

National Public Service Act

(Act No. 120 of October 21, 1947)

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Chapter I General Provisions

(Purpose and Effect of this Act)

- Article 1 (1) The purpose of this Act is to assure the people democratic and efficient administration of the public service by establishing basic standards (including adequate measures to protect the welfare and interest of officials) which is applicable to all officials who are national public employees and by providing that officials are selected and directed through democratic practices so as to promote maximum efficiency in the performance of public duties.
- (2) This Act is to establish standards solely for the administration of the civil service referred to in Article 73 of the Constitution of Japan.
- (3) No person may intentionally violate, or attempt or conspire to violate this Act or any other order issued under this Act. Furthermore, no person may intentionally commit or attempt to commit any fraud concerning the enforcement of, or obstruct the enforcement of this Act or any other order issued under this Act.
- (4) Even if any provision of this Act loses its effect or the application thereof is held invalid, the remainder of this Act or other applications of its provisions is not affected.
- (5) If any provision of this Act is inconsistent or conflicts with former laws or laws and regulations thereunder in force as of the effective date of this Act, the provisions of this Act take precedence.

(Regular and Special Service)

- Article 2 (1) National public employee positions are divided into those of regular service and special service.

- (2) Regular service comprises of all national public employee positions other than those belonging to special service.
- (3) Special service is comprised of the positions held by officials listed below:
- (i) the Prime Minister;
 - (ii) Ministers of State;
 - (iii) Commissioners of the National Personnel Authority and Commissioners of the Board of Audit;
 - (iv) Director-General of the Cabinet Legislation Bureau;
 - (v) Deputy Chief Cabinet Secretaries;
 - (v)-2 Deputy Chief Cabinet Secretary for Crisis Management;
 - (v)-3 Secretary General of National Security Secretariat;
 - (v)-4 Assistant Chief Cabinet Secretaries, Cabinet Secretary for Public Affairs and Director of Cabinet Intelligence;
 - (vi) Special Advisors to the Prime Minister;
 - (vii) Senior Vice-Ministers;
 - (vii)-2 Parliamentary Secretaries;
 - (vii)-3 Special Advisors to the Minister;
 - (vii)-4 Chief Digital Officer;
 - (viii) Private Secretaries to the Prime Minister and Private Secretaries to Ministers of State and those designated by the Rules of the National Personnel Authority from among Private Secretaries to the heads of organs included in special service;
 - (ix) officials who hold positions whose assumption requires an election, or the resolution or consent of one or both Houses of the Diet;
 - (x) Grand Steward, Grand Chamberlain, Grand Master of the Crown Prince's Household, Grand Master of Ceremonies and Deputy Grand Chamberlain of the Imperial Household Agency, and other officials of the Imperial Household Agency designated by law or by the Rules of the National Personnel Authority;
 - (xi) Ambassadors Extraordinary and Plenipotentiary, Envoys Extraordinary and Ministers Plenipotentiary, Ambassadors on Special Mission, Representatives of the Government, Plenipotentiaries; Acting Representatives of the Government or Alternates of Plenipotentiaries; and Advisors and Members of the Suite of Ambassadors on Special Mission, Representatives of the Government or Plenipotentiaries;
 - (xi)-2 members of the Japanese National Commission for UNESCO;
 - (xii) members of the Japan Academy;
 - (xii)-2 members of the Science Council of Japan;
 - (xiii) judges and other officials of courts;
 - (xiv) officials of the Diet;
 - (xv) secretaries to Members of the Diet;

- (xvi) officials of the Ministry of Defense (excluding officials designated by the Rules of the National Personnel Authority from among the members of the council organizations established in the Ministry of Defense specified by Cabinet Order referred to in Article 41 of the Act for Establishment of the Ministry of Defense (Act No. 164 of 1954), and from among the officials specified by Cabinet Order referred to in Article 41 from among those engaged in the affairs set forth in Article 4, paragraph (1), item (xxiv) or (xxv) of the same Act);
- (xvii) officers of agencies engaged in administrative execution, prescribed in Article 2, paragraph (4) of the Act on General Rules for Incorporated Administrative Agency (Act No. 103 of 1999) (hereinafter referred to as "agencies engaged in administrative execution").
- (4) The provisions of this Act apply to all positions belonging to regular service (hereinafter referred to as a "government position," and those holding such positions are hereinafter referred to as "officials"). The National Personnel Authority has the authority to decide whether a certain position comes under the service of national public employees, and whether it comes under regular service or special service as provided for in this Article.
- (5) The provisions of this Act do not apply to positions which come under special service unless otherwise provided for by an amendment of this Act.
- (6) The government must not have workers other than regular service or special service, and pay salary, compensation, or other remuneration for their service.
- (7) The provisions of the preceding paragraph do not apply to service contracts concluded between the government or a government organ and a foreign national on an individual basis.

