

# Employees' Pension Insurance Act

(Act No. 115 of May 19, 1954)

The Employees' Pension Insurance Act (Act No. 60 of 1941) is hereby amended in its entirety.

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## Chapter I General Provisions

(Purpose of This Act)

Article 1 The purpose of this Act is to provide insurance benefits for workers' old-age, disability, and death, so as to contribute to stabilizing the livelihoods and improving the welfare of workers and their surviving family.

(Administration)

Article 2 Employees' pension insurance is administered by the government.

(Revisions to the Amount of Pension)

Article 2-2 If a significant change occurs in the national standard of living, wages, or other such circumstances, measures must be taken promptly to revise the amounts of pension insurance benefits under this Act so that they fit with the circumstances after the change.

(Budgetary Balance)

Article 2-3 The budget for employees' pension insurance services must allow balance to be maintained over the long term, and if a significant imbalance is projected, the necessary measures must be promptly taken.

(Compiling a Current Budget Status and Projections Report)

Article 2-4 (1) At least every five years, the government must compile a report on the current status of income and expenditures in connection with the budget for employees' pension insurance services, including the amounts of insurance premiums and state subsidies and the amount of expenses needed to provide insurance benefits under this Act and projections for the period subject to budget balancing (hereinafter referred to as a "current budget status and projections report"), at least every 5 years.

(2) The period subject to budget balancing referred to in the preceding paragraph (referred to as the "period subject to budget balancing" in Article 34, paragraph (1) and Article 84-6, paragraph (3), item (ii)) is the approximately 100-year period following the year in which the current budget status and projections report is compiled.

(3) Once the government has compiled the current budget status and projections report pursuant to the provisions of paragraph (1), it must publish this without delay.

(Implementing Organizations)

Article 2-5 (1) The implementing organizations referred to in this Act are the persons that each of the following items prescribes for the category of administrative function set forth in the relevant item:

(i) administrative functions connected with the status of insureds covered by

employees' pension insurance other than the insureds specified in the following item through item (iv) (hereinafter each such a person is referred to as a "category I EPI insured"); the standardized remunerations (meaning the standardized remuneration as specified in Article 28; the same applies hereinafter in this paragraph), places of business, and insured periods of category I EPI insureds; the provision of insurance benefits under this Act based on the period during which a person was a category I EPI insured (hereinafter referred to as the "category I EPI insured period"); the beneficiaries of those insurance benefits; the bearing of monetary contributions to the Basic Pension under the provisions of Article 94-2, paragraph (1) of the National Pension Act (Act No. 141 of 1959) in connection with category I EPI insureds; insurance premiums associated with category I EPI insured periods and other monies collected under the provisions of this Act; and the investment of insurance premiums of category I EPI insureds: the Minister of Health, Labour and Welfare.

(ii) administrative functions connected with the status of insureds covered by employees' pension insurance who are members of the National Public Service Personnel Mutual Aid Association (hereinafter each such a person is referred to as a "category II EPI insured"); the standardized remunerations, places of business, and insured periods of category II EPI insureds; the provision of insurance benefits under this Act based on the period during which a person was a category II EPI insured (hereinafter referred to as the "category II EPI insured period"); the beneficiaries of those insurance benefits; the payment of monetary contributions to the Basic Pension under the provisions of Article 94-2, paragraph (2) of the National Pension Act and the payment of contributions under the provisions of Article 84-5, paragraph (1), in connection with category II EPI insureds; insurance premiums associated with category II EPI insured periods and other monies collected under the provisions of this Act; and the investment of insurance premiums of category II EPI insureds: national public service personnel mutual aid associations and the Federation of National Public Service Personnel Mutual Aid Associations.

(iii) administrative functions connected with the status of an insured covered by employees' pension insurance who is a member of a mutual aid association of local government officials (hereinafter referred to as a "category III EPI insured"); the standardized remunerations, places of business, and insured periods of category III EPI insureds; the provision of insurance benefits under this Act based on the period during which a person was a category III EPI insured (hereinafter referred to as the "category III EPI insured period"); the beneficiaries of those insurance benefits; the payment of monetary contributions to the Basic Pension under the provisions of Article

94-2, paragraph (2) of the National Pension Act and the payment of contributions under the provisions of Article 84-5, paragraph (1), in connection with category III EPI insureds; insurance premiums associated with category II EPI insured periods and other monies collected under the provisions of this Act; and the investment of insurance premiums of category III EPI insureds: mutual aid associations of local government officials, the National Federation of Mutual Aid Associations for Municipal Personnel, and the Pension Fund Association for Local Government Officials.

(iv) administrative functions connected with the status of an insured covered by employees' pension insurance who is a member of a mutual aid system for private school personnel under the provisions of the Private School Personnel Mutual Aid Act (Act No. 245 of 1953) (hereinafter referred to as a "category IV EPI insured"); the standardized remunerations, places of business, and insured periods of category IV EPI insureds; the provision of insurance benefits under this Act based on the period during which a person was a category IV EPI insured (hereinafter referred to as the "category IV EPI insured period"); the beneficiaries of those insurance benefits; the payment of monetary contributions to the Basic Pension under the provisions of Article 94-2, paragraph (2) of the National Pension Act and the payment of contributions under the provisions of Article 84-5, paragraph (1), in connection with category IV EPI insureds; insurance premiums associated with category IV EPI insured periods and other monies collected under the provisions of this Act; and the investment of insurance premiums of category IV EPI insureds: the Promotion and Mutual Aid Corporation for Private Schools of Japan.

(2) Those of the administrative functions set forth in item (ii) and item (iii) of the preceding paragraph that are connected with the provisions of Article 84-3, Article 84-5, Article 84-6, Article 84-8, and Article 84-9 are performed by the Federation of National Public Service Personnel Mutual Aid Associations or the Pension Fund Association for Local Government Officials, and those that are connected with other provisions are performed, pursuant to the provisions of Cabinet Order, by the person specified by Cabinet Order from among the persons prescribed in item (ii) and item (iii) of the preceding paragraph.

#### (Definitions of Terms)

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

(i) "premium-paid period" means the premium-paid period prescribed in Article 5 paragraph (1) of the National Pension Act;

(ii) "premium-exemption period" means the premium-exemption period prescribed in Article 5, paragraph (2) of the National Pension Act;

- (iii) "remuneration" means wages, pay, salary, allowances, bonuses, and all other earnings, whatever they may be called, received by a worker as compensation for the worker's labor; provided, however, that this does not apply to occasional earnings or those received at intervals that exceed every three months;
  - (iv) "bonus" means, among the wages, pay, salary, allowances, bonuses, and all other earnings, whatever they may be called, received by a worker as compensation for the worker's labor, those that a worker receives at intervals that exceed every three months.
- (2) In this Act, the terms "spouse"; "husband"; and "wife" include persons who have not registered a marriage but whose circumstances are, de facto, the same as those of a person in a marital relationship.

Article 4 and Article 5 Deleted (Act No. 109 of July 2007)

## **Chapter II The Insured**

### **Section 1 Status**

(Applicable Place of Business)

Article 6 (1) A place of business or an office (hereinafter referred to simply as a "place of business"), or a ship falling under any of the following items is an applicable place of business:

- (i) a place of business or office for the types of business set forth in the following, at which five or more persons are regularly employed:
  - (a) the business of manufacturing, processing, selecting, packing, repairing, or dismantling goods;
  - (b) the business of civil engineering or architecture; the business of constructing, remodeling, preserving, repairing, altering, demolishing, or dismantling structures, or of preparing to do so;
  - (c) the business of mining or quarrying minerals;
  - (d) the business of generating, transmitting, or supplying electric or other motive power;
  - (e) the business of transporting freight or passengers;
  - (f) the business of loading or unloading freight;
  - (g) the business of incineration, sanitation, or animal slaughter;
  - (h) the business of selling or distributing goods;
  - (i) financial or insurance services;
  - (j) the business of storing or leasing goods;
  - (k) intermediary brokerage services;
  - (l) the business of collections, guidance, or advertising;
  - (m) education, research, or investigative services;

- (n) medical treatment, midwifery, and other medical services;
  - (o) communications or news services;
  - (p) social welfare services specified by the Social Welfare Act (Act No. 45 of 1951) and offenders' rehabilitation services specified by the Offenders' Rehabilitation Services Act (Act No. 86 of 1995).
- (ii) a place of business or office of the national government, a local government, or a corporation, where persons are regularly employed, other than one that is also set forth in the preceding item.
  - (iii) a ship manned by persons who are employed by a shipowner (or in the case provided for in Article 3 of the Mariners Insurance Act (Act No. 73 of 1939), a person who is regarded as a shipowner in accordance with the provisions of that Article; hereinafter referred to simply as the "shipowner" or the ship's "owner") as the mariners set forth in Article 1 of the Mariners Act (Act No. 100 of 1947) (hereinafter such a person is referred to simply as a "mariner") (hereinafter such a ship is referred to simply as a "ship", except in Article 59-2).
- (2) The owner of a ship as prescribed in item (iii) of the preceding paragraph is deemed to be an employer with an applicable place of business.
  - (3) An employer with a place of business other than as referred to in paragraph (1) may make the place of business an applicable place of business with the approval of the Minister of Health, Labour and Welfare.
  - (4) If an employer with a place of business seeks the approval referred to in the preceding paragraph, it must file an application with the Minister of Health, Labour and Welfare with the consent of at least one-half of the persons (excluding the persons prescribed in Article 12) employed at the place of business.

Article 7 If an applicable place of business under paragraph (1), item (i) or (ii) of the preceding Article has ceased to fall under either of the relevant items, that place of business is deemed to have been given approval under paragraph (3) of that Article.

- Article 8 (1) An employer with an applicable place of business as referred to in Article 6, paragraph (3) may cause the place of business to cease to be an applicable place of business with the approval of the Minister of Health, Labour and Welfare.
- (2) If an employer with a place of business seeks the approval referred to in the preceding paragraph, the employer must file an application with the Minister of Health, Labour and Welfare with the consent of at least three-quarters of the persons (excluding the persons prescribed in Article 12) employed at the place of business.

Article 8-2 (1) If the employer is the same for two or more applicable places of business (other than ships), the employer may treat those two or more places of business as one applicable place of business with the approval of the Minister of Health, Labour and Welfare.

(2) If the approval referred to in the preceding paragraph has been obtained, the relevant two or more applicable places of business are deemed to have ceased to be applicable places of business as referred to in Article 6.

Article 8-3 If the owner is the same for two or more ships, those two or more ships are treated as one applicable place of business. In such a case, those two or more ships are deemed not to be an applicable place of business as referred to in Article 6.

(The Insured)

Article 9 A person under 70 years of age who is employed at an applicable place of business is an insured covered by employees' pension insurance.

Article 10 (1) A person under 70 years of age who is employed at a place of business other than an applicable place of business may become an insured covered by employees' pension insurance with the approval of the Minister of Health, Labour and Welfare.

(2) In order to obtain the approval referred to in the preceding paragraph, the relevant person must gain the consent of the employer of the place of business.

Article 11 An insured under the provisions of the preceding Article may forfeit status as an insured with the approval of the Minister of Health, Labour and Welfare.

(Exemptions)

Article 12 Notwithstanding the provisions of Article 9 and Article 10, paragraph (1), a person falling under one of the following items is not an insured covered by employees' pension insurance:

(i) a person set forth in the following who is employed temporarily (other than a mariner employed by a shipowner); provided, however, that this does not apply to a person set forth in (a) who has come to be employed continuously for more than one month, nor to a person set forth in (b) who has come to be employed continuously for more than the contracted period:

(a) a person employed on a day-to-day basis;

(b) a person employed for a contracted period of less than two months;

(ii) a person employed at a place of business with a variable location;

- (iii) a person employed in seasonal work (other than a mariner employed by a shipowner; provided, however, that this does not apply if the person is to be employed continuously for more than four months;
- (iv) a person employed at a place of business for temporary business; provided, however, that this does not apply if the person is to be employed continuously for more than six months; or
- (v) a person employed at a place of business, who constitutes a part-time worker whose scheduled working hours per week are less than three-quarters of the scheduled working hours per week of workers with standard employment statuses employed at the same place of business (referred to as "workers with standard employment statuses" hereinafter in this item) as prescribed by Article 2 of the Act on Improvement, etc. of Employment Management for Part-Time Workers (Act No. 76 of 1993) prescribed in that Article (referred to as a "part-time worker" hereinafter in this item) or a part-time worker whose scheduled working days per month are less than three-quarters of the working days per month of workers with standard employment statuses employed at the same place of business, and who meets one of the requirements in (a) through (d):
  - (a) the scheduled working hours per week are shorter than 20 hours;
  - (b) it is not expected that the person will be employed at the place of business continuously for one year or longer;
  - (c) the amount of remuneration (other than that which is prescribed by Order of Ministry of Health, Labour and Welfare as equivalent to wages set forth in the items of Article 4, paragraph (3) of the Minimum Wages Act (Act No. 137 of 1959)) that is calculated, pursuant to Order of the Ministry of Health, Labour and Welfare, as per the provisions of Article 22, paragraph (1), is less than 88,000 yen;
  - (d) the person is a student at a high school student as prescribed by Article 50 of School Education Act (Act No. 26 of 1947), a student at a university as prescribed in Article 83 of that Act, or another person as prescribed by Order of the Ministry of Health, Labour and Welfare.

(Timing of Status Acquisition)

- Article 13 (1) An insured under the provisions of Article 9 acquires the status of an insured on the day on which the person comes to be employed at an applicable place of business, the day on which the relevant place of business becomes an applicable place of business, or the day on which the person ceases to be subject to the provisions of the preceding Article.
- (2) An insured under the provisions of Article 10, paragraph (1) acquires the status of an insured on the day on which the approval referred to in that paragraph is obtained.

(Timing of the Forfeiture of Status)

Article 14 An insured as under the provisions of Article 9 or Article 10, paragraph (1) forfeits the status as an insured on the day following the day on which the person comes to fall under one of the following items (or on the day itself if, on the day on which the fact occurred, the person had already come to fall under the preceding Article or had already come to fall under item (v)):

- (i) the person dies;
- (ii) the person ceases to be employed at the relevant place of business or on the relevant ship;
- (iii) approval as referred to in Article 8 paragraph (1) or Article 11 is obtained;
- (iv) the person comes to be subject to the provisions of Article 12; or
- (v) the person reaches the age of 70.

(Acquisition or Forfeiture of Status Due to Changes in Insured Category)

Article 15 If an insured employed at the same applicable place of business undergoes a change in insured category (meaning the classification of whether the person is a category I EPI insured, a category II EPI insured, a category III EPI insured, or a category IV EPI insured; the same applies hereinafter), the provisions of the preceding two Articles apply for each insured category.

Article 16 and Article 17 Deleted (Act No. 63 of August 2012)

(Confirmation of Acquisition or Forfeiture of Status)

Article 18 (1) Acquisition and forfeiture of status as an insured become effective by virtue of a confirmation by the Minister of Health, Labour and Welfare; provided, however, that this does not apply to status as an insured acquired pursuant to the provisions of Article 10, paragraph (1), nor to forfeiture of status as an insured due to the person having come to fall under Article 14, item (iii).

(2) The Minister of Health, Labour and Welfare makes a confirmation as referred to in the preceding paragraph based on a notification under the provisions of Article 27 or a request under the provisions of Article 31, paragraph (1), or on the minister's own authority.

(3) The provisions of the Administrative Procedure Act (Act No. 88 of 1993) Chapter III (other than Articles 12 and 14) do not apply to the confirmation referred to in paragraph (1).

(4) The provisions of the preceding three paragraphs do not apply to the acquisition or forfeiture of status as a category II EPI insured, a category III EPI insured, or a category IV EPI insured.

(Acquisition and Forfeiture of Status in Different Insured Categories)

Article 18-2 (1) Notwithstanding the provisions of Article 13, a category II EPI insured, a category III EPI insured, or a category IV EPI insured does not simultaneously acquire the status of a category I EPI insured .

(2) If a category I EPI insured comes to acquire the status of a category II EPI insured, a category III EPI insured, or a category IV EPI insured, the category I EPI insured forfeits their status as a category I EPI insured on that date.

### **Section 2 Insured Period**

Article 19 (1) When an insured period is calculated, this is done in months; the months from that in which a person acquires the status of an insured to the month preceding that in which the person forfeits that status are used to calculate it.

(2) If, in the same month that a person has acquired the status of an insured, the person forfeits that status, that month is calculated as a one-month long insured period; provided, however, that this does not apply if the person acquires the status of an insured or an insured under a National Pension (excluding a category II insured specified in Article 7, paragraph (1) item (ii) of the National Pension Act) again in that month.

(3) For a person who has acquired the status of an insured again after having forfeited that status, the previous and subsequent insured periods are added up.

(4) The provisions of the preceding three paragraphs apply for each insured category.

(5) Notwithstanding the provisions of paragraph (2) that were to have been applied pursuant to the provisions of the preceding paragraph, if a person has undergone a change of insured categories in the same month, that month is deemed to be a month in which the insured was under the insured category from after the change (if the insured has undergone a change of insured categories twice or more in the same month, that month is deemed to be a month in which the insured was under the last of those insured categories).

### **Section 3 Standardized Monthly Amount of Remuneration and the Standardized Amount of Bonus**

(Standardized Monthly Amount of Remuneration)

Article 20 (1) An insured's standardized monthly amount of remuneration is established according to the following grade classification (or the grade classification following the revision, if a grade classification has been revised pursuant to the provisions of the following paragraph) based on the insured's

amount of monthly remuneration:

Standardized monthly remuneration grade	Standardized monthly amount of remuneration	Monthly amount of remuneration
Grade 1	88,000 yen	Less than 93,000 yen
Grade 2	98,000 yen	93,000 yen or more, less than 101,000 yen
Grade 3	104,000 yen	101,000 yen or more, less than 107,000 yen
Grade 4	110,000 yen	107,000 yen or more, less than 114,000 yen
Grade 5	118,000 yen	114,000 yen or more, less than 122,000 yen
Grade 6	126,000 yen	122,000 yen or more, less than 130,000 yen
Grade 7	134,000 yen	130,000 yen or more, less than 138,000 yen
Grade 8	142,000 yen	138,000 yen or more, less than 146,000 yen
Grade 9	150,000 yen	146,000 yen or more, less than 155,000 yen
Grade 10	160,000 yen	155,000 yen or more, less than 165,000 yen
Grade 11	170,000 yen	165,000 yen or more, less than 175,000 yen
Grade 12	180,000 yen	175,000 yen or more, less than 185,000 yen
Grade 13	190,000 yen	185,000 yen or more, less than 195,000 yen
Grade 14	200,000 yen	195,000 yen or more, less than 210,000 yen
Grade 15	220,000 yen	210,000 yen or more, less than 230,000 yen
Grade 16	240,000 yen	230,000 yen or more, less than 250,000 yen
Grade 17	260,000 yen	250,000 yen or more, less than 270,000 yen
Grade 18	280,000 yen	270,000 yen or more, less than 290,000 yen
Grade 19	300,000 yen	290,000 yen or more, less than 310,000 yen
Grade 20	320,000 yen	310,000 yen or more, less than 330,000 yen
Grade 21	340,000 yen	330,000 yen or more, less than 350,000 yen
Grade 22	360,000 yen	350,000 yen or more, less than 370,000 yen

Grade 23	380,000 yen	370,000 yen or more, less than 395,000 yen
Grade 24	410,000 yen	395,000 yen or more, less than 425,000 yen
Grade 25	440,000 yen	425,000 yen or more, less than 455,000 yen
Grade 26	470,000 yen	455,000 yen or more, less than 485,000 yen
Grade 27	500,000 yen	485,000 yen or more, less than 515,000 yen
Grade 28	530,000 yen	515,000 yen or more, less than 545,000 yen
Grade 29	560,000 yen	545,000 yen or more, less than 575,000 yen
Grade 30	590,000 yen	575,000 yen or more, less than 605,000 yen
Grade 31	620,000 yen	605,000 yen or more

(2) If, as of March 31 of any year, an amount equivalent to 200 percent of the average standardized monthly amount of remuneration for all insureds exceeds the standardized monthly amount of remuneration in the highest standardized monthly remuneration grade, and it is found that those circumstances will continue, the grade classification of the standardized monthly amount of remuneration may be revised to add an additional grade above the highest grade, in accordance with Cabinet Order and in consideration of the grade classifications of the standardized monthly amount of remuneration under Article 40, paragraph (1) of National Health Insurance Act (Act No. 70 of 1922), beginning September 1 of that year.

(Periodically Scheduled Decisions)

Article 21 (1) Every year, the implementing organization decides an insured's standardized monthly amount of remuneration based on the insured's amount of monthly remuneration, which is calculated by dividing the total remuneration which the insured receives during a three-month period prior to July 1 in the year in question at the place of business where the insured is actually employed as of that date by the number of months in that period (the period mentioned above is limited to a period during which the insured was continuously employed at the place of business; and, if there is any month which has fewer than seventeen days (or fewer than eleven days, for a person as specified by Order of the Ministry of Health, Labour and Welfare; the same applies for Article 23, paragraph (1), Article 23-2, paragraph (1) and Article 23-3, paragraph (1)) which forms the basis for the remuneration of remuneration, that month is excluded from the abovementioned period).

(2) The standardized monthly amount of remuneration decided upon pursuant to

the provisions of the preceding paragraph is the standardized monthly amount of remuneration for each month from September of that year to August of the next year.

- (3) The provisions of paragraph (1) do not apply to a person who has acquired the status of an insured between June 1 and July 1, nor to those a person whose standardized monthly amount of remuneration is or will be revised in any month between July and September pursuant to the provisions of Article 23, Article 23-2 or Article 23-3, but only in the year in question.

(Deciding Standardized Monthly Amount of Remuneration at the Time Status as an Insured Is Acquired)

Article 22 (1) When a person acquires the status of an insured, the implementing organization decides that person's standardized monthly amount of remuneration by taking the amount provided for in each of the following items to be the amount of monthly remuneration:

- (i) if remuneration is determined on a monthly basis, on a weekly basis, or based on any other set period, the amount corresponding to the amount of remuneration as of the day the person acquired the status of an insured, divided by the total number of days in that period, and multiplied by 30;
  - (ii) if remuneration is determined on a daily or hourly basis or based on output or contracted work, the average of the amounts of remuneration that persons engaged in the same kind of work and receiving the same kind of remuneration at the relevant place of business received during the one-month period prior to the month in which the person in question acquired the status of an insured
  - (iii) if it is difficult to calculate an amount pursuant to the preceding two items, the amount of remuneration received that a person engaged in the same kind of work and receiving the same kind of remuneration in the same district received during the one-month period prior to the month in which the person in question acquired the status of an insured; and
  - (iv) if the person receives remuneration that falls under two or more of the preceding three items, the total of those amounts, each of which has first been calculated pursuant to the provisions of the preceding three items.
- (2) A standardized monthly amount of remuneration that has been determined pursuant to the provisions of the preceding paragraph is the standardized monthly amount of remuneration for each month from the month in which the person acquired the status of an insured until August of that year (or until August of the next year, for a person who acquired the status of an insured between June 1 and December 31).

(Revision)

- Article 23 (1) If the amount arrived at when the total amount of remuneration an insured has received during a continuous period of three months at the place of business at which the insured is employed at the time in question (the number of days forming the basis for the payment of remuneration is seventeen days or more in each month) is divided by three is significantly higher or lower than the amount of monthly remuneration that formed the basis for the standardized monthly amount of remuneration and the implementing organization finds it to be necessary to do so, it may regard the amount so calculated as the amount of monthly remuneration and revise the amount of standardized remuneration beginning in the month following the month in which that significant high or low occurred.
- (2) A standardized monthly amount of remuneration that has been revised in accordance with the provisions of the preceding paragraph is the standardized monthly amount of remuneration for each month up until August of that year (or up until August of the following year, for standardized monthly amounts of remuneration revised in any month from July to December).

(Revision at the End of Childcare/Parental Leave)

Article 23-2 (1) Notwithstanding the provisions of Article 21, if, on the day on which an insured's childcare leave as provided for Article 2, item (i) 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; hereinafter referred to in this paragraph as the "Childcare/Caregiver Leave Act"); leave based on measures equivalent to the system of childcare leave under the provisions of Article 23, paragraph (2) of the Childcare/Caregiver Leave Act or based on measures taken, pursuant to the provisions of Article 24, paragraph (1) (limited to the part pertaining to item (ii)) of the Childcare/Caregiver Leave Act, under the system of childcare leave provided for in item (ii) of that paragraph; childcare leave under the provisions of Article 3, paragraph (1) of the Act on Childcare/Parental Leave of Diet Officers (Act No. 108 of 1991); childcare leave under the provisions of Article 3, paragraph (1) of the Act on Childcare/Parental Leave of National Public Officers (Act No. 109 of 1991) (including as applied mutatis mutandis pursuant to Article 27, paragraph (1) of that Act and the Act on Temporary Measures concerning Court Officials (Act No. 299 of 1951) (limited to the part pertaining to item (vii))); childcare leave under the provisions of Article 2, paragraph (1) of the Act on Childcare/Parental Leave of Local Public Officers (Act No. 110 of 1991); or childcare leave under the provisions of Article 2, paragraph (1) of the Act on Childcare/Parental Leave of Judges (Act No. 111 of 1991) (hereinafter referred to as "childcare/parental leave") ends (hereinafter referred to as the "childcare/parental leave end date" in this Article), the insured whose

childcare/parental leave has ended is raising the child provided for in Article 2 item (i) of the Childcare/Caregiver Leave Act or person prescribed by Cabinet Order as being similar thereto (referred to as the "child" in Article 26) who is under three years of age and for whom the insured was taking that childcare/parental leave, and the insured files a request with the implementing organization as provided for by order of the competent ministry through the employer of the place of business at which the insured is employed, the implementing organization revises the insured's standard amount of remuneration by regarding the amount arrived at when the total amount of remuneration during the three-month period beginning from the month in which the day following the childcare/parental leave end date falls (limited to a period during which the insured continues to be employed at the place of business at which the insured was employed on the day following the childcare/parental leave end date, and excluding any month which has fewer than seventeen days which forms the basis for payment of remuneration) is divided by the number of months in that period, as the insured's monthly remuneration; provided, however, that this does not apply to an insured who starts maternity leave as provided for in paragraph (1) of the following Article on the day following the childcare/parental leave end date.

- (2) A standardized monthly amount of remuneration that has been revised pursuant to the provisions of the preceding paragraph is the standardized monthly amount of remuneration for each month during the period from the month following the month that contains the day that is calculated as falling two months after the day following the childcare/parental leave end date until August of that year (or until August of the following year, if the relevant following month is any month from July to December).
- (3) When the provisions of paragraph (1) are applied to a category II EPI insured or a category III EPI insured, the phrase "order of the competent ministry through the employer of the place of business at which the insured is employed" in that paragraph is deemed to be replaced with the phrase "order of the competent ministry".

(Revision at the End of Maternity Leave)

Article 23-3 (1) Notwithstanding the provisions of Article 21, if, on the day on which an insured's maternity leave (meaning non-engagement in work (but only if the insured is not working for reasons related to pregnancy or childbirth) for the period from 42 days (98 days in the case of a multiple pregnancy) before the day of childbirth (or before the due date, if the day of childbirth is after the due date) until 56 days following the date of childbirth; and, in the case of an insured who is a mariner (excluding a mariner who is a member of a national public service personnel mutual aid associations or a

mutual aid association of local government officials; the same applies hereinafter), meaning not engaging in duties pursuant to the provisions of Article 87, paragraph (1) or paragraph (2) of the Mariners Act; the same applies hereinafter) ends (hereinafter referred to as the "maternity leave end date" in this Article) the insured whose maternity leave has ended is raising the child for whom the insured was taking that maternity leave and files a request with an implementing organization as provided for by order of the competent ministry through the employer of the place of business at which the insured is employed, the implementing organization revises the insured's standard amount of remuneration by regarding the amount arrived at when the total amount of remuneration during the three-month period beginning from the month in which the day following the maternity leave end date falls (limited to a period during which the insured continues to be employed at the place of business at which the insured was employed on the day following the maternity leave end date, and excluding any month which has fewer than seventeen days which forms the basis for payment of remuneration) is divided by the number of months in that period, as the insured's monthly remuneration; provided, however, that this does not apply to an insured who starts childcare/parental leave on the day following the maternity leave end date.

- (2) A standardized monthly amount of remuneration that has been revised pursuant to the provisions of the preceding paragraph is the standardized monthly amount of remuneration for each month during the period from the month following the month that contains the day that is calculated as falling two months after the day after the maternity leave end date until August of that year (or until August of the following year, if the relevant following month is any month from July to December).
- (3) When the provisions of paragraph (1) are applied to a category II EPI insured or a category III EPI insured, the phrase "order of the competent ministry through the employer of the place of business at which the insured is employed" in that paragraph is deemed to be the phrase "order of the competent ministry".

(Special Provisions on the Calculation of the Amount of Monthly Remuneration)

Article 24 (1) If it is difficult to calculate an insured's amount of monthly remuneration pursuant to the provisions of Article 21, paragraph (1), Article 22, paragraph (1), Article 23-2, paragraph (1), or paragraph (1) of the preceding Article, or if the amount calculated pursuant to the provisions of Article 21, paragraph (1), Article 22, paragraph (1), Article 23, paragraph (1), Article 23-2, paragraph (1), or paragraph (1) of the preceding Article is extremely

unreasonable, the amount calculated by the implementing organization is the insured's amount of monthly remuneration, notwithstanding those provisions.

(2) To calculate the amount of monthly remuneration for an insured who receives remuneration from two or more places of business at the same time, the person's amount of monthly remuneration is the total sum of the amounts added together, each of which has been first calculated, for each place of business, pursuant to the provisions of Article 21, paragraph (1), Article 22, paragraph (1), Article 23, paragraph (1), Article 23-2, paragraph (1), or paragraph (1) of the preceding Article, or pursuant to the provisions of the preceding paragraph.

