

The Order for Enforcement of the Administrative Procedure Act is hereby promulgated.

Order for Enforcement of the Administrative Procedure Act

(Cabinet Order No. 265 of August 5, 1994)

The Cabinet hereby enacts this Cabinet Order pursuant to the provisions of Article 4, paragraph (2), item (ii), Article 13, paragraph (2), item (v) and Article 19, paragraph (1) of the Administrative Procedure Act (Act No. 88 of 1993).

(Corporations Excluded from Application of Provisions Concerning Dispositions upon Applications and Adverse Dispositions)

Article 1 The corporations designated by Cabinet Order as referred to in Article 4, paragraph (2), item (ii) of the Administrative Procedure Act (hereinafter referred to as the "Act") are the Hazardous Materials Safety Techniques Association, Certified Administrative Procedures Legal Specialists Associations, Federations of Fishing Industry Mutual Aid Association, Central Society of Fishing Vessel Insurance Associations, Light Motor Vehicle Inspection Organization, Health Insurance Societies, National Federation of Health Insurance Societies, Nuclear Damage Compensation and Decommissioning Facilitation Corporation, Organization for Cross-regional Coordination of Transmission Operators, Japan, Regional Offshore Environmental Improvement Centers, Port Authorities, Japan Craft Inspection Organization, National Health Insurance Societies, Federation of National Health Insurance Societies, National Pension Funds, National Pension Fund Association, Mutual Aid Associations of National Public Service Personnel, Federation of Mutual Aid Associations of National Public Service Personnel, Urban Renewal Associations, Japan Safe Driving Center, Associations of Juridical Scriveners, Certified Social Insurance and Labour Consultant Associations, Residential Area Development Associations, Central Federation of Societies of Commerce and Industry, Flood Prevention Associations, Federation of Flood Prevention Associations, Certified Public Tax Accountants' Associations, Coal Mining Pension Fund, Japan Health Insurance Association, National Federation of Mutual Aid Associations for Municipal Personnel, All-Japan Federation of Certified Social Insurance and Labour Consultant Associations, Mutual Aid Associations of Prefectural Government Personnel, Pension Fund Association for Local Government Officials, Fund for Local Government Employees' Accident Compensation, Regional Public Housing Corporations, Regional

Public Road Corporations, Regional Incorporated Administrative Agencies, Japan Vocational Ability Development Association, Japan Industrial Safety and Health Association, Federation of Small Business Associations, Public Land Development Corporations, Land Improvement Districts, Unified Land Improvement Districts, Associations of Land and House Investigators, Land Readjustment Associations, Prefectural Vocational Ability Development Associations, Japanese Federation of Administrative Scrivener Associations, Bank of Japan, Japan Sewage Works Agency, Japan Institute of Certified Public Accountants, Japanese Federation of Juridical Scrivener Associations, Japan Chamber of Commerce and Industry, Japan Federation of Certified Public Tax Accountant Associations, Japanese Red Cross Society, Japan Federation of Land and House Investigator Associations, Japan Patent Attorneys Associations, Japan Federation of Pilots Associations, Agricultural Mutual Relief Associations, Federation of Agricultural Mutual Relief Associations, Agricultural and Fishing Industry Cooperative Savings Insurance Corporation, Associations of Disaster Prevention Block Improvement Projects, Pilot Associations, the Deposit Insurance Corporation of Japan and the Industrial Safety and Health Association.

(Dispositions Not Requiring Procedures Prerequisite for Adverse Dispositions)

Article 2 The adverse dispositions which are specified by Cabinet Order as referred to in Article 13, paragraph (2), item (v) of the Act are as follows:

- (i) with respect to a document that is issued by an administrative agency pursuant to the provisions of laws and regulations that certifies the qualification or status of the person who received the issuance thereof (hereinafter referred to as the "certifying document" in this item), a disposition ordering the submission of the certifying document which has already been issued to correct (including the act of adding; hereinafter the same applies in this item) the matters stated therein and a disposition ordering the returning of the certifying document which has already been issued in the case of issuing a new certifying document instead of correcting the previous one, in accordance with the provisions of laws and regulations; and
- (ii) with respect to a document required to be submitted in cases of making a notification, a disposition ordering to correct the document to have it comply with the requirements specified in laws and regulations, in accordance with provisions of laws and regulations.

