

Act on the National Institute of Advanced Industrial Science and Technology

(Act No. 203 of December 22, 1999)

Table of Contents

- Chapter I General Provisions (Articles 1 through 6)
- Chapter II Officers and Employees (Articles 7 through 10-3)
- Chapter III Operations (Articles 11 and 12)
- Chapter IV Miscellaneous Provisions (Article 13)
- Chapter V Penal Provisions (Articles 14 and 15)
- Supplementary Provisions

Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to prescribe the matters including the name, purpose, and scope of operations of the National Institute of Advanced Industrial Science and Technology.

(Name)

Article 2 The name of the incorporated administrative agency prescribed in Article 2, paragraph (1) of the Act on General Rules for Incorporated Administrative Agencies (Act No. 103 of 1999; hereinafter referred to as "Act on General Rules") established pursuant to this Act and the Act on General Rules is to be the National Institute of Advanced Industrial Science and Technology.

(Purpose of the Institute)

Article 3 The purpose of the National Institute of Advanced Industrial Science and Technology (hereinafter referred to as the "Institute") is to improve industrial technology and promote dissemination of the results thereof by comprehensively conducting operations on research, development, etc. related to science and technology in mining and industry and thereby contribute to improving industrial technology and securing a stable and efficient supply of mineral resources and energy.

Article 4 Deleted

(Office)

Article 5 The principal office of the Institute is to be located in Tokyo.

(Stated Capital)

Article 6 (1) The stated capital of the Institute is to be the amount contributed by the government pursuant to the provisions of Article 5, paragraph (2) of the Supplementary Provisions.

(2) The government may, when it finds it necessary, make additional contributions to the Institute within the scope specified by the budget.

(3) When the government has made a contribution pursuant to the provisions of the preceding paragraph or Article 6, paragraph (1) of the Supplementary Provisions, the Institute is to increase its stated capital based on the amount of that contribution.

Chapter II Officers and Employees

(Officers)

Article 7 (1) The president who is the head of the Institute and two auditors are to be appointed as officers of the Institute.

(2) A senior vice-president and a maximum of ten vice-presidents may be appointed as officers of the Institute.

(Duties and Authority of the Senior Vice-President and Vice-Presidents)

Article 8 (1) The senior vice-president, as determined by the president, is to represent the Institute and assist the president in handling the operations of the Institute.

(2) The vice-presidents, as determined by the president, is to assist the president (president and senior vice-president if a senior vice-president is appointed) in handling the operations of the Institute.

(3) The officer specified by the relevant Individual Act in Article 19, paragraph (2) of the Act on General Rules, is to be the senior vice-president; provided, however, that if a senior vice-president has not been appointed but vice-presidents have been appointed, this officer is to be a vice-president and if neither a senior vice-president nor vice-presidents have been appointed, this officer is to be an auditor.

(4) In the case referred to in the proviso of the preceding paragraph, an auditor who acts on behalf of the president or who carries out the duties of the president pursuant to the provisions of Article 19, paragraph (2) of the Act on General Rules may not carry out the duties of an auditor during that period.

(Officers' Term of Office)

Article 9 The officers' term of office is to be two years.

(Exceptions to Disqualification Clause for Vice-Presidents)

Article 10 (1) Notwithstanding the provisions of Article 22 of the Act on General Rules, a person who is a civil servant in the field of education and who has been specified by Cabinet Order may be appointed as a vice-president.

(2) With regard to the application of the provisions of Article 23, paragraph (1) of the Act on General Rules concerning the dismissal of vice-presidents of the Institute, the term "the preceding Article" in that paragraph is deemed to be replaced with "the preceding Article and Article 10, paragraph (1) of the Act on the National Institute of Advanced Industrial Science and Technology."

(Officers' and Employees' Duty of Confidentiality)

Article 10-2 The officers and employees of the Institute may not divulge or misappropriate any secrets they have come to know in the course of their duties. The same applies to any officer or employee after leaving their post.

(Status of Officers and Employees)

Article 10-3 With regard to the application of the Penal Code (Act No. 45 of 1907) and other penal provisions, the officers and employees of the Institute are deemed to be employees engaged in public service pursuant to laws and regulations.

Chapter III Operations

(Scope of Operations)

Article 11 (1) The Institute carries out the following operations to achieve the purposes specified in Article 3:

(i) research and development concerning science and technology in mining and industry, and operations relevant to the research and development;

(ii) geological surveys;

(iii) establishment of standards for measurement, calibration, inspection, research and development of measuring instruments, operations relevant to these, and training related to measurement;

(iv) technical guidance pertaining to the operations specified in the preceding three items and dissemination of the results;

(v) developing human resources who can contribute to the strengthening of the technology management capability prescribed in Article 2, paragraph (2) of the Industrial Technology Enhancement Act (Act No. 44 of 2000), improving the quality of those human resources, and promoting their utilization; and

(vi) operations incidental to the operations specified in each of the preceding items.