Chapter II Central Personnel Agencies

(National Personnel Authority)

- Article 3 (1) The National Personnel Authority is established under the jurisdiction of the Cabinet. The Authority must report to the Cabinet in accordance with the standards provided for in this Act.
- (2) The National Personnel Authority, in accordance with applicable laws, takes charge of affairs concerning recommendations for improvement in personnel administration as well as in remuneration and other conditions of work; recruitment examination (excluding particulars concerning government positions pertaining to recruitment examinations, types of recruitment examinations and human resources to be secured by recruitment examinations); appointment and dismissal (excluding particulars concerning the ability to perform standard duties, basic policy on initial appointment, promotion, etc., special provisions for appointment, etc. of executive officials

and fostering courses for executive candidates (including particulars necessary for enforcing the basic standard provided for in Article 33, paragraph (1), concerning cultivation and utilization of excellent personnel in order to deal with changes of demand for administrative services)); remuneration (excluding particulars concerning methods of deciding the pay step for officials to whom the designated service salary schedule is applied pursuant to the provisions of Article 6-2, paragraph (1) of the Act on Remuneration of Officials in the Regular Service (Act No. 95 of 1950) and deciding and revising the fixed numbers of officials in each grade of the salary schedules under the provisions of Article 8, paragraph (1) of the same Act); formulation and implementation of plan of training (limited to those pertaining to the viewpoints set forth in Article 70-6, paragraph (1), item (i)) and research and study of the training; status; disciplinary action; processing of complaints; maintenance of ethics pertaining to the duties; and other particulars concerning maintaining fairness in personnel administration, the protection of the interests of officials and the like.

- (3) Within the sphere in which the National Personnel Authority is authorized to act by law, the decisions and dispositions of the Authority are subject to review only by the Authority.
- (4) The provisions of the preceding paragraph do not in any way affect the right to file an action in court on legal matters.

(National Public Service Ethics Board)

- Article 3-2 (1) The National Public Service Ethics Board is established within the National Personnel Authority in order to have it handle the affairs concerning the maintenance of ethics pertaining to the duties among functions under its jurisdiction referred to in paragraph (2) of the preceding Article.
- (2) Beyond what is provided for in this Act, particulars concerning the National Public Service Ethics Board are provided for by the provisions of the National Public Service Ethics Act (Act No. 129 of 1999).

(Officials)

- Article 4 (1) The National Personnel Authority is composed of three Commissioners.
- (2) One of the Commissioners is appointed as President.
 - (3) The National Personnel Authority appoints a Secretary-General and other such officials as it deems necessary to appropriately perform its duties within the limitations of its budget.
 - (4) The National Personnel Authority controls its own internal organizational structure. The National Government Organization Act (Act No. 120 of 1948) does not apply to the Authority.

(Commissioners of the National Personnel Authority)

Article 5 (1) Commissioners of the National Personnel Authority are appointed, with the consent of both Houses of the Diet, by the Cabinet from among persons 35 years of age or older, who are of the highest moral character and integrity, who understand the democratic organization of governance and efficient administration of affairs based on result-oriented principle, and have an insight concerning personnel administration.

(2) The appointment and dismissal of Commissioners is certified by the Emperor.

(3) No person falling under any of the following items may be appointed as Commissioner:

(i) a person who received a decision for the commencement of bankruptcy proceedings and has not had their rights restored;

(ii) a person who has been sentenced to imprisonment without work or a severer punishment or who has been punished for committing a crime prescribed in Chapter 4;

(iii) a person who falls under Article 38, item (ii) or item (iv).

(4) No person may be appointed as Commissioner if they are or have been, within five years previous to the proposed date of appointment, an officer, political advisor or other similarly politically influential member of a political party or who, within five years previous to the proposed date of appointment, has been a candidate for national or prefectural elective public office, as provided for by the Rules of the National Personnel Authority.

(5) With respect to the appointment of Commissioners, no two persons among them may come to belong to the same political party or be graduates of the same department of the same university.

(Oath Taking and Service Discipline)

Article 6 (1) After appointment, Commissioner must not perform the duties until the Commissioner has signed a written oath before the Chief Justice of the Supreme Court, as provided for by the Rules of the National Personnel Authority.