(Persons Who May Preside Over Hearings Other Than Officials)

Article 3 The persons as may be provided for by Cabinet Order as referred to in Article 19, paragraph (1) of the Act are as follows:

- (i) in cases of hearings which are to be conducted based on the reports of the counsel and other council organizations pursuant to laws and regulations, members of the council organizations;
- (ii) in cases of hearings related to the dispositions prescribed in the provisions of Article 14, paragraph (2) of the Act on Public Health Nurses, Midwives, and Nurses (Act No. 203 of 1948), an Assistant Nurse Examination Board;
- (iii) in cases of hearings related to the dispositions prescribed in the provisions of Article 8, paragraph (1) of the Dental Hygienists Act (Act No. 204 of 1948), a person with relevant knowledge and experience related to the duties of dental hygienists; and
- (iv) in cases of hearings related to the dispositions prescribed in the provisions of Article 24, paragraph (1), Article 28, or Article 29, paragraph (1) or (2) of the Medical Care Act (No. 205 of 1948), a person with relevant knowledge and experience related to diagnoses.

(Administrative Orders Not Requiring Implementation of Public Comment Procedures)

Article 4 (1) The Administrative Orders, etc. which are specified by Cabinet Order as referred to in Article 39, paragraph (4), item (iv) of the Act are as follows:

- (i) the Administrative Orders, etc. under the provisions of Article 70, paragraph (1) (including cases where it is applied mutatis mutandis pursuant to the provisions of Article 85, paragraph (9), Article 85-2, paragraph (5), Article 86, paragraph (4), Article 110, paragraph (7) and Article 149 of the Health Insurance Act (Act No. 70 of 1922)), Article 72, paragraph (1) (including cases where it is applied mutatis mutandis pursuant to the provisions of Article 85, paragraph (9), Article 85-2, paragraph (5), Article 86, paragraph (4), Article 110, paragraph (7) and Article 149 of the Act) and Article 92, paragraph (2) (limited to the part related to the handling of designated home-nursing and including cases where it is applied mutatis mutandis pursuant to the provisions of Article 111, paragraph (3) and Article 149 of the Act) of the same Act;
- (ii) the Administrative Orders, etc. under the provisions of Article 54, paragraph (2) (including cases where it is applied mutatis mutandis pursuant to the provisions of Article 61, paragraph (7), Article 62, paragraph (4), Article 63, paragraph (4) and Article 76, paragraph (6) of the Mariners Insurance Act (Act No. 73 of 1939)) and Article 65, paragraph (10) (including cases where it is applied mutatis mutandis pursuant to the provisions of Article 78, paragraph (3) of the Act) of said the same Act;
- (iii) the Administrative Orders, etc. under Article 32-4, paragraph (3) and Article 38-4, paragraph (3) of the Labor Standards Act (Act No. 49 of 1947);

(iv) the Administrative Orders, etc. under Article 7, paragraph (3), Article 8, paragraph (2), Article 8-2, paragraph (1), item (ii) (limited to the part related to Ordinance of the Ministry of Health, Labour and Welfare prescribed in the same item), the items of paragraph (2) of the same Article (including cases where it is applied mutatis mutandis pursuant to the provisions of Article 8-3, paragraph (2) of the Industrial Accident Compensation Insurance Act (Act No. 50 of 1947)) and Article 8-2, paragraph (3) (including cases where it is applied mutatis mutandis pursuant to the provisions of Article 8-2, paragraph (4) of the same Act (including cases where it is applied mutatis mutandis pursuant to the provisions of Article 8-3, paragraph (2) of the same Act) and Article 8-3, paragraph (2) of the Act), Article 8-3, paragraph (1), item (ii) (limited to the part related to Ordinance of the Ministry of Health, Labour and Welfare and including cases where it is applied mutatis mutandis pursuant to the provisions of Article 8-4 of the Act), Article 12-2, Article 12-7, Article 12-8, paragraph (3), item (ii) and paragraph (4), Article 13, paragraph (3) (including cases where it is applied mutatis mutandis pursuant to the provisions of Article 22, paragraph (2) of the Act), Article 14, paragraph (2) (including cases where it is applied mutatis mutandis pursuant to the provisions of Article 22-2, paragraph (2) of the Act), Article 14-2 (including cases where it is applied mutatis mutandis pursuant to the provisions of Article 22-2, paragraph (2) of the Act), Article 15, paragraph (1), Article 15-2 (including cases where it is applied mutatis mutandis pursuant to the provisions of Article 22-3, paragraph (3) of the Act), Article 16-2, paragraph (1), item (iv) (including cases where it is applied mutatis mutandis pursuant to the provisions of Article 22-4, paragraph (3) of the Act), Article 17 (including cases where it is applied mutatis mutandis pursuant to the provisions of Article 22-5, paragraph (2) of the Act), Article 18-2 (including cases where it is applied mutatis mutandis pursuant to the provisions of Article 23, paragraph (2) of the Act), Article 19-2 (including cases where it is applied mutatis mutandis pursuant to the provisions of Article 24, paragraph (2) of the Act), Article 20, Article 22, paragraph (1), Article 25, Article 26, paragraph (1) and paragraph (2), item (i), Article 27, Article 28, Article 29, paragraph (2), Article 31, paragraphs (1) to (3), Article 33, items (i), (iii) and (v) to (vii), Article 34, paragraph (1), item (iii) (including cases where it is applied mutatis mutandis pursuant to the provisions of Article 36, paragraph (1), item (ii) of the Act), Article 35, paragraph (1), Article 37, Article 46, Article 47, Article 49, paragraph (1), Article 50, Article 58, paragraph (1), Article 59, paragraph (2) and paragraph (3) (including cases where it is applied mutatis mutandis pursuant to the provisions of Article 62, paragraph (3) of the Act), Article 60, paragraph (2) and paragraph (3) (including cases where it is applied mutatis mutandis