- (2) In addition to the operations set forth in the preceding paragraph, the Institute is to conduct on-site inspections pursuant to Article 148, paragraph (1) and paragraph (2) of the Measurement Act (Act No. 51 of 1992).

(Appropriation of Reserve Funds)

Article 12 (1) After the Institute has conducted the adjustments pursuant to the provisions of Article 44, paragraph (1) or paragraph (2) of the Act on General Rules pertaining to the last business year of the period for mid-term objectives prescribed in Article 29, paragraph (2), item (i) of the Act on General Rules (hereinafter referred to as the "period for mid-term objectives" in this paragraph), if there are reserve funds pursuant to Article 44, paragraph (1), the Institute may appropriate, from among the amount equivalent to those reserve funds, the amount for which approval has been obtained from the Minister of Economy, Trade and Industry, as a financial resource for the operations prescribed in the preceding Article in the period following the period for mid-term objectives, pursuant to the mid-term plan (or the changed mid-term plan if approval for a change pursuant to the provisions of the second sentence of the paragraph has been obtained) for which the approval specified in Article 30, paragraph (1) of the Act on General Rules has been obtained pertaining to the period for mid-term objectives following the relevant period for mid-term objectives.

- (2) When the Minister of Economy, Trade and Industry seeks to grant approval pursuant to the provisions of the preceding paragraph, the Minister must hear the opinion of the Ministry of Economy, Trade and Industry's Incorporated Administrative Institution Evaluation Committee, as well as consult with the Minister of Finance.
- (3) When there is a surplus after deducting the amount for which approval has been obtained pursuant to the provisions of paragraph (1) from the amount equivalent to the reserve funds prescribed in that paragraph, the Institute must turn over this surplus amount to the national treasury.
- (4) Beyond what is provided for in the preceding three paragraphs, necessary matters concerning the procedures for making payments and any other appropriation of reserve funds are specified by Cabinet Order.

Chapter IV Miscellaneous Provisions

(Competent Ministers)

Article 13 The competent minister, competent ministry, and order of the competent ministry pertaining to the Institute under the Act on General Rules are the Minister of Economy, Trade and Industry, Ministry of Economy, Trade and Industry, and Order of the Ministry of Economy, Trade and Industry,

respectively.

Chapter V Penal Provisions

Article 14 A person who has divulged or misappropriated a secret in violation of the provisions of Article 10-2 is punished by imprisonment with work for not more than one year or a fine of not more than 300,000 yen.

Article 15 The officer of the Institute who has committed the violation is to be punished by a civil fine of not more than 200,000 yen when the Institute falls under any of the following items:

- (i) when the Institute has conducted an operation other than those prescribed in Article 11; or
- (ii) when the Institute has failed to obtain approval in a case where the approval of the Minister of Economy, Trade and Industry must be obtained pursuant to the provisions of Article 12, paragraph (1).

Supplementary Provisions [Extract]

(Effective Date)

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

(Succession of Employees)

Article 2 A person who is actually an employee of an agency or a department of the Ministry of Economy, Trade and Industry specified by Cabinet Order at the time of establishment of the Institute is to become a proper employee of the Institute on the date of establishment of the Institute, unless a written appointment is otherwise issued.

Article 3 Among persons who are actually employees of an agency or a department specified by Cabinet Order as prescribed in the preceding Article at the time of establishment of the Institute, when there is a person who continues to be an employee of the Institute on the day of establishment of the Institute (hereinafter referred to as a "successional employee" in the following Article) and who has obtained certification pursuant to the provisions of Article 7, paragraph (1) of the Child Allowance Act (Act No. 73 of 1971) (including as applied mutatis mutandis pursuant to Article 6, paragraph (2), Article 7, paragraph (4), or Article 8, paragraph (4) of the Supplementary Provisions of that Act; hereinafter the same applies in this Article) from the Minister of Economy, Trade and Industry, and falls under the payment requirements for child allowance or the benefits specified in Article 6, paragraph (1), Article 7,

paragraph (1) or Article 8, paragraph (1) of the Supplementary Provisions of that Act (hereinafter referred to as "special benefits, etc." in this Article) on the day of establishment of the Institute, payment of child allowance or special benefits, etc. to the person is deemed as having been certified by the mayor (including ward mayors of special wards) pursuant to the provisions of Article 7, paragraph (1) of the same Act on the day of establishment of the Institute. In this case, payment of the child allowance or special benefits, etc. that were deemed to have been certified begin on the month after the month in which the day preceding the day of establishment of the Institute falls, notwithstanding the provisions of Article 8, paragraph (2) of the same Act (including as applied mutatis mutandis pursuant to Article 6, paragraph (2), Article 7, paragraph (4), or Article 8, paragraph (4) of the Supplementary Provisions of the same Act).