(2) The provisions of Section 7 of Chapter III apply mutatis mutandis to Commissioners.

(Term of Office)

Article 7 (1) The term of office for Commissioners is 4 years; provided, however, that a Commissioner who is appointed to act as a substitute remains in office for the remaining term of the predecessor.

(2) Commissioners may be reappointed; provided, however, that the Commissioners may not remain in office continuously for a period exceeding 12

years.

- (3) No person who was a Commissioner may be appointed to a government position other than a position in the National Personnel Authority for a period of one year after leaving the position as Commissioner.

(Retirement and Dismissal)

Article 8 (1) A Commissioner is not dismissed against the Commissioner's will except in cases which fall under any of the following items:

- (i) when the Commissioner has come to fall under any of the items in Article 5, paragraph (3);
 - (ii) when the Commissioner's dismissal has been affirmed by public impeachment proceedings based on a prosecution filed by the Diet;
 - (iii) when the Commissioner has completed the term of office and has not been reappointed, or when the Commissioner has come to hold office as Commissioner continuously for a period of 12 years.
- (2) Grounds for impeachment under the provisions of item (ii) of the preceding paragraph are the following:
- (i) when the Commissioner is unable to perform official duties due to a mental or physical disorder;
 - (ii) when the Commissioner has violated the obligations in the course of duties or has committed a misconduct inappropriate as a Commissioner.
- (3) If two or more Commissioners have come to belong to the same political party, those Commissioners except one are to be dismissed, with the consent of both Houses of the Diet, by the Cabinet.
- (4) The provisions of the preceding paragraph are not to jeopardize the position of a Commissioner whose political party affiliation has not changed.

(Impeachment of Commissioners)

Article 9 (1) Impeachment of a Commissioner is judged by the Supreme Court.

- (2) When the Diet intends to call for the impeachment of a Commissioner, the document stating the grounds for the impeachment must be submitted to the Supreme Court.
- (3) In the case referred to in the preceding paragraph, the Diet must send a copy of the document prescribed in the same paragraph to the Commissioner pertaining to the prosecution.
- (4) The Supreme Court must set a date for commencing the trial not less than 30 days and not more than 90 days after receipt of the document referred to in paragraph (2), and notify this to the Diet and the Commissioner pertaining to the impeachment 30 days prior to the date.
- (5) The Supreme Court must pronounce judgment within 100 days from the date of commencing the trial.

- (6) The judgment procedures for the impeachment of Commissioners are prescribed by the rules of court.
- (7) Costs of the trial are borne by the national treasury.

(Remuneration of Commissioners)

Article 10 The remuneration of Commissioners is specified separately by laws.

(President of the National Personnel Authority)

- Article 11 (1) The President of the National Personnel Authority is appointed by the Cabinet from among the Commissioners.
- (2) The President of the National Personnel Authority presides over the affairs of and represents the Authority.
 - (3) A senior Commissioner acts in place of the President of the National Personnel Authority in the performance of duties if the President is unavailable, or if the President's position is vacant.

(Meetings of the National Personnel Authority)

- Article 12 (1) Regular meetings of the National Personnel Authority must be held at least once a week at a fixed place as a rule, as provided for by the Rules of the National Personnel Authority.
- (2) All the business of the meetings of the National Personnel Authority must be recorded in its minutes.
 - (3) The minutes referred to in the preceding paragraph are prepared by the Director.
 - (4) Necessary particulars concerning the administrative procedures of the National Personnel Authority are prescribed by the Rules of the Authority.
 - (5) The Secretary-General attends the meetings of the National Personnel Authority as Director.
 - (6) When exercising the powers listed below, the National Personnel Authority requires its resolution:
 - (i) enactment, amendment or repeal of the Rules of the National Personnel Authority;
 - (ii) deleted;
 - (iii) recommendations to the relevant ministers or heads of other government organs concerned under the provisions of Article 22;
 - (iv) submission of opinions to the Diet and the Cabinet under the provisions of Article 23;
 - (v) reports to the Diet and the Cabinet under the provisions of Article 24;
 - (vi) recommendations to the Diet and the Cabinet under the provisions of Article 28;
 - (vii) designation of examining bodies under the provisions of Article 48;