- pursuant to the provisions of Article 63, paragraph (3) of the Act), Article 60, paragraph (4) (including cases where it is applied *mutatis mutandis* pursuant to the provisions of Article 63, paragraph (3) of the Act), Article 61, paragraph (1), Article 64, paragraph (2) and the items of Appended Table No. 1 (including cases where they are applied *mutatis mutandis* pursuant to the provisions of Article 22-3, paragraph (3), Article 22-4, paragraph (3) and Article 23, paragraph (2) of the Act) of the same Act;
- (v) the Administrative Orders, etc. under Article 60, paragraph (3), Article 73 and Article 79-2 of the Mariners Act (Act No. 100 of 1947);
- (vi) the Administrative Orders, etc. regarding the important matters related to the enforcement of the Mariner Employment Security Act (Act No. 130 of 1948);
- (vii) the Administrative Orders, etc. under Article 40, paragraph (2) (including cases where it is applied *mutatis mutandis* pursuant to the provisions of Article 52, paragraph (6), Article 52-2, paragraph (3), Article 53, paragraph (3) and Article 54-3, paragraph (2) of the National Health Insurance Act (Act No. 192 of 1958)) and Article 54-2, paragraph (10) (including cases where it is applied *mutatis mutandis* pursuant to the provisions of Article 54-3, paragraph (2) of the Act) of the Act;
- (viii) the Administrative Orders, etc. under Article 2, paragraph (2), Article 4-2, Article 7, items (iii) and (v), Article 8, paragraph (1), Article 9, Article 11, paragraph (3), Article 12, paragraph (2) (limited to the part related to the Cabinet Order prescribed in the same paragraph), paragraphs (3) and (5) of the same Article, Article 12-2, Article 13, Article 14, paragraph (1), Article 14-2, paragraph (1), Article 15, paragraphs (1) and (2), Article 16 (including cases where it is applied *mutatis mutandis* pursuant to the provisions of Article 5 of the Supplementary Provisions of the Act on the Collection, etc. of Insurance Premiums of Labor Insurance (Act No. 84 of 1969)), Article 17, paragraph (2) (including cases where it is applied *mutatis mutandis* pursuant to the provisions of Article 20, paragraph (4) and Article 21, paragraph (3) of the Act), Article 18, Article 19, paragraphs (1), (2), (5) and (6), Article 20, paragraph (1) (including cases where it is applied *mutatis mutandis* pursuant to the provisions of paragraph (2) of the same Article), paragraph (3) of the same Article, Article 21-2, Article 22, paragraph (5) (limited to the part related to the modification of the Level I daily insurance premium amount, Level II daily insurance premium amount and Level III daily insurance premium amount prescribed in the paragraph), Article 33, paragraph (1), Article 36, Article 39, Article 42, Article 44 and Article 45-2 of the Act;
- (ix) the Administrative Orders, etc. under Article 22, item (iv), Article 24, paragraph (1), item (iii) and Article 25, paragraph (1) (limited to the part

