columns of rows 2 and 15)	
	(iii) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the manufacturing of optical components (excluding those listed in (i) above)	
	(iv) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the design, manufacturing or use of test equipment for laser oscillators (excluding those listed in (i) above)	
	(v) Deleted	

	(vi) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the design or manufacture of radomes (excluding those listed in the middle column of row 4)	
	(vii) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the design, manufacture, or use of equipment used in the testing of resistance of materials against laser beam or targets used therein	
11	(i) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the design or manufacture of goods listed in the middle column of row 11 of appended table 1 of the Export Trade Control Order	All regions
	(ii) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the use of goods listed in rows 11 (i) to (iv)-2 of appended table 1 of the Export Trade Control Order (excluding those listed in the middle column of row 15)	
	(iii) Deleted	
	(iv) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the design, manufacture, or use of avionics equipment (excluding those listed in the middle column of row 4)	
12	(i) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the design or manufacture of goods listed in the middle column of row 12 of appended table 1 of the Export Trade Control Order	All regions
	(ii) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the use of goods listed in the middle column of row 12 of appended table 1 of the Export Trade Control Order	
	(iii) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the design, manufacture, or use of propellers (excluding those listed in (i) and (ii) above and in the middle column of row 15)	
13	(i) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the design or manufacture of goods listed in the middle column of row 13 of appended table 1 of the Export Trade Control Order (excluding those listed in the middle column of row 15)	All regions



	(ii) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the use of goods listed in the middle column of row 13 of appended table 1 of the Export Trade Control Order (excluding those listed in the middle column of row 4)	
	(iii) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the design, manufacture, or use of gas turbine engines or parts thereof (excluding those listed in (i) and (ii) above and in the middle column of row 15)	
	(iv) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the design or manufacturing of aircraft or parts thereof (excluding those listed in (i) above and in the middle column of row 1)	
	(v) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the design or manufacturing of diesel engines or parts thereof (excluding those listed in the middle column of row 14)	
14	Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the design, manufacture, or use of goods listed in the middle column of row 14 of appended table 1 of the Export Trade Control Order	All regions
15	(i) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the design or manufacture of goods listed in the middle column of row 15 of appended table 1 of the Export Trade Control Order	All regions
	(ii) Deleted	
	(iii) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the use of underwater detectors utilizing acoustic waves	
	(iv) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the use of inertial navigators or other equipment utilizing inertial forces	
	(v) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the use of gyroscopes for celestial navigation, or devices that derive position or orientation by means of automatically tracking celestial bodies or satellites	
	(v)-2 Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the use of a sound navigation and ranging (SONAR) system (excluding those listed in (iii) above)	

	(vi) Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the design or manufacturing of parts of gas turbine engines	
16	Technology specified by Order of the Ministry of Economy, Trade and Industry and employed in the design, manufacture, or use of goods classified into Classes 25 to 40, 54 to 59, 63, 68 to 93, or 95 of the Appendix of the Customs Tariff Act (Act No. 54 of 1910) (excluding those listed in the middle columns of rows 1 to 15)	All regions (excluding the regions listed in appended table 3 of the Export Trade Control Order)