(Standardized Monthly Amount of Remuneration of an Insured Who Is a Mariner)

Article 24-2 Notwithstanding the provisions of Article 21 through the preceding Article, decisions on and revisions to the standardized monthly amount of remuneration of an insured who is a mariner are governed by the provisions of Articles 17 through 20 and Article 23 of the Mariners Insurance Act.

(Delegation to Cabinet Order)

Article 24-3 Beyond as provided for in Articles 21 through 24, Cabinet Order provides for the necessary particulars in connection with the calculation of the standardized monthly remuneration.

(Decisions on the Standardized Amount of Bonuses)

Article 24-4 (1) In months when an insured receives a bonus, the implementing organization decides the standardized amount of the bonus for that month based on the amount of the bonus that the relevant insured received that month, by rounding down to the nearest thousand. In such a case, if the standardized amount of the bonus exceeds 1,500,000 yen (or the amount specified by Cabinet Order, if the classification has been revised for the standardized monthly amount of remuneration pursuant to the provisions of Article 20, paragraph (2); the same applies hereinafter in this paragraph), the amount is 1,500,000 yen.

(2) The provisions of Article 24 apply mutatis mutandis to the calculation of the standardized amount of a bonus.

(Value of Salaries in Kind)

Article 25 If the whole or a part of remuneration or bonuses are paid in anything other than money, the value thereof is established by the Minister of Health, Labour and Welfare according to the market value in the that locality.

(Special Provisions on the Amount of Standard Monthly Remuneration for a Current or Former Insured Raising a Child under 3 Years of Age)

Article 26 (1) If an insured or a former insured who is or was raising a child under 3 years of age files a request with the implementing organization (for a current insured, through the employer of the place of business at which the insured is employed) as specified by order of the competent ministry, the person's standardized monthly amount of remuneration for the month before the month that includes the day on which the person began to raise the child (or, if the person is not an insured in the month in question, the standardized monthly amount of remuneration for the most recent month in which the person was an insured within the one year prior to the month in question; either the month in question or this most recent month is hereinafter referred to in this Article as the "base month") is deemed to be the standardized monthly amount of remuneration that forms the basis for calculating the average standardized monthly amount of remuneration under Article 43, paragraph (1) for any month in which the person's standardized monthly amount of remuneration falls below the standardized monthly amount of remuneration for the base month (or below the standardized monthly amount of remuneration for the base month connected with a child other than the child in question, if that standardized monthly amount is deemed to be the standardized monthly amount of remuneration that forms the basis for the calculation mentioned above pursuant to the provisions of this paragraph; any standardized monthly amount deemed to be the standardized monthly amount of remuneration that forms the basis for the calculation mentioned above is referred to as the "previous standardized monthly amount of remuneration" in this paragraph), among the months during the period of time from the month that includes the day on which the person started to raise that child (or the day on which any fact provided for by Order of the Ministry of Health, Labour and Welfare has arisen) until the month before the month that includes the day following the date of an event that falls under one of the following items (if any of the months in which the standardized monthly amount of remuneration falls below the previous standardized monthly amount of remuneration are months preceding the month that includes the day on which the relevant request was filed, these are limited to months that fall within the two-year period before the month including the day on which the relevant request was filed).

- (i) the child in question reaches 3 years of age;
- (ii) the insured comes to fall under one of the items of Article 14;
- (iii) the insured has begun to raise a child other than the child in question in a case in which the provisions of this Article are applied for a child other than the child in question, or any other event provided for by Order of the Ministry of Health, Labour and Welfare as a fact equivalent thereto arises;

- (iv) the child dies or the insured has otherwise ceased to raise the child; or
  - (v) the insured starts childcare/parental leave to which the provisions of Article 81-2, paragraph (1) apply; or
  - (vi) the insured starts maternity leave to which the provisions of Article 81-2-2, paragraph (1) apply.
- (2) Cabinet Order provides for revisions to the amount of pension insurance benefits based on application of the provisions of the preceding paragraph and provides for any other necessary particulars in connection with the application of the provisions of the preceding paragraph.
- (3) To apply paragraph (1) to a person who falls under the provisions of paragraph (1), item (6) (other than if, pursuant to the provisions of that paragraph, the standardized monthly amount of remuneration in the base month connected with a child other than the relevant child is deemed to be the standardized monthly amount of remuneration), the phrase "or below the standardized monthly amount of remuneration for the base month connected with a child other than the child in question, if that standardized monthly amount is deemed to be the standardized monthly amount of remuneration that forms the basis for the calculation mentioned above pursuant to the provisions of this paragraph; any standardized monthly amount deemed to be the standardized monthly amount of remuneration that forms the basis for the calculation mentioned above is referred to as the "previous standardized monthly amount of remuneration" in this paragraph" in that paragraph is deemed to be replaced with "or below the standardized monthly amount of remuneration for the month that would be the deemed base month if the standardized monthly amount of remuneration in the base month connected with a child other than the child in question would be deemed, pursuant to the provisions of this paragraph, to be the standardized monthly amount of remuneration for the calculation mentioned above in the event that the provisions of item (6) were not applied; any standardized monthly amount that is deemed, or would be deemed, to be the standardized monthly amount of remuneration that forms the basis for the calculation mentioned above is referred to as the "previous standardized monthly amount of remuneration" in this paragraph".
- (4) When the provisions of paragraph (1) are applied to a person who is or was a category II EPI insured or a person who is or was a category III EPI insured, the phrase "a request with the implementing organization (for an insured, through the employer of the place of business at which the insured is employed)" in that paragraph is deemed to be the phrase "a request with the implementing organization".

#### **Section 4 Filing of Notifications; Creation of Records; Related Matters**

(Filing of Notifications)

Article 27 As prescribed by Order of the Ministry of Health, Labour and Welfare, an employer with an applicable place of business or an employer who has given consent under Article 10, paragraph (2) (hereinafter simply referred to as the "employer") must file notifications with the Minister of Health, Labour and Welfare regarding the particulars of employees' acquisition and forfeiture of status as insureds (including former insureds ages 70 years and older who satisfy the requirements prescribed by Order of the Ministry of Health, Labour and Welfare as persons employed at that applicable place of business; hereinafter such a person is referred to as an "employed person age 70 or over") (for an employed person age 70 or over, acquisition refers to the date on which the requirements prescribed by Order of the Ministry of Health, Labour and Welfare came to be applicable, and forfeiture refers to the date on which the requirements ceased to be applicable), as well as their amounts of monthly remuneration and the amounts of their bonuses.

(Creation of Records)

Article 28 The implementing organization must prepare a register for insureds, and must record each insured's full name, dates of acquisition and forfeiture of the status as an insured, standardized remuneration (meaning the standardized monthly amount of remuneration and the standardized amounts of bonuses; the same applies hereinafter), basic pension number (meaning the national pension number provided for in Article 14 of the National Pension Act), and other particulars prescribed by order of the competent ministry.

(Requesting Corrections)

Article 28-2 (1) If a person who is or was a category I EPI insured considers a specific record regarding that person that has been recorded in the register referred to in the preceding Article (hereinafter referred to as the "EPI register") (a "specific EPI register record" means the substance of the dates of acquisition and forfeiture of status as a category I EPI insured, standardized remuneration, or any other particular specified by Order of the Ministry of Health, Labour and Welfare; hereinafter the same applies in this paragraph) to be non-factual, or thinks that a specific EPI register record for that person has not been recorded in the EPI register, the person may request the Minister of Health, Labour and Welfare to correct the EPI register, pursuant to the provisions of Order of Ministry of Health, Labour and Welfare.

(2) The provisions of the preceding paragraph apply mutatis mutandis to the person set forth in the left-hand column of the following table if a person who is or was a category I EPI insured dies. In such a case, the phrase "that person"

in the preceding paragraph is deemed to be replaced with the phrase indicated in the right-hand column of the same table for the category of person set forth in the left-hand column of that table.

a person who may request the payment of the unpaid insurance benefits pursuant to the provisions of Article 37	a deceased beneficiary of the insurance benefits
a surviving family member that is eligible to receive employee's pension for surviving family	a deceased person who is, or was, a category I EPI insured

(3) The provisions of paragraph (1) apply mutatis mutandis to a person who has a period that is deemed to be an insured period pursuant to the provisions of Article 78-6, paragraph (3) or Article 78-14, paragraph (4) (but only a period constituting a category I EPI insured period) (the person referred to here excludes a person who is or was a category I EPI insured).

(Policies on Correction)

Article 28-3 (1) The Minister of Health, Labour and Welfare must formulate a policy on correcting the EPI register as per requests under the provisions of paragraph (1) of the preceding Article (including as applied mutatis mutandis in paragraph (2) and paragraph (3) of that Article) (that request is referred to as a "correction request" in the following Article).

(2) Before seeking to formulate or modify the policy referred to in the preceding paragraph, the Minister of Health, Labour and Welfare must first consult with the Social Security Council.

(Measures for Correction Requests)

Article 28-4 (1) On finding that there are grounds for a correction request, the Minister of Health, Labour and Welfare must reach the decision to make the correction to the EPI register to which the correction request pertains.

(2) If not reaching the decision under the provisions of the preceding paragraph, the Minister of Health, Labour and Welfare must reach the decision not to make the correction to the EPI register to which the correction request pertains.

(3) Before seeking to reach a decision under the provisions of the preceding two paragraphs, the Minister of Health, Labour and Welfare must first consult with the Social Security Council.

(Notifying the Relevant Persons)

Article 29 (1) If the Minister of Health, Labour and Welfare has given the

approval under the provisions of Article 8, paragraph (1), Article 10, paragraph (1), or Article 11; made a confirmation under the provisions of Article 18, paragraph (1); or decided or revised standardized remuneration (but not a revision or decision on standardized remuneration under the provisions of Article 78-6, paragraphs (1) and (2), and Article 78-14, paragraphs (2) and (3)), the Minister must notify the employer of this.

- (2) Having been notified as referred to in the preceding paragraph, an employer must promptly notify the insureds or former insureds.
- (3) If an insured has forfeited status as an insured but it is not possible to notify the person pursuant to the preceding paragraph because the person's whereabouts are unknown, the employer must file a notification of this with the Minister of Health, Labour and Welfare.
- (4) Having received a notification as referred to in the preceding paragraph, the Minister of Health, Labour and Welfare must give public notice of the particulars of which the minister notified the employer pursuant to the provisions of paragraph (1) regarding the person whose whereabouts are unknown.
- (5) If it is not possible to notify an employer pursuant to paragraph (1) because the place of business has been closed or due to other compelling reasons, the Minister of Health, Labour and Welfare must give public notice of the particulars of which the employer is to be notified, in lieu of notifying the employer as under that paragraph.

Article 30 (1) If a notification has been submitted pursuant to the provisions of Article 27, but the Minister of Health, Labour and Welfare finds that a thing to which the notification pertains is not a fact, the Minister must notify the employer that submitted the notification of this.

- (2) The provisions of paragraphs (2) through (5) of the preceding Article apply *mutatis mutandis* to the notice referred to in the preceding paragraph.

(Request for Confirmation)

Article 31 (1) An insured or former insured may, at any time, request a confirmation as under the provisions of Article 18, paragraph (1).

- (2) If a request under the provisions of the preceding paragraph has been made but the Minister of Health, Labour and Welfare finds that a thing to which the request pertains is not a fact, the Minister must dismiss that request.

(Provision of Information to Insureds)

Article 31-2 In order to promote the people's understanding of the employees' pension insurance system and enhance their trust in it, the implementing organization, as prescribed by order of the competent ministry, is to notify

insureds of the necessary information regarding the insurance premiums they have actually paid and their future benefits in an easy-to-understand manner.

(Exemptions)

Article 31-3 The provisions of this Section (excluding Article 28 and the preceding Article) do not apply to a person who is or was a category II EPI insured, a person who is or was a category III EPI insured, or a person who is or was a category IV EPI insured, and any employer of these persons.

### **Chapter III Insurance Benefits**

#### **Section 1 General Rules**

(Categories of Insurance Benefits)

Article 32 The insurance benefits under this Act are as follows; the government and the implementing organizations (excluding the Minister of Health, Labour and Welfare; referred to as "the government and the implementing organizations" in Article 34, paragraph (1), Article 40, Article 79, paragraph (1) and paragraph (2), Article 81, paragraph (1), Article 84-5, paragraph (2) and Article 84-6, paragraph (2), and in Article 23 of Supplementary Provisions) provide them:

- (i) employees' old-age pensions;
- (ii) employees' disability pensions and disability allowances;
- (iii) employees' pensions for surviving family.

(Rulings)

Article 33 The implementing organization issues a ruling confirming a person's right to receive insurance benefits at the request of the person who has the right to receive that insurance benefit (hereinafter referred to as the "beneficiary").

(Term under Adjustment)

Article 34 (1) If, in compiling the current budget status and projections report pursuant to the provisions of Article 2-4, paragraph (1), it is projected not to be possible, over the course of the period subject to budget balancing, to maintain balance in the reserve funds being retained by the government or the implementing organizations in the budget for employees' pension insurance services as the reserve funds that are necessary for ensuring that no obstacles will arise in the payment of insurance benefits at the end of the period subject to budget balancing (meaning the reserve funds in the employees' pension section of the pension special account and the implementing organization reserves provided for in Article 79-2 ), the government is to adjust the amount

of insurance benefits, and, by Cabinet Order, is to specify the fiscal year that will begin the period during which the amount of insurance benefits is subject to that adjustment (hereinafter referred to as the "term under adjustment").

- (2) If, in the current budget status and projections report, it is found to be no longer necessary to implement the adjustment under the preceding paragraph, the government, by Cabinet Order, is to specify the fiscal year that will end the term under adjustment.
- (3) If the government is compiling the current budget status and projections report during a term under adjustment, it must also compile a projection on the fiscal year in which the term under adjustment will end, and must publicly announce these together.

(Numerical Rounding)

Article 35 (1) When a ruling confirming a person's right to receive insurance benefits is issued or if the amount of insurance benefits is revised, amounts of insurance benefits are rounded to the nearest yen, with amounts under 50 sen being rounded down and amounts equal to or greater than 50 sen but less than one yen being rounded up.

- (2) Beyond as provided for in the preceding paragraph, Cabinet Order prescribes numerical rounding for amounts of less than one yen that arise when amounts of insurance benefits are calculated.

(Term of Payment and Payment Months for Pensions)

Article 36 (1) The payment of a pension is to begin in the month following the month in which the reason that a pension is to be paid has occurred, and is to end in the month in which the right to payment ceases to exist.

- (2) If any reason for which payment is to be suspended has occurred, a pension is not paid during the period from the month following the month in which that reason has occurred until the month in which that reason ceases to exist.
- (3) Pensions are paid six times every year, in February, April, June, August, October, and December, in the amount that is due up to the previous month on each of these occasions; provided, however, pension that should have been paid in the previous payment month as well as pension for a term during which the right to payment has ceased to exist or payment has been suspended is to be paid even if the month in question is not a payment month.

(Addition to Pension Paid in February)

Article 36-2 (1) Payment amounts under the provisions of paragraph (3) of the preceding Article are to be rounded down to the nearest yen.

- (2) The total of all amounts discarded in the numerical rounding during the period from March of each year to February of the next year pursuant to the

provisions of the preceding paragraph (rounded down to the nearest yen) is to be added to the amount of the pension paid in February.

(Unpaid Insurance Benefits)

- Article 37 (1) If the beneficiary of insurance benefits has died and there are insurance benefits that should have been paid to the deceased but that had not yet been paid thereto, the deceased's spouse, child or children, father and mother, grandchild or grandchildren, grandfather and grandmother, brothers and sisters, or relative within the third degree of kinship other than the foregoing persons, who was living off the same financial resources as the beneficiary at the time of the beneficiary's death, may request payment of unpaid insurance benefits in their own name.
- (2) In a case as referred to in the preceding paragraph, if the person who has died was a wife who was the beneficiary of an employees' pension for surviving family, any child of the insured or former insured who was living off the same financial resources as the deceased at the time of her death and for whom a suspension on the payment of an employees' pension for surviving family has been lifted by her death is deemed to be a child as prescribed in that paragraph.
- (3) In a case as referred to in paragraph (1), if the deceased beneficiary had not claimed the insurance benefits prior to death, the person prescribed in that paragraph may claim insurance benefits in their own name.
- (4) Cabinet Order provides for the order in which persons are to receive unpaid insurance benefits.
- (5) If there are two or more persons who are in the same place in the order in which persons are to receive unpaid insurance benefits, any claim made by one of them is deemed to have been made for all of them with regard to the entire amount, and any payment made to one of them is deemed to have been made to all of them.

(Adjustment for Combined Benefits)

- Article 38 (1) Payment of pension benefits from an employees' disability pension is suspended during a period in which a beneficiary is eligible to receive other pension insurance benefits, or pension benefits under the National Pension Act (other than a basic disability pension paid based on the same grounds for payment as the employees' disability pension). Similarly, payment of pension benefits from an employees' old-age pension is suspended during the period in which a beneficiary is eligible to receive other pension insurance benefits (other than an employees' pension for surviving family) or pension benefits under the National Pension Act (other than an old-age basic pension, additional pension, or basic disability pension), and the payment of pension benefits from an employees' pension for surviving family is suspended during

the period in which a beneficiary is eligible to receive other pension insurance benefits (other than an employees' old-age pension) or pension benefits under that Act (other than an old-age basic pension and additional pension, a basic disability pension, or a basic pension for surviving family to be paid based on the same grounds for payment as the employees' pension for surviving family in question).

- (2) Notwithstanding the provisions of the preceding paragraph, a beneficiary of pension insurance benefits whose payment is to be suspended pursuant to the provisions of that paragraph may apply for the suspension of payment to be lifted; provided, however, that this does not apply with regard to that person's other pension insurance benefits or pension benefits under the National Pension Act as referred to in the preceding paragraph, if these have been lifted in accordance with the provisions of the main clause of this or the following paragraph or provisions of other laws and regulations prescribed by Cabinet Order as being equivalent thereto.
- (3) If pension insurance benefits whose payment is to be suspended pursuant to the provisions of paragraph (1) will be paid for the month that includes the day on which the reason for the suspension of payment has occurred, an application as referred to in the preceding paragraph concerning those pension insurance benefits is deemed to have been filed at the time the reason occurred.
- (4) An application as referred to in paragraph (2) (or an application as referred to in paragraph (2), if it is deemed, pursuant to the provisions of the preceding paragraph, that such an application has been filed) may be prospectively withdrawn at any time.

(Suspension of Payment at the Beneficiary's Request)

Article 38-2 (1) At the request of the beneficiary, payment is suspended in full for pension insurance benefits (other than pension insurance benefits whose payment is suspended in full pursuant to other provisions of this Act or the provisions of other laws and regulations); provided, however, that if there is a partial suspension on payment of those benefits pursuant to other provisions of this Act or the provisions of other laws and regulations, payment of the amount not suspended thereby is suspended.

- (2) If a suspension on payment under other provisions of this Act or the provisions of other laws and regulations has been lifted for pension insurance benefits that are subject to a partial suspension on payment as referred to in the proviso to the preceding paragraph, the payment of pension insurance benefits as referred to in the main clause of the preceding paragraph is suspended in full.
- (3) The request under paragraph (1) may be prospectively withdrawn at any time.
- (4) Pension benefits whose payment is suspended pursuant to the provisions of

paragraph (1) or paragraph (2) are deemed not to be subject to a suspension of payment as it concerns the application of the provisions of laws and regulations as provided for by Cabinet Order.

- (5) Cabinet Order provides for the means of suspending payment pursuant to the provisions of paragraph (1) and for other necessary particulars in connection with the application of the provisions of the preceding paragraphs.

(Adjustment of Pension Payments)

Article 39 (1) If the right of the beneficiary of a first pension to receive benefits under the first pension is to cease to exist because the beneficiary has acquired a right to receive benefits under a second pension, but the first pension has been paid for any month following that in which the right to receive benefits under the first pension ceased to exist, the first pension that has been paid for that month is deemed to be a partial payment of the second pension; if the payment of benefits under a first pension is to be suspended and a second pension is to be paid to the same person, but a payment of monies from the first pension has been made for any month following that in which the right to receive benefits under the first pension ceased to exist or the reason to suspend payment of the first pension has occurred, the first pension that has been paid for that month is deemed to be a partial payment of the second pension.

- (2) If, in spite of the occurrence of a reason for suspending the payment of a pension, a pension has been paid for any period for which payment was to be suspended, the pension paid in that manner may be deemed to be partial payment of the pension to be paid thereafter. If, in spite of the occurrence of a reason to revise a pension by reducing its amount, a pension has been paid in an unreduced amount for any month following that in which the reason to reduce its amount occurred, the foregoing also applies to the part of the payment constituting the amount by which the pension was to have been reduced.

- (3) If the payment of pension benefits under the National Pension Act is to be suspended and pension insurance benefits (limited to the benefits paid by the Minister of Health, Labour and Welfare; the same applies hereinafter in this paragraph) are to be paid to the same person, but pension benefits under that Act have been paid for any month following that in which the reason for paying pension insurance benefits has occurred, the pension benefits under that Act that have been paid may be deemed to be a partial payment of pension insurance benefits.

Article 39-2 If, in spite of the right to receive benefits having ceased to exist due to the death of the beneficiary of pension insurance benefits, the pension insurance benefits were overpaid due to payment for any month following the

month that includes the date of the beneficiary's death, but there are pension insurance benefits that are to be paid to the person who is to perform obligations under the claim for the return of monies that has resulted from the overpayment (hereinafter referred to as a "claim for the return of monies"), the amount of payment under the pension insurance benefits may be appropriated as the amount of the claim for the return of monies that resulted from the overpayment, pursuant to Order of the Ministry of Health, Labour and Welfare.

(Right to Claim Compensation for Loss or Damage)

Article 40 (1) If an accident has been caused by the actions of a third party and the government or an implementing organization has paid insurance benefits, it acquires the beneficiary's right to claim compensation for loss or damage against the third party, up to the value of those benefits.

(2) In a case as referred to in the preceding paragraph, if a beneficiary has been compensated for loss or damage by the third party for the same reason, the government or the implementing organization may withhold insurance benefits, up to the value of that compensation.

(Collection of a Benefit Wrongfully Gained)

Article 40-2 If a person has received insurance benefits by deception or other wrongful means, the implementing organization may collect from that person an amount equal to all or part of the benefits that the person received.

(Protection of Right to Receive Benefits and Prohibition of Imposition of Public Charges)

Article 41 (1) The right to receive insurance benefits may not be assigned, provided as collateral, or attached; provided, however, that this does not apply if the right to receive pension insurance benefits is provided as collateral as otherwise prescribed by law, and if the right to receive the employees' old-age pension is attached in collection proceedings for delinquent national tax (including a procedure to be enforced pursuant to the provisions on collection proceedings for delinquent national tax).

(2) Taxes and other public charges may not be imposed upon money paid as insurance benefits; provided, however, that this does not apply to employees' old-age pensions.

## **Section 2 Employees' Old-Age Pension**

(Beneficiary)

Article 42 An employees' old-age pension is paid to a person with an insured period if that person has come to fall under both of the following items:

- (i) being 65 years of age or older; or
- (ii) having a total premium-paid period and premium-exemption period of 10 years or longer.

(Amount of Pension)

Article 43 (1) The amount of employees' old-age pension is the amount arrived at when the number of months in the insured period is multiplied by an amount equal to 5.481/1000 of the average standardized amount of remuneration for the whole period during which the person was an insured (meaning the number arrived at when the standardized monthly amounts of remuneration and the standardized amounts of bonuses in each month that constitute a basis for calculation of the insured period are multiplied by the rates provided in the relevant items of the appended table for the category of beneficiary set forth in that item (hereinafter referred to as the "revaluation rate"), and the total is divided by the number of months in the insured period; the same applies hereinafter except for cases in Article 17-6, paragraph (1) and Article 29, paragraph (3) of the Supplementary Provisions).

- (2) Any period in which the beneficiary was an insured after the month in which the beneficiary obtained the right to receive benefits is not a basis for the calculation of the amount of employees' old-age pension.
- (3) Notwithstanding the provisions of the preceding paragraph, if a beneficiary who is an insured forfeits status as an insured and one month passes after the day on which the beneficiary forfeits status as an insured without the beneficiary's becoming an insured, the period during which the beneficiary was insured before the month in which the beneficiary forfeited status as an insured is to be the basis for the calculation of employees' old-age pension, and the amount of pension is revised as of the month that includes the day that is calculated as falling one month after the day on which the beneficiary forfeited that status (or the day falling under one of the items from item (ii) through item (iv) of Article 14, if applicable).

(Revision of the Revaluation Rate; Related Matters)

Article 43-2 (1) The revaluation rate is revised every year based on the rate arrived at when the rate specified in item (i) (hereinafter referred to as the "price fluctuation rate") is multiplied by the rates prescribed in item (ii) and (iii) (hereinafter the rate so arrived at is referred to as the "rate of fluctuation in nominal net wages"), and applied to insurance benefits in and after April of the relevant fiscal year:

- (i) the rate of the price index (meaning the average annual national consumer price index compiled by the Ministry of Internal Affairs and Communications; the same applies hereinafter) for the year prior to the year

- that includes the first day of the relevant fiscal year, in comparison to the price index for the year two years prior to the year that includes the first day of the relevant fiscal year;
- (ii) the rate that constitutes the cube root of the quotient arrived at when the rate set forth in (a) is divided by the rate set forth in (b):
    - (a) the rate of the average standardized amount of remuneration for insureds (meaning an amount calculated as specified by Cabinet Order in consideration of fluctuations in the statistical distribution of gender, age, and standardized monthly amounts of remuneration among insureds as an amount that is equivalent to the amount arrived at when the total standardized monthly amount of remuneration in each fiscal year is divided by the number of insureds in each fiscal year and the resulting quotient is divided by 12; the same applies hereinafter in this item) in the fiscal year two years prior to the relevant fiscal year, in comparison to the average standardized amount of remuneration for insureds in the fiscal year that included the April 1 of the year five years prior to the year that includes the first day of the relevant fiscal year;
    - (b) the rate of the price index in the year two years prior to the year that includes the first day of the relevant fiscal year, in comparison to the price index in the year five years prior to the year that includes the first day of the relevant fiscal year.
  - (iii) the rate arrived at when the rate set forth in (a) is divided by the rate set forth in (b):
    - (a) the rate arrived at when a percentage equivalent to one-half of the rate of insurance premiums under the provisions of this Act (hereinafter referred to as the "insurance premium rate") as of September 1 of the year three years prior to the year that includes the first day of the relevant fiscal year is deducted from 0.910;
    - (b) the rate arrived at when a percentage equivalent to one-half of the insurance premium rate as of September 1 of the year four years prior to the year that includes the first day of the relevant fiscal year is deducted from 0.910.
- (2) Notwithstanding the provisions of the preceding paragraph, the rates provided for in the following items are the basis for revision of the revaluation rate set forth in those items:
- (i) the revaluation rate for the standardized monthly remuneration for months that fall in the fiscal year preceding the relevant fiscal year (hereinafter referred to as the "standardized remuneration in the previous fiscal year"): the rate set forth in item (iii) of the preceding paragraph (hereinafter referred to as the "rate of fluctuation in the proportion of disposable income");

- (ii) the revaluation rate for the standardized monthly remuneration for months that fall in the fiscal year two years prior to the relevant fiscal year or for months that fall in the fiscal year that includes the April 1 of the year three years prior to the year that includes the first day of the relevant fiscal year (hereinafter referred to as the "standardized remuneration two or three fiscal years prior"): the rate arrived at when the rate of fluctuation in the proportion of disposable income is multiplied by the price fluctuation rate.
- (3) Notwithstanding the provisions of paragraph (1), if the rate of fluctuation in nominal net wages is less than 1 and the price fluctuation rate is greater than the rate of fluctuation in nominal net wages, the price fluctuation rate is the basis for the revision of the revaluation rate (but not the revaluation rates set forth in items of the preceding paragraph); provided, however, that if the price fluctuation rate is greater than 1, the revision is based on 1.
- (4) The revaluation rate for the standardized monthly amount of remuneration for months that fall in the relevant fiscal year is established based on the rate arrived at when the rate of fluctuation in the proportion of disposable income is multiplied by the revaluation rate for the standardized monthly amount of remuneration for months that fall in the fiscal year before the relevant fiscal year.
- (5) Cabinet Order provides for measures to revise and establish the revaluation rate as under the provisions of each of the preceding paragraphs.

Article 43-3 (1) Notwithstanding the provisions of preceding Article, the price fluctuation rate is the basis for the revision of the revaluation rate that applies in and after the fiscal year (referred to in Article 43-5 as the "base fiscal year") that includes the April 1 of the calendar year that falls three years after the calendar year which includes the first day of the fiscal year in which the day on which the beneficiary reaches 65 years of age falls (hereinafter referred to as the "post-base fiscal year revaluation rate").

- (2) Notwithstanding the provisions of preceding paragraph, the provisions of the items under paragraph (2) of the preceding Article apply to the revision of the post-base fiscal year revaluation rate for the standardized remuneration in the previous fiscal year and the standardized remuneration two or three fiscal years prior.
- (3) Notwithstanding the provisions of paragraph (1), in a case as set forth in one of the following items, the rate provided for in that item is the basis for the revision of the post-base fiscal year revaluation rate (but not a post-base fiscal year revaluation rate provided for in the preceding paragraph):
  - (i) if the price fluctuation rate is greater than the rate of fluctuation in nominal net wages and the rate of fluctuation in nominal net wages is greater than 1: the rate of fluctuation in nominal net wages;

- (ii) if the price fluctuation rate is greater than 1 and the rate of fluctuation in nominal net wages is less than 1: 1.
- (4) Cabinet Order provides for measures to revise the post-base fiscal year revaluation rate under the provisions of preceding three paragraphs.