- related to the plan prescribed in the same paragraph) of the Act on Stabilization of Employment of Elderly Persons (Act No. 68 of 1971);
- (x) the Administrative Orders, etc. under Article 10, paragraph (1), Article 11, paragraph (2) and Article 13, paragraph (2) (including cases where these provisions are applied with replacement of terms pursuant to the provisions of Article 31, paragraph (1) of the Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment (Act No. 113 of 1972)) of the Act;
- (xi) the Administrative Orders, etc. under Article 10-4, paragraph (1), Article 13, paragraph (1), Article 20, paragraphs (1) and (2), Article 22, paragraph (2), Article 25, paragraph (1) (limited to the part related to the standards specified by a Cabinet Order as referred to in the same paragraph), paragraph (3) of the same Article, Article 26, paragraph (2), Article 27, paragraph (1) (limited to the part related to the standards specified by a Cabinet Order as referred to in the same paragraph), paragraph (2) of the same Article, Article 29, paragraph (2), Article 32, paragraph (3) (including cases where it is applied mutatis mutandis pursuant to the provisions of Article 37-4, paragraph (5) and Article 40, paragraph (4) of the Employment Insurance Act (Act No. 116 of 1974)), Article 33, paragraph (2) (including cases where it is applied mutatis mutandis pursuant to the provisions of Article 37-4, paragraph (5) and Article 40, paragraph (4) of the Act), Article 37-3, paragraph (1), Article 38, paragraph (1), item (ii), Article 39, paragraph (1), Article 52, paragraph (2) (including cases where it is applied mutatis mutandis pursuant to the provisions of Article 55, paragraph (4) of the Act), Article 56-3, paragraph (1) (limited to the part related to the standards specified by Ordinance of the Ministry of Health, Labour and Welfare as referred to in the same paragraph and the part related to persons who have difficulty finding employment as designated by Ordinance of the Ministry of Health, Labour and Welfare as referred to in item (ii) of the same paragraph), Article 61-4, paragraph (1) (limited to the part related to the reasons specified by an Ordinance of the Ministry of Health, Labour and Welfare as referred to in the same paragraph) and Article 61-6, paragraph (1) (limited to the part related to the reasons specified by an Ordinance of the Ministry of Health, Labour and Welfare as referred to in the same paragraph) as well as the Administrative Orders, etc. regarding the important matters related to the enforcement of the Act;
- (xii) the Administrative Orders, etc. under Article 71, paragraph (1) (limited to the part related to the standards concerning the handling and taking charge of the benefits for medical treatment prescribed in the same paragraph), Article 74, paragraph (4), Article 75, paragraph (4), Article 76, paragraph (3) and Article 79, paragraph (1) (limited to the part related to the handling of

designated home-nursing) of the Act on Assurance of Medical Care for Elderly People (Act No. 80 of 1982);

(xiii) the Administrative Orders, etc. under Article 4, paragraph (1), item (iii), Article 35-4, paragraph (1) and Article 40-2, paragraph (1), items (ii), (iv) and (v) of the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Protection of Dispatched Workers (Act No. 88 of 1985);

(xiv) the Administrative Orders, etc. under Article 2, items (iii) to (v), Article 5, paragraph (2) and paragraph (3), item (ii), Article 6, paragraph (1), item (ii) (including cases where it is applied *mutatis mutandis* pursuant to the provisions of Article 12, paragraph (2), Article 16-3, paragraph (2) and Article 16-6, paragraph (2) of the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members (Act No. 76 of 1991)), Article 6, paragraph (3), Article 7, paragraph (2) and paragraph (3) (including cases where it is applied *mutatis mutandis* pursuant to the provisions of Article 13 of the Act), Article 8, paragraph (2) and paragraph (3) (including cases where it is applied *mutatis mutandis* pursuant to the provisions of Article 14, paragraph (3) of the Act), Article 9, paragraph (2), item (i), Article 11, paragraph (2), item (i) and item (ii), sub-item (b), Article 12, paragraph (3), Article 15, paragraph (3), item (i), Article 16-2, paragraph (1), Article 16-5, paragraph (1), Article 19, paragraph (1), item (ii) (including cases where it is applied *mutatis mutandis* pursuant to the provisions of Article 20, paragraph (1) of the Act), Article 19, paragraph (1), item (iii) (including cases where it is applied *mutatis mutandis* pursuant to the provisions of Article 20, paragraph (1) of the Act), Article 19, paragraph (3) (including cases where it is applied *mutatis mutandis* pursuant to the provisions of Article 20, paragraph (1) of the Act), Article 19, paragraph (4), item (i) (including cases where it is applied *mutatis mutandis* pursuant to the provisions of Article 20, paragraph (1) of the Act), Article 23 and Article 28 (including cases where these provisions are applied with replacement of terms pursuant to the provisions of Article 60, paragraph (2) of the Act) of the same Act, the Administrative Orders, etc. under Article 16-8, paragraph (1), item (ii), paragraph (3) and paragraph (4), item (i), Article 17, paragraph (1), item (ii) (including cases where it is applied *mutatis mutandis* pursuant to the provisions of Article 18, paragraph (1) of the Act), Article 17, paragraph (3) (including cases where it is applied *mutatis mutandis* pursuant to the provisions of Article 18, paragraph (1) of the Act) and Article 17, paragraph (4), item (i) of the Act (including cases where it is applied *mutatis mutandis* pursuant to the provisions of Article 18, paragraph (1) of the Act) and the Administrative Orders, etc. regarding the important matters related to the enforcement of the Act (including cases where it is applied with replacement of terms pursuant to the provisions of