- (viii) approval of temporary appointments and renewals thereof, restriction of the number of officials subject to temporary appointment and decisions on their requisite qualifications, and rescission of temporary appointments under the provisions of Article 60 (except cases provided for by the Rules of the National Personnel Authority);
- (ix) preparation of proposed revision and recommendation to the Diet and the Cabinet on the particulars provided for in the Act on Remuneration under the provisions of Article 67;
- (x) determination of cases under the provisions of Article 87;
- (xi) determination of dispositions under the provisions of Article 92;
- (xii) drafting of important particulars concerning compensation under the provisions of Article 95;
- (xiii) determination on a request for administrative review referred to in Article 103, paragraph (5);
- (xiv) submission of opinions to the Diet and the Cabinet under the provisions of Article 108;
- (xv) suspension of the effect of registration of an employee organization and rescission of its registration under the provisions of Article 108-3, paragraph (6);
- (xvi) other particulars so decided by the National Personnel Authority as to require a resolution of the National Personnel Authority.

(General Secretariat and Budget)

Article 13 (1) The National Personnel Authority has General Secretariat and a legal advisor under its jurisdiction.

- (2) The organization of General Secretariat and necessary particulars concerning the legal advisor are prescribed by the Rules of the National Personnel Authority.
- (3) The National Personnel Authority must, prior to the beginning of each fiscal year, submit to the Cabinet for inclusion in the national budget, a written request for its expenses necessary for the ensuing fiscal year. Such requests must cover the purchase of land; construction of buildings; rental of offices; purchase of furniture, equipment and supplies; payment of salary and compensation; together with expenses for all other necessary goods and services.
- (4) In the event the Cabinet revises the written request for the expenses from the National Personnel Authority, the written request from the National Personnel Authority must be submitted to the Diet together with the written request as revised by the Cabinet.
- (5) The National Personnel Authority may establish local offices as it deems necessary with the approval of the Diet.

(Secretary-General)

Article 14 The Secretary-General is the assistant to the President of the National Personnel Authority for the execution of the duties and, under the general supervision of the President of the National Personnel Authority, directs and supervises all administrative and technical activities of the National Personnel Authority, and plans, recruits, assigns and directs officials of the National Personnel Authority, and acts as the Director at the meetings of the National Personnel Authority.

(Prohibition of Officials of the National Personnel Authority from Holding Concurrent Positions)

Article 15 No Commissioner or Secretary-General may concurrently hold any other government position.

(Rules and Directives of the National Personnel Authority)

Article 16 (1) In order to implement laws, or as delegated by laws, the National Personnel Authority enacts the Rules of the National Personnel Authority, issues the Directives of the National Personnel Authority and establishes procedures concerning functions under its jurisdiction. The National Personnel Authority may amend or repeal its Rules at any time at its own discretion.

(2) The Rules of the National Personnel Authority and their amendment or repeal are promulgated in the Official Gazette.

(3) The National Personnel Authority may issue the Directives of the National Personnel Authority to implement the Rules of the National Personnel Authority or take other measures under this Act.

(Investigation by the National Personnel Authority)

Article 17 (1) The National Personnel Authority, or any person designated by the National Personnel Authority, may conduct investigations concerning particulars relevant to personnel administration under its jurisdiction.

(2) The National Personnel Authority, or persons designated pursuant to the provisions of the preceding paragraph, may, when necessary in conducting the investigations referred to in the same paragraph, summon witnesses and demand the submission of documents, or copies thereof that are found to be related to the particulars to be investigated.

(3) The National Personnel Authority, if it finds it necessary for the investigations referred to in paragraph (1) (limited to those conducted with regard to the maintenance of ethics relating to the duties of officials), may summon an official subject to investigation to appear and question the official, or have the person who is designated pursuant to the provisions of the same

paragraph enter the place where the official under investigation works (including places where the official worked before as an official), inspect books and documents and other materials as necessary, and question the persons concerned.

- (4) A person who conducts an on-site inspection pursuant to the provisions of the preceding paragraph must carry a certificate for identification, and show it to the persons concerned when requested.
- (5) Authority concerning on-site inspections under the provisions of paragraph (3) must not be construed as that granted for criminal investigation.

(Delegation of Authority to the National Public Service Ethics Board)

Article 17-2 The National Personnel Authority delegates the authority under the provisions of the preceding Article (limited to those implemented with regard to the maintenance of ethics relating to the duties of officials, and excluding those relating to the request for administrative review provided for in Article 90, paragraph (1)) to the National Public Service Ethics Board.

(Control of Payment of Remuneration)

- Article 18 (1) The National Personnel Authority controls the payments of remuneration to officials.
- (2) No remuneration must be paid to officials contrary to the Rules or the Directives of the National Personnel Authority.