(Special Provisions on Revision of the Revaluation Rate in a Term Under Adjustment)

Article 43-4 (1) Notwithstanding the provisions of the preceding two Articles, the rate arrived at when the rate of fluctuation in nominal net wages is multiplied by the rate arrived at when the adjustment rate (meaning the rate arrived at when the rate set forth in item (i) is multiplied by the rate set forth in item (ii) (or 1, if the rate so arrived at exceeds 1); the same applies hereinafter in this Article and the following Article) is multiplied by the special adjustment rate for the year before the fiscal year in question (or the number 1, if the final product is lower than 1; hereinafter in this Article, this final product is referred to as the "calculation rate") is the basis for the revision of the revaluation rate in a term under adjustment:

- (i) the rate that constitutes the cube root of the percentage of the number calculated as specified by Cabinet Order as the total number of insureds covered by public pensions (meaning insureds under this Act or the National Pension Act) (hereinafter in this item referred to as the "total number of insureds covered by public pensions") in the fiscal year two years before the relevant fiscal year, in comparison to the total number of insureds covered by public pensions in the fiscal year that includes the April 1 of the calendar year five years before the calendar year in which the first day of the relevant fiscal year falls;
  - (ii) 0.997
- (2) Notwithstanding the provisions of the preceding paragraph, the rates provided for in the following items are the basis for the revision of the revaluation rates set forth in those items during a term under adjustment:
- (i) the revaluation rate for the standardized remuneration in the previous fiscal year: the rate arrived at when the rate set forth in (a) is multiplied by the rate set forth in (b) (or, if the calculation rate is 1, the rate arrived at when the rate that has been arrived at as the product of the foregoing multiplication is multiplied by the rate arrived at when the number 1 is divided by the rate that is arrived at when the rate set forth in (c) is multiplied by the rate set forth in (b)):
    - (a) the rate of fluctuation in the proportion of disposable income;
    - (b) the rate arrived at when the adjustment rate is multiplied by the special adjustment rate in the year before the relevant fiscal year;
    - (c) the rate of fluctuation in nominal net wages;

- (ii) the revaluation rate for the standardized remuneration two or three fiscal years prior: the rate arrived at when the price fluctuation rate is multiplied by the rate set forth in (a) of the preceding item and in (b) of that item (or, if the calculation rate is 1, the rate arrived at when the rate that has been arrived at as the product of the foregoing multiplication is multiplied by the rate arrived at when the number 1 is divided by the rate that is arrived at when the rate set forth in (c) of that item is multiplied by the rate set forth in (b) of that item).
- (3) Notwithstanding the provisions of Article 43-2, paragraph (4), the revaluation rate for the standardized monthly amount of remuneration for months that fall in the relevant fiscal year during a term under adjustment is established based on the rate arrived at when the revaluation rate for the standardized monthly amount of remuneration for months that fell in the fiscal year that preceded the relevant fiscal year is multiplied by the rate set forth in item (i) and the rate set forth in item (ii) (or, if the calculation rate is 1, the rate arrived at when the rate that has been arrived at as the product of the foregoing multiplication is multiplied by the rate arrived at when the number 1 is divided by the rate that is arrived at when the rate set forth in item (iii) is multiplied by the rate set forth in item (ii)):
- (i) the rate of fluctuation in the proportion of disposable income;
  - (ii) the rate arrived at when the adjustment rate is multiplied by the special adjustment rate in the year before the relevant fiscal year;
  - (iii) the rate of fluctuation in nominal net wages.
- (4) Notwithstanding the provisions of the preceding three paragraphs, the revision or establishment of the revaluation rate in a case in which the rate of fluctuation in nominal net wages is less than 1 during a term under adjustment is subject to the provisions that the relevant of the following items prescribes for the category of case set forth in that item:
- (i) if the price fluctuation rate is not more than the rate of fluctuation in nominal net wages: Article 43-2, paragraphs (1), (2) and (4);
  - (ii) if the price fluctuation rate is greater than the rate of fluctuation in nominal net wages: Article 43-2, paragraphs (2) through paragraph (4).
- (5) The special adjustment rate referred to in paragraph (1) through paragraph (3) means the rate established pursuant to the provisions of item (i) and revised pursuant to the provisions of item (ii).
- (i) the special adjustment rate in fiscal 2017 is 1.
  - (ii) the special adjustment rate is revised every year based on the rate arrived at when the rate that is arrived at when the rate of fluctuation in nominal net wages is divided by the adjustment rate is multiplied by the calculation rate (or, if the rate of fluctuation in nominal net wages is lower than 1, the adjustment rate).

- (6) Cabinet Order provides for measures to revise and establish the revaluation rate under the provisions of each of the preceding paragraphs.

Article 43-5 (1) Notwithstanding the provisions of the preceding Article, the revision of the post-base fiscal year revaluation rate during a term under adjustment has as its basis the rate arrived at when the rate set forth in item (i) is multiplied by the rate set forth in item (ii) (or, if the relevant rate is lower than 1, 1; hereinafter in this Article referred to as "post-base fiscal year calculation rate"):

- (i) price fluctuation rate (or, if the price fluctuation rate exceeds the rate of fluctuation in nominal net wages, the rate of fluctuation in nominal net wages);
- (ii) the rate arrived at when the adjustment rate is multiplied by the post-base fiscal year special adjustment rate in the year before the relevant fiscal year (or, if the relevant fiscal year is the base fiscal year, the special adjustment rate provided for in paragraph (5) of the preceding Article in the year before the relevant fiscal year; the same applies in item (i), (b) of the following paragraph and item (ii) of paragraph 3).

(2) Notwithstanding the provisions of the preceding paragraph, the rate provided for in each of the following items is the basis for the revision of the post-base fiscal year revaluation rate set forth in each of those items in a term under adjustment:

- (i) the post-base fiscal year revaluation rate for the standardized remuneration in the previous fiscal year: the rate arrived at when the rate set forth in (a) is multiplied by the rate set forth in (b) (or, if the post-base fiscal year calculation rate is 1, the rate arrived at when the rate that has been arrived at as the product of the foregoing multiplication is multiplied by the rate arrived at when the number 1 is divided by the rate that is arrived at when the rate set forth in (c) is multiplied by the rate set forth in (b)):

- (a) the rate of fluctuation in the proportion of disposable income,
- (b) the rate arrived at when the adjustment rate is multiplied by the post-base fiscal year special adjustment rate in the previous fiscal year,
- (c) the price fluctuation rate (or, if the price fluctuation rate exceeds the rate of fluctuation in nominal net wages, the rate of fluctuation in nominal net wages);

- (ii) the post-base fiscal year revaluation rate for the standardized remuneration two or three fiscal years prior: the rate arrived at when the price fluctuation rate is multiplied by the rate set forth in (a) of the preceding item and the rate set forth in (b) of that item (or, if the post-base fiscal year calculation rate is 1, the rate arrived at when the rate that has been arrived at as the product of the foregoing multiplication is multiplied by

- the rate arrived at when the number 1 is divided by the rate that is arrived at when the rate set forth in (c) is multiplied by the rate set forth in (b)).
- (3) Notwithstanding the provisions of paragraph (3) of the preceding Article, the post-base fiscal year revaluation rate associated with the standardized monthly amount of remuneration for months that fall in the relevant fiscal year during a term under adjustment is established based on the rate arrived at when the post-base fiscal year revaluation rate associated with the standardized monthly amount of remuneration for months that fell in the fiscal year that preceded the relevant fiscal year (or, if the relevant fiscal year is the base fiscal year, the rate arrived at when the rate that has been arrived at as the product of the foregoing multiplication is multiplied by the rate arrived at when the number 1 is divided by the rate that is arrived at when the rate set forth in item (iii) is multiplied by the rate set forth in item (ii)) is multiplied by the rate set forth in item (i) and the rate set forth in item (ii):
- (i) the rate of fluctuation in the proportion of disposable income;
  - (ii) the rate arrived at when the adjustment rate is multiplied by the post-base fiscal year special adjustment rate in the year before the relevant fiscal year;
  - (iii) the price fluctuation rate (or, if the price fluctuation rate exceeds the rate of fluctuation in nominal net wages, the rate of fluctuation in nominal net wages).
- (4) Notwithstanding the provisions of the preceding three paragraphs, the revision or establishment of the post-base fiscal year revaluation rate in a case as set forth in the following items during the term under adjustment is subject to the provisions prescribed in each of the relevant items:
- (i) if the price fluctuation rate is less than 1: Article 43-2, paragraph (4) and Article 43-3, paragraphs (1) and (2);
  - (ii) if the price fluctuation rate is greater than 1 and the rate of fluctuation in nominal net wages is less than 1: Article 43-2, paragraph (2), the proviso of paragraph (3), and paragraph (4);
- (5) The post-base fiscal year special adjustment rate referred to in paragraph (1) through paragraph (3) means the rate established pursuant to the provisions of item (i) and revised pursuant to the provisions of item (ii).
- (i) the post-base fiscal year special adjustment rate in the base fiscal year is the rate arrived at when the rate set forth in (a) is multiplied by the rate set forth in (b):
    - (a) the special adjustment rate specified in the provisions of paragraph (5) of the preceding Article in the fiscal year before the base fiscal year;
    - (b) the rate arrived at when the rate that is arrived at when the price fluctuation rate (or, if the price fluctuation rate is greater than the rate of fluctuation in nominal net wages, the rate of fluctuation in nominal net wages) is multiplied by the adjustment rate, is divided by the post-base

fiscal year calculation rate (or, if the price fluctuation rate or the rate of fluctuation in nominal net wages is less than 1, the adjustment rate).

(ii) the post-base fiscal year special adjustment rate is revised every fiscal year based on the rate set forth in (b) of the preceding item.

(6) Cabinet Order provides for measures to revise or establish the post-base fiscal year revaluation rate under the provisions of each of the preceding paragraphs.

(Additional Amounts of Pension)

Article 44 (1) Notwithstanding the provisions of Article 43, if, at the time that the beneficiary acquired the right to receive benefits (or at the time that the insured period had reached 240 months pursuant to the provisions of Article 43, paragraph (3), if the insured period constituting the basis for the calculation of the amount of the employees' old-age pension was less than 240 months at the time that the beneficiary acquired the right to receive those benefits; the same applies in paragraph (3)), the beneficiary had a spouse under the age of 65 or a child (limited to children of ages from birth until the first March 31 after the child reaches the age of 18, and to children under the age of 20 with disabilities classified as Grade 1 or Grade 2 of the disability grades provided in Article 47, paragraph (2) (hereinafter referred to simply as "disability grades" in this Article)) who was receiving financial support from the beneficiary, the amount of employees' old-age pension (limited to one calculated based on an insured period of 240 months or more) is calculated by adding an additional amount of pension to the amount provided for in that Article; provided, however, that if the beneficiary has a child to whose pension an amount is added pursuant to the provisions of Article 33-2, paragraph (1) of the National Pension Act (unless the payment is suspended for the entire portion that is equal to the additional amount to be paid for the child), the payment of the portion equal to the additional amount to be paid for the child is suspended during that period.

(2) The additional amount of pension under the preceding paragraph for a spouse as provided in that paragraph is the amount arrived at when 224,700 yen is multiplied by the revision rate specified in Article 27 of the National Pension Act, revised as a rate to which the provisions of Article 27-3 and 27-5 of that Act do not apply (hereinafter referred to as the "revision rate" in this Chapter) (those amounts are to be rounded to the nearest hundred, with amounts less than 50 yen being rounded down, and amounts between 50 yen and 99 yen being rounded up); and the additional amount of pension under the preceding paragraph for children as specified in that paragraph is the amount arrived at when 74,900 yen per child is multiplied by the revision rate (but, for up to two of those children, the additional amount of pension under the preceding paragraph is the amount arrived at when 224,700 yen is multiplied by the revision rate for each of them, rounded to the nearest hundred, with amounts

less than 50 yen being rounded down and amounts between 50 yen and 99 yen being rounded up).

- (3) To apply the provisions of paragraph (1), once a child is born who was in utero at the time the beneficiary acquired the right to receive benefits, the child is deemed to have been receiving financial support from the beneficiary at the time the beneficiary acquired the right to receive benefits, and the amount of pension is revised from the month following the month of that child's birth.
- (4) Notwithstanding the provisions of paragraph (1), for an employees' old-age pension that has had an amount added thereto pursuant to the provisions of that paragraph, if the spouse or a child comes to fall under one of the following items, the additional amount of pension associated with that person that is referred to in that paragraph is not added, and the amount of pension is revised from the month following the month in which the person comes to fall under one of the following items:
- (i) the person has died;
  - (ii) the person has stopped receiving financial support from the beneficiary;
  - (iii) the spouse and the beneficiary have divorced or the marriage has been rescinded;
  - (iv) the spouse has reached the age of 65;
  - (v) the child is legally adopted by a person other than the spouse of the beneficiary;
  - (vi) the adoptive relationship with a legally adopted child has been dissolved;
  - (vii) the child has married;
  - (viii) the first March 31 has passed after the day on which the child (excluding a child with a disability classified as Grade 1 or Grade 2 of the disability grades) has reached the age of 18;
  - (ix) a child with a disability classified as Grade 1 or Grade 2 of the disability grades (other than a child from birth until the first March 31 after the child reaches the age of 18) ceases to be in those circumstances; or
  - (x) the child has reached the age of 20.
- (5) Cabinet Order provides for the necessary particulars in connection with certifying that a person was receiving financial support from the beneficiary of an employees' old-age pension in order to apply the provisions of paragraph (1), and provides for the necessary particulars in connection with certifying that a person has stopped receiving financial support from the beneficiary of an employees' old-age pension in order to apply the provisions of item (ii) of the preceding paragraph.

Article 44-2 Deleted (Act No. 63 of June 2013)

(Deferment of Payment)

Article 44-3 (1) A person with the right to receive benefits from an employees' old-age pension who has not claimed the employees' old-age pension before the day that marks the passage of one year's time since the day on which the person acquired the right to receive benefits under it (hereinafter referred to as the "day that marks one year's time" since acquisition of the right to receive benefits in this Article) may file a request with the implementing organization for deferred payment of that employees' old-age pension; provided, however, that this does not apply if, at the time that the person acquired the right to receive benefits from the relevant employees' old-age pension, the beneficiary was the beneficiary of other pension benefits (meaning other pension insurance benefits or pension benefits under the National Pension Act (other than an old-age basic pension, additional pension, or basic disability pension); the same applies hereinafter in this Article), or if, during the period up until the day that marks one year's time since the day on which the beneficiary acquired the right to receive benefits under the relevant employees' old-age pension, the person has become the beneficiary of other pension insurance benefits.

(2) If a person as set forth in one of the following items makes the request referred to in the preceding paragraph after the day that marks one year's time since the acquisition of the right to receive benefits, the request referred to in that paragraph is deemed to have been made on the day specified in that item:

(i) a person who has become a beneficiary of other pension benefits before the day that marks the passage of five years' time since the day on which the person acquired the right to receive benefits under an employees' old-age pension (referred to in the following item as the "day that marks five years' time" since acquisition of the right to receive benefits): the day on which grounds for payment of the other pension benefits arise; or

(ii) a person who is in the time after the day that marks five years' time since acquisition of the right to receive benefits (other than a person who falls under the preceding item): the day that marks five years' time since acquisition of the right to receive benefits.

(3) Notwithstanding the provisions of Article 36, paragraph (1), the payment of an employees' old-age pension to a person who has filed a request as referred to in paragraph (1) is to commence in the month following the month in which the request is filed.

(4) Notwithstanding the provisions of Article 43, paragraph (1) and Article 44, the amount of the employees' old-age pension to be paid to a person who has filed a request as referred to in paragraph (1) is the amount arrived at when the amount calculated in accordance with these provisions is added to the amount prescribed by Cabinet Order in consideration of the amount calculated pursuant to the provisions of Article 43, paragraph (1) based on the insured period up to the month before the month that includes the day on which the

person acquires the right to receive benefits from the employees' old-age pension and the amount calculated pursuant to the provisions of Article 46, paragraph (1) for the payment it has been decided to suspend.

(Loss of Rights)

Article 45 The right to benefits from an employees' old-age pension ceases to exist when the beneficiary dies.

(Suspension of Payment)

Article 46 (1) In a month that includes a day on which the beneficiary of the employees' old-age pension is an insured (limited to a person who has had the status of an insured continuously from a day that fell in the month before the previous month) (excluding a day specified by Order of the Ministry of Health, Labour and Welfare), a day on which the beneficiary is a member of the Diet or a member of the assembly of a local government (limited to a person who has been the member of the Diet or the assembly of a local government continuously from a day that fell in the month before the previous month), or a day on which the beneficiary is an employed person age 70 or over (but only one meeting the requirements specified by Order of the Ministry of Health, Labour and Welfare that are referred to in Article 27 continuously from a day that falls in the month before the previous month at an applicable place of business), if the amount arrived at when first the total of the standardized amounts of bonuses for the one-year period prior to the relevant month, divided by 12, is added to the person's standardized monthly amount of remuneration (or, in the case of a member of the Diet or a member of the assembly of a local government, the amount arrived at when first the total of the amounts of bonuses for the one-year period prior to that month and amounts prescribed by Cabinet Order as being equivalent to the standardized amounts of bonuses for the one-year period prior to that month is divided by 12, and then the quotient is added to the amount prescribed by Cabinet Order as being equivalent to the person's standardized monthly amount of remuneration; or, in the case of an employed person age 70 or over (other than one who is also a member of the Diet or a member of the assembly of a local government; the same applies in the following paragraph), the amount arrived at when first the sum total of the standardized amounts of bonuses for the one-year period prior to that month and amounts equivalent to standardized amounts of bonuses for the one-year period prior to that month is divided by 12, and then the quotient is added to the amount equivalent to the standardized monthly amount of remuneration; the sum thus arrived at above is hereinafter referred to as the "amount equivalent to total monthly remuneration"), and this sum is added to the amount arrived at when the amount of employees' old-age pension (excluding

the amount of additional pension provided for in Article 44, paragraph (1) and additional amounts provided for in Article 44-3, paragraph (4): the same applies hereinafter in this paragraph) is divided by 12 (hereinafter referred to in this paragraph as the "base monthly amount") exceeds the amount of the adjustment for the suspension of payment, payment is suspended on the portion of that month's employees' old-age pension that is equal to the amount arrived at when the amount equivalent to total monthly remuneration is added to the base monthly amount, the amount of the adjustment for the suspension of payment is subtracted from the sum, and the amount equivalent to one-half of the difference is multiplied by 12 (hereinafter referred to in this paragraph as the "standard amount for a payment suspension"); provided, however, that if the standard amount for a payment suspension is equal to or greater than the amount of the employees' old-age pension, the payment of employees' old-age pension (excluding the additional amount provided for in paragraph (4) of that Article) is suspended in its entirety.

- (2) The provisions of Articles 20 through 25 apply mutatis mutandis when the amount equal to the standardized monthly amount of remuneration and the standardized amount of bonuses of an employed person age 70 or over as referred to in the preceding paragraph are calculated. Cabinet Order provides for the necessary technical replacement of terms in connection with those provisions in such a case.
- (3) The amount of the adjustment for the suspension of payment specified in paragraph (1) is 480,000 yen; provided, however, that if any of the amounts arrived at when the rate set forth in Article 43-2, paragraph (1), item (ii) is multiplied by the price fluctuation rate in each of the fiscal years in and after fiscal 2005, and each of those rates is multiplied by 480,000 yen (those amounts are rounded to the closest 10,000 yen, with amounts under 5,000 yen being rounded down and amounts between 5,000 yen and 9,999 yen being rounded up; the same applies hereinafter in this paragraph) exceeds or falls below 480,000 yen (or, if measures to revise the amount of the adjustment for the suspension of payment under the provisions of this paragraph are taken, the amount revised by the immediately preceding measures in question), the amount of the adjustment for the suspension of payment after April of the relevant fiscal year is revised to the amount arrived at through that multiplication.
- (4) Cabinet Order provides for measures to revise the amount of the adjustment for the suspension of payment under the provisions of the proviso to the preceding paragraph.
- (5) The provisions of Article 36, paragraph (2) do not apply if the payment of an employees' old-age pension is suspended, in whole or in part, pursuant to the provisions of paragraph (1).

(6) The part of the payment of benefits under an employees' old-age pension to which an amount has been added pursuant to the provisions of Article 44, paragraph (1), that is equivalent to the amount added pursuant to the provisions of that paragraph for the spouse of a person to whose pension an amount is added pursuant to the provisions of that paragraph is suspended during the time that the spouse is eligible to receive payment of any benefits under an employees' old-age pension (limited to one calculated based on an insured period of 240 months or more), employees' disability pension, basic disability pension under the National Pension Act, or other such pension, that have old age or retirement or disability as the reason for payment and that are specified by Cabinet Order.

### **Section 3 Employees' Disability Pensions and Disability Allowances**

(Beneficiary of Employees' Disability Pensions)

Article 47 (1) If a person who has contracted an illness or suffered an injury and who was an insured on the day on which the person underwent the first medical examination with a doctor or dentist in connection for that illness, injury, or for an additional illness caused by that illness or injury (those illnesses or injuries are hereinafter referred to as "injury or illness") (that day is hereinafter referred to as the "day of initial examination") has a disability of a degree of severity that is classified as any of the disability grades provided for in the following paragraph due to that injury or illness, as of the day after the day calculated as marking the passage of 1 year and 6 months' time since the day of initial examination (or, if the injury or illness has healed on any day within this period (including a day on which the symptoms thereof have stabilized and circumstances are such as that no curative effect is expected; the same applies hereinafter), as of that day; any day defined above is hereinafter referred to as the "day of disability assessment"), an employees' disability pension is paid to the person in accordance with the severity of the person's disability; provided, however, that this does not apply if, as of the day before the day of initial examination for the relevant injury or illness, the person had had an insured period under a National Pension that lasted up until the month two months before the month that includes the day of initial examination, and further, the total sum of the premium-paid period and the premium-exemption period does not comprise at least two-thirds of the relevant insured period.

(2) The disability grade is classified in order of severity from Grade 1 to 3, with Grade 1 being the severest, and the description of the disability for each grade is provided by Cabinet Order.

Article 47-2 (1) If a person who has contracted an illness or suffered an injury,

who was an insured on the day of initial examination for that injury or illness, and who did not have a disability of a degree of severity that is classified as any of the disability grades provided for in paragraph (2) of the preceding Article (hereinafter simply referred to as the "disability grades") as of the day of disability assessment, has come to have a disability of a the degree of severity that is classified as any of the disability grades due to that injury or illness during the period from the day until the day before the day on which the person reaches the age of 65, the person is entitled to claim the payment of the employees' disability pension under paragraph (1) of that Article during that period.

- (2) The provisions of the proviso to paragraph (1) of the preceding Article apply mutatis mutandis to a case under the preceding paragraph.
- (3) Notwithstanding the provisions of paragraph (1) of the preceding Article, if the claim under paragraph (1) of this Article is made, employees' disability pension under paragraph (1) of the preceding Article is paid to the person who makes the claim.

Article 47-3 (1) If a person has contracted an illness or suffered an injury, was an insured on the day of initial examination for that injury or illness (hereinafter referred to as the "base injury or illness" in this Article) and has a disability due to an injury or illness other than the base injury or illness, and if the severity of that person's disabilities stemming from a combination of the disability arising from the base injury or illness (hereinafter referred to as the "base disability" in this Article) and other disabilities (but only if the day of initial examination of the base injury or illness is on or after the day of initial examination for the injury or illness other than the base injury or illness (if there are two or more injuries or illnesses other than the base injury or illness, for all injuries or illnesses other than the base injury or illness)) comes to be classified as Grade 1 or Grade 2 of the disability grades for the first time during the period from the day of disability assessment for the base injury or illness until the day before the day on which the person reaches the age of 65, the person is paid employees' disability pension in accordance with the severity of the disabilities stemming from a combination of the base disability and other disabilities.

- (2) The provisions of the proviso to Article 47, paragraph (1) apply mutatis mutandis to a case under the preceding paragraph. In such a case, the phrase "that injury or illness" in the proviso to paragraph (1) of that Article is deemed to be replaced with "the base injury or illness".
- (3) Notwithstanding the provisions of Article 36 paragraph (1), payment of employees' disability pension under paragraph (1) of this Article commences from the month that follows the month in which the claim for the employees'

disability pension is made.

(Adjustment for Combined Benefits under Employees' Disability Pensions)

Article 48 (1) If grounds have occurred based on which the beneficiary of an employees' disability pension (excluding the employees' disability pension of a beneficiary who has continuously had a disability of a degree of severity that is not classified as Grade 1 or Grade 2 of the disability grades from the time when the person acquired the right to receive benefits; the same applies hereinafter in this and the following Article, Article 52, paragraph (4), Article 52-2, and the proviso to Article 54-2) is to be paid further employees' disability pension, the employees' disability pension is paid in accordance with the severity of the beneficiary's disabilities stemming from a combination of the beneficiary's previous and subsequent disabilities.

(2) If the beneficiary of an employees' disability pension has, pursuant to the provisions of the preceding paragraph, acquired a right to benefits under an employees' disability pension for the severity of the beneficiary's disabilities stemming from a combination of the beneficiary's previous and subsequent disabilities, the beneficiary's previous right to benefits under the employees' disability pension ceases to exist.

Article 49 (1) If grounds have occurred based on which the beneficiary of an employees' disability pension whose payment has been suspended for a fixed period is to be paid further employees' disability pension, the employees' disability pension that is to be paid pursuant to the provisions of paragraph (1) of the preceding Article in accordance with the severity of the beneficiary's disabilities stemming from a combination of the beneficiary's previous and subsequent disabilities, is to have its payment suspended for the period during which payment of the prior employees' disability pension is to be suspended, and employees' disability pension is paid to the person during that period in accordance with the severity of the beneficiary's disability when not combined with the previous disability.

(2) Notwithstanding the provisions of paragraph (2) of the preceding Article, if the beneficiary of an employees' disability pension has acquired a further right to an employees' disability pension and the payment of the newly acquired employees' disability pension is to be suspended pursuant to the provisions of Article 54, paragraph (1), the prior employees' disability pension is paid during the period that the payment is to be suspended.

(Amount of an Employees' Disability Pension)

Article 50 (1) The amount of an employees' disability pension is an amount calculated pursuant to the provisions of Article 43, paragraph (1). If the

number of months in the insured period that constitutes the basis for calculating the amount of the employees' disability pension in such a case is under 300, it is regarded as 300.

- (2) Notwithstanding the provisions of the preceding paragraph, the amount of employees' disability pension to be paid to a person who has a disability of a degree of severity that is classified as Grade 1 of the disability grades is an amount equal to 125/100 of the amount provided for in that paragraph.
- (3) Notwithstanding the provisions of the preceding two paragraphs, if a disability constituting the grounds for benefits under an employees' disability pension is not one for which a basic disability pension under the National Pension Act may be received, and the amount of the employees' disability pension is less than the amount arrived at when the amount of a basic disability pension provided for in Article 33, paragraph (1) of the National Pension Act is multiplied by three-quarters ( $3/4$ ) (this amount is rounded to the nearest hundred, with amounts less than 50 yen being rounded down, and amounts between 50 yen and 99 yen being rounded up), the relevant amount is the amount provided for in these paragraphs.
- (4) Notwithstanding the provisions of paragraphs (1) and (2), if the amount of an employees' disability pension under the provisions of Article 48, paragraph (1) is lower than the amount of the employees' disability pension that has ceased to exist pursuant to the provisions of paragraph (2) of that Article, the amount of the employees' disability pension is an amount equal to the amount of the prior employees' disability pension.

Article 50-2 (1) Notwithstanding the provisions of the preceding Article, if the beneficiary has a spouse under 65 years old who is receiving financial support from the beneficiary, the amount of employees' disability pension paid to a person who has a disability of a degree of severity that is classified as Grade 1 or Grade 2 of the disability grades is the amount that is calculated when an additional amount of pension is added to the amount provided for in the preceding Article.

- (2) The additional amount of pension provided for in the preceding paragraph is the amount arrived at when the revision rate is multiplied by 224,700 yen (such an amount is rounded to the nearest hundred, with amounts less than 50 yen being rounded down, and amounts between 50 yen and 99 yen being rounded up).
- (3) If an additional amount of pension provided for in paragraph (1) will be added due to the fact that on or after the day following the date on which the beneficiary acquired the right to receive benefits, the beneficiary has come to have a spouse under 65 years old who is receiving financial support from the beneficiary, the amount of employees' disability pension is revised from the

month following the month that includes the day on which the beneficiary came to have that spouse.

- (4) The provisions of Article 44, paragraph (4) (excluding items (v) through (x)) apply mutatis mutandis to an employees' disability pension whose amount has been added to pursuant to the provisions of paragraph (1).
- (5) Cabinet Order provides for the necessary particulars in connection with certifying that a person is receiving financial support from the beneficiary of an employees' disability pension in order to apply the provisions of paragraph (1), and provides for the necessary particulars in connection with certifying that a person has stopped receiving financial support from the beneficiary of an employees' disability pension in order to apply the provisions of Article 44, paragraph (4), item (ii) as applied mutatis mutandis pursuant to the preceding paragraph.

Article 51 With respect to the amount of an employees' disability pension provided for in Article 50, paragraph (1), the period during which a person was an insured after the month that includes the day of disability assessment for the disability that constitutes the grounds for payment of the relevant employees' disability pension (or, for the employees' disability pension under the provisions of Article 47-3, paragraph (1), the day of disability assessment for the base injury or illness provided for in that paragraph; or, for the employees' disability pension under the provisions of Article 48, paragraph (1), whichever is the latest day among the days of disability assessment for each of the combined disabilities (or, for a disability provided for in Article 47-3, paragraph (1), the day of disability assessment for the base disability provided for in that paragraph)) is not a basis for its calculation.

Article 52 (1) If the implementing organization examines the severity of the disability of a beneficiary of the employees' disability pension and finds its degree of severity to be classified as any disability grade other than the previous one, the Minister may revise the amount of the employees' disability pension in accordance with its severity.