(Transitional Measures on Employee Organizations for Persons Who Are to Become Employees of the Institute)

Article 4 (1) An employee organization prescribed in Article 108-2, paragraph (1) of the National Public Service Act (Act No. 120 of 1947) that actually exists at the time of establishment of the Institute and of which the majority of its members are successional employees is deemed to be a labor union to which the Act on the Labor Relations of State Enterprises and Specified Incorporated Administrative Agencies, etc. (Act No. 257 of 1948) is applicable upon establishment of the Institute. In this case, if the employee organization is a corporation, it is considered to become a corporate labor union.

(2) An employee organization that has become a corporate labor union pursuant to the provisions of the preceding paragraph is to obtain certification from the labor relations commission regarding conformity to the provisions of Article 2 and Article 5, paragraph (2) of the Labor Union Act (Act No. 174 of 1949) by the day on which sixty days have elapsed from the day of establishment of the Institute, and undergo registration at the location of its principal office; otherwise, the organization is to be dissolved after the elapse of that date.

(3) The proviso of Article 2 of the Labor Union Act (limited to the part pertaining to item (i)) does not apply to an employee organization that has become a labor union pursuant to the provisions of paragraph (1) until the day on which sixty days have elapsed from the day of establishment of the Institute.

(Succession to Rights and Obligations)

Article 5 (1) Upon establishment of the Institute, the rights and obligations that the State actually possesses in relation to the operations prescribed in Article 11 and that are specified by Cabinet Order are succeeded by the Institute at the time of establishment of the Institute.

(2) When the Institute has succeeded to the rights and duties possessed by the

State pursuant to the provisions of the preceding paragraph, the amount equivalent to the total amount of the value of the land, buildings, and any other assets specified by Cabinet Order that pertain to the succeeded rights at the time of succession, is deemed to having been contributed by the government to the Institute.

- (3) The value of the assets specified in the preceding paragraph which was deemed to be a contribution by the government pursuant to the provisions of that paragraph is to be the value assessed by the Evaluation Committee using the market value on the day of establishment of the Institute as the standard.
- (4) Other necessary matters related to the Evaluation Committee and assessment by the Evaluation Committee as specified in the preceding paragraph are specified by Cabinet Order.

Article 6 (1) Beyond what is provided for in the preceding Article, buildings, etc. (buildings and auxiliary structures of the buildings; hereinafter the same applies in the following paragraph) that are actually in the process of being constructed at the time of establishment of the Institute and that are specified by Cabinet Order are deemed to be additional contributions by the government to the Institute.

- (2) The value of buildings, etc. that are intended to be contributions by the government pursuant to the provisions of the preceding paragraph is the value assessed by the Evaluation Committee using the market value on the day of contribution as the standard.
- (3) Other necessary matters related to the Evaluation Committee and assessments by the Evaluation Committee as specified in the preceding paragraph are specified by Cabinet Order.

(Gratuitous Use of National Government Asset)

Article 7 The State may, pursuant to Cabinet Order, allow the Institute to use, without compensation, national government asset that is specified by Cabinet Order and that is actually being used by an agency or department of the Ministry of Economy, Trade and Industry for matters specified by Cabinet Order at the time of establishment of the Institute, for the national government asset to be used for the Institute.

(Delegation to Cabinet Order)

Article 11 Beyond what is provided for in Articles 2 through 7 and the preceding Article of the Supplementary Provisions, the necessary transitional measures associated with the establishment of the Institute and any other necessary transitional measures for the implementation of this Act are specified by Cabinet Order.

Supplementary Provisions [Act No. 84 of May 26, 2000] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of June 1, 2000.

Supplementary Provisions [Act No. 83 of June 9, 2004] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2005; provided, however, that the provisions of Article 7 of the Supplementary Provisions come into effect as of the date of promulgation, and the provisions of Article 8 of the Supplementary Provisions come into effect as of March 31 of the same year.

(Succession of Employees)

Article 2 A person who is actually an employee of the existing National Institute of Advanced Industrial Science and Technology (hereinafter referred to as the "existing Institute") at the time of implementation of this Act becomes an employee of the National Institute of Advanced Industrial Science and Technology (hereinafter referred to as the "Institute") on the day on which this Act comes into effect (hereinafter referred to as "implementation date"), unless a written appointment is otherwise issued.

Article 3 With regard to the application of the provisions of Article 82, paragraph (2) of the National Public Service Act (Act No. 120 of 1947), a person who has become an employee of the Institute pursuant to the provisions of the preceding Article is deemed to have retired, due to the fact that the person becomes a national public servant in special service, etc. pursuant to the provisions of the paragraph, and the loss of one's status as a national public servant pursuant to the provisions of the preceding Article results in the person becoming a national public servant in special service, etc. as prescribed in the paragraph at the request of the appointer.