(Prime Minister)

Article 18-2 (1) The Prime Minister, in accordance with applicable laws, takes charge of affairs concerning government positions pertaining to recruitment examinations, types of recruitment examinations and human resources to be secured by recruitment examinations, affairs concerning the ability to perform standard duties, basic policy on initial appointment, promotion, etc., special provisions for appointment, etc. of executive officials and fostering courses for executive candidates (including particulars necessary for enforcing the basic standard provided for in Article 33, paragraph (1), concerning cultivation and utilization of excellent personnel conducted in order to deal with changes of demand for administrative services), affairs concerning methods of deciding the pay step for officials to whom the designated service salary schedule under the provisions of Article 6-2, paragraph (1) of the Act on Remuneration of Officials in the Regular Service applies, and decisions and revisions of the fixed numbers of officials in each grade of the salary schedules under the provisions of Article 8, paragraph (1) of the same Act, and affairs concerning personnel evaluation of officials (meaning the evaluation of official's work performance after understanding their abilities and achievements shown in the course of

duty in order to form a basis for appointment, remuneration, status, and other personnel management; the same applies hereinafter), training, efficiency, welfare, service discipline, and retirement management, etc. of officials (except those under the jurisdiction of the National Personnel Authority, pursuant to the provisions of Article 3, paragraph (2)).

- (2) Beyond those provided for in the preceding paragraph, the Prime Minister takes charge of affairs concerning coordination and integration necessary for maintaining uniformity with regard to particulars such as policies and programs concerning personnel management which are conducted by each administrative organ with respect to their officials.

(Investigation by the Prime Minister)

Article 18-3 (1) The Prime Minister may conduct investigations concerning particulars relevant to the retirement management of officials (limited to those provided for in Article 106-2 through Article 106-4).

- (2) The provisions of Article 17, paragraphs (2) through (5) apply mutatis mutandis to the investigation under the provisions of the preceding paragraph. In this case, the phrase "The National Personnel Authority, or persons designated pursuant to the provisions of the preceding paragraph, may, when necessary in conducting the investigations referred to in the same paragraph" in paragraph (2) of the same Article is deemed to be replaced with "The Prime Minister, may, when necessary in conducting the investigations referred to in Article 18-3, paragraph (1)," and in paragraph (3) of the same Article the phrase "for the investigation referred to in paragraph (1) (limited to that conducted with regard to the maintenance of ethics relating to the duties of officials)" is deemed to be replaced with "for the investigation referred to in Article 18-3, paragraph (1)," the phrase "an official subject to investigation" is deemed to be replaced with "an official or a person that was an official subject to investigation," the phrase "have the person who is designated pursuant to the provisions of the same paragraph, enter the place where the official" is deemed to be replaced with "the official," the phrase "have the person who is designated pursuant to the provisions of the same paragraph enter" is deemed to be replaced with "enter", and the phrase "have the person inspect and question the persons concerned" is deemed to be replaced with "inspect and question the persons concerned".

(Delegation of Authority to the Reemployment Surveillance Commission)

Article 18-4 The Prime Minister delegates the authority under the provisions of the preceding Article to the Reemployment Surveillance Commission.

(Assistance by the Prime Minister)

- Article 18-5 (1) The Prime Minister, upon separation of officials from service, provides assistance on new employment after the separation from service.
- (2) The Prime Minister provides support for the smooth implementation of personnel exchange between the government and the private sector (meaning dispatch for exchange purposes provided for in Article 2, paragraph (3) of the Act on Personnel Exchange between the Government Sector and Private Enterprise (Act No. 224 of 1999), or initial appointment under the provisions of the proviso of Article 36 of persons who are currently employed or have been employed by private enterprises, and other exchanges specified by Cabinet Order as being equivalent thereto; the same applies for Article 54, paragraph (2), item (vii)).

(Delegation of Affairs to the Center for Personnel Interchanges between the Government and Private Entities)

- Article 18-6 (1) The Prime Minister is to delegate affairs provided for in the preceding Article to the Center for Personnel Interchanges between the Government and Private Entities.
- (2) The Prime Minister is to establish and make public the guidelines with respect to the operation of the affairs delegated under the provisions of the preceding paragraph.