- (2) A beneficiary of an employees' disability pension may request the implementing organization to revise the amount of employees' disability pension on account that the severity of disability has worsen.
- (3) A request under the preceding paragraph may only be made after one year has passed since the day on which the beneficiary acquired a right to benefits under an employees' disability pension or underwent an examination by the implementing organization pursuant to the provisions of paragraph (1), except in a case specified by Order of the Ministry of Health, Labour and Welfare as one in which it is clear that the severity of disability of the beneficiary of the

employees' disability pension has worsen.

- (4) If a beneficiary of an employees' disability pension who has contracted an illness or suffered an injury and who was an insured on the day of initial examination for that injury or illness (limited to an injury or illness for which the day of initial examination comes after the day of initial examination for the injury or illness that constitutes the grounds for payment of the relevant employees' disability pension; the same applies hereinafter in this paragraph and the proviso to Article 54, paragraph (2)), has a disability (limited to a disability of a the degree of severity that is not classified as Grade 1 or Grade 2 of the disability grades; hereinafter referred to as "another disability" in this paragraph and the proviso of paragraph (2) of that Article) due to that injury or illness, and if the severity of the beneficiary's disabilities stemming from a combination of the disability constituting the grounds for payment of the relevant employees' disability pension and the other disability (or all other disabilities, if there are two or more other disabilities) has become worse than that of the disability constituting the grounds for payment of that pension during the period from the day of disability assessment for that injury or illness until the day on which the beneficiary reaches 65 years of age, the beneficiary may request the implementing organization to revise the amount of employees' disability pension within that period.
- (5) The provisions under the proviso to Article 47 paragraph (1) apply mutatis mutandis to a case under the preceding paragraph.
- (6) If the amount of an employees' disability pension has been revised pursuant to the provisions of paragraph (1), the payment of the revised amount of employees' disability pension is to commence from the month following the month of the revision.
- (7) The provisions of paragraphs (1) through (3) and the preceding paragraph do not apply to a person who is 65 years of age or older and also the beneficiary of an employees' disability pension (limited to a person who has no right to receive benefits from a basic disability pension under the National Pension Act based on the same grounds for payment of the relevant employees' disability pension).

Article 52-2 (1) If the beneficiary of an employees' disability pension has come to have a right to receive benefits from a basic disability pension (excluding one that is paid based on the same grounds as the employees' disability pension) under the National Pension Act, the amount of the employees' disability pension in question is revised according to the severity of the beneficiary's disabilities stemming from a combination of the disability constituting the grounds for payment of the employees' disability pension and the disability constituting the grounds for payment of the basic disability pension.

(2) If the beneficiary of an employees' disability pension has a right to receive benefits from a basic disability pension under the National Pension Act, and the severity of the disabilities stemming from a combination under the provisions of Article 34, paragraph (4) and the proviso to paragraph (2) of Article 36 of that Act has become worse than that of the disability that constitutes the grounds for payment of the relevant basic disability pension, the amount of the relevant employees' disability pension is revised according to the severity of the disabilities stemming from a combination under these provisions.

(Loss of Rights)

Article 53 In addition to the right to receive benefits from an employees' disability pension ceasing to exist pursuant to the provisions of Article 48, paragraph (2), this right ceases to exist if the beneficiary comes to fall under any of the following items:

- (i) the beneficiary has died;
- (ii) the beneficiary who does not have a disability of a degree of severity that is classified as any disability grade has reached the age of 65; provided, however, that this is excluded if, as of the day on which the beneficiary has reached the age of 65, the beneficiary has not gone three years without having a disability of a degree of severity that is classified as any disability grade, counting from the day on which the person ceased to have a disability of a degree of severity that is classified as any disability grade; or
- (iii) the beneficiary has gone three years, counting from the day on which the beneficiary ceased to have a disability of a degree of severity that is classified as any disability grade, without having a disability of a degree of severity that is classified as any disability grade; provided, however, that this is excluded if the relevant beneficiary is not yet 65 years of age on the day that marks the passage of three years' time without a disability of that degree of severity.

(Suspension of Payment)

Article 54 (1) Payment of an employees' disability pension is suspended for a period of six years if the beneficiary acquires the right to receive disability compensation pursuant to the provisions of Article 77 of the Labor Standards Act (Act No. 49 of 1947) with regard to the relevant injury or illness.

(2) If a beneficiary has ceased to have a disability of a degree of severity that is classified as any disability grade, payment of an employees' disability pension is suspended during the period of time in which the beneficiary does not have that disability; provided, however, that this does not apply if the beneficiary of an employees' disability pension has contracted an illness or suffered an injury

and was an insured on the day of initial examination for that injury or illness, the beneficiary has other disabilities caused by that injury or illness, and, during the period after the day of disability assessment for the relevant injury or illness up to the day before the date on which the beneficiary reaches the age of 65, the degree of severity of the disabilities stemming from a combination of the disability constituting the grounds for payment of the relevant employees' disability pension and the other disability (or, if there are two or more other disabilities, the disability combined with all other disabilities) is classified as Grade 1 or Grade 2 of the disability grades.

(3) The provisions of Article 46, paragraph (6) apply *mutatis mutandis* to the employees' disability pension, and the provisions of the proviso to Article 47, paragraph (1) apply *mutatis mutandis* to a case under the proviso to the preceding paragraph.

(Beneficiary of a Disability Allowance)

Article 55 (1) If a person who has contracted an illness or suffered an injury and who was an insured on the day of initial examination for the injury or illness has a disability of the degree of severity prescribed by Cabinet Order as a result of that injury or illness as of the day on which the injury or illness has healed, within the period from the relevant day of initial examination until the day that marks the passage of five years' time since that day, a disability allowance is paid to that person.

(2) The provisions of the proviso of Article 47, paragraph (1) apply *mutatis mutandis* to a case under the preceding paragraph.

Article 56 Notwithstanding the provisions of the preceding Article, a disability allowance is not paid to a person who falls under any of the following items on the day on which the degree of severity of the person's disability is determined pursuant to the provisions of that Article:

- (i) a beneficiary of pension insurance benefits (excluding the beneficiary of an employees' disability pension who has gone three years, counting from the last day on which the beneficiary ceased to have a disability of a degree of severity that is classified as any disability grade (having that disability is hereinafter referred to in this Article as "having a disability"), without being classified as having a disability (but only a beneficiary who does not have a disability at the time in question));
- (ii) a beneficiary of pension benefits under the National Pension Act (excluding the beneficiary of a basic disability pension who has gone three years, counting from the last day on which the beneficiary ceased have a disability, without being classified as having a disability (but only a beneficiary who does not have a disability at the time in question), and other persons

specified by Cabinet Order); or

(iii) persons who have the right to receive, for the relevant injury or illness, disability compensation pursuant to the provisions of the National Public Officers' Accident Compensation Act (Act No. 191 of 1951; including as applied *mutatis mutandis* pursuant to other Acts) or Local Public Officers' Accident Compensation Act (Act No. 121 of 1967) or the prefectural ordinances issued under that Act, the Act on Occupational Accident Compensation for Public School Physicians, Dentists, and Pharmacists (Act No. 143 of 1957) or Article 77 of the Labor Standards Act, disability compensation benefits or disability benefits pursuant to the provisions of the Workmen's Accident Compensation Insurance Act (Act No. 50 of 1947), or benefits to be paid due to a disability pursuant to the provisions of the Mariners Insurance Act.

(Amount of Disability Allowance)

Article 57 The amount of a disability allowance is an amount equal to 200/100 of the amount calculated pursuant to the provisions of Article 50, paragraph (1); provided, however, that if this amount is less than the amount arrived at when the number 2 is multiplied by the amount specified in paragraph (3) of that Article, the amount thus arrived at is paid.

#### **Section 4 Employees' Pension for Surviving Family**

(Beneficiary)

Article 58 (1) If the insured or former insured falls under any one of the following items, an employees' pension for surviving family is paid to the surviving family of the insured or former insured; provided, however, that this does not apply, in a case that falls under item (i) or (ii) if, as of the day before the day of death, the deceased person had had an insured period under National Pension that lasted up until the month two months before the month that includes the day of death, and further, the total sum of the premium-paid period and the premium-exemption period does not comprise at least two-thirds of the relevant insured period:

- (i) the insured (including a former insured who was subject to an adjudication of disappearance and who was insured at the time that the whereabouts of the person became unknown) has died;
- (ii) a former insured has, after forfeiting status as an insured, died of an injury or illness for which the day of initial examination was within the period during which the person was an insured, prior to the day on which five years have elapsed counting from the relevant day of initial examination;
- (iii) the beneficiary of an employees' disability pension who had a disability

classified as the Grade 1 or Grade 2 of the disability grades has died; or  
(iv) the beneficiary of an employees' old-age pension (limited to a person whose total sum of the premium-paid period and the premium-exemption period is no less than twenty-five years) or a person whose total sum of the premium-paid period and the premium-exemption period is no less than twenty-five years has died.

(2) In a case as referred to in the preceding paragraph, if an insured or former insured who has died falls under any one of items (i) through (iii) of that paragraph, and also falls under item (iv) of that paragraph, the person is deemed to fall only under any one of the items (i) through (iii), and not to fall under item (iv) of that paragraph, unless otherwise specifically requested by the surviving family member of that person if that surviving family member claims the employees' pension for surviving family.

(Surviving Family)

Article 59 (1) The surviving family members who may receive an employees' pension for surviving family are the spouse, child, parent, grandchild, or grandparent of an insured or former insured (hereinafter simply referred to as the "spouse", "child", "parent", "grandchild", and "grandparent"), who was receiving financial support from the person at the time of the person's death (in the case of a former insured who was subject to an adjudication of disappearance, at the time that the whereabouts of the person became unknown; the same applies hereinafter in this Article); provided, however, that for persons other than a wife, this is limited to a case in which that person satisfies the following requirements:

(i) if the person is the husband, parent, or grandparent of the insured or former insured, the requirement of being 55 years of age or older; and  
(ii) if the person is the child or grandchild of the insured or former insured, the requirement of either being within the period from birth until the first March 31 after the day on which the person reaches the age of 18, or of being under the age of 20 and having a disability classified as Grade 1 or Grade 2 of the disability grades; and also, the requirement of not being married at the time in question, in either case.

(2) Notwithstanding the provisions of the preceding paragraph, if the person's spouse or child has acquired the right to receive benefits from an employees' pension for surviving family, the person's parent does not constitute a surviving family member who may receive an employees' pension for surviving family; if the spouse, child, or parent has acquired the right to receive those benefits, the person's grandchild does not constitute a surviving family member who may receive that pension; and if the person's spouse, child, parent, or grandchild has acquired the right to receive those benefits, the person's

grandparent does not constitute a surviving family member who may receive that pension.

- (3) To apply the provisions of paragraph (1) when a child is born who was in utero at the time of the insured's or former insured's death, the child is deemed, prospectively, to have been receiving financial support from the insured or former insured at the time of death thereof.
- (4) Cabinet Order provides for the necessary particulars in connection with certifying that a person was receiving financial support from the insured or former insured in order to apply the provisions of paragraph (1).

(Presumption of Death)

Article 59-2 To apply the provisions related to the payment of employees' pension for surviving family to a case in which it is not known for a period of three months whether an insured or former insured who was on board a ship at the time it sank, capsized, was destroyed, or went missing is alive or dead; to a case in which it is not known for a period of three months whether an insured or former insured who was on board a ship and went missing while the ship was sailing is alive or dead; or to a case in which it becomes clear within three months that such a person has died but the time of death is unknown; that person is presumed to have died on the day on which the ship sank, capsized, was destroyed, or went missing or on the day on which a person went missing. The same applies if it is not known for a period of three months whether an insured or former insured who was on board an airplane at the time the airplane crashed, was destroyed, or went missing is alive or dead; if it is not known for a period of three months whether an insured or former insured who was on board an airplane and went missing while the airplane was flying is alive or dead; or if it becomes clear within three months that such a person has died but the time of death is unknown.

(Amount of Pension)

Article 60 (1) The amount of an employees' pension for surviving family is the amount provided for in each of the following items in accordance with the classification prescribed in the relevant item; provided, however, that this means the amount prescribed in item (i), if a beneficiary of an employees' pension for surviving family receives a basic pension for surviving family under the National Pension Act based on the same grounds as those for the relevant employees' pension for surviving family:

- (i) if a surviving family member provided for in Article 59, paragraph (1) (other than one who is set forth in the following item) has acquired the right to receive benefits from an employees' pension for surviving family: an amount equal to three-quarters of the amount calculated pursuant to the provisions

of Article 43, paragraph (1) based on the insured period of the insured or former insured who has died; provided, however, that if the number of months in the insured period is below 300, the amount for an employees' pension for surviving family that is paid due to the relevant person falling under any of items (i) through (iii) of Article 58, paragraph (1), is the amount calculated when the number of months in the insured period is treated as having been 300;

- (ii) if, among surviving family members provided for in Article 59, paragraph (1), the spouse who has the right to receive any of the pension benefits from the employees' old-age pension has acquired the right to receive benefits from the employees' pension for surviving family: the amount prescribed in the preceding item or the sum total of the amounts under the following (a) and (b), whichever is higher:
  - (a) the amount arrived at when the amount prescribed in the preceding item is multiplied by two-thirds;
  - (b) the amount arrived at when the amount of the employees' old-age pension of the beneficiary of the relevant employees' pension for surviving family (or, for an employees' old-age pension to which an amount of additional pension has been added pursuant to the provisions of Article 44, paragraph (1), the amount to which those provisions do not apply; the same applies in paragraph (3) of the following Article and item (ii) of Article 64) is multiplied by one-half.
- (2) Notwithstanding the provisions of item (i) of the preceding paragraph, if the employees' pension for surviving family is paid to a person other than the spouse and there are two or more beneficiaries, the amount of the employees' pension for surviving family is the amount arrived at when the amount that was computed pursuant to the provisions of that item for each of the beneficiaries is divided by the number of beneficiaries.
- (3) Beyond as specified in the preceding two paragraphs, Cabinet Order provides for the necessary particulars of the calculation of the amount of an employees' pension for surviving family.

Article 61 (1) If an employees' pension for surviving family is paid to a person other than the spouse and there is any increase or decrease in the number of beneficiaries, the amount of the employees' pension for surviving family is revised from the month following the month in which the number increased or decreased.

- (2) If, as of the day on which the beneficiary of an employees' pension for surviving family of an amount calculated pursuant to the provisions of paragraph (1), item (i) of the preceding Article (limited to one for the spouse) acquired the right to receive benefits from an employees' old-age pension, the

amount arrived at when the amounts specified in item (ii), (a) and (b) of that paragraph are added together exceeds the amount prescribed in item (i) of that paragraph, amount of pension is revised to the relevant sum total of the amounts under paragraph (1), item (ii), (a) and (b) from the month following the month that includes the day on which the person acquired the right to receive benefits from the employees' old-age pension.

- (3) If the amount of the employees' old-age pension that forms the basis for calculating the amount of an employees' pension for surviving family that is calculated pursuant to the provisions of paragraph (1), item (ii) of the preceding Article is revised pursuant to the provisions of Article 43, paragraph (3), the amount of the employees' pension for surviving family is revised from the month of the revision of the employees' old-age pension; provided, however, that this does not apply if the amount calculated pursuant to the provisions of paragraph (1), item (i) of the preceding Article exceeds the total amount under item (ii), (a) and (b) of that paragraph which is computed based on the revised amount of the relevant employees' old-age pension.

Article 62 (1) If the wife who is the beneficiary of an employees' pension for surviving family (excluding one that is paid due to the relevant person falling under Article 58, paragraph (1), item (iv), and is calculated based on an insured period of 240 months or less), and who was at least 40 but below 65 years of age at the time that she acquired the right to receive those benefits, or was living off the same financial resources as an insured's or former insured's child falling under the requirements provided for in Article 37-2 paragraph (1) of the National Pension Act (excluding a child who came to fall under items (ii) through (viii) of Article 39, paragraph (3) of that Act after the death of the insured or former insured) at the time that she reached the age of 40, is under 65 years of age, the amount arrived at when the amount of the basic pension for surviving family provided for in Article 38 of that Act is multiplied by three-quarters (those amounts are rounded to the nearest hundred, with amounts less than 50 yen be rounded down, and amounts between 50 yen and 99 yen being rounded up) is added to the employees' pension for surviving family under Article 60, paragraph (1), item (i).

- (2) The revision of the amount of a pension as the result of the occurrence of grounds for instituting an addition under the preceding paragraph or for discontinuing the addition under that paragraph is effected from the month following the month in which the grounds occurred.

(Loss of Rights)

Article 63 (1) The right to receive benefits from an employees' pension for surviving family ceases to exist if a beneficiary comes to fall under any of the

following items:

- (i) the beneficiary dies;
  - (ii) the beneficiary marries (or if, although the beneficiary has not registered a marriage, the beneficiary's circumstances come to be, de facto, the same as those of a person in a marital relationship);
  - (iii) the beneficiary is legally adopted by a person other than a lineal relative by blood or a lineal relative by affinity (this includes a person whose adoption has not been registered but whose circumstances come to be, de facto, the same as those of a person in an adoptive relationship);
  - (iv) the beneficiary's familial relationship with the deceased insured or former insured ends due to the dissolution of the adoptive relationship; or
  - (v) for the categories set forth in (a) and (b), below, once five years have passed, as calculated beginning on the day specified in whichever is relevant of (a) or (b);
    - (a) if a wife who was younger than 30 years of age at the time that she acquired the right to receive benefits from the employees' pension for surviving family failed to acquire the right to receive benefits from a basic pension for surviving family under the National Pension Act based on the same grounds for payment as those for that employees' pension for surviving family: the day on which the wife acquired the right to receive benefits from the employees' pension for surviving family;
    - (b) if, before a wife with the right to receive benefits from the employees' pension for surviving family and from a basic pension for surviving family under the National Pension Act based on the same grounds for payment as those for that employees' pension for surviving family has reached 30 years of age, her right to receive benefits from that basic pension for surviving family ceases to exist: the day on which the right to receive benefits from the basic pension for surviving family ceased to exist.
- (2) The right to receive benefits from an employees' pension for surviving family that is held by a child or grandchild ceases to exist if the child or grandchild comes to fall under one of the following items:
- (i) for a child or grandchild, once the first March 31 has passed after the day on which the person reached the age of 18; provided, however, that this does not apply to a child or grandchild who has a disability classified as the Grade 1 or Grade 2 of the disability grades;
  - (ii) for a child or grandchild who has a disability classified as the Grade 1 or Grade 2 of the disability grades, if those circumstances end; provided, however, that this does not apply to a child or grandchild who is within the period from birth until the first March 31 after the day on which the child or grandchild reaches the age of 18; or
  - (iii) once the child or grandchild reaches the age of 20.

(3) The right to receive benefits from an employees' pension for surviving family that is held by a parent, grandchild, or grandparent ceases to exist if a child who was in utero at the time of the insured or former insured's death is born.

(Suspension of Payment)

Article 64 If the compensation for surviving family under the provisions of Article 79 of the Labor Standards Act is to be paid for the death of an insured or former insured, the payment of the employees' pension for surviving family is suspended during the six-year period after the day of death.

Article 64-2 If the beneficiary of an employees' pension for surviving family (but only one with a beneficiary who has reached the age of 65) has the right to receive an employees' old-age pension, payment of the part of the employees' pension for surviving family that is equivalent to the amount of the beneficiary's employees' old-age pension is suspended.

Article 65 If the beneficiary of an employees' pension for surviving family to which an additional amount has been added pursuant to the provisions of Article 62 paragraph (1) is the wife, and if she is entitled to receive a basic pension for surviving family under the National Pension Act in connection with the death of the relevant insured or former insured, during that time, payment is suspended on the portion of the relevant employees' pension for surviving family that is equal to the additional amount provided for in that paragraph.

Article 65-2 Payment of an employees' pension for surviving family to the husband, parents, or grandparents is suspended during the period until the beneficiary reaches the age of 60; provided, however, that this does not apply to an employees' pension for surviving family to be paid to the husband, if the husband has the right to receive benefits from a basic pension for surviving family under the National Pension Act in connection with the death of that insured or former insured.

Article 66 (1) Payment of an employees' pension for surviving family to a child is suspended for the period during which the spouse holds the right to receive benefits from the employees' pension for surviving family; provided, however, that this does not apply during a period in which the payment of an employees' pension for surviving family to the spouse is suspended pursuant to the provisions of the main clause of the preceding Article, the main clause of the following paragraph, or the following Article.

(2) If, with regard to the death of the insured or former insured, the spouse does not hold the right to receive benefits from a basic pension for surviving family

under the National Pension Act but the child does hold the right to receive benefits from the basic pension for surviving family, payment of any employees' pension for surviving family to the spouse is suspended during that period; provided, however, that this does not apply during a period in which the payment of the employees' pension for surviving family to the child is suspended pursuant to the provisions of the following Article.

Article 67 (1) If the whereabouts of the spouse or a child remain unknown for one year or longer, the payment of an employees' pension for surviving family to that spouse or child is suspended retroactively to the time at which the whereabouts of the spouse or child became unknown, upon the application of a child or spouse who holds the right to receive benefits from the employees' pension for surviving family.

(2) The spouse or child may, at any time, apply to have a suspension of payment under the provisions of the preceding paragraph lifted.

Article 68 (1) If there are two or more beneficiaries of an employees' pension for surviving family who are not the spouse, and the whereabouts of one or more of the beneficiaries remain unknown for one year or longer, the payment of the employees' pension for surviving family to that person is suspended retroactively to the time at which the whereabouts of the person or persons became unknown, upon the application of another beneficiary.

(2) A person who has had their payment of an employees' pension for surviving family suspended pursuant to the provisions of the preceding paragraph may, at any time, apply to have the suspension of payment lifted.

(3) The provisions of Article 61, paragraph (1) apply mutatis mutandis if the payment of the employees' pension for surviving family is suspended pursuant to the provisions of paragraph (1) or if the suspension is lifted pursuant to the provisions of the preceding paragraph. In such a case, the phrase "the month in which the number increased or decreased" in paragraph (1) of that Article is deemed to be replaced with "the month in which the payment is suspended or the suspension is lifted".

Article 69 to Article 72 Deleted (Act No. 63 of August 2012)

### **Section 5 Restrictions on Insurance Benefits**

Article 73 If an insured or former insured person has intentionally brought about their disability or an accident constituting the direct cause thereof, no employees' disability pension or disability allowance that has that disability as the grounds for payment is paid.

Article 73-2 If an insured or former insured has brought about their disability, death, or an accident constituting the direct cause thereof, or has worsened the severity of their disability or hindered the recovery thereof, through an intentional criminal act, gross negligence, or a failure to comply with medical instructions that is without reasonable grounds, it is permissible not to pay insurance benefits in whole or in part.

Article 74 If the beneficiary of an employees' disability pension has worsened the severity of their disability or hindered the recovery thereof, intentionally, through gross negligence, or due to a failure to comply with medical instructions that is without reasonable grounds, it is permissible not to effect the revision under the provisions of Article 52 paragraph (1); and it is permissible to consider the degree of severity of that person's disability to be classified as a lower disability grade than the disability grade it is actually classified as in effecting a revision under that paragraph.

Article 75 If the right to collect insurance premiums is extinguished by prescription, no insurance benefits are paid based on any period during which an insured was subject to the insurance premiums; provided, however, that this does not apply if the right to collect insurance premiums has been extinguished by prescription after the filing of a notification under the provisions of Article 27 or a request for confirmation under the provisions of Article 31, paragraph (1), or a request for correction under the provisions of Article 28-2, paragraph (1) (including as applied mutatis mutandis in paragraph (2) and paragraph (3) of that Article) in connection with the relevant period for the insured with regard to the person's acquisition of the status of an insured.

Article 76 (1) An employees' pension for surviving family is not paid to a person who has intentionally caused the death of an insured or former insured. The same applies with regard to a person who, prior to the death of an insured or former insured, has intentionally caused the death of a person who would have become the beneficiary of an employees' pension for surviving family upon the death of the insured or former insured.

(2) The right to receive benefits from an employees' pension for surviving family ceases to exist if a beneficiary intentionally causes the death of another beneficiary.

Article 77 Payment of pension insurance benefits may be suspended in whole or in part in a case that falls under one of the following items:

- (i) if a beneficiary has failed to comply with an order under the provisions of Article 96, paragraph (1) or has refused to answer the questions of the relevant official under the provisions of that paragraph, without reasonable grounds;
- (ii) if a child who has the right to receive pension insurance benefits due to having a disability of a degree of severity that is classified as any disability grade, or to whose pension an amount is added pursuant to the provisions of Article 44, paragraph (1), due to the child having a disability of a degree of severity that is classified as any disability grade, fails to comply with an order under the provisions of Article 97, paragraph (1) or refuses diagnosis under the provisions of that paragraph, without reasonable grounds; or
- (iii) if the person provided for in the preceding item has hindered the recovery of their disability, intentionally, through gross negligence, or due to a failure to comply with medical instructions that is without reasonable grounds.

Article 78 (1) If a beneficiary fails to make a notification or submit documents or other items under the provisions of Article 98, paragraph (3), without reasonable grounds, the payment of the insurance benefits may be suspended temporarily.

(2) The provisions of the preceding paragraph do not apply to insurance benefits based on the category II EPI insured period, category III EPI insured period, or category IV EPI insured period.

### **Chapter III-2 Special Provisions for Divorce and Similar Circumstances**

(Special Provisions on Revision to Standardized Remuneration in Case of Divorce or Similar Circumstances)

Article 78-2 (1) If a person subject to a class I revision (meaning an insured or former insured whose standardized remuneration is revised pursuant to the provisions of Article 78-6, paragraph (1), item (i) and paragraph (2), item (i); the same applies hereinafter) or a person subject to a class II revision (meaning the spouse of a person subject to a class I revision, whose standardized remuneration is revised or decided pursuant to the provisions of paragraph (1), item (ii) and paragraph (2), item (ii) of that Article; the same applies hereinafter) has gone through a divorce or similar circumstances (meaning a divorce (this excludes the dissolution of the circumstances in question, regarding persons who have not registered a marriage but whose circumstances are, de facto, the same as those of a person in a marital relationship), an annulment of marriage, or other grounds specified by Order of the Ministry of Health, Labour and Welfare; the same applies hereinafter in this Chapter) and falls under any of the following items, that person may file a

request with the implementing organization for the standardized remuneration to be revised or decided (meaning the standardized remuneration of the person subject to a class I revision and the person subject to a class II revision (each of whom is hereinafter referred to as a "party"); the same applies hereinafter in this Chapter) for the insured period that falls under the subject period (meaning the period of the marriage and other periods specified by Order of the Ministry of Health, Labour and Welfare; the same applies hereinafter) connected with the divorce or similar circumstances; provided, however, that this does not apply once two years have passed since the relevant divorce or similar circumstances or in a situation otherwise falling under one of the cases specified by Order of the Ministry of Health, Labour and Welfare:

- (i) if the parties agree to request that the standardized remuneration be revised or decided and agree on the allocation percentage that they are to request (meaning the percentage, following the relevant revision or decision, that will constitute the person subject to a class II revision's aggregate amount of standard remuneration for the subject period provided for in paragraph (1) of the following Article, in proportion to the sum total of both parties' aggregate amounts of standardized remuneration during the subject period, as provided for in paragraph (1) of the following Article; the same applies hereinafter);
  - (ii) if the family court has set the allocation percentage that the parties are to request pursuant to the provisions of the following paragraph.
- (2) With respect to a request for the standardized remuneration to be revised or decided pursuant to the provisions of the preceding paragraph (hereinafter referred to as a "request for standardized remuneration to be revised or decided"), if consultations toward an agreement by the parties under item (i) of that paragraph have failed to produce an agreement, or if consultations cannot take place, the family court may, based on a motion filed by one of the parties, set the allocation percentage that the parties are to request, by taking into account the degree of the parties' contributions to the payment of insurance premiums during the subject period and any other circumstances.
- (3) The request for standardized remuneration to be revised or decided must be submitted attached by a notarized document to the effect that the parties have agreed to request that the standardized remuneration to be revised or decided and have agreed on the allocation percentage that the parties are to request, or must be submitted in other ways prescribed by Order of the Ministry of Health, Labour and Welfare.

(Allocation Percentage that the Parties are to Request)

Article 78-3 (1) The allocation percentage that the parties are to request must be determined so as to fall within the range between at least the percentage that

constitutes the person subject to a class II revision's aggregate amount of standardized remuneration for the subject period (meaning the amount arrived at when first the parties are deemed to be the beneficiaries, then each of the standardized monthly amounts of remuneration and the standardized amounts of bonuses for each month of the insured period falling under the subject period ( the previous standardized monthly amount of remuneration specified in Article 26, paragraph (1) is substituted for that standardized monthly amount of remuneration, for each month in which the previous standardized monthly amount of remuneration is deemed to be the standardized monthly amount of remuneration for the relevant month pursuant to the provisions of that paragraph) is multiplied by the revaluation rate that is applicable on the last day of the subject period, and finally all of the products thus calculated are added; the same applies hereinafter) in proportion to the sum total of both parties' aggregate amounts of standardized remuneration for the subject period and 50%, at most (that range is hereinafter referred to as the "allocation percentage range").

- (2) Notwithstanding the provisions of the preceding paragraph, with respect to a request for standardized remuneration to be revised or decided, if the day on which information concerning the allocation percentage range has been received pursuant to the provisions of paragraph (1) of the following Article (including materials received by the court, or an authorized judge or commissioned judge pursuant to the provisions of Article 78-5 and, if more than one material exists, the last one; the same applies in this paragraph) is before the last day of the subject period and the period of time until the last day of the subject period is shorter than one year, or in other cases specified by Order of the Ministry of Health, Labour and Welfare, the allocation percentage range with regard to which that information has been received may be set as the allocation percentage range under that paragraph.