Article 4 (1) The retirement allowance pursuant to the National Government Employees, etc. Retirement Allowance Act (Act No. 182 of 1953) is not paid to a person who becomes an employee of the Institute pursuant to the provisions of Article 2 of the Supplementary Provisions.

(2) When the Institute seeks to pay the retirement allowance upon retirement of an employee of the Institute who is subject to the provisions of the preceding paragraph, the tenure during which the person continued in a position as an employee as prescribed in Article 2, paragraph (1) of the National Government

Employees, etc. Retirement Allowance Act (including persons deemed to be employees pursuant to the provisions of paragraph (2) of that Article) is to be deemed as the tenure during which the person was an employee of the Institute and handled as such.

- (3) When a person who holds a position as an employee of the existing Institute on the day before the implementation date continues to be an employee of the Institute pursuant to the provisions of Article 2 of the Supplementary Provisions, and when that person continues to become an employee pursuant to the provisions of Article 2, paragraph (1) of the National Government Employees, etc. Retirement Allowance Act after the tenure as an employee of the Institute, for the computation of the period of time of their services that serves as the basis for calculating the retirement allowance to be received pursuant to that Act, their tenure as an employee of the Institute is deemed to be their ongoing tenure as an employee prescribed in that paragraph; provided, however, that this does not apply when the person has received a retirement allowance (including benefits equivalent to this retirement allowance) as a result of retiring from the Institute.
- (4) Among the persons who held positions as employees of the existing Institute on the day before the implementation date, and who continued to become employees of the Institute pursuant to the provisions of Article 2 of the Supplementary Provisions, a person who retired from the Institute between the implementation date and when the person obtained recipient qualification for unemployment, etc. benefits pursuant to the Employment Insurance Act (Act No. 116 of 1974) and who may receive a retirement allowance pursuant to the provisions of Article 10 of the National Government Employees, etc. Retirement Allowance Act if they held a position as an employee of the existing Institute up until the day of the retirement, the Institute is to pay an amount equivalent to the retirement allowance calculated based on the example in the provisions of the Article to the person as a retirement allowance.

(Transitional Measures for Labor Unions)

Article 5 (1) A labor union as prescribed in the provisions of Article 4, paragraph (2) of the Act on Labor Relations of Specified Incorporated Administrative Agencies, etc. (Act No. 257 of 1948; hereinafter referred to as "Specified Labor Act" in the following Article) that actually exists upon implementation of this Act, and when the majority of the members continue to be employees of the Institute pursuant to the provisions of Article 2 of the Supplementary Provisions, the union is considered to be a labor union to which the Labor Union Act (Act No. 174 of 1949) applies at the time of implementation of this Act. In this case, when the labor union is a corporation, the labor union is to become a corporate labor union.

- (2) A labor union that has become a corporate labor union pursuant to the provisions of the preceding paragraph must obtain certification from the labor relations commission regarding conformity to the provisions of Article 2 and Article 5, paragraph (2) of the Labor Union Act by the day on which sixty days have elapsed from the implementation date and undergo registration at the location of its principal office; otherwise, the labor union is to be dissolved after the elapse of that date.
- (3) The proviso of Article 2 of the Labor Union Act (limited to the part pertaining to item (i)) does not apply to an employee organization that has become a labor union to which that Act applies pursuant to the provisions of paragraph (1) until the day on which sixty days have elapsed from the implementation date.

(Transitional Measures Regarding Petitions against Unfair Labor Practices)

Article 6 (1) With regard to the period for filing a petition with the Central Labour Relations Commission pertaining to dismissal by the existing Institute prior to the implementation of this Act pursuant to Article 18 of the Specified Labor Act, and the period for an order by the Central Labour Relations Commission, the provisions then in force remain applicable.

(2) With regard to matters provided for in Chapter III of the Specified Labor Act (excluding the provisions of Articles 12 through 16) and Chapter VI pertaining to cases relating to mediation, conciliation, or arbitration where the existing Institute that are actually pending in the Central Labor Relations Commission at the time of enforcement of this Act and the labor union to which the Specified Labor Act pertaining to the employees of the Institute applies are the concerned parties, the provisions then in force remain applicable.

(Delegation to Cabinet Order)

Article 7 Beyond what is provided for in Article 2 to the preceding Article of the Supplementary Provisions, necessary transitional measures for the implementation of this Act are specified by Cabinet Order.

Supplementary Provisions [Act No. 36 of May 11, 2007] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding six months from the date of promulgation.

(Transitional Measures Relating to Application of Penal Provisions)

Article 7 With regard to the application of penal provisions to acts performed prior to the implementation of this Act, the provisions then in force remain applicable.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 8 Beyond what is provided for in these Supplementary Provisions, the necessary transitional measures associated with the implementation of this Act are specified by Cabinet Order.