(The Center for Personnel Interchanges between the Government and Private Entities)

- Article 18-7 (1) The Center for Personnel Interchanges between the Government and Private Entities is established within the Cabinet Office.
- (2) The Center for Personnel Interchanges between the Government and Private Entities deals with particulars belonging to its authority pursuant to the provisions of this Act and other laws.
- (3) The Chief Cabinet Secretary serves as the Head of the Center for Personnel Interchanges between the Government and Private Entities.
- (4) The Head of the Center for Personnel Interchanges between the Government and Private Entities superintends the affairs of the Center for Personnel Interchanges between the Government and Private Entities.
- (5) The Head of the Center for Personnel Interchanges between the Government and Private Entities may ask the heads of the relevant administrative organs for the submission of materials, expression of opinions, explanations and other necessary cooperation, or state their own opinion if they find it necessary for performing functions under the jurisdiction of the Center.
- (6) The Center for Personnel Interchanges between the Government and Private Entities has Deputy Head of the Center.
- (7) The Deputy Head of the Center for Personnel Interchanges between the

Government and Private Entities assists with the duties of the Head of the Center.

- (8) The Center for Personnel Interchanges between the Government and Private Entities has necessary officials.
- (9) The Prime Minister may establish branch offices of the Center for Personnel Interchanges between the Government and Private Entities at necessary locations, in order to allot all or part of the functions under the jurisdiction of the Center.
- (10) Beyond what is provided for in paragraph (3) through the preceding paragraph, any important particulars concerning the organization of the Center for Personnel Interchanges between the Government and Private Entities are specified by Cabinet Order.

(Personnel Records)

Article 19 (1) The Prime Minister administers particulars concerning personnel records of the officials.

- (2) The Prime Minister is to have the Cabinet Office, Digital Agency, the ministries and other government organs prepare and retain personnel records inclusive of all particulars related to the personnel affairs of officials of the government organs.
- (3) The particulars to be entered in personnel records, the form thereof, and other necessary particulars concerning personnel records are specified by Cabinet Order.
- (4) When it is found that the personnel records prepared and retained by the Cabinet Office, Digital Agency or the ministries or other government organs contravene Cabinet Order under the provisions of the preceding paragraph, the Prime Minister may order their revisions and take other necessary measures.

(Statistical Reports)

Article 20 (1) The Prime Minister is to, as specified by Cabinet Orders, provide for and implement a system of statistical reports concerning the composition of officials.

- (2) If it is necessary in connection with the statistical reports referred to in the preceding paragraph, the Prime Minister may request any government agency concerned to submit required reports as needed or periodically in a specified format.

(Delegation of Authority)

Article 21 The National Personnel Authority or the Prime Minister may delegate part of the authority under this Act to other government organs, as provided for by the Rules of the National Personnel Authority or Cabinet Order

respectively. In such cases, the National Personnel Authority or the Prime Minister may direct and supervise the heads of those organs with regard to the affairs.

(Recommendations for Improvement of Personnel Administration)

Article 22 (1) The National Personnel Authority may make recommendations to the relevant ministers or heads of other government organs concerning improvements in personnel administration.

(2) In the case referred to in the preceding paragraph, the National Personnel Authority must report to the Cabinet to that effect.

(Submission of Opinions on Enactment, Amendment or Repeal of Laws and Regulations)

Article 23 The National Personnel Authority must, in order to achieve the purpose of this Act, if it has opinions concerning the enactment or amendment or repeal of laws and regulations, submit the opinions to the Diet and to the Cabinet simultaneously.

(Requests from the Prime Minister Regarding Enactment, Amendment or Repeal of the Rules of the National Personnel Authority)

Article 23-2 (1) The Prime Minister may request the National Personnel Authority to enact, amend or repeal the Rules of the National Personnel Authority if the Prime Minister finds it necessary in order to achieve the purpose of this Act.

(2) The Prime Minister is to make public the content of a request promptly if the Prime Minister makes a request under the provisions of the preceding paragraph.

(Report on Business)

Article 24 (1) The National Personnel Authority must report annually to the Diet and the Cabinet on the state of its business.

(2) The Cabinet must make public the report referred to in the preceding paragraph.

(Personnel Managers)

Article 25 (1) The Cabinet Office, Digital Agency, the ministries and other government organs as designated by Cabinet Order, must have a personnel manager.

(2) A personnel manager is the head of the bureau in charge of personnel affairs, assists the head of the government organ referred to in the preceding paragraph, and takes charge of affairs pertaining to personnel affairs. In this

case, a personnel manager must maintain close liaison and cooperate with central personnel agencies.

Article 26 Deleted.

Chapter III Standards Applicable to Officials

Section 1 General Rules

(Principle of Equal Treatment)

Article 27 In the application of this Act, all citizens are accorded equal treatment and must not be discriminated against due to race, creed, sex, social status, family origin; or due to political opinions or affiliations other than those which fall under Article 38, item (iv).