(Provision of Information to the Parties and Others; Related Matters)

Article 78-4 (1) As provided by order of the competent ministry, both of the parties or either one of them may request the implementing organization to provide the information specified in the following paragraph that they need in order to file a request for standardized remuneration to be revised or decided; provided, however, that this does not apply if that request is made after the filing of the request for standardized remuneration to be revised or decided, if that request falls under the proviso to Article 78-2, paragraph (1), or in other cases provided for by Order of the Ministry of Health, Labour and Welfare.

- (2) The information referred to in the preceding paragraph is the aggregate amount of standardized remuneration for the subject period, the allocation percentage range, periods constituting the basis for calculating these, and any

other information specified by Order of the Ministry of Health, Labour and Welfare; and if the last day of the subject period had not yet arrived as of the day on which the request under that paragraph was made, the foregoing information is that which is calculated when the day on which the request under that paragraph was made is deemed to be the last day of the subject period.

Article 78-5 At the request of the court, the authorized judge, or the commissioned judge, the implementing organization must provide them with the materials necessary for them to dispose on the allocation percentage that the parties are to request pursuant to the provisions of Article 78-2, paragraph (2).

(Revising and Deciding Standardized Remuneration)

Article 78-6 (1) If a request for standardized remuneration to be revised or decided has been filed, the implementing organization may revise or decide the parties' standardized monthly amounts of remuneration to be the amounts specified in each of the following items for each month of an insured period falling under the subject period in which the person subject to a class I revision has a standardized monthly amount of remuneration:

(i) person subject to a class I revision: the amount arrived at when the revision percentage (meaning the rate calculated as specified by Order of the Ministry of Health, Labour and Welfare, based on the allocation percentage; the same applies hereafter) is deducted from the number 1 and the resulting rate is multiplied by the standardized monthly amount of remuneration (or by the previous standardized monthly amount of remuneration specified in Article 26, paragraph (1), for a month in which the previous standardized monthly amount of remuneration is deemed to be the standardized monthly amount of remuneration pursuant to that paragraph; the same applies in the following item) prior to the revision;

(ii) person subject to a class II revision: the amount arrived at when the person's standardized monthly amount of remuneration prior to the revision (or 0 for a month without a standardized monthly amount of remuneration) is added to the amount arrived at when the revision percentage is multiplied by the person subject to a class I revision's standardized monthly amount of remuneration prior to the revision.

(2) If a request for standardized remuneration to be revised or decided has been filed, the implementing organization may revise or decide the parties' standardized amounts of bonuses to be the amounts specified in each of the following items for each month of an insured period falling under the subject period in which the person subject to a class I revision has a standardized

amount of bonus:

- (i) person subject to a class I revision: the amount arrived at when the revision percentage is deducted from 1 and the resulting rate is multiplied by the standardized amount of the bonus prior to the revision;
  - (ii) person subject to a class II revision: the amount arrived at when the person's standardized amount of bonus prior to the revision (or 0 for a month without a standardized bonus) is added to the amount arrived at when the revision percentage is multiplied by the person subject to a class I revision's standardized amount of bonus prior to the revision.
- (3) In a case as referred to in the preceding two paragraphs, a period falling under the subject period that is an insured period for the person subject to a class I revision but not an insured period for the person subject to a class II revision is deemed to be an insured period for the person subject to a class II revision.
- (4) The standardized remuneration revised or decided pursuant to the provisions of paragraph (1) and paragraph (2) is effective only prospectively, starting from the day of the relevant request for standardized remuneration to be revised or decided.

(Records)

Article 78-7 The implementing organization must record, in the EPI register, the names of any persons who have a period that is deemed to be an insured period pursuant to the provisions of paragraph (3) of the preceding Article (hereinafter referred to as the "deemed insured period at divorce"), the deemed insured period at divorce, the standardized remuneration connected with the deemed insured period at divorce, and other particulars specified by order of the competent ministry.

(Notifying the Parties)

Article 78-8 If the implementing organization has revised or decided the standardized remuneration pursuant to the provisions of Article 78-6, paragraph (1) and paragraph (2), the implementing organization must notify the parties to that effect.

(Delegation to Ministerial Order)

Article 78-9 Beyond as provided in Article 78-2 to the preceding Article, order of the competent ministry provides for the necessary particulars in connection with the procedures for a request for standardized remuneration to be revised or decided and for the standardized remuneration to be revised or decided.

(Revising the Amounts of Employees' Old-Age Pensions and Employees'

Disability Pensions)

Article 78-10 (1) Notwithstanding the provisions of Article 43, paragraph (1) and paragraph (2), if the standardized remuneration of the beneficiary of an employees' old-age pension has been revised or decided pursuant to the provisions of Article 78-6, paragraph (1) and paragraph (2), the insured period that fell prior to the last month of the insured period falling under the subject period (or the period prescribed by Cabinet Order, if the grounds for payment of the relevant employees' old-age pension occur after the last day of the subject period or in other cases specified by Cabinet Order) and the standardized remuneration after its revision or after it has been decided are the basis for calculating the employees' old-age pension, and the pension amount is revised from the month following the month that includes the day on which the relevant request for standardized remuneration to be revised or decided was made.

(2) If the standardized remuneration of the beneficiary of an employees' disability pension has been revised or decided pursuant to the provisions of Article 78-6, paragraph (1) and paragraph (2) for an insured period that constitutes a basis for calculating the amount of the relevant employees' disability pension, the amount of the pension is revised from the month following the month that includes the day on which the request for standardized remuneration to be revised or decided was filed, based on the standardized remuneration after its revision or after it has been decided; provided, however, that the deemed insured period at divorce does not constitute a basis for calculating the employees' disability pension to which the provisions of the second sentence of Article 50, paragraph (1) apply.

(Special Provisions on Insurance Benefits for a Person Whose Standardized Remuneration Has Been Revised or Decided)

Article 78-11 If this Act is applied with respect to the insurance benefits of a person whose standardized remuneration has been revised or decided pursuant to the provisions of Article 78-6, paragraph (1) and paragraph (2), each of the terms set forth in the middle column of the following table, under the provisions prescribed in the left-hand column of that table (including when these are cited in other laws and regulations, are applied mutatis mutandis to other laws and regulations, or govern other laws and regulations), is deemed to be replaced with the terms set forth in the right-hand column of that table; and Cabinet Order prescribes the necessary technical replacements of terms connected with the application of provisions on the calculation of the amount of those insurance benefits, of provisions on suspension of their payment, and of any other provisions that Cabinet Order prescribes.

Article 44, paragraph (1)	an insured period of 240 months or more	an insured period (excluding the deemed insured period at divorce provided for in Article 78-7; (hereinafter referred to as the "deemed insured period at divorce"); the same applies hereinafter in this paragraph) of 240 months or more
Article 46, paragraph (1)	the standardized amount of the bonuses for	the standardized amount of the bonuses (meaning the standardized amount of bonuses before the revision under the provisions of Article 78-6, paragraph (2), and excluding the standardized amount of bonuses decided pursuant to the provisions of that paragraph) for
Article 58, paragraph (1)	former insured	former insured (in a case that falls under item (iv), including a person who has a deemed insured period at divorce)

(Delegation to Cabinet Order)

Article 78-12 Beyond as provided in this Chapter, Cabinet Order provides for the necessary particulars in connection with the special provisions for divorce and similar circumstances.

**Chapter III-3 Special Provisions on the Period during Which a Person is a Dependent Spouse**

(Fundamental Recognition behind the Provision of Pension Insurance Benefits to a Dependent Spouse)

Article 78-13 In addition to what is prescribed in Chapter III, the provision of pension insurance benefits to a dependent spouse is as prescribed in this Chapter, based on the fundamental recognition that the insurance premiums borne by an insured who has a dependent spouse are insurance premiums that

the dependent spouse has borne jointly with the insured.

(Special Provisions on the Standardized Remuneration of a Specific Insured and a Dependent Spouse)

Article 78-14 (1) If an insured (including a former insured; hereinafter referred to as a "specific insured") had a dependent spouse (meaning a person who fell under Article 7, paragraph (1), item (iii) of the National Pension Act as the spouse of the specific insured; the same applies hereinafter) during the time that the person was an insured, but the specific insured and the dependent spouse thereof have divorced or annulled their marriage or have come to fall under any other circumstances specified by Order of the Ministry of Health, Labour and Welfare as equivalent thereto, the dependent spouse may file a request with the implementing organization for the standardized remuneration to be revised or decided (meaning the standardized remuneration of the specific insured and the dependent spouse thereof; the same applies hereinafter in this Chapter) for the insured period (excluding an insured period for which the standardized remuneration was already revised or decided pursuant to the provisions of the following paragraph and paragraph (3); the same applies hereinafter in this Article) that fell under the specific period (meaning the period during which the specific insured was an insured and the dependent spouse thereof was a class III insured who is as specified in Article 7, paragraph (1), item (iii) of the National Pension Act as a spouse of that specific insured; the same applies hereinafter); provided, however, that this does not apply if, as of the day of the request, the relevant specific insured is the beneficiary of an employees' disability pension (limited to one in an amount that is calculated based in whole or in part on the relevant specific period; the same applies to Article 78-20), or in other cases specified by Order of the Ministry of Health, Labour and Welfare.

(2) If the request referred to in the preceding paragraph has been filed, the implementing organization may revise or decide the standardized monthly amount of remuneration of the relevant specific insured and the relevant dependent spouse to be the amount arrived at when the specific insured's standardized monthly amount of remuneration is multiplied by 50%, for each month of the insured period that falls during the specific period (or the amount arrived at when the previous standardized monthly amount of remuneration specified in Article 26, paragraph (1) is multiplied by 50%, for each month in which the previous standardized monthly amount of remuneration is deemed to be the standardized monthly amount of remuneration pursuant to the provisions of that paragraph).

(3) If the request under paragraph (1) has been filed, the implementing organization may revise or decide the standardized amount of bonuses of the

specific insured and the dependent spouse to be the amount arrived at when the specific insured standardized amount of bonus is multiplied by 50%, for each month of the insured period that falls during the specific period for which the specific insured in question had a standardized amount of bonus.

(4) In a case as referred to in the preceding two paragraphs, an insured period that falls during the specific period is deemed to be an insured period for the dependent spouse.

(5) The standardized remuneration as revised or decided pursuant to the provisions of paragraph (2) and paragraph (3) is effective only prospectively, starting from the day on which the request under paragraph (1) was filed.

#### (Records)

Article 78-15 The implementing organization must record, in the EPI register, the name of persons who have a period that is deemed to be an insured period pursuant to the provisions of paragraph (4) of the preceding Article (hereinafter referred to as the "deemed insured period of a dependent spouse"), the deemed insured period of the dependent spouse, the standardized remuneration connected with the deemed insured period of the dependent spouse, and any other particulars specified by order of the competent ministry.

#### (Notifying the Relevant Persons)

Article 78-16 If the implementing organization has revised or decided the standardized remuneration pursuant to the provisions of Article 78-14, paragraph (2) and paragraph (3), the Organization must notify the specific insured and the dependent spouse to that effect.

#### (Delegation to Ministerial Order)

Article 78-17 Beyond as provided in the preceding three Articles, order of the competent ministry provides for the necessary particulars in connection with the procedures for the request under the provisions of Article 78-14, paragraph (1) and for the standardized remuneration to be revised or decided pursuant to the provisions of paragraph (2) and paragraph (3) of that Article.

#### (Special Provisions on Revising the Amounts of Employees' Old-Age Pensions and Employees Disability Pensions)

Article 78-18 (1) Notwithstanding the provisions of Article 43, paragraph (1), if the standardized remuneration of the beneficiary of an employees' old-age pension has been revised or decided pursuant to the provisions of Article 78-14, paragraph (2) and paragraph (3), the standardized remuneration after its revision or after it has been decided is the basis for calculating the employees' old-age pension, and the pension amount is revised from the month following

the month that includes the day on which the request under Article 78-14, paragraph (1) was filed.

(2) The provisions of Article 78-10, paragraph (2) apply mutatis mutandis to a case in which the standardized remuneration for a dependent spouse who is the beneficiary of an employees' disability pension has been decided pursuant to the provisions of Article 78-14, paragraph (2) and paragraph (3). Cabinet Order provides for the necessary technical replacement of terms in such a case.

(Special Provisions on Providing Insurance Benefits to a Person Whose Standardized Remuneration Has Been Revised or Decided)

Article 78-19 If this Act is applied to the insurance benefits of a person whose standardized remuneration has been revised or decided pursuant to the provisions of Article 78-14, paragraph (2) and paragraph (3), each of the terms set forth in the middle column of the following table, under the provisions prescribed in the left-hand column of that table (including when these are cited in other laws and regulations, are applied mutatis mutandis to other laws and regulations, or govern other laws and regulations), is deemed to be replaced with the terms set forth in the right-hand column of that table, and Cabinet Order prescribes the necessary technical replacement of terms in connection with the application of provisions on the calculation of the amount of the insurance benefits, of provisions on the suspension of their payment, and on any other provisions that Cabinet Order prescribes.

Article 44, paragraph (1)	an insured period of 240 months or more	an insured period (excluding a deemed insured period of a dependent spouse provided for in Article 78-15 (hereinafter referred to as the "deemed insured period of a dependent spouse"); the same applies hereinafter in this paragraph) of 240 months or more
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Article 46, paragraph (1)	the standardized amount of the bonuses for	the standardized amount of the bonuses (meaning the standardized amount of bonuses before the revision under the provisions of Article 78-14, paragraph (3), and excluding the standardized amount of bonuses decided pursuant to the provisions of that paragraph) for
Article 58, paragraph (1)	former insured	former insured (in case that falls under item (iv)4, including a person who has a deemed insured period of a dependent spouse)

(Special Provisions for When Filing a Request for Standardized Remuneration to Be Revised or Decided)

Article 78-20 (1) If a specific insured and the dependent spouse thereof have gone through a divorce or similar circumstances (meaning the divorce or similar circumstances provided for in Article 78-2, paragraph (1)), and a request for a revision or decision under the provisions of Article 78-2, paragraph (1) has been filed that has, as the subject period, the whole or a part of a specific period for which the standardized remuneration has not been revised or decided pursuant to the provisions of Article 78-14, paragraph (2) and paragraph (3), the request under Article 78-14, paragraph (1) is deemed to have been filed at the time that the request for a revision or decision under the provisions of Article 78-2, paragraph (1) was filed; provided, however, that this does not apply if the specific insured is the beneficiary of an employees' disability pension as of the day of the relevant request.

(2) In a case as referred to in the preceding paragraph, the standardized remuneration for the insured period that falls under the specific period, that constitutes the aggregate amount of standardized remuneration for the subject period referred to in Article 78-3, paragraph (1) (or, for the standardized monthly amount of remuneration for a month for which the previous standardized monthly amount of remuneration specified in that paragraph is deemed to be the standardized monthly amount of remuneration pursuant to the provisions of Article 26, paragraph (1), the previous standardized monthly amount of remuneration) and the standardized remuneration for the insured

period that falls under the specific period referred to in Article 78-6, paragraph (1) and paragraph (2) (or, for the standardized monthly amount of remuneration of a month for which the previous standardized monthly amount of remuneration specified in that paragraph is deemed to be the standardized monthly amount of remuneration pursuant to the provisions of Article 26, paragraph (1), the previous standardized monthly amount of remuneration) is the standardized remuneration after the revision or decision under the provisions of Article 78-14, paragraph (2) and paragraph (3).

(3) If a request under Article 78-4, paragraph (1) has been filed that has, as the subject period, the whole or a part of the specific period for which the standardized remuneration has not been not revised or decided pursuant to the provisions of Article 78-14, paragraph (2) and paragraph (3), and the specific insured has no right to receive benefits from the employees' disability pension as of the day on which the request under that paragraph was filed, the information provided for in paragraph (2) of that Article is that which is calculated when the standardized remuneration for the insured period in the specific period that fell under the subject period is deemed to have been revised or decided pursuant to the provisions of Article 78-14, paragraph (2) and paragraph (3).

(4) The provisions of the preceding paragraph apply mutatis mutandis if a request under Article 78-5 has been filed.

(5) To apply the provisions of Article 78-3, paragraph (1) and Article 78-6, paragraph (1) to a case in which the standardized monthly amount of remuneration is revised pursuant to the provisions of Article 78-14, paragraph (2) for a month in which the previous standardized monthly amount of remuneration specified in Article 26, paragraph (1) has been deemed to be the standardized monthly amount of remuneration pursuant to the provisions of that paragraph, the phrase "the standardized monthly amounts of remuneration and the standardized amounts of bonuses for each month of the insured period falling under the subject period ( the previous standardized monthly amount of remuneration specified in Article 26, paragraph (1) is substituted for that standardized monthly amount of remuneration, for each month in which the previous standardized monthly amount of remuneration is deemed to be the standardized monthly amount of remuneration for the relevant month pursuant to the provisions of that paragraph" in Article 78-3, paragraph (1) is deemed to be replaced with " the standardized monthly amounts of remuneration and the standardized amounts of bonuses for each month of the insured period falling under the subject period" and the phrase "the standardized monthly amount of remuneration (for months in which, pursuant to the provisions of Article 26, paragraph (1), the previous standardized monthly amount of remuneration specified in that paragraph is

deemed to be the standardized monthly amount of remuneration, the previous standardized monthly amount of remuneration; the same applies in the following item)" in Article 78-6, paragraph (1), item (i) is deemed to be replaced with "the standardized monthly amount of remuneration".

(Delegation to Cabinet Order)

Article 78-21 Beyond as provided for in this Chapter, Cabinet Order provides for the necessary particulars in connection with the special provisions on the period during which a person is a dependent spouse.

### **Chapter III-4 Special Provisions for a Person Who Has Spent Time as an Insured in Two or More Categories**

(Special Provisions on Adjustment for Combined Benefits under Pension Insurance Benefits)

Article 78-22 In applying the provisions of Article 38 to a person who has spent time as an insured under two or more insured categories corresponding to a category I EPI insured period, category II EPI insured period, category III EPI insured period, or category IV EPI insured period (hereinafter each of these is referred to as a "category of EPI insured period") (hereinafter such a person is referred to as a "person who has spent time as an insured in two or more categories"); and who is eligible to receive pension insurance benefits based on the time that the person spent as an insured under a single insured category (referred to as the person's "time in one category" hereinafter) and is also eligible to receive pension insurance benefits due to the same grounds for payment based on the time that the person spent as an insured under another insured category that differs from the single insured category in question (hereinafter referred to as the person's "time in another category"); the phrase "other than an employees' pension for surviving family" in paragraph (1) of that Article is deemed to be the phrase "other than an employees' old-age pension paid based on the same grounds for payment as the employees' old-age pension in question or an employees' pension for surviving family" and the phrase " other than an employees' old-age pension" in that paragraph is deemed to be the phrase " other than an employees' old-age pension or an employees' pension for surviving family paid based on the same grounds for payment as the employees' pension for surviving family in question".

(Special Provisions on Suspending Payments of Pension Insurance Benefits Upon Request)

Article 78-23 A beneficiary of the pension insurance benefits of a person who has spent time as an insured in two or more categories must file a request under

the provisions of Article 38-2, paragraph (1) or withdrawing it as under the provisions of paragraph (3) of that Article regarding pension insurance benefits as prescribed in paragraph (1) of that Article that are based on the person's time in one category at the same time as filing such a request or withdrawing it regarding pension insurance benefits that are based on the person's time in another category and on the same grounds for payment as the grounds for payment of the pension insurance benefits that are based on the person's time in that one category.

(Special Provisions on Adjustment of Pension Payments)

Article 78-24 When the provisions of Article 39, paragraph (1) and paragraph (2) are applied to a person who has spent time as an insured in two or more categories, the phrase "beneficiary of a first pension" in paragraph (1) of that Article is deemed to be the phrases "beneficiary of a first pension (hereinafter referred to in this Article as the 'first pension') based on the person's time in one category as provided for in Article 78-22 (hereinafter referred to in this Article as the person's 'time in one category'), among the categories of EPI insured period provided for in Article 78-22 (hereinafter each of these is referred to in this Article as a 'category of EPI insured period')"; the phrase "right to receive benefits under a second pension" in that paragraph is deemed to be the phrase "right to receive benefits under a second pension based on the relevant time in one category (hereinafter referred to in this paragraph as 'a second pension')"; the phrase "the payment of a pension" in paragraph (2) of that Article is deemed to be the phrase "the payment of a pension based on the time in one category among the categories of EPI insured period"; the phrase "If... a pension has been paid" in that paragraph is deemed to be the phrase "If... the relevant pension has been paid"; the phrase "partial payment of the pension" in that paragraph is deemed to be the phrase "partial payment of the pension based on the relevant time in one category"; the phrase "by reducing its amount" in that paragraph is deemed to be the phrase "by reducing the amount of the pension based on the time in one category, among the categories of EPI insured period"; the phrase "if... a pension has been paid" in that paragraph is deemed to be the phrase "if... a pension based on the relevant time in one category has been paid".

(Special Provisions on Right to Demand Compensation for Loss or Damage)

Article 78-25 When the provisions of Article 40, paragraph (2) are applied to the insurance benefits of a person who has spent time as an insured in two or more categories, the phrase "the value of that compensation" in that paragraph is deemed to be the phrase "the value arrived at when the value of that compensation is allocated in proportion to the value of each insurance benefit".

(Special Provisions on the Beneficiaries of Employees' Old-Age Pensions and Amounts of Pension Benefits)

Article 78-26 (1) When the provisions of Article 42 are applied (including when these are cited in this Act and other laws and regulations, are applied mutatis mutandis to this Act and other laws and regulations, or govern this Act and other laws and regulations) to the employees' old-age pension of a person who has spent time as an insured in two or more categories, those provisions apply to each insured period that constitutes a category of EPI insured period.

(2) When the provisions of Article 43 (including when these are cited in this Act and other laws and regulations, are applied applicable mutatis mutandis to this Act and other laws and regulations, or govern this Act and other laws and regulations) are applied to the employees' old-age pension of a person who has spent time as an insured in two or more categories, the whole period during which the person was an insured as provided in paragraph (1) of that Article and the periods during which the person was an insured as provided for in paragraphs (2) and (3) of that Article are applied in each category of EPI insured period; the insured period as provided in paragraph (1) of that Article is applied in each insured period that constitutes a category of EPI insured period; and the person's status as an insured as provided in paragraph (3) of that Article is applied in each insured category.

(Special Provisions on Additional Amounts of Pension Associated with Employees' Old-Age Pensions)

Article 78-27 For a person who has spent time as an insured in two or more categories, the insured periods associated with the time that the person spent as an insured under two or more insured categories are added together, the person is deemed to have only the insured period associated with the time in one category, and the provisions of Article 44 (including when these are cited in this Act and other laws and regulations, are applied mutatis mutandis to this Act and other laws and regulations, or govern this Act and other laws and regulations) apply to the amount of employees' old-age pension associated with that person. In such a case, the amount of additional pension as provided for in paragraph (1) of that Article is, as specified by Cabinet Order, added to the amount of the employees' old-age pension calculated based on the insured period associated with the person's time in one category, among the categories of EPI insured period.

(Special Provisions on Deferring Payment of Employees' Old-Age Pensions)

Article 78-28 When the provisions of Article 44-3 are applied to the employees' old-age pension associated with a person who has spent time as an insured in

two or more categories, the request under the provisions of paragraph (1) of that Article concerning an employees' old-age pension based on the person's time in one category must be made at the same time as that request concerning an employees' old-age pension based on the person's time in another category. In such a case, the phrase "other pension benefits" in the proviso of that paragraph is deemed to be replaced with "other pension insurance benefits (excluding an employees' old-age pension paid based on the same grounds for payment as the relevant employees' old-age pension)"; the phrase "Article 46, paragraph (1)" in paragraph (4) of that Article is deemed to be replaced with "Article 46, paragraph (1) as applied following a deemed replacement of terms pursuant to the provisions of Article 78-29"; and Cabinet Order provides for the necessary technical replacement of terms and other necessary particulars in connection with the application of the provisions of that Article.

(Special Provisions on Suspending Payment of Employees' Old-Age Pensions)  
Article 78-29 When the provisions of Article 46 are applied to a person who has spent time as an insured in two or more categories, the phrase "beneficiary of the employees' old-age pension" in paragraph (1) of that Article is deemed to be the phrase "beneficiary of the employees' old-age pension calculated based on the insured period associated with the person's time in one category as provided for in Article 78-22 (referred to in paragraph (6) as 'the person's time in one category') among each of the categories of EPI insured period as provided for in that Article (hereinafter each of these is referred to in this paragraph as a 'category of EPI insured period')"; the phrase "the amount of employees' old-age pension" is deemed to be the phrase "the amount arrived at when the amount of employees' old-age pension calculated based on the insured periods that constitute the categories of EPI insured periods is added up"; the phrase "excluding... additional amounts provided for in Article 44-3, paragraph (4); the same applies hereinafter in this paragraph" is deemed to be the phrase "excluding... the amount arrived at when the additional amounts provided for in Article 44-3, paragraph (4) calculated based on the insured periods that constitute the categories of EPI insured periods are added up"; the phrase "the employees' old-age pension" is deemed to be the phrase "the employees' old-age pension calculated based on the insured period associated with the person's time in one category"; the phrase "the amount equivalent to total monthly remuneration is added to the base monthly amount, the amount of the adjustment for the suspension of payment is subtracted from the sum, and the amount equivalent to one-half of the difference is multiplied by 12 (hereinafter referred to in this paragraph as the "standard amount for a payment suspension");" in that paragraph is deemed to be the phrase " the amount equivalent to total monthly remuneration is added to the base monthly

amount; the amount of the adjustment for the suspension of payment is subtracted from the sum; the difference is multiplied by the number that is arrived at when, first, the amount of an employees' old-age pension calculated based on the insured period associated with the person's time in one category (excluding the amount of additional pension provided for in Article 44, paragraph (1) and additional amounts provided for in Article 44-3, paragraph (4); the same applies hereinafter in this paragraph) is divided by 12, and then the quotient is divided by the base monthly amount; and the amount equivalent to one-half of the production thus calculated is multiplied by 12 (hereinafter referred to in this paragraph as the "standard amount for a payment suspension"); the phrase "equal to or greater than the amount of the employees' old-age pension" is deemed to be the phrase "equal to or greater than the amount of the employees' old-age pension calculated based on the insured period associated with the person's time in one category"; the phrase "employees' old-age pension" in that paragraph is deemed to be the phrase "the employees' old-age pension calculated based on the insured period associated with the person's time in one category"; and, in paragraph (6) of that Article, the phrase "limited to one calculated based on an insured period of 240 months or more" is deemed to be the phrase "limited to one calculated based on an insured period of 240 months or more (the number of months counted into that insured period is the number of months that constitute the relevant person's insured period associated with the time in one category if the insured periods associated with the time that the relevant person has spent as an insured under two or more insured categories are added together and that person is deemed to have had only the insured period associated with the time in one category"; and Cabinet Order provides for the necessary technical replacement of terms and other necessary particulars in connection with the application of the provisions of that Article.

(Special Provisions on the Amount of Employees' Disability Pension)

Article 78-30 For a person who is a beneficiary of an employees' disability pension and who has spent time as an insured in two or more categories as of the day of disability assessment associated with the relevant disability, the time that person spent as an insured under two or more insured categories is added up, the person is deemed to have only the insured period that is associated with the person's time in one category, and the provisions concerning the calculation of the amount of an employees' disability pension, the suspension of payment thereof, and any other provisions specified by Cabinet Order apply to the amount of employees' disability pension associated with that person.

(Special Provisions on the Amount of Disability Allowance)

Article 78-31 The provisions of the preceding Article apply mutatis mutandis to the amount of disability allowance of a person who is a beneficiary of an employees' disability pension and who has spent time as an insured in two or more categories as of the day of disability assessment for the disability in question. Cabinet Order provides for the necessary technical replacement of terms and other necessary particulars in such a case.

(Special Provisions on the Amount of Employees' Pension for Surviving Family)

Article 78-32 (1) For the surviving family of a person who has spent time as an insured in two or more categories, the time that the deceased spent as an insured under two or more insured categories is added up, the deceased is deemed to have only the insured period that is associated with the time in one category, and the provisions concerning the calculation of the amount of an employees' pension for surviving family and the suspension of payment thereof and any other provisions specified by Cabinet Order apply to the amount of the employees' pension for surviving family associated with the deceased's surviving family (limited to one that is paid due to the relevant person falling under any of items (i) through (iii) of Article 58, paragraph (1)). Cabinet Order provides for the necessary replacement of terms and other necessary particulars in such a case.

(2) The employees' pension for surviving family associated with the surviving family of a person who has spent time as an insured in two or more categories (that pension is limited to one that is paid due to the relevant person falling under item (iv) of Article 58 paragraph (1)) is paid for each insured period that constitutes a category of EPI insured period, and for each amount thereof; the time that the deceased spent as an insured under two or more insured categories is added up; the deceased is deemed to have only the insured period that is associated with the time in one category; and each of their amounts is the amount arrived at when the amount calculated in accordance with the provisions concerning the calculation of the amount of employees' pension for surviving family is allocated in proportion to the value calculated pursuant to the provisions of Article 60, paragraph (1), item (i) based on the insured periods associated with each of the periods of time in one category. Cabinet Order provides for the necessary replacement of terms and other necessary particulars in such a case.

(3) In a case as referred to in the preceding paragraph, the additional amount under the provisions of Article 62, paragraph (1) is to be added, as specified by Cabinet Order, to the amount of the employees' pension for surviving family calculated based on the insured period associated with the person's time in one category among the categories of EPI insured periods.

(4) Beyond as specified in the preceding three paragraphs, Cabinet Order provides for the necessary particulars in connection with calculating the amounts of employees' pensions for surviving family and suspending payment.

(Special Provisions on Administrative Functions Connected with Employees' Disability Pensions and Employees' Pensions for Surviving Family)

Article 78-33 (1) Pursuant to Cabinet Order, the person specified in the items of Article 2-5, paragraph (1) for the insured category of the insured on the day of initial examination for the disability in question carries out the administrative functions connected with the payment of an employees' disability pension under the provisions of Article 78-30 and an employees' disability allowance under the provisions of Article 78-31.