- Article 60, paragraph (2) of the Act); and
- (xv) the Administrative Orders, etc. under Article 14, paragraph (1) of the Act on Improvement, etc. of Employment Management for Part-Time Workers (Act No. 76 of 1993).
- (2) The insignificant changes specified by Cabinet Order as referred to in Article 39, paragraph (4), item (viii) of the Act are as follows:
- (i) arrangement of the provisions necessary in accordance with establishment, amendment or repeal of other laws and regulations; and
 - (ii) beyond what is provided for in the preceding item, the streamlining of terms, changes to Article, paragraph or item numbers and other formal changes.

Supplementary Provisions

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

Supplementary Provisions [Cabinet Order No. 84 of March 28, 1997] [Extract]

(Transitional Measures upon Partial Revision of the Order for Enforcement of the Administrative Procedure Act)

Article 4 For the purpose of applying the provisions of Article 1, item (iii) of the Order for Enforcement of the Administrative Procedure Act as amended by the provisions of Article 11 to the surviving cooperatives prescribed in Article 32, paragraph (2) of the Supplementary Provisions of the 1996 Amendment Act, the part "Mutual Aid Associations of National Public Service Personnel, Federation of Mutual Aid Associations of National Public Service Personnel" in the same item is replaced with "Mutual Aid Associations of National Public Service Personnel, the surviving cooperatives prescribed in Article 32, paragraph (2) of the Supplementary Provisions of the Act for Partial Revision of the Employees' Pension Insurance Act (Act No. 82 of 1996), Federation of Mutual Aid Associations of National Public Service Personnel."

Supplementary Provisions [Cabinet Order No. 151 of May 27, 2011] [Extract]

(Transitional Measures upon Partial Revision of the Order for Enforcement of the Administrative Procedure Act)

Article 7 For the purpose of applying the provisions of Article 1 of the Order for Enforcement of the Administrative Procedure Act to surviving cooperatives, the part "All-Japan Federation of Certified Social Insurance and Labour

Consultant Associations" in Article 1 of the Order is replaced with "All-Japan Federation of Certified Social Insurance and Labour Consultant Associations, the surviving cooperatives prescribed in Article 23, paragraph (1), item (iii) of the Supplementary Provisions of the Act for Partial Revision of the Local Public Officers, etc. Mutual Aid Association Act (Act No. 56 of 2011)."

**Supplementary Provisions [Cabinet Order No. 73 of March 24, 2014]
[Extract]**

(Transitional Measures upon Partial Revision of the Order for Enforcement of the Administrative Procedure Act)

- Article 7 (1) For the purpose of applying the provisions of Article 1 of the Order for Enforcement of the Administrative Procedure Act as amended by the provisions of Article 26 to a surviving employee's pension fund, the part "Regional Offshore Environmental Improvement Centers" in Article 1 of the Order is replaced with "Regional Offshore Environmental Improvement Centers, the surviving employee's pension fund as prescribed in Article 3, item (xi) of the Supplementary Provisions of the Act for Partial Revision of the Employees' Pension Insurance Act to Ensure the Soundness and Reliability of the Public Pension System (Act No. 63 of 2013)."
- (2) For the purpose of applying the provisions of Article 1 of the Order for Enforcement of the Administrative Procedure Act as amended by the provisions of Article 26 to surviving federations, the part "Hazardous Materials Safety Techniques Association" in Article 1 of the Order is replaced with "the surviving federations as prescribed in Article 3, item (xiii) of the Supplementary Provisions of the Act for Partial Revision of the Employees' Pension Insurance Act to Ensure the Soundness and Reliability of the Public Pension System (Act No. 63 of 2013), Hazardous Materials Safety Techniques Association."

**Supplementary Provisions [Cabinet Order No. 27 of January 29, 2016]
[Extract]**

(Transitional Measures upon Partial Revision of the Order for Enforcement of the Administrative Procedure Act)

- Article 8 For the purpose of applying the provisions of Article 1 of the Order for Enforcement of the Administrative Procedure Act as amended by the provisions of Article 22 to surviving FSBA, the part "Federation of Agricultural Mutual Relief Associations" in Article 1 of the Order is replaced with "Federation of Agricultural Mutual Relief Associations, surviving FSBA as prescribed in Article 10 of the Supplementary Provisions of the Act for Partial Revision of

the Agricultural Co-operatives Act (Act No. 63 of 2015)."