(Principle of Personnel Management)

Article 27-2 Appointment, remuneration and other personnel management of officials after initial appointment must not be bound by the officials' seniority, the type of recruitment examination they passed and whether they are or were persons subject to courses prescribed in Article 61-9, paragraph (2), item (ii), and must be conducted appropriately based on personnel evaluation, except as otherwise provided for in this Act.

(Principle of Meeting Changing Conditions)

Article 28 (1) The fundamental particulars concerning remuneration, working hours and other working conditions of officials to be established based on this Act and other laws may be changed at any time by the Diet to bring them into accord with general conditions in society as a whole. The National Personnel Authority must not fail to recommend such changes.

(2) The National Personnel Authority must report to the Diet and the Cabinet simultaneously on the propriety of the current salary schedules at least once a year. When it is found that changes in conditions affecting the determination of salaries requires an increase or decrease in salaries provided for in the salary schedules by 5 % or more, the National Personnel Authority, with such report thereon, must make appropriate recommendations to the Diet and the Cabinet.

Article 29 Deleted.

Article 30 Deleted.

Article 31 Deleted.

Article 32 Deleted.

Section 2 Recruitment Examination, Appointment and Dismissal

(Basic Standards for Appointment and Dismissal)

Article 33 (1) Appointment of an official must be made entirely based on the person's examination results, the person's personnel evaluation or other demonstrated abilities, as provided for by this Act.

(2) In enforcing the basic standards provided for in the preceding paragraph, the following particulars must be secured:

(i) fair appointment of officials;

(ii) cultivation and utilization of excellent personnel conducted in order to deal with changes of demand for administrative services.

(3) Dismissal of an official must be based on grounds as provided for in laws.

(4) Particulars necessary for enforcing the basic standards provided for in paragraph (1) concerning securing the particulars set forth in paragraph (2), item (i) and particulars necessary for enforcing the basic standards provided for in the preceding paragraph are prescribed by the Rules of the National Personnel Authority, except those provided for in this Act.

Article 33-2 The basic policy on initial appointment, promotion, etc. provided for in Article 54, paragraph (1) is to provide basic particulars that contribute to securing appropriate and effective operation of the system concerning initial appointment, promotion, demotion and transfer of officials, as particulars necessary for enforcing the basic standards provided for in paragraph (1) of the preceding Article that are related to securing the particulars set forth in paragraph (2), item (ii) of the same Article.

Subsection 1 General Rules

(Definitions)

Article 34 (1) In this Act, the meanings of the terms set forth in the following items are prescribed respectively in those items:

(i) initial appointment: appointing a person other than an official to a government position (excluding temporary appointment).

(ii) promotion: appointing an official to a government position of a higher level of the classified job ladder than the one which the official is currently appointed to.

(iii) demotion: appointing an official to a government position of a lower level of the classified job ladder than the one which the official is currently appointed to.

- (iv) transfer: appointing an official to a government position other than the government position which the official is currently appointed to, that does not fall under those provided for in the preceding two items.
 - (v) ability to perform standard duties: ability specified by the Prime Minister as that is required to be shown in the course of carrying out duties of the standard government position of the classified job ladder.
 - (vi) executive officials: officials who hold the government position of director-general provided for in Article 50 of the Act for Establishment of the Cabinet Office (Act No. 89 of 1999) or Article 6 of the National Government Organization Act or administrative vice-minister provided for in Article 18, paragraph (1) of the same Act or director-general of the bureau or director-general of the department as provided for in Article 21, paragraph (1) of the same Act or an equivalent position specified by Cabinet Order (hereinafter referred to as "executive service").
 - (vii) managerial officials: officials who hold the government position of director of a division or a director of an office as provided for in Article 21, paragraph (1) of the National Government Organization Act or an equivalent position specified by Cabinet Order (hereinafter referred to as "managerial service").
- (2) The standard government positions referred to in item (v) of the preceding paragraph are officers, unit chiefs, assistant directors, directors and other government positions, and are specified by Cabinet Order in accordance with the classified job ladder and the types of official duties.

(Method of Filling Vacancies)

Article 35 When a government position becomes vacant, its appointer, except as otherwise provided for by laws or by the Rules of the National Personnel Authority, may appoint an official through any one of initial appointment, promotion, demotion or transfer; provided, however, that this does not apply when the National Personnel Authority finds special necessity to and designates the method of appointment.