(2) The provisions of the preceding paragraph apply mutatis mutandis to the administrative functions connected with the payment of the employees' pension for surviving family pursuant to the provisions of paragraph (1) of the preceding Article.

(Special Provisions on Applications to Suspend Payment of Employees' Pensions for Surviving Family)

Article 78-34 If a surviving family member of a person who has spent time as an insured in two or more categories is eligible to receive an employees' pension for surviving family based on the time that the relevant person spent as an insured under two or more insured categories, the surviving family member must file an application under the provisions of Article 67, or Article 68, paragraph (1) or (2) for the employees' pension for surviving family based on the person's time in one category at the same time as filing any application for the employees' pension for surviving family based on the person's time in another category that is based on the same grounds for payment as the grounds for payment of the employees' pension for surviving family based on the person's time in that one category.

(Special Provisions for Divorce and Similar Circumstances)

Article 78-35 (1) When the provisions of Article 78-2, paragraph (1) are applied to a person who has spent time as an insured in two or more categories, a request under the provisions of that paragraph concerning the standardized remuneration for the person's time in one category of the categories of EPI insured period must be made at the same time as the relevant request concerning the standardized remuneration for time in another category.

(2) In a case as referred to in the preceding paragraph, the time that the person spent as an insured under two or more insured categories is added up, the person is deemed to be a person who has only the insured period associated

with the time in one category, and the provisions of Article 78-2 and Article 78-3 apply; the provisions of Article 78-6, and Article 17-10 of the Supplementary Provisions apply to each insured period that constitutes a category of EPI insured period. Cabinet Order provides for the necessary technical replacement of terms and other necessary particulars in such a case.

(Special Provisions on the Period during Which a Person is a Dependent Spouse)

Article 78-36 (1) When the provisions of Article 78-14, paragraph (1) are applied to a person who has spent time as an insured in two or more categories, a request under the provisions of that paragraph concerning the standardized remuneration for the time in one category, among the categories of EPI insured period, must be made at the same time as the relevant request concerning the standardized remuneration for time in another category.

(2) In a case as referred to in the preceding paragraph, the time that the person spent as an insured under two or more insured categories is added up, the person is deemed to be either a person who has spent time in one category only or a person who has only the insured period associated with that time in one category, and the provisions of Article 78-14, paragraph (1) and Article 78-20, paragraph (1) apply; the provisions of Article 78-14, paragraph (2) and paragraph (3), and Article 78-20, paragraph (2) and paragraph (5), and the provisions of Article 17-11 through Article 17-13 of the Supplementary Provisions apply to each insured period constituting a category of EPI insured period. Cabinet Order provides for the necessary technical replacement of terms and other necessary particulars in such a case.

(Delegation to Cabinet Order)

Article 78-37 Beyond as provided for in this Chapter, Cabinet Order provides for the necessary particulars in connection with calculating the amount of insurance benefits associated with a person who has spent time as an insured in two or more categories, suspending payment of those benefits, and otherwise applying this Act.

#### **Chapter IV Measures for Ensuring the Smooth Operation of Employees' Pension Insurance Services**

Article 79 (1) For the purpose of ensuring the smooth operation of employees' pension insurance services, the government and the implementing organizations may engage in the following services in relation to employees' pension insurance:

(i) implementing education and public relations;

- (ii) providing insureds, beneficiaries, and other concerned persons (hereinafter referred to as "insureds, beneficiaries, and other such persons" in this Article and Article 100-3-2, paragraph (1)) with consultation or other assistance;
  - (iii) providing insureds, beneficiaries, and other such persons with information related to procedures that insureds, beneficiaries, and other such persons carry out or other information that contributes to enhanced convenience for insureds, beneficiaries, and other such persons.
- (2) The government and the implementing organizations are to smoothly handle the administrative functions that are necessary to implement employees' pension insurance services (including administrative functions involved in bearing monetary contributions to basic pensions and the payment thereof under the provisions of Article 94-2, paragraph (1) and paragraph (2) of the National Pension Act (hereinafter referred to as "basic pension contributions")) and operate an electronic data processing system in order to contribute to enhanced convenience for insureds, beneficiaries, and other such persons.
- (3) The government may entrust the services set forth in each of the items of paragraph (1) and the operations provided for in the preceding paragraph, in whole or in part, to the Japan Pension Service (hereinafter referred to as "JPS").
- (4) The government is to have the Welfare and Medical Service Agency, IAA, finance the small fund provided for in Article 12, paragraph (1), item (xii) of the Act on the Welfare and Medical Service Agency, Incorporated Administrative Agency (Act No. 166 of 2002).

#### **Chapter IV-2 Investment of Reserves**

(Purpose of Investment)

Article 79-2 Any investment of the reserves (meaning the reserves of the employees' pension account under the pension special account (hereinafter referred to as "special account reserves" in this Chapter) and the part of the reserves of an implementing organization (excluding the Minister of Health, Labour and Welfare: the same applies in paragraph (3) of the following Article) that is specified by Cabinet Order as the part that is equivalent to the part with the employees' pension insurance services (including the payment of the basic pension contributions) (hereinafter referred to as "implementing organization reserves")); the same applies hereinafter in this Chapter), is to be undertaken with particular mindfulness of the fact that the reserves are a part of the insurance premiums collected from insureds covered under employees' pension insurance and that they are a valuable source of future pension benefits payments; all investment of those reserves is to be undertaken with the purpose of contributing to the sound management of employees' pension

insurance services for years to come, and is to be undertaken safely, efficiently, from a long term perspective, and for the sole benefit of insureds covered under employees' pension insurance.

(Investment of Reserves)

Article 79-3 (1) Any investment of special account reserves is to be carried out by the Minister of Health, Labour and Welfare by making a bailment of special account reserves to the Government Pension Investment Fund, IAA, with the objective of making payments based on investment that is in line with the purpose of the preceding Article.

(2) Notwithstanding of the preceding paragraph, the Minister of Health, Labour and Welfare may deposit the special account reserves with the fiscal loan fund until making a bailment of the special account reserves under the provisions of that paragraph.

(3) Any investment of implementing organization reserves is carried out by the implementing organization in line with the purposes referred to in the preceding Article; provided, however, that the investment of a part of the implementing organization reserves may be, as specified by Cabinet Order, carried out in line with the purposes of the National Public Officers Mutual Aid Association Act (Act No.128 of 1958), the Local Public Officers, etc. Mutual Aid Association Act (Act No. 152 of 1962), or the Private School Personnel Mutual Aid Association Act (hereinafter referred to as the "Acts on mutual aid"), and to apply the provisions of that Article, the phrase "for the sole benefit of insureds covered under employees' pension insurance" in that Article is deemed to be the phrase "for the benefit of insureds covered under employees' pension insurance".

(Basic Policy of Reserves)

Article 79-4 (1) The competent ministers are to establish the basic policy that is meant to ensure that the reserves are managed and invested safely and efficiently from a long-term perspective (hereinafter referred to as the "basic policy for reserves").

(2) The competent ministers are to prescribe the following particulars in the basic policy for reserves:

(i) basic policy concerning management and investment of reserves;

(ii) basic particulars of the target of the asset structure of reserves;

(iii) basic rules to be observed by the management and investment entities (meaning the Government Pension Investment Fund, IAA; the Federation of National Public Service Personnel Mutual Aid Associations; the Pension Fund Association for Local Government Officials; and the Promotion and Mutual Aid Corporation for Private Schools of Japan; the same applies

hereinafter) concerning management and investment of reserves; and  
(iv) other important particulars concerning the management and investment of reserves.

- (3) When the current budget status and projections report has been prepared or upon otherwise finding that it is necessary to do so, the competent ministers are to review the basic policy for reserves and revise it as needed.
- (4) Before seeking to establish or revise the basic policy for reserves, the Minister of Health, Labour and Welfare is to first prepare a draft of the basic policy for reserves or a draft of its revision and consult with the Minister of Finance, the Minister of Internal Affairs and Communications, and the Minister of Education, Culture, Sports, Science and Technology.
- (5) The Minister of Finance, the Minister of Internal Affairs and Communications, and the Minister of Education, Culture, Sports, Science and Technology, on finding it to be necessary to do so, may request the Minister of Health, Labour and Welfare to prepare a draft of a revision to the basic policy for reserves.
- (6) Having established or revised the basic policy for reserves, the competent ministers are to promptly make this public.

(Target of the Asset Structure of Reserves)

Article 79-5 (1) The management and investment entities must jointly establish the target asset structure for reserves to be considered when they prescribe the asset structure referred to in paragraph (2), item (iii) of that Article in the management/investment guidelines provided for in the provisions of paragraph (1) of the following Article, so that the target asset structure conforms to the basic policy for reserves.

- (2) When a current budget status and projections report has been prepared or if the management and investment entities find it to be necessary to do so, they must jointly review the target asset structure for the reserves provided for in the preceding paragraph and revise this as needed.
- (3) The management and investment entities, having prescribed or revised the target asset structure for reserves provided for in paragraph (1), must jointly make this public without delay and send this to the competent ministers.
- (4) If a competent minister finds that the target asset structure for reserves provided for in paragraph (1) does not conform to the basic policy for reserves, the minister may order the management and investment entities to revise the target.
- (5) Before seeking to issue an order under the provisions of the preceding paragraph, the Minister of Health, Labour and Welfare must first prepare a draft of the content to be revised to conform to the basic policy for reserves, and consult with the Minister of Finance, the Minister of Internal Affairs and Communications, and the Minister of Education, Culture, Sports, Science and

Technology.

(Management/Investment Guidelines)

Article 79-6 (1) A management and investment entity must establish guidelines on management and investment (hereinafter referred to in this Chapter as "management/investment guidelines") for the purpose of carrying out appropriate management and investment (for the Pension Fund Association for Local Government Officials, this includes managing the circumstances of investment of the reserves under its management; the same applies hereinafter in this Chapter) of the reserves under its management (for the Pension Fund Association for Local Government Officials, this includes the implementing organization reserves of the implementing organization whose investment circumstances the Pension Fund Association for Local Government Officials manages; hereinafter in this Chapter referred to as "managed reserves") so as to conform to the basic policy for reserves and in line with the target asset structure for reserves provided for in the provisions of paragraph (1) of the preceding Article.

- (2) The following particulars are to be prescribed in the management/investment guidelines:
  - (i) the basic guidelines for the management and investment of managed reserves;
  - (ii) rules to be observed concerning the management and investment of managed reserves;
  - (iii) the particulars of the asset structure from a long-term perspective in the management and investment of managed reserves; and
  - (iv) other necessary particulars related to the appropriate management and investment of the managed reserves.
- (3) If the basic policy for reserves has been revised or on otherwise finding that it is necessary to do so, a management and investment entity must review the management/investment guidelines and revise these as needed.
- (4) Before seeking to establish or revise management/investment guidelines, a management and investment entity must first obtain approval of the minister with administrative jurisdiction over it (hereinafter referred to in this Chapter and Article 100-3-3, paragraph (2), item (i) and paragraph (3) as "the minister with jurisdiction").
- (5) Having established or revised management/investment guidelines, a management and investment entity must make this public without delay.
- (6) A management and investment entity must manage and invest managed reserves in accordance with the basic policy for reserves and management/investment guidelines.
- (7) The minister with jurisdiction, on finding that the management/investment

guidelines of a management and investment entity under the jurisdiction thereof no longer conform to the basic policy for reserves, may order the management and investment entity to revise its management/investment guidelines.

(Ordering Management and Investment Entities to Take Measures)

Article 79-7 If the minister with jurisdiction finds a management and investment entity under the jurisdiction thereof to be in violation of the provisions of this Act or the provisions of any order based on this Act, or finds that the circumstances of the management or investment of managed reserves by such a management and investment entity do not conform to the basic policy for reserves or to the management and investment entity's management/investment guidelines, the minister may order the management and investment entity to take the necessary measures for improving its business operations or the necessary measures to cause the circumstances of the management and investment of managed reserves to conform to the basic policy for reserves or the management/investment guidelines.

(Disclosure and Evaluation of the Circumstances of the Management and Investment of Managed Reserves)

Article 79-8 (1) After completion of the settlement of accounts for each business year, a management and investment entity must prepare, without delay, an outline of its business operations stating the asset amount, asset structure proportion, amount of investment income from managed reserves in the relevant business year, and any other particulars specified by order of the competent ministry, and must disclose this to the public and send it to the minister with jurisdiction.

(2) Having received the outline of the business operations of a management and investment entity under the jurisdiction thereof, the minister with jurisdiction is to evaluate the circumstances of management and investment (including the conditions of investment under the provisions referred to in the proviso of Article 79-3, paragraph (3)) of managed reserves and other particulars of management and investment of managed reserves specified by order of the competent ministry with regard to that management and investment entity, and is to disclose the results of this to the public, promptly.

(3) Having received an outline of business operations under the provisions of paragraph (1), the minister with jurisdiction is to send that outline of business operations to the competent ministers accompanied by the result of the evaluation under the provisions of the preceding paragraph.

(4) When the provisions of paragraph (1) are applied to the Government Pension Investment Fund, IAA, the phrase "After completion of the settlement of

accounts" in that paragraph is deemed to be the phrase "After the submission of the Financial Statements prescribed in Article 38, paragraph (1) of the Act on General Rules for Incorporated Administrative Agencies (Act No. 103 of 1999) under the provisions of that paragraph".

(Disclosure and Evaluation of the Circumstances of Management and Investment of Reserves)

- Article 79-9 (1) The competent ministers are to prepare and disclose to the public, each fiscal year, a written report stating the asset amount, asset structure proportion, amount of investment income of the reserves, evaluation of the circumstances of the investment of reserves, and other particulars of the management and investment of reserves.
- (2) Before seeking to prepare the written report referred to in the preceding paragraph, the Minister of Health, Labour and Welfare is to first prepare a draft of this and consult with the Minister of Finance, the Minister of Internal Affairs and Communications and the Minister of Education, Culture, Sports, Science and Technology.
- (3) A competent minister, on finding based on the results of the evaluation concerning the written report referred to in paragraph (1) that the circumstances of a management and investment entity's management and investment of managed reserves do not conform to the basic policy for reserves, may request the minister with jurisdiction over that management and investment entity to take the necessary measures to cause the circumstances of the management and investment entity's management and investment of managed reserves to conform to the basic policy for reserves.
- (4) Before seeking to make a request for measures under the provisions of the preceding paragraph, the Minister of Health, Labour and Welfare is to first prepare a draft of the necessary measures to cause the circumstances to conform to the basic policy for reserves, and is to consult with the Minister of Finance, the Minister of Internal Affairs and Communications, and the Minister of Education, Culture, Sports, Science and Technology.

(Responsibilities of investment officials)

Article 79-10 Officials of the Ministry of Health, Labour and Welfare, the Ministry of Finance; the Ministry of Internal Affairs and Communications; and the Minister of Education, Culture, Sports, Science and Technology who are engaged in administrative functions associated with the investment of reserves (limited to those specified by Cabinet Order; hereinafter referred to as an "investment official") must pay the most prudent and meticulous attention and put forth their utmost efforts in the execution of their duties, in accordance with the purpose of the investment of the reserves.

(Duty of Confidentiality)

Article 79-11 It is prohibited for an investment official to divulge or misappropriate any secret learned in the course of duty.

(Disciplinary Action)

Article 79-12 Upon finding that an investment official has violated the provisions of the preceding Article, the person with the power to appoint that investment official must take disciplinary action against that official based on the provisions of the National Civil Service Act (Act No. 120 of 1947).

(Relationship to the Act on the Government Pension Investment Fund, IAA and Other Acts)

Article 79-13 Beyond what is provided for in this Act, the Act on the Government Pension Investment Fund, Independent Administrative Agency (Act No. 105 of 2004), the National Public Officers Mutual Aid Association Act, the Pension Fund Association for Local Government Officials, and the Act on the Promotion and Mutual Aid Corporation for Private Schools of Japan (Act No. 48 of 1997) govern the investment of reserves.

(Delegation to Cabinet Order)

Article 79-14 Beyond as provided in this Chapter, Cabinet Order provides for the necessary particulars in connection with the investment of reserves.

## **Chapter V Bearing of Expenses**

(Bearing of Expenses by the National Treasury; Related Matters)

Article 80 (1) In each fiscal year, the national treasury bears an amount equal to one-half of the amount of basic pension contributions that is to be borne by the government as an executor of employees' pension insurance.

(2) In addition to the expenses prescribed in the preceding paragraph, in each fiscal year, the national treasury bears the required expenses for the performance (excluding performance by the implementing organizations (other than the Minister of Health, Labour and Welfare)) of administrative functions related to employees' pension insurance services (including administrative functions connected with the bearing of basic pension contributions; the same applies in the following paragraph) within the limit of budget.

(3) Beyond as provided in this Act, the burden of basic pension contributions to be paid by the implementing organizations (other than the Minister of Health, Labour and Welfare; hereinafter the same applies in this paragraph) and the expenses needed for the performance of administrative functions by the

implementing organizations are governed by the Acts on mutual aid.

(Insurance Premiums)

- Article 81 (1) The government and the implementing organizations collect insurance premiums for allocation to the expenses needed for employees' pension insurance services (including basic pension contributions).
- (2) The government and the implementing organizations are to collect insurance premiums for each month that forms a basis for calculating an insured period.
- (3) The amount of insurance premiums is the amount arrived at when the insurance premium rate is multiplied by the standardized monthly amount of remuneration and by the standardized amount of bonuses.
- (4) For insurance premiums in the months set forth in the left-hand column of the following table, the insurance premium rate is the corresponding rate shown in the right-hand column of that table:

For months from October 2004 to August 2005	139.34/1000
For months from September 2005 to August 2006	142.88/1000
For months from September 2006 to August 2007	146.42/1000
For months from September 2007 to August 2008	149.96/1000
For months from September 2008 to August 2009	153.50/1000
For months from September 2009 to August 2010	157.04/1000
For months from September 2010 to August 2011	160.58/1000
For months from September 2011 to August 2012	164.12/1000
For months from September 2012 to August 2013	167.66/1000
For months from September 2013 to August 2014	171.20/1000
For months from September 2014 to August 2015	174.74/1000
For months from September 2015 to August 2016	178.28/1000
For months from September 2016 to August 2017	181.82/1000
For the month of September 2017 and months thereafter	183.00/1000

(Special Provisions on the Collection of Insurance Premiums during Childcare Leave)

Article 81-2 (1) Notwithstanding the provisions of paragraph (2) of the preceding Article, if the employer of a place of business at which an insured on childcare/parental leave (excluding an insured to whom the provisions of the following Article are applicable) is employed has filed a request with the implementing organization as specified by order of the competent ministry, the insured's insurance premiums are not collected during the period from the month that includes the day on which the insured's childcare/parental leave begins until the month before the month that includes the day after the insured's childcare/parental leave end date.

(2) When the provisions of the preceding paragraph are applied to a category II EPI insured or a category III EPI insured, the phrase "the employer of a place of business at which an insured on childcare/parental leave (excluding an insured to whom the provisions of the following Article are applicable) is employed" in that paragraph is deemed to be the phrase "an insured on childcare/parental leave (excluding an insured to whom the provisions of the following Article are applicable)".

(Special Provisions on Collection of Insurance Premiums during Maternity Leave)

Article 81-2-2 (1) Notwithstanding the provisions of Article 81, paragraph (2), if the employer of the place of business at which an insured on maternity leave is employed has filed a request with the implementing organization as specified in the order of the competent ministry, the insured's insurance premiums are not collected during the period from the month that includes the day on which the maternity leave begins until the month before the month that includes the day after the maternity leave end date.

(2) When the provisions of the preceding paragraph are applied to a category II EPI insured or a category III EPI insured, the phrase "the employer of a place of business at which an insured on maternity leave is employed" in that paragraph is deemed to be the phrase "an insured on maternity leave".

Article 81-3 Deleted (Act No. 63 of June 2013)

(Burden of Insurance Premiums and Obligation to Pay)

Article 82 (1) The insured and the employer employing the insured each bear half the cost of the insurance premiums.

(2) An employer has the obligation to pay the insurance premiums borne by the insureds it employs and those that it bears itself.

(3) If an insured is employed by two or more places of business or ships at the same time, the amount of insurance premiums that is to be borne by each employer and the obligation to pay insurance premiums is as prescribed by

Cabinet Order.

- (4) When the provisions of paragraph (1) are applied to a category II EPI insured, the phrase "the employer employing the insured each bear half the cost of the insurance premiums" in that paragraph is deemed to be the phrase "the employer (including an employee organization as provided for in Article 99 paragraph (6) of the National Public Officers Mutual Aid Association Act and other persons specified by Cabinet Order) employing the insured each bear half the cost of the insurance premiums, as specified by Cabinet Order".
- (5) When the provisions of paragraph (1) are applied to a category III EPI insured, the phrase "the employer employing the insured each bear half the cost of the insurance premiums" in that paragraph is deemed to be the phrase "the employer (including a prefecture who bears the salary pursuant to the provisions of Article 1 or Article 2 of the Act on Sharing of Salaries for Personnel of Municipal Schools (Act No. 135 of 1948)) employing the insured each bear half the cost of the insurance premiums, as specified by Cabinet Order".

(Payment of Insurance Premiums)

Article 83 (1) The insurance premiums for each month must be paid by the last day of the following month.

- (2) If the Minister of Health, Labour and Welfare has learned that the amount of insurance premiums for which a payment notice has been issued exceeds the amount of insurance premiums that the person obligated to pay is to pay, or has learned that an amount of insurance premiums that was paid exceeds the amount of insurance premiums that the person obligated to pay was to pay, the payment notice for the portion in excess may be deemed to have been issued with a payment due date that was moved forward, or the payment of the portion in excess may be deemed to have been made for a payment due date that was moved forward, for any insurance premiums that are to be paid by a due date within the six months after the day following the date of the payment notice or the date of the payment.
- (3) If it is deemed pursuant to the provisions of the preceding paragraph that a payment notice has been issued or a payment has been made for a payment due date that was moved forward, the Minister of Health, Labour and Welfare must notify the person obligated to pay to that effect.

(Payment by Bank Account Transfer)

Article 83-2 If a person obligated to pay files a request indicating that the person wishes to entrust insurance premium payments made by withdrawing cash from the person's deposits or savings to the financial institution with which the person has a deposit or savings account, the Minister of Health,

Labour and Welfare may approve the request only if it is found that payments will be reliable and that the approval of the request will be beneficial to the collection of insurance premiums.

(Withholding of Insurance Premiums)

Article 84 (1) If remuneration is paid to an insured in currency, the employer may deduct the insurance premiums that the insured is to bear in connection with the previous month's standardized monthly amount of remuneration (or, if the insured ceased to be employed by that place of business or ship, the insurance premiums that the insured is to bear in connection with the previous and current months' standardized monthly amounts of remuneration) from the insured's remuneration.

(2) If a bonus is paid to an insured in currency, the employer may deduct from the relevant bonus the amount equal to the insurance premiums that the insured is to bear in connection with the standardized amount of the bonus.

(3) If an employer deducts insurance premiums pursuant to the preceding two paragraphs, it must prepare a calculation sheet concerning the deduction of the insurance premiums and notify the relevant insured of the amount deducted.

(Special Provisions on Collection of Insurance Premiums)

Article 84-2 Notwithstanding the provisions of Article 81-2, paragraph (1), Article 81-2-2, paragraph (1), Article 82, paragraph (2) and paragraph (3), and the provisions of the preceding three Articles, the collection, payment, and deduction of insurance premiums associated with a category II EPI insured, a category III EPI insured, or a category IV EPI insured is as prescribed by the Acts on mutual aid.

(Subsidy)

Article 84-3 Pursuant to Cabinet Order, every fiscal year, the government delivers as a subsidy to the relevant implementing organization (other than the Minister of Health, Labour and Welfare; the same applies hereinafter in this Article, in Article 84-5, Article 84-6, Article 84-8, and Article 84-9) an amount calculated as constituting the things that Cabinet Order specifies as the needed expenses for the insurance benefits under the provisions of this Act for each implementing organization and the expenses for the things that Cabinet Order prescribes as benefits that are equivalent to these for each implementing organization (hereinafter referred to as "expenses for EPI benefits and their equivalent").

Article 84-4 Pursuant to Cabinet Order, every fiscal year, the Pension Fund Association for Local Government Officials delivers as a subsidy to the relevant

mutual aid association of prefectural government employees an amount calculated as constituting the expenses for EPI benefits and their equivalent for each mutual aid association of local government officials (or, for the National Federation of Mutual Aid Associations for Municipal Personnel, in the case of mutual aid associations for designated city personnel, mutual aid associations for municipal personnel, and mutual aid associations for city personnel; the same applies hereinafter in this Article and Article 84-7).

(Contributions; What Is Borne by the Government)

Article 84-5 (1) An implementing organization pays contributions every fiscal year.

(2) The amount arrived at when the total amount of contributions paid by implementing organizations pursuant to the provisions of the preceding paragraph and the total amount constituting the part of basic pension contributions that represents insurance premiums (meaning the amount calculated when an amount equivalent to one-half the amount of basic pension contributions provided for in Article 80, paragraph (1), Article 99, paragraph (4), item (ii) of the National Public Officers Mutual Aid Association Act, Article 113, paragraph (4), item (ii) of the Local Public Officers, etc. Mutual Aid Association Act, or Article 135, paragraph (1) of the Private School Personnel Mutual Aid Association Act is deducted from the basic pension contributions; the same applies in paragraph (1) and paragraph (2) of the following Article and Article 23, paragraph (2), item (i) of Supplementary Provisions) borne or paid by the government and the implementing organizations are deducted from the amount used to calculate contributions prescribed in paragraph (1) of the following Article is borne by the national government which is an executor of employees' pension insurance.

(3) When the current budget status and projections report is compiled, the Minister of Health, Labour and Welfare is to calculate the estimated amount in the future with regard to the contributions to be paid by implementing organizations pursuant to the provisions of paragraph (1) and the burden of the national government under the provisions of the preceding paragraph.

(Amount of Contributions)

Article 84-6 (1) The amount of contributions paid by an implementing organization pursuant to the provisions of paragraph (1) of the preceding Article is the amount calculated when the amount constituting the part of basic pension contributions that represents insurance premiums that the implementing organization pays is deducted from the sum total of the amounts arrived at when the amount used to calculate contributions for the relevant fiscal year is multiplied by each of the rates set forth in the following items:

- (i) standardized remuneration allocation rate;
  - (ii) reserves allocation rate.
- (2) The amount used to calculate contributions referred to in the preceding paragraph is the amount calculated when the total amount constituting the part of basic pension contributions that represents insurance premiums borne or paid by the government and the implementing organizations in the relevant fiscal year is added to the total amount of expenses for EPI benefits and their equivalent in the relevant fiscal year.
- (3) The standardized remuneration allocation rate referred to in paragraph (1), item (i) is the rate arrived at when the rate set forth in item (i) is multiplied by the rate set forth in item (ii).
- (i) the rate calculated for each implementing organization as prescribed by Order of the Ministry of Health, Labour and Welfare based on the rate arrived at when the amount calculated as specified by Cabinet Order as the total amount of standardized remuneration of insureds who are members of the relevant implementing organization or of insureds who are members of the relevant mutual aid system for private school personnel (in the case of Federation of National Public Service Personnel Mutual Aid Associations and Pension Fund Association for Local Government Officials, a member of a mutual aid association organizing the relevant federation) in the relevant fiscal year (referred to in Article 84-8, paragraph (1) as "total amount of standardized remuneration at the implementing organization") is divided by the amount calculated as specified by Cabinet Order as the total amount of standardized remuneration of insureds covered by employees' pension insurance in the relevant fiscal year;
  - (ii) the rate calculated as specified by Order of the Ministry of Health, Labour and Welfare as the average of the percentages, in each fiscal year during the period subject to budget balancing in the most recent current budget status and projections report before the relevant fiscal year, that the estimated sum totals of insurance premiums, monies to be collected provided for in this Act, and other amounts specified by Cabinet Order account for of the estimated sum totals of amounts used to calculate contributions (referred to in item (ii) of the following paragraph as the "percent of revenue from insurance premiums").
- (4) The reserves allocation rate referred to in paragraph (1), item (ii) is the rate arrived at when the rate set forth in item (i) is multiplied by the rate set forth in item (ii).
- (i) the rate calculated for each implementing organization as prescribed by Order of the Ministry of Health, Labour and Welfare based on the rate arrived at when the sum total of the amount of implementing organization reserves in the fiscal year preceding the relevant fiscal year and the amount

of the things specified by Cabinet Order as equivalent to this (hereinafter referred to in this item as the "amount of implementing organization reserves") is divided by the sum total calculated when the total of the amount of reserve funds in the employees' pension section of the pension special account and the amount of the things specified by Cabinet Order as equivalent to this (hereinafter referred as the "amount of employees' pension account reserves") and the amount of implementing organization reserves are added together.

(ii) the rate arrived at when the percent of revenue from insurance premiums is deducted from the number 1.

(5) Before establishing the Order of the Ministry of Health, Labour and Welfare prescribed in the item of paragraph (3) and item (i) of the preceding paragraph, the Minister of Health, Labour and Welfare must consult with the minister with administrative jurisdiction over the implementing organization.

Article 84-7 Pursuant to Cabinet Order, every fiscal year, a mutual aid association of local government officials bears the part of the amount of the contributions to be paid by the Pension Fund Association for Local Government Officials that constitutes the amount calculated as specified by Cabinet Order as equivalent to the amount calculated pursuant to the provisions of the preceding Article.

(Reports; Related Matters)

Article 84-8 (1) The Minister of Health, Labour and Welfare may request, through the minister with administrative jurisdiction over an implementing organization, that the implementing organization report the total amount of standardized remuneration at the implementing organization and other particulars specified by Order of the Ministry of Health, Labour and Welfare.

(2) An implementing organization, as specified by Order of the Ministry of Health, Labour and Welfare, is to report as referred to in the preceding paragraph through the minister with administrative jurisdiction over that implementing organization.

(3) As prescribed by Order of the Ministry of Health, Labour and Welfare, an implementing organization is to report to the Minister of Health, Labour and Welfare through the minister with administrative jurisdiction over that implementing organization with regard to the particulars that Order of the Ministry of Health, Labour and Welfare prescribes as being necessary for the purpose of calculation of the estimated amount set forth in Article 84-5, paragraph (3).

(4) The Minister of Health, Labour and Welfare, as prescribed by Order of the Ministry of Health, Labour and Welfare, is to report to the minister with

administrative jurisdiction over the implementing organization with regard to the estimated amount set forth in Article 84-5, paragraph (3) and the particulars prescribed by Order of the Ministry of Health, Labour and Welfare in relation to this.

- (5) The Minister of Health, Labour and Welfare, when establishing the Order set forth in each of the preceding paragraphs, must consult with the minister with administrative jurisdiction over the implementing organization.

Article 84-9 The Minister of Health, Labour and Welfare, on finding it to be necessary to do so with regard to the application of the provisions of Article 84-3 through the preceding Article, may request that the minister with administrative jurisdiction over an implementing organization issue the necessary supervisory orders in connection with the reports referred to in paragraph (1) of that Article for that implementing organization, or have the relevant official audit the business status of the relevant implementing organization.

(Delegation to Cabinet Order)

Article 84-10 Beyond as provided in Article 84-3 through the preceding Article, Cabinet Order provides for the necessary particulars in connection with the delivery of subsidies and the payment of contributions.

(Advance Collection of Insurance Premiums)

Article 85 In the cases set forth in the following items, insurance premiums may be collected even before the payment due date:

- (i) if the person obligated to pay insurance premiums falls under one of the following:
  - (a) if the person is subject to measures to collect arrears because of arrears in national taxes, local taxes or other public charges;
  - (b) if the person is subject to a compulsory execution;
  - (c) if the person has become subject to an order commencing bankruptcy proceedings;
  - (d) if procedures have begun to enforce a security interest in an enterprise; or
  - (e) if a compulsory auction has commenced.
- (ii) if the corporation that is obligated to pay the insurance premiums is dissolved;
- (iii) if the place of business at which the insured is employed is closed;
- (iv) if the owner of the ship by which the insured is employed changes, or if the ship is destroyed, sinks, or has become unseaworthy.

(Demands for Insurance Premiums and Other Monies; Measures to Collect

Arrears)

- Article 86 (1) If a person has failed to pay insurance premiums or other monies to be collected under the provisions of this Act, the Minister of Health, Labour and Welfare must designate a due date and demand that those monies be paid; provided, however, that this does not apply if insurance premiums are collected pursuant to the provisions of the preceding Article.
- (2) When seeking to issue a demand pursuant to the provisions of the preceding paragraph, the Minister of Health, Labour and Welfare issues a written demand to the person obligated to pay.
- (3) If the person obligated to pay is a person being issued a demand pursuant to the provisions of Article 180 of the Health Insurance Act, the written demand under the provisions of the preceding paragraph may be issued by inclusion in a written demand under the provisions of that Article of that Act.
- (4) The due date designated in a written demand as referred to in paragraph (2) must be a day that falls at least 10 days after the date of issuance of the written demand; provided, however, that this does not apply in a case that falls under one of the items of the preceding Article.
- (5) If a person obligated to pay falls under one of the following items, the Minister of Health, Labour and Welfare may dispose of this as per the rules on measures to collect national tax arrears, or may request that the municipality (including a special ward, and in the case of a designated city under Article 252-19 paragraph (1) of the Local Autonomy Act (Act No. 67 of 1947), the ward or administratively consolidated ward; the same applies hereinafter) in which the place of residence or the assets of the person obligated to pay are located, so dispose:
- (i) if a person who has been issued a demand for payment under the provisions of paragraph (2) fails to pay the insurance premiums or other monies to be collected pursuant to the provisions of this Act by the designated due date;
- (ii) if a person who has been issued a payment notice for insurance premiums with a due date for payment that has been moved forward due to the person's falling under one of the items of the preceding Article fails to pay the insurance premiums by the designated due date.
- (6) If a municipality has been requested to carry out a disposition under the provisions of the preceding paragraph, the municipality may dispose of this as per the rules on municipal taxes. In such a case, the Minister of Health, Labour and Welfare must deliver an amount equal to 4 percent of the monies collected to the municipality in question.

(Delinquency Charges)

- Article 87 (1) Having issued a demand for payment pursuant to the provisions of paragraph (2) of the preceding Article, the Minister of Health, Labour and

Welfare collects delinquency charges calculated by multiplying the amount of insurance premiums by an interest rate of 14.6% per annum (or 7.3% per annum for the period from the day after the due date until the last day in the three-month period thereafter), depending on the number of days in the period from the day after the due date until the day before insurance premiums are paid in full or the day before assets are seized; provided, however, that this does not apply in a case as referred to in one of the following items or if there are acknowledged to be compelling grounds for the arrears:

- (i) if the amount of insurance premiums is less than 1,000 yen;
  - (ii) if insurance premiums are being collected in advance of the payment date;  
or
  - (iii) if the demand for payment is made through service by publication because the domicile or residence of the person obligated to pay is not in Japan or because both the domicile and residence thereof are unknown.
- (2) In a case as referred to in the preceding paragraph, if a part of the amount of insurance premiums has been paid, the amount of insurance premiums that forms the basis for calculating delinquency charges for the period on and after the day of the partial payment is the original amount of the insurance premiums minus the amount thus paid.
- (3) In calculating delinquency charges, the amount of insurance premiums are rounded down to the nearest thousand yen.
- (4) If insurance premiums are paid in full by the due date designated in the demand letter, or if the amount calculated pursuant to the provisions of the preceding three paragraphs is less than 100 yen, delinquency charges are not collected.
- (5) Delinquency charges are rounded down to the nearest hundred yen.
- (6) The monies to be collected under the provisions of Article 40-2 are deemed to be insurance premiums for the purpose of the application of the provisions of the preceding paragraphs. This being the case, the phrase "14.6% per annum (or 7.3% per annum for the period from the day after the due date until the last day in the three-month period thereafter)" in paragraph (1) is deemed to be replaced with "14.6% per annum".

(Special Provisions on Measures to Collect Arrears of Insurance Premiums and Other Dispositions)

Article 87-2 Notwithstanding the provisions of the preceding three Articles, advance collection of insurance premiums, demands for insurance premiums or other monies to be collected pursuant to the provisions of this Act, measures to collect arrears, and collection of delinquency charges from a category II EPI insured, category III EPI insured, or category IV EPI insured are governed by the Acts on mutual aid.

(Ordinal Position among Statutory Liens)

Article 88 The ordinal position among statutory liens of insurance premiums and other monies to be collected under the provisions of this Act is following national taxes and local taxes.

(General Rules for Collection)

Article 89 Unless otherwise provided for in this Act, insurance premiums and other monies to be collected under the provisions of this Act are collected as per the rules for the collection of national taxes.

(Exemptions)

Article 89-2 The provisions of the preceding two Articles do not apply to the insurance premiums and other monies to be collected under the provisions of this Act for a category II EPI insured, category III EPI insured, or category IV EPI insured.

## **Chapter VI Appeals**

(Requests for Administrative Review; Requests for Re-examination)

Article 90 (1) A person objecting to a disposition taken by the Minister of Health, Labour and Welfare concerning status as an insured, standardized remuneration, or insurance benefits may file a request for administrative review with a social insurance examiner and, if the person objects to the decision thereby, may file a request for re-examination with the Social Insurance Examination Committee; provided, however, that this does not apply to a decision under the provisions of Article 28-4, paragraph (1) or paragraph (2).

(2) A person objecting to a disposition taken by a person as set forth in one of the following items concerning status as an insured or insurance benefits may file a request for administrative review with the person prescribed in that item:

- (i) a person specified in Article 2-5, paragraph (1), item (ii): the National Public Officers Mutual Aid Association Examination Committee provided for in the National Public Officers Mutual Aid Association Act.
- (ii) a person specified in Article 2-5, paragraph (1), item (iii): the Local Public Officers Mutual Aid Association Examination Committee provided for in the Local Public Officers, etc. Mutual Aid Association Act.
- (iii) a person specified in Article 2-5, paragraph (1), item (iv): the Mutual Aid Examination Committee of the Promotion and Mutual Aid Corporation for Private Schools of Japan provided for in the Private School Personnel Mutual Aid Association Act.

- (3) If no decision has been reached within the two months after the date on which a person has filed a request for administrative review as referred to in paragraph (1), the requester may deem the social insurance examiner to have denied the request for administrative review.
- (4) Requests for administrative review as referred to in paragraph (1) and paragraph (2) and requests for re-examination as referred to in paragraph (1) are deemed to constitute legal claims, as it concerns the renewal of prescription.
- (5) Once a disposition concerning a person's status as an insured or standardized remuneration has become final and binding, an objection to that disposition may not be used as the grounds for an objection to a disposition concerning insurance benefits that is based thereupon.
- (6) Beyond what is specified in paragraph (2), paragraph (4), and the preceding paragraph, requests for administrative review of dispositions provided for in paragraph (2) are as prescribed by the Acts on mutual aid.

Article 91 (1) A person objecting to a disposition taken by the Minister of Health, Labour and Welfare in the imposition or collection of insurance premiums or other monies to be collected under the provisions of this Act or objecting to a disposition under the provisions of Article 86, may file a request for administrative review with the Social Insurance Examination Committee.

- (2) A person objecting to a disposition taken by a person as set forth in paragraph (2), item (i) or item (ii) of the preceding Article in the imposition or collection of insurance premiums or other monies to be collected under the provisions of this Act may file a request for administrative review with the person provided for in that item.
- (3) A person objecting to a disposition taken by a person as set forth in paragraph (2), item (iii) of the preceding Article in the imposition or collection of insurance premiums or other monies to be collected under the provisions of this Act or objecting to a demand for payment or a disposition as per the rules on measures to collect national tax arrears may file a request for administrative review with the person provided for in that item.
- (4) Beyond as specified in the preceding two paragraphs, requests for administrative review as referred to in the preceding two paragraphs are as prescribed by the Acts on mutual aid.

(Application of the Administrative Appeals Act)

Article 91-2 The provisions of Chapter II (excluding Article 22) and Chapter IV of the Administrative Appeals Act (Act No. 68 of 2014) do not apply to a request for administrative review as referred to in the preceding two Articles or to a request for re-examination as referred to in Article 90, paragraph (1) concerning a disposition provided for in Article 90, paragraph (1) or in

paragraph (1) of the preceding Article.

(Relationship between Requests for Administrative Review and Civil Litigation)

Article 91-3 A person may not bring an action to rescind a disposition provided for in Article 90, paragraph (1) until after a decision has been rendered by the Social Insurance Examination Committee on a request for administrative review of the disposition.

## **Chapter VII Miscellaneous Provisions**

(Prescription)

Article 92 (1) The right to collect insurance premiums and other monies to be collected under the provisions of this Act and the right to receive a refund thereof are extinguished by prescription once two years have passed, and the right to receive insurance benefits (including the right to receive insurance benefits that are paid, based on the relevant right, in each payment month or as a lump sum; the same applies in paragraph (4)) is extinguished by prescription once five years have passed.

(2) The period of prescription of the right to receive pension insurance benefits does not run during any time in which the payment of the entire amount of pension insurance benefits has been suspended.

(3) Notwithstanding the provisions of Article 153 of the Civil Code (Act No. 89 of 1896), payment notices for insurance premiums and other monies to be collected under the provisions of this Act and demands for payment under the provisions of Article 86, paragraph (1) have the effect of renewing prescription.

(4) The provisions of Article 31 of the Public Accounting Act (Act No. 35 of 1947) do not apply to the right to receive pension insurance benefits.

(Calculation of Periods of Time)

Article 93 Unless otherwise provided for in this Act, the provisions of the Civil Code concerning periods of time apply mutatis mutandis to the calculation of periods of time provided for in this Act and orders issued hereunder.

Article 94 Deleted.

(Free Certification of Entries in a Family Register)

Article 95 A mayor of municipality may provide free certification to the implementing organization or to the beneficiary, in connection with the family register of an insured, former insured, or a beneficiary, as prescribed by the relevant municipal ordinance.

(Investigation of the Beneficiary)

Article 96 (1) On finding it to be necessary to do so, an implementing organization may order a beneficiary of pension insurance benefits to submit documents or other items in connection with the particulars related to the beneficiary's family relationships, severity of a disability, extinguishment of a right to benefits, revision of the amount of pension, or the suspension of its payment, and may have a competent official question the beneficiary regarding those particulars.

(2) The competent official who carries out questioning pursuant to the provisions of the preceding paragraph must carry identification and present it if requested by the person concerned.

(Diagnosis)

Article 97 (1) On finding that it is necessary to do so, an implementing organization may order that a child who has the right to receive pension insurance benefits due to having a disability of a degree of severity that is classified as any disability grade or to whose pension an amount is added pursuant to the provisions of Article 44, paragraph (1) due to the child having a disability of a degree of severity that is classified as any disability grade be diagnosed by a medical doctor designated by the Minister, and may have a competent official diagnose the severity of the disability of the child.

(2) The provisions of paragraph (2) of the preceding Article apply mutatis mutandis to diagnosis by a competent official under the provisions of the preceding paragraph.

(Notifications; Related Matters)

Article 98 (1) As prescribed by Order of the Ministry of Health, Labour, and Welfare, an employer must file a notification with the Minister of Health, Labour, and Welfare of the particulars prescribed by Order of the Ministry of Health, Labour and Welfare, beyond those that are otherwise provided for in Article 27.

(2) As prescribed by Order of the Ministry of Health, Labour and Welfare, an insured must file a notification with the Minister of Health, Labour, and Welfare of, or report to the employer thereof, the particulars prescribed by Order of the Ministry of Health, Labour and Welfare.

(3) As prescribed by Order of the Ministry of Health, Labour and Welfare, a beneficiary or the householder or any other member of the family to which the beneficiary belongs must file a notification with the Minister of Health, Labour, and Welfare of the particulars prescribed by Order of the Ministry of Health, Labour and Welfare, and must submit thereto the documents and other items

prescribed by Order of the Ministry of Health, Labour and Welfare.

- (4) If a beneficiary has died, the person obligated to report the beneficiary's death pursuant to the provisions of the Family Registration Act (Act No. 224 of 1947) must file a notification of this with the Minister of Health, Labour, and Welfare within 10 days; provided, however, that this does not apply if that person has filed a death notification under the provisions of that Act for the death of a beneficiary as provided by Order of the Ministry of Health, Labour and Welfare (limited to the cases provided for by Order of the Ministry of Health, Labour and Welfare).
- (5) The provisions of each of the preceding paragraphs do not apply to a category II EPI insured, category III EPI insured, or category IV EPI insured; the employer of any such person; or a beneficiary of insurance benefits based on a category II EPI insured period, category III EPI insured period, or category IV EPI insured period.

(Administrative Functions of Employers)

Article 99 (1) The relevant person, pursuant to Order of the Ministry of Health, Labour and Welfare, may have an employer carry out part of the administrative functions that are necessary for the implementation of employees' pension insurance.

- (2) The provisions of the preceding paragraph do not apply to the employer of a category II EPI insured, category III EPI insured, or category IV EPI insured.

(Site Inspections; Related Matters)

Article 100 (1) On finding it to be necessary to do so in connection with a decision on a person's status as an insured, standardized remuneration, insurance premiums, or insurance benefits, the Minister of Health, Labour and Welfare may order the employer to submit documents and other items or may have a competent official enter into the place of business and question those concerned or inspect books, documents and other items.

- (2) The provisions of Article 96, paragraph (2) apply mutatis mutandis to questioning and inspection under the provisions of the preceding paragraph.
- (3) The authority under the provisions of paragraph (1) must not be interpreted as being conferred for a criminal investigation.
- (4) The provisions of the preceding three paragraphs do not apply to a category II EPI insured, category III EPI insured, or category IV EPI insured; nor do they apply to the employer of such a person.

(Provision of Materials)

Article 100-2 (1) Implementing organizations are to provide one another with the particulars of persons' statuses as insureds, the particulars of standardized

remuneration, the payment status of insurance benefits to insureds, and other information necessary for conducting the business of the implementing organizations.

- (2) On finding it to be necessary to do so in connection with a person's status as an insured, standardized remuneration, or insurance premiums, an implementing organization may request a public agency (other than an implementing organization) to provide necessary materials on the name and address of a corporation's place of business and other particulars.
- (3) On finding it to be necessary to do so in connection with a disposition involving pension insurance benefits, an implementing organization may request the agency in charge of the system of these benefits to submit the necessary materials concerning the payment status of pension insurance benefits under the National Pension Act that are to be paid to a beneficiary, or concerning the payment status of benefits set forth in the Cabinet Order as prescribed in Article 46, paragraph (6) that are to be paid to the spouse of the beneficiary.
- (4) On finding it to be necessary to do so in connection with a disposition involving pension insurance benefits, an implementing organization may request the Chairperson of the House of Representatives, the Chairperson of the House of Councillors, or the chairperson of the assembly of the local governments to submit the necessary materials.
- (5) On finding it to be necessary to do so in connection with a person's status as a category I EPI insured or in connection with the standardized remuneration or insurance premiums of a category I EPI insured, the Minister of Health, Labour and Welfare may ask a public agency, the Health Insurance Society, or the National Health Insurance Society to submit the necessary materials on the name and address, individual number (meaning the individual number provided for in Article 2, paragraph (5) of the Act on the Use of Numbers to Identify a Specific Individual in Administrative Procedures (Act No. 27 of 2013)), dates of acquisition and forfeiture of status, employment status, or income status of a person who is or was a category I EPI insured (hereinafter in this paragraph referred to as a "current or former insured") or of a person who is or was an insured covered by health insurance or national health insurance, or other particulars; or may ask a bank, trust company, or other such institution, or the employer or other relevant person to report those particulars.

(Reports)

Article 100-3 (1) Pursuant to Order of the Ministry of Health, Labour and Welfare, an implementing organization (excluding the Minister of Health, Labour and Welfare; the same applies hereinafter in this Article), through the

minister with administrative jurisdiction over that implementing organization, is to report to the Minister of Health, Labour and Welfare the particulars specified by Order of the Ministry the Minister of Health, Labour and Welfare as necessary for the calculation of the average standardized amount of remuneration provided for in Article 43-2, paragraph (1), item (ii), (a).

- (2) Pursuant to Order of the Ministry of Health, Labour and Welfare, the Minister of Health, Labour and Welfare is to report the average standardized amount of remuneration provided for in the preceding paragraph and the particulars related to this that are specified by Order of the Ministry of Health, Labour and Welfare, to the minister with administrative jurisdiction over an implementing organization.

(Liaison and Coordination among Implementing Agencies)

Article 100-3-2 (1) Pursuant to Cabinet Order, an implementing organization is to conduct a part of the administrative functions to be handled by another implementing organization, for the purpose of contributing to the enhanced convenience of insureds, beneficiaries, and other such persons.

- (2) Order of the competent ministry provides for the necessary particulars in connection with the liaison and coordination among implementing organizations in a case as referred to in the preceding paragraph.

(Competent Ministers; Related Matters)

Article 100-3-3 (1) The competent ministers referred to in Chapter IV-II and paragraph (3) of this Article are the Minister of Health, Labour and Welfare; the Minister of Finance; the Minister of Internal Affairs and Communications; and the Minister of Education, Culture, Sports, Science and Technology.

- (2) In this Act, order of the competent ministry means an order that the Minister of Health, Labour and Welfare; the Minister of Finance; the Minister of Education, Culture, Sports, Science and Technology; or a competent minister under the provisions of Article 144-29, paragraph (1) of the Local Public Officers, etc. Mutual Aid Association Act issues pursuant to Cabinet Order; provided, however, that the orders of the competent ministry set forth in the following items are as prescribed respectively in those items:

(i) order of the competent ministry referred to in Article 79-8, paragraph (1) and paragraph (2): orders issued by the minister with jurisdiction.

(ii) order of the competent ministry referred to in Article 79-9, paragraph (1): orders issued by the Ministry of Health, Labour and Welfare, the Minister of Finance, the Minister of Internal Affairs and Communications, and the Minister of Education, Culture, Sports, Science and Technology.

- (3) Before establishing, amending, or repealing an order of the competent ministry set forth in item (i) of the preceding paragraph the minister with

jurisdiction is to consult with the competent ministers in advance.

(Relationship to National Civil Service Act and Local Public Service Act)

Article 100-3-4 For national public officers in regular service provided for in Article 2 of the National Public Service Act, employees' pension insurance is a part of the pension system provided for in Article 107 of the National Public Service Act; for local civil servants in regular government service provided for in Article 3 of the Local Public Service Act (Act No. 261 of 1950), employees' pension insurance is a part of the mutual aid system provided for in Article 43 of the Local Public Service Act.

(Delegation of Administrative Functions Associated with the Authority of the Minister of Health, Labour and Welfare to JPS)

Article 100-4 (1) The administrative functions associated with the following authorities of the Minister of Health, Labour and Welfare are entrusted to JPS; provided, however, that this does not prevent the Minister of Health, Labour and Welfare from being the one to exercise the authority under items (xxxii) through (xxxiv) and items (xxxvi) through (xxxviii):

- (i) approval under the provisions of Article 6, paragraph (3) and Article 8, paragraph (1), authorization under the provisions of Article 8-2, paragraph (1), and acceptance of applications under the provisions of Article 6, paragraph (4) and Article 8, paragraph (2);
- (ii) approval under the provisions of Article 10, paragraph (1), Article 11 (including as applied mutatis mutandis pursuant to Article 4-5, paragraph (1) of the Supplementary Provisions), and Article 4-5, paragraph (1) of the Supplementary Provisions;
- (iii) confirmation under the provisions of Article 18, paragraph (1);
- (iv) decision and revision of standardized monthly amounts of remuneration under the provisions of Article 21, paragraph (1), Article 22, paragraph (1), Article 23, paragraph (1), Article 23-2, paragraph (1), and Article 23-3, paragraph (1) (including as applied mutatis mutandis pursuant to Article 46, paragraph (2)) (this includes acceptance of requests under the provisions of Article 23-2, paragraph (1), Article 23-3, paragraph (1), and Article 26, paragraph (1) and also includes cases in which the amount calculated pursuant to the provisions of Article 24, paragraph (1) (including as applied mutatis mutandis pursuant to Article 46, paragraph (2)) is decided or revised as the monthly amount of remuneration);
- (v) decision and revision of standardized monthly amounts of remuneration under the provisions of Articles 17 through 20 and Article 23 of the Mariners Insurance Act, which is to govern pursuant to the provisions of Article 24-2 of this Act (including as applied mutatis mutandis pursuant to the provisions

- of Article 46, paragraph (2) of this Act) (this decision and revision includes acceptance of requests under the provisions of Article 19, paragraph (1) of the Mariners Insurance Act and also includes cases in which the amount calculated pursuant to the provisions of Article 20, paragraph (2) of this Act is decided or revised as the monthly amount of remuneration);
- (vi) decision of standardized amounts of bonuses under the provisions of Article 24-4, paragraph (1) (including as applied mutatis mutandis pursuant to Article 46, paragraph (2)) (this includes cases in which the amount calculated pursuant to the provisions of Article 24, paragraph (1), which applies mutatis mutandis pursuant to Article 24-4, paragraph (2), is decided as the standardized amount of a bonus);
  - (vii) acceptance of notifications under the provisions of Article 27 (including as applied mutatis mutandis pursuant to Article 4-5, paragraph (1) of the Supplementary Provisions) and issuance of notices under the provisions of Article 30, paragraph (1) (including as applied mutatis mutandis pursuant to Article 4-5, paragraph (1) of the Supplementary Provisions);
  - (vii)-2 acceptance of requests under the provisions of Article 28-2, paragraph (1) (including as applied mutatis mutandis in paragraph (2) and paragraph (3) of that Article);
  - (viii) issuance of notices under the provisions of Article 29, paragraph (1) (including as applied mutatis mutandis pursuant to Article 4-5, paragraph (1) of the Supplementary Provisions), acceptance of notifications under the provisions of Article 29, paragraph (3) (including as applied mutatis mutandis pursuant to Article 30, paragraph (2) (this includes cases in which these provisions apply mutatis mutandis to Article 4-5, paragraph (1) of the Supplementary Provisions; the same applies hereinafter in this item) and Article 4-5, paragraph (1) of the Supplementary Provisions), and the making of public notice under the provisions of Article 29, paragraph (4) and paragraph (5) (including as applied mutatis mutandis pursuant to Article 30, paragraph (2) and Article 4-5, paragraph (1) of the Supplementary Provisions);
  - (ix) acceptance of requests under the provisions of Article 31, paragraph (1) and dismissal of requests under the provisions of paragraph (2) of that Article;
  - (x) acceptance of claims under the provisions of Article 33;
  - (xi) acceptance of applications under the provisions of Article 38, paragraph (2);
  - (xii) acceptance of requests under the provisions of Article 38-2, paragraph (1);
  - (xiii) certification under the provisions of Article 44, paragraph (5);
  - (xiv) acceptance of requests under the provisions of Article 44-3, paragraph (1) and acceptance of claims under the provisions of Article 7-3, paragraph (1)

- and Article 13-4, paragraph (1) of the Supplementary Provisions;
- (xv) acceptance of claims under the provisions of Article 47-2, paragraph (1);
- (xv)-2 certification under the provisions of Article 50-2, paragraph (5);
- (xvi) acceptance of requests under the provisions of Article 52, paragraph (2) and paragraph (4);
- (xvii) acceptance of requests under the provisions of Article 58, paragraph (2);
- (xviii) certification under the provisions of Article 59, paragraph (4);
- (xix) acceptance of applications under the provisions of Article 67 and Article 68, paragraph (1) and paragraph (2);
- (xx) deleted;
- (xxi) acceptance of requests under the provisions of Article 78-2, paragraph (1) and Article 78-4, paragraph (1);
- (xxii) provision of materials under the provisions of Article 78-5;
- (xxiii) revision and decision on standardized monthly amounts of remuneration under the provisions of Article 78-6, paragraph (1) and revision and decision on the standardized amounts of bonuses under the provisions of paragraph (2) of that Article;
- (xxiv) notifying the relevant persons under the provisions of Article 78-8;
- (xxv) acceptance of requests under the provisions of Article 78-14, paragraph (1); revision and decision of standardized monthly amounts of remuneration under the provisions of paragraph (2) of that Article; and revision and decision of standardized amounts of bonuses under the provisions of paragraph (3) of that Article;
- (xxvi) notifying the relevant persons under the provisions of Article 78-16;
- (xxvii) acceptance of requests under the provisions of Article 81-2, paragraph (1) and Article 81-2-2, paragraph (1);
- (xxviii) acceptance and approval of requests under the provisions of Article 83-2;
- (xxix) dispositions as per the rules on measures to collect national tax arrears under the provisions of Article 86, paragraph (5), and requests to municipalities for dispositions under the provisions of that paragraph;
- (xxx) authority connected with collection that is to be carried out as per the rules on measures to collect national tax arrears pursuant to the provisions of Article 89 (excluding payment notices governed by the provisions of Article 36, paragraph (1) of the Act on General Rules for National Taxes (Act No. 66 of 1962); the exercise, as per the provisions of Article 423, paragraph (1) of the Civil Code as applied mutatis mutandis pursuant to Article 42 of the Act on General Rules for National Taxes, of rights held by persons who are obligated to pay; grace periods for payment governed by the provisions of Article 46 of the Act on General Rules for National Taxes and other authority prescribed by Order of Health, Labor and Welfare; and questioning,

- inspections, and searches set forth in the following item);
- (xxxix) questioning and inspections under the provisions of Article 141 of the National Tax Collection Act (Act No. 147 of 1959) and searches under the provisions of Article 142 of that Act, which is to govern pursuant to the provisions of Article 89 of this Act;
  - (xxxvii) receipt of certificates related to the entries on a family register under the provisions of Article 95;
  - (xxxviii) orders and questioning under the provisions of Article 96, paragraph (1) (including as applied mutatis mutandis pursuant to Article 29, paragraph (9) of the Supplementary Provisions);
  - (xxxix) orders and diagnoses under the provisions of Article 97, paragraph (1);
  - (xl) acceptance of notifications under the provisions of Article 98, paragraphs (1) through (4) (including when those paragraphs are applied mutatis mutandis pursuant to Article 29, paragraph (9) of the Supplementary Provisions) and receipt of documents and other items under the provisions of Article 98, paragraph (3);
  - (xli) orders, questioning, and inspections under the provisions of Article 100, paragraph (1) (including as applied mutatis mutandis pursuant to the provisions of Article 29, paragraph (9) of the Supplementary Provisions);
  - (xlii) requests to provide materials under the provisions of Article 100-2, paragraphs (2) through (4) (excluding the receipt of certificates set forth in item (xxxvii));
  - (xliiii) acceptance of reports under the provisions of paragraph (2) of the following Article;
  - (xliv) acceptance of requests under the provisions of Article 4-3, paragraphs (1) and (4) of the Supplementary Provisions;
  - (xlv) confirmation under the provisions of Article 7-2, paragraph (1) and paragraph (2) of the Supplementary Provisions;
  - (xlvi) acceptance of requests under the provisions of Article 9-2, paragraph (1) of the Supplementary Provisions;
  - (xlvii) acceptance of requests under the provisions of Article 29, paragraph (1) of the Supplementary Provisions; and
  - (xlviii) in addition to what is provided for in each of the preceding items, any other authority prescribed by Order of Ministry of Health, Labour and Welfare.
- (2) If JPS finds it to be necessary to do so in order to effectively undertaking the administrative functions associated with dispositions as per the rules on measures to collect national tax arrears provided for in item (xxix) of the preceding paragraph or the authority provided for in item (xxxix) of that paragraph (hereinafter referred to as "measures to collect arrears and related authority") or other authority provided for in the items of that paragraph and

prescribed by Order of the Ministry of Health, Labour and Welfare, JPS may provide the Minister of Health, Labour and Welfare with the information necessary to exercise that authority and ask that the Minister be the one to exercise that authority, as prescribed by Order of the Ministry of Health, Labour and Welfare.

- (3) If a request is made pursuant to the preceding paragraph and the Minister of Health, Labour and Welfare finds it to be necessary to do so, or if the Minister of Health, Labour and Welfare finds it to be difficult or inappropriate for JPS to carry out the whole or a part of the administrative functions associated with the authority provided for in the items of paragraph (1) due to a natural disaster or other reasons, the Minister is to be the one to exercise the whole or a part of the authority provided for in the items of that paragraph.
- (4) Before the Minister of Health, Labour and Welfare either decides to be the one to exercise the whole or a part of the authority provided for in the items of paragraph (1), pursuant to the provisions of the preceding paragraph, or decides not to exercise the whole or a part of the authority provided for in the items of paragraph (1) that the Minister has been the one exercising pursuant to the provisions of the preceding paragraph (other than in cases provided for in the following paragraph), the Minister of Health, Labour and Welfare must first issue public notice of this.
- (5) With regard to measures to collect arrears and related authority that the Minister of Health, Labour and Welfare has decided to be the one to carry out pursuant to the provisions of paragraph (3), if the person who will be the subject of measures to collect arrears and related authority that the Minister of Health, Labour and Welfare has taken over from JPS has been specified, the Minister of Health, Labour and Welfare must notify that person that the Minister of Health, Labour and Welfare will undertake the measures to collect arrears and related authority involving that person and of any other particulars prescribed by Order of the Ministry of Health, Labour and Welfare.
- (6) Order of the Ministry of Health, Labour and Welfare provides for the handing over of the administrative functions associated with the authority set forth in the items of paragraph (1) and any other necessary particulars for cases in which the Minister of Health, Labour and Welfare either decides to be the one to exercise the whole or a part of the authority provided for in the items of paragraph (1), pursuant to the provisions of paragraph (3), or decides not to exercise the whole or a part of the authority provided for in the items of paragraph (1) that the Minister has been the one exercising pursuant to the provisions of paragraph (3).
- (7) Beyond as provided in each of the preceding paragraphs, Order of the Ministry of Health, Labour and Welfare provides for the necessary particulars in connection with JPS's implementation of the administrative functions

associated with the authority provided for in the items of paragraph (1) and in connection with the exercise, by the Minister of Health, Labour and Welfare, of the authority provided for in the items of that paragraph.

(Delegation of Authority to the Minister of Finance)

Article 100-5 (1) If, pursuant to paragraph (3) of the preceding Article, the Minister of Health, Labour and Welfare has decided to be the one to undertake the whole or part of the measures to collect arrears and related authority and the authority set forth in paragraph (1), item (xxx) of that Article, but, because it is likely that a person obligated to pay in connection with what is prescribed by Order of the Ministry of Health, Labour and Welfare among the authority in question and the authorities prescribed by Order of the Ministry of Health, Labour and Welfare provided for in that item (hereinafter referred to in this Article as a "measures to collect arrears, related authority, and other such dispositions"), has concealed assets with the purpose of evading the execution of the measures to collect arrears, related authority, and other such dispositions or because of the existence of any other circumstances prescribed by Cabinet Order, the Minister of Health, Labour and Welfare finds it to be necessary to do so in order to effectively carry out the collection of insurance premiums or any other monies to be collected under the provisions of this Act, the Minister of Health, Labour and Welfare, as prescribed by Cabinet Order, may provide the Minister of Finance with information on the person obligated to pay and with any other necessary information, and delegate the whole or a part of the authority for the measures to collect arrears, related authority, and other such dispositions involving the person obligated to pay to the Minister of Finance.

(2) If the Minister of Finance has exercised the whole or a part of the authority for measures to collect arrears, related authority, and other such dispositions under the delegation referred to in the preceding paragraph, the minister is to report the status of execution and the results of the measures to collect arrears, related authority, and other such dispositions to the Minister of Health, Labour and Welfare as prescribed by Order of the Ministry of Health, Labour and Welfare.

(3) The provisions of paragraph (5) of the preceding Article apply mutatis mutandis to notices issued by the Minister of Finance if the Minister exercises the whole or a part of the authority in measures to collect arrears, related authority, and other such dispositions under the delegation referred to in paragraph (1). Order of the Ministry of Health, Labour and Welfare provides for the necessary technical replacement of terms in such a case and for any other necessary particulars in connection with notices issued to the person who will be the subject of the measures to collect arrears, related authority, and

other such dispositions in such a case.

- (4) Order of the Ministry of Health, Labour and Welfare provides for the handing over of the administrative functions associated with the authority for measures to collect arrears, related authority, and other such dispositions and for any other necessary particulars for cases in which the Minister of Finance either decides to exercise the whole or a part of the authority in measures to collect arrears, related authority, and other such dispositions under the delegation referred to in paragraph (1), or decides not to exercise the whole or a part of the authority in measures to collect arrears, related authority, and other such dispositions that the Minister has been exercising under the delegation referred to that paragraph.
- (5) The Minister of Finance delegates authority that has been delegated thereto pursuant to the provisions of paragraph (1), authority under paragraph (2), and authority under the provisions of paragraph (5) of the preceding Article as applied mutatis mutandis pursuant to paragraph (3), to the Commissioner of the National Tax Agency.
- (6) The Commissioner of the National Tax Agency, as prescribed by Cabinet Order, may delegate the whole or a part of the authority that has been delegated thereto pursuant to the provisions of the preceding paragraph to the commissioner of the regional taxation bureau with jurisdiction over the locality of the place of business or office of a person obligated to pay.
- (7) The commissioner of a regional taxation bureau, as prescribed by Cabinet Order, may delegate the whole or a part of the authority that has been delegated thereto pursuant to the provisions of the preceding paragraph to the district director of the tax office with jurisdiction over the locality of the place of business or office of a person obligated to pay.

(Authorization for the Measures to Collect Arrears and Related Authority That JPS Undertakes; Related Matters)

- Article 100-6 (1) When JPS undertakes measures to collect arrears and related authority, in addition to obtaining the authorization of the Minister of Health, Labour and Welfare in advance, it must have collection officials undertake measures to collect arrears and related authority in accordance with the operative regulations for measures to collect arrears and related authority provided for in paragraph (1) of the following Article.
- (2) The collection officials referred to in the preceding paragraph are appointed by the president of JPS with the authorization of the Minister of Health, Labour and Welfare, from among JPS officials with knowledge in the laws and regulations concerning measures to collect arrears and related authority, and with the necessary knowledge and abilities for practical operations.
  - (3) Having undertaken measures to collect arrears and related authority, JPS

must report the results to the Minister of Health, Labour and Welfare without delay, pursuant to Order of the Ministry of Health, Labour and Welfare.

(Authorization of Operative Regulations for Measures to Collect Arrears and Related Authority; Related Matters)

Article 100-7 (1) JPS must establish regulations for implementing measures to collect arrears and related authority (hereinafter referred to in this Article as "operative regulations for measures to collect arrears and related authority") and have them authorized by the Minister of Health, Labour and Welfare. The same applies if it seeks to revise them.

(2) In the operative regulations for measures to collect arrears and related authority, JPS must specify the timing of seizures, the way of selecting assets to seize, and other particulars prescribed by Order of the Ministry of Health, Labour and Welfare as being necessary for ensuring fair and reliable execution of measures to collect arrears and related authority.

(3) If the Minister of Health, Labour and Welfare finds that the operative regulations for measures to collect arrears and related authority authorized thereby as referred to in paragraph (1) have become inappropriate in terms of the fair and reliable execution of measures to collect arrears and related authority, the Minister of Health, Labour and Welfare may order JPS to revise its operative regulations for measures to collect arrears and related authority.

(Authorization for Site Inspections and Other Actions That JPS Carries Out; Related Matters)

Article 100-8 (1) Before carrying out administrative functions associated with the authority provided for in Article 100-4, paragraph (1), item (xxxiii), item (xxxiv) or item (xxxvi), JPS must first obtain the authorization of the Minister of Health, Labour and Welfare.

(2) To apply the provisions of Article 77, item (i), Article 96, Article 97, and Article 100, paragraph (1) to a case in which JPS carries out administrative functions associated with the authority provided for in Article 100-4, paragraph (1), item (xxxiii), item (xxxiv), or item (xxxvi), the phrase "competent official" in these provisions is deemed to be replaced with "JPS official".

(Delegation of Authority to Directors-General of Regional Bureaus of Health and Welfare)

Article 100-9 (1) The authority of the Minister of Health, Labour and Welfare provided for in this Act (excluding the authority of the Minister of Health, Labour and Welfare provided for in Article 100-5, paragraph (1) and paragraph (2)) may be delegated to the director-general of a regional bureau of health and

welfare pursuant to Order of the Ministry of Health, Labour and Welfare (or pursuant to Cabinet Order, in the case of the authority of the Minister of Health, Labour and Welfare provided for in Article 28-4).

- (2) The authority delegated to the director-general of a regional bureau of health and welfare pursuant to the provisions of the preceding paragraph may be delegated to the director-general of a regional branch bureau of health and welfare pursuant to Order of the Ministry of Health, Labour and Welfare (or pursuant to Cabinet Order, in the case of the authority of the Minister of Health, Labour and Welfare provided for in Article 28-4).
- (3) If, pursuant to the provisions of paragraph (1), the authority of the Minister of Health, Labour and Welfare provided for in Article 28-4 has been delegated to the director-general of a regional bureau of health and welfare (or if, pursuant to the provisions of the preceding paragraph, the authority of the Minister of Health, Labour and Welfare provided for in that Article has been delegated to the director-general of a regional branch bureau of health and welfare), the phrase "the Social Security Council" in paragraph (3) of that Article is deemed to be the phrase "the council specified by Cabinet Order which is established in the regional bureau of health and welfare".

(Entrustment of Administrative Functions to JPS)

Article 100-10 (1) The Minister of Health, Labour and Welfare is to have JPS carry out the following administrative functions:

- (i) administrative functions related to decisions on the value under the provisions of Article 25 (other than the decisions themselves);
- (ii) administrative functions related to recording pursuant to the provisions of Article 28 (other than the recording itself);
- (iii) administrative functions related to notifying the relevant persons of information pursuant to the provisions of Article 31-2 (other than the notifying itself);
- (iv) administrative functions related to rulings as under the provisions of Article 33 (including as applied mutatis mutandis pursuant to Article 29, paragraph (9) of the Supplementary Provisions) (other than the acceptance of claims provided for in Article 100-4, paragraph (1), item (x) and the rulings themselves);
- (v) administrative functions related to confirming the details of claims pursuant to the provisions of Article 37, paragraph (1) (including as applied mutatis mutandis pursuant to Article 29, paragraph (9) of the Supplementary Provisions) and Article 37, paragraph (3);
- (vi) administrative functions related to suspension of the payment of pension insurance benefits under the provisions of Article 38, paragraph (1) and paragraph (2) (other than the acceptance of applications provided for in

- Article 100-4, paragraph (1), item (xi) and decisions related to the suspension of the payments);
- (vii) administrative functions related to suspension of the payment of pension insurance benefits under the provisions of Article 38-2, paragraph (1) and paragraph (2) (other than the acceptance of requests provided for in Article 100-4, paragraph (1), item (xii) and decisions related to the suspension of the payments);
- (viii) administrative functions related to the collection of a wrongfully gained benefit under the provisions of Article 40-2 (including as applied mutatis mutandis pursuant to Article 29, paragraph (9) of the Supplementary Provisions) (other than administrative functions that involve exercising the authority provided for in Article 100-4, paragraph (1), items (xxix) through (xxxii), the receipt of monies paid over that JPS undertakes pursuant to the provisions of paragraph (1) of the following Article, demands for payment under the provisions of Article 86, paragraph (1), administrative functions that involve exercising other authority prescribed by Order of the Ministry of Health, Labour and Welfare, and administrative functions provided for in item (xxxii) and item (xxxiii));
- (ix) administrative functions related to payment of employees' old-age pensions under the provisions of Article 42 of this Act and the provisions of Article 7-3, paragraph (3), Article 8 and Article 13-4, paragraph (3) of the Supplementary Provisions (other than the acceptance of requests and claims provided for in Article 100-4, paragraph (1), item (xiv) and rulings confirming employees' old-age pensions);
- (x) administrative functions related to revisions to the amounts of employees' old-age pensions under the provisions of Article 43, paragraph (3), Article 44, paragraph (3) and paragraph (4) of this Act (this includes as applied mutatis mutandis pursuant to Article 9-2, paragraph (3), Article 9-3, paragraph (2) and paragraph (4) and Article 9-4, paragraph (3) and paragraph (5) of the Supplementary Provisions) as well as the provisions of Article 7-3, paragraph (5), Article 9-2, paragraph (2) and paragraph (4), Article 9-3, paragraph (3) and paragraph (5), Article 9-4, paragraph (4) and paragraph (6), Article 13-4, paragraph (5) and paragraph (6), and Article 13-5, paragraph (3), paragraph (4), and paragraph (9) of the Supplementary Provisions (other than the acceptance of requests and claims provided for in Article 100-4, paragraph (1), item (xiv), the acceptance of claims provided for in item (xxxii) of that paragraph, and decisions related to the revisions);
- (xi) administrative functions related to suspension of the payment of a portion equal to the additional amount to be paid for the child set forth in the proviso of Article 44, paragraph (1), under the proviso of Article 44, paragraph (1) (this includes as applied mutatis mutandis pursuant to Article

- 9-2, paragraph (3), Article 9-3, paragraph (2) and paragraph (4), and Article 9-4, paragraph (3) and paragraph (5) of the Supplementary Provisions; the same applies hereinafter in this item) (other than decisions related to the suspension of these payments) and administrative functions related to suspension of the payment of employees' old-age pensions under the provisions of Article 46, paragraph (1) and paragraph (6) of this Act, and the provisions of Article 7-4, paragraph (1) and paragraph (4) (this includes as applied mutatis mutandis pursuant to Article 11-5 and Article 13-6, paragraph (3) of the Supplementary Provisions), Article 7-5, paragraph (1) and paragraph (2) (this includes as applied mutatis mutandis pursuant to paragraph (5) of that Article), Article 11, paragraph (1), Article 11-2, paragraph (1) and paragraph (2), Article 11-3, paragraph (1), Article 11-4, paragraph (1) and paragraph (2), Article 11-6, paragraph (1), paragraph (2), and paragraph (4) (this includes as applied mutatis mutandis pursuant to paragraph (8) of that Article), Article 13-4, paragraph (8), Article 13-5, paragraph (5) and paragraph (6) and Article 13-6, paragraph (1) and paragraph (4) of the Supplementary Provisions (this includes as applied mutatis mutandis pursuant to paragraph (8) of that Article) (excluding decisions related to the suspension of the payments);
- (xii) administrative functions related to payment of employees' disability pensions under the provisions of Article 47, paragraph (1), Article 47-2, paragraph (3), Article 47-3, paragraph (1), Article 48, paragraph (1), and Article 49 (other than the acceptance of claims provided for in Article 100-4, paragraph (1), item (xv) and rulings confirming employees' disability pensions);
- (xiii) administrative functions related to suspension of the payment of employees' disability pensions under the provisions of Article 49, paragraph (1) and Article 54, paragraph (1) and paragraph (2), and the provisions of Article 46, paragraph (6) as applied mutatis mutandis pursuant to paragraph (3) of Article 54 (other than the acceptance of applications provided for in Article 100-4, paragraph (1), item (xi) and decisions related to the suspension of those payments);
- (xiv) administrative functions related to revisions to the amounts of employees' disability pensions under the provisions of Article 50-2, paragraph (3), Article 44, paragraph (4) as applied mutatis mutandis pursuant to paragraph (4) of Article 50-2, Article 52, paragraph (1), and Article 52-2 (other than the certification provided for in Article 100-4, paragraph (1), item (xv)-2, the acceptance of claims provided for in item (xvi) of that paragraph, and decisions related to those revisions);
- (xv) administrative functions related to payment of disability allowances under the provisions of Article 55, paragraph (1) and Article 56 (other than rulings

- confirming disability allowances);
- (xvi) administrative functions related to payment of employees' pensions for surviving family under the provisions of Article 58, paragraph (1) (other than rulings confirming employees' pensions for surviving family);
  - (xvii) administrative functions related to revisions to the amounts of employees' pensions for surviving family under the provisions of Article 61 (this includes when paragraph (1) of that Article is applied mutatis mutandis pursuant to Article 68, paragraph (3)) (other than the decisions related to the revisions);
  - (xviii) administrative functions related to suspension of the payment of employees' pensions for surviving family under the provisions of Articles 64 through 67 and Article 68, paragraph (1) and paragraph (2) (other than the acceptance of applications provided for in Article 100-4, paragraph (1), item (xi) and item (xix) and decisions related to the suspension of those payments);
  - (xix) administrative functions related to payment of employees' disability pensions and disability allowances under the provisions of Article 73 (other than rulings confirming employees' disability pensions and disability allowances);
  - (xx) administrative functions related to payment of insurance benefits under the provisions of Article 73-2 and Article 75 (including as applied mutatis mutandis pursuant to Article 29, paragraph (9) of the Supplementary Provisions) (other than rulings confirming insurance benefits);
  - (xxi) administrative functions related to revisions to the amounts of employees' disability pensions under the provisions of Article 74 (other than decisions related to those revisions);
  - (xxii) administrative functions related to payment of employees' pensions for surviving family under the provisions of Article 76, paragraph (1) (other than rulings confirming employees' pensions for surviving family);
  - (xxiii) administrative functions related to suspension of the payment of pension insurance benefits under the provisions of Article 77 (other than decisions related to the suspension of those payments);
  - (xxiv) administrative functions related to temporary suspension of the payment of insurance benefits under the provisions of Article 78, paragraph (1) (other than decisions related to the temporary suspension of those payments);
  - (xxv) administrative functions related to recording under the provisions of Article 78-7 (other than the recording itself);
  - (xxvi) administrative functions related to revisions to the amounts of employees' old-age pensions under the provisions of Article 78-10, paragraph (1) and revisions to the amounts of employees' disability pensions under paragraph (2) of that Article (other than decisions related to those revisions);

- (xxvii) administrative functions related to recording under the provisions of Article 78-15 (other than the recording itself);
- (xxviii) administrative functions related to revisions to the amounts of employees' old-age pensions under the provisions of Article 78-18, paragraph (1) and revisions to the amounts of employees' disability pensions under the provisions of Article 78-10, paragraph (2), as applied mutatis mutandis pursuant to paragraph (2) of Article 78-18 (other than decisions related to those revisions);
- (xxix) administrative functions related to the collection of insurance premiums under the provisions of Article 81, paragraph (1), Article 81-2, paragraph (1), Article 81-2-2, paragraph (1), and Article 85 (other than administrative functions that involve exercising the authority provided for in Article 100-4, paragraph (1), items (xxvii) through (xxxii), the receipt of monies paid over that JPS undertakes pursuant to the provisions of paragraph (1) of the following Article, demands for payment under the provisions of Article 86, paragraph (1), administrative functions that involve exercising other authority prescribed by Order of the Ministry of Health, Labour and Welfare, and administrative functions provided for in the following item, item (xxxii) and item (xxxiii));
- (xxx) administrative functions related to payments under the provisions of Article 83, paragraph (2) and paragraph (3) (other than decisions in which a payment notice is deemed to have been issued with a payment due date that was moved forward or a payment is deemed to have been made for a payment due date that was moved forward);
- (xxxii) administrative functions related to demands for payment under the provisions of Article 86, paragraphs (1) and (2) (other than the demands themselves and the issuance of demand letters (but not administrative functions related to sending demand letters));
- (xxxiii) administrative functions related to the collection of delinquency charges under the provisions of Article 87, paragraph (1) and paragraph (4) (including charges related to monies to be collected under the provisions of Article 40-2 that are deemed to be insurance premiums pursuant to the provisions of paragraph (6) of Article 87) (other than administrative functions that involve exercising the authority provided for in Article 100-4, paragraph (1), items (xxix) through (xxxii), the receipt of monies paid over that JPS undertakes pursuant to the provisions of paragraph (1) of the following Article, demands for payment under the provisions of Article 86, paragraph (1), administrative functions that involve exercising other authority prescribed by Order of the Ministry of Health, Labour and Welfare, and administrative functions provided for in the preceding item and item (xxxiii));

- (xxxii)-2 administrative functions related to provision of information under the provisions of Article 100-2, paragraph (1) (other than the provision of information itself);
  - (xxxiii) administrative functions associated with the authority prescribed by Order of the Ministry of Health, Labour and Welfare that is provided for in Article 100-4, paragraph (1), item (xxx) (other than administrative functions that involve exercising that authority itself);
  - (xxxiv) deleted;
  - (xxxv) administrative functions related to payment of special old-age pensions under the provisions of Article 28-3, paragraph (1) of the Supplementary Provisions (other than rulings confirming special old-age pensions);
  - (xxxvi) administrative functions related to payment of special pensions for surviving family under the provisions of Article 28-4, paragraph (1) of the Supplementary Provisions (other than rulings confirming special pensions for surviving family);
  - (xxxvii) administrative functions related to payment of lump-sum withdrawal payments under the provisions of Article 29-2, paragraph (2) of the Supplementary Provisions (other than the acceptance of requests provided for in Article 100-4, paragraph (1), item (xxxii) and rulings confirming those lump-sum withdrawal payments);
  - (xxxviii) administrative functions related to the provision of information held by the Minister of Health, Labour and Welfare in connection with the implementation of this Act in response to requests under the provisions of Article 203 of the Long-Term Care Insurance Act (Act No. 123 of 1997) and any other Acts prescribed by Order of the Ministry of Health, Labour and Welfare (other than the provision of information itself and administrative functions prescribed by Order of the Ministry of Health, Labour and Welfare); and
  - (xxxix) administrative functions prescribed by Order of the Ministry of Health, Labour and Welfare, beyond what is provided for in each of the preceding items.
- (2) If the Minister of Health, Labour and Welfare finds that it has become difficult or inappropriate for JPS to implement the whole or a part of the administrative functions set forth in one of the items of the preceding paragraph due to a natural disaster or for any other reason, the Minister of Health, Labour and Welfare is to be the one to carry out the whole or a part of the administrative functions set forth in the items of that paragraph.
- (3) Beyond as provided for in the preceding two paragraphs, Order of the Ministry of Health, Labour and Welfare provides for any other necessary particulars in connection with JPS's or the Minister of Health, Labour and Welfare's implementation of the administrative functions provided for in the

items of paragraph (1).

(The Receipt of Monies Paid Over That JPS Undertakes)

Article 100-11 (1) Notwithstanding the provisions of Article 7, paragraph (1) of the Public Accounting Act (Act No. 35 of 1947), the Minister of Health, Labour and Welfare, pursuant to Cabinet Order, may have JPS undertake the receipt, in the cases provided for by Cabinet Order, of insurance premiums and other monies to be collected under the provisions of this Act, monies returned due to overpayment of pension insurance benefits, and any other monies prescribed by Order of the Ministry of Health, Labour and Welfare (hereinafter referred to in this Article as "insurance premiums and other such monies").

(2) The JPS officials undertaking the receipt of monies paid over as referred to in the preceding paragraph are appointed by the President of JPS with the authorization of the Minister of Health, Labour and Welfare, from among JPS officials with knowledge in the laws and regulations concerning the receipt of monies paid over and the knowledge and abilities necessary for practical operations.

(3) Having received insurance premiums or other such monies pursuant to the provisions of paragraph (1), JPS must send these to the Bank of Japan without delay.

(4) JPS is to report the implementation status of administrative functions related to the receipt of monies paid over and the results thereof to the Minister of Health, Labour and Welfare as prescribed by Order of the Ministry of Health, Labour and Welfare.

(5) Beyond as provided for in the preceding two paragraphs, JPS must undertake the receipt of monies paid over in accordance with the regulations on implementation of administrative functions related to receipt of monies paid over that are established by the Minister of Health, Labour and Welfare.

(6) Beyond as provided in each of the preceding paragraphs, Cabinet Order provides for the necessary particulars regarding receipt of insurance premiums and other such monies.

(Provision of Information)

Article 100-12 Pursuant to Order of the Ministry of Health, Labour and Welfare, JPS is to provide the Minister of Health, Labour and Welfare with the particulars of persons' statuses as insureds, the particulars of standardized remuneration, and other necessary information related to the exercise of the authority of the Minister of Health, Labour and Welfare.

(Close Cooperation between the Minister of Health, Labour and Welfare and JPS)

Article 100-13 The Minister of Health, Labour and Welfare and JPS must undertake the necessary exchanges of information and otherwise ensure close coordination between themselves so that employees' pension insurance services are performed properly and smoothly.

(Training)

Article 100-14 With the cooperation of JPS, the Minister of Health, Labour and Welfare is to provide the officials of the Ministry of Health, Labour and Welfare who are engaged in the administrative functions connected with employees' pension insurance services with the necessary training to acquire and improve knowledge and skills necessary to ensure appropriate and smooth operation of the those functions.

(Transitional Measures)

Article 100-15 When a Cabinet Order is enacted, amended, or repealed based on this Act, any necessary transitional measures may be prescribed by Cabinet Order to the extent judged to be reasonably necessary for its enactment, amendment, or repeal.

(Provisions on Implementation)

Article 101 Except as otherwise provided for in this Act, Order of the Ministry of Health, Labour and Welfare, or order of the competent ministry prescribes the procedures for implementing this Act and other necessary detailed rules regarding its enforcement.

## **Chapter VIII Penal Provisions**

Article 102 If an employer falls under one of the following items without a legitimate reason therefor, the employer is subject to imprisonment for a period of not more than six months or a fine of not more than 500,000 yen:

- (i) if, in violation of the provisions of Article 27, an employer has failed to submit a notification, or has submitted a false notification;
- (ii) if, in violation of the provisions of Article 29, paragraph (2) (including as applied mutatis mutandis pursuant to Article 30, paragraph (2)) an employer has failed to notify the relevant person;
- (iii) if, in violation of the provisions of Article 82, paragraph (2), an employer has failed to pay insurance premiums by the due date designated in the demand letter; or
- (iv) if, in violation of Article 100, paragraph (1), an employer has failed to submit documents or other items, has failed to answer the questions of the competent official (including the official of JPS provided for in Article 100,

paragraph (1) as applied following the deemed replacement of terms pursuant to the provisions of Article 100-8, paragraph (2); the same applies in the following Article) or has given a false statement to that official, or has refused, disrupted or evaded an inspection of that official.

Article 103 If, in violation of the provisions of Article 100, paragraph (1), a person other than an employer has failed to answer the questions of a competent official or has given a false statement to that official, or has refused, disrupted, or evaded that official's inspection, the person is subject to imprisonment for a period of not more than six months or a fine of not more than 300,000 yen.

Article 103-2 A person falling under one of the following items is subject to a fine of not more than 500,000 yen:

- (i) a person who has failed to answer the questions of a collection official under the provisions of Article 141 of the National Tax Collection Act (Act No. 147 of 1959), which is to govern pursuant to the provisions of Article 89 of this Act, or who has given a false statement to that official; or
- (ii) a person who has refused, disrupted, or evaded, or who has given a false statement or presented books and documents with false records in, an inspection under the provisions of Article 141 of the National Tax Collection Act, which is to govern pursuant to the provisions of Article 89 of this Act.

Article 104 (1) If the representative of a corporation (this includes an association or foundation that is not a corporation but that has a designated representative or administrator; hereinafter in this Article referred to as an "association or foundation without legal personality"; hereinafter the same applies in this paragraph) (that representative may be an administrator of an association or foundation without legal personality) or the agent, employee, or other worker of a corporation or individual has violated one of the provisions from Article 102 through the preceding Article in connection with the business or assets of the corporation or individual, in addition to the offender being subject to punishment, the corporation or individual is also subject to the fine set forth in the relevant Article.

(2) When the provisions of the preceding paragraph apply to an association or foundation without legal personality, its representative or administrator represents it in any judicial proceedings, and legal provisions concerning criminal proceedings in which a corporation is the defendant or the suspect apply *mutatis mutandis*.

Article 104-2 In a case falling under one of the following items, the management

and investment entity officer or employee who committed the violation is subject to a fine not exceeding 200,000 yen:

- (i) the officer or employee is required to make a public announcement pursuant to the provisions of Article 79-5, paragraph (3), Article 79-6, paragraph (5) or Article 79-8, paragraph (1), but has failed to make that public announcement or has made a false public announcement;
- (ii) the officer or employee has violated an order of a competent minister under the provisions of Article 79-5, paragraph (4) or an order of the minister with jurisdiction under the provisions of Article 79-6, paragraph (7) or Article 79-7; or
- (iii) the officer or employee was required to obtain approval pursuant to the provisions of Article 79-6, paragraph (4), but has established or revised management/investment guidelines without obtaining that approval.

Article 104-3 In a case falling under either of the following items, a JPS officer is subject to a civil fine of not more than 200,000 yen:

- (i) the officer was required to obtain the authorization of the Minister of Health, Labour and Welfare pursuant to the provisions of Article 100-6, paragraph (1) or paragraph (2), Article 100-7, paragraph (1), Article 100-8, paragraph (1), or Article 100-11, paragraph (2), but has failed to obtain that authorization; or
- (ii) the officer has violated an order under the provisions of Article 100-7, paragraph (3).

Article 105 In a case as set forth in one of the following items, a civil fine of not more than 100,000 yen is imposed:

- (i) if, in violation of the provisions of Article 98, paragraph (1), an employer has failed to notify the relevant person or has submitted false notification;
- (ii) if, in violation of the provisions of Article 98, paragraph (2), an insured has failed to notify or has falsely notified the relevant person, or has failed to report or has falsely reported to the relevant person; or
- (iii) if, in violation of the provisions of Article 98, paragraph (4), a person obliged to file a notification of death pursuant to the provisions of the Family Register Act has failed to file this.