(Method of Initial Appointment)

Article 36 Initial appointment of officials is to be made through competitive examinations; provided, however, that when an appointer intends to initially appoint someone to a government position other than that of an officer (a government position belonging to the classified job ladder whose standard government position provided for in Article 34, paragraph (2) is an officer and other equivalent government positions provided for by the Rules of the National Personnel Authority; the same applies for Article 45-2, paragraph (1)) or when it is provided for by the Rules of the National Personnel Authority, these provisions do not preclude the appointment by means of examinations

based on demonstrated abilities other than through competitive examinations (hereinafter referred to as "selection").

Article 37 Deleted.

(Provisions for Disqualification)

Article 38 No person falling under any of the following items may be eligible to assume a government position except as provided for by the Rules of the National Personnel Authority:

- (i) a person who has been sentenced to imprisonment without work or a severer punishment, and of whom the execution of the sentence has not been completed or to whom the sentence still applies;
- (ii) a person who was dismissed by a disciplinary action and for whom period of two years has not expired since the day of that disposition;
- (iii) a person who has committed a crime provided for in Articles 109 through 112 when the person served as Commissioner or Secretary-General of the National Personnel Authority, and has been punished;
- (iv) a person who, on or after the date of the enforcement of the Constitution of Japan, formed or belonged to a political party or other organizations which advocated the overthrow by force of the Constitution of Japan or the government established thereunder.

(Prohibition of Illegal Acts Concerning Personnel Affairs)

Article 39 No person, for the purpose of realizing any cases that fall under any of the following items, may pay or receive, offer, demand, or promise to pay or receive money or other interest, use intimidation, compulsion or any other similar methods, directly or indirectly utilize or offer, demand or promise to utilize their public status, or in any way participate in such acts:

- (i) retirement or administrative leave, or failure to accept appointment;
- (ii) revocation of their application for a competitive examination for initial appointment (hereinafter referred to as "recruitment examination") or appointment, or suspension of competition for appointment;
- (iii) realizing or recommending appointment, salary increase, retention or other interest concerning a government position.

(Prohibition of Fraud Concerning Personnel Affairs)

Article 40 No person may make any false or wrongful statement, entry, certification, scoring, appraisal or report with regard to a recruitment examination, selection, appointment or personnel records.

(Prohibition against Impeding Taking Examination or Appointment or

Providing Information)

Article 41 No person belonging to any examining body or other officials may impede the taking of an examination, or appointment, or provide any special or confidential information for the purpose of exerting unjust influence on the taking of examinations or appointment.

Subsection 2 Recruitment Examination

(Holding Recruitment Examinations)

Article 42 Recruitment examinations are held as provided for by orders based on this Act.

(Disqualification for Taking Examinations)

Article 43 Persons who are ineligible due to lack of qualifications prescribed in Article 44 or who otherwise are ineligible to assume a government position may not compete in examinations.

(Eligibility Requirements for Taking Examinations)

Article 44 The National Personnel Authority may, by the Rules of the National Personnel Authority, provide for the minimum objective and uniform requirements indispensable to the performance of duties in accordance with government positions as the necessary qualifications for examinees.

(Content of Recruitment Examinations)

Article 45 The purpose of recruitment examinations is to determine whether the examinee has the ability to perform standard duties of the standard government position of the classified job ladder for which the recruitment examination is being held, and aptitude required for the position for which the recruitment examination is being held.

(Government Positions Pertaining to Recruitment Examinations, Types of Recruitment Examinations and Human Resources to Be Secured by Recruitment Examinations)

Article 45-2 (1) Recruitment examinations are to be held for government positions listed below:

- (i) government positions whose duties are affairs concerning the planning of policies, or research and study, and other similar government positions specified by Cabinet Order among those of an officer (excluding those set forth in item (iii));
- (ii) government positions whose duties are clerical work and other government positions of an officer (excluding those set forth in the preceding item and the

- following item);
- (iii) government positions specified by Cabinet Order as government positions whose duties are affairs that need expert knowledge on a specific administrative field among those of an officer;
 - (iv) government positions specified by Cabinet Order as those appropriate to initially appoint a person with experience in private enterprises or other similar experience among government belonging to positions higher classified job ladder than those of an officer.
- (2) Types of recruitment examinations are listed below:
- (i) each recruitment examination called the examination for comprehensive service positions (meaning a competitive examination to initially appoint persons to government positions set forth in item (i) of the preceding paragraph), that is implemented for the purpose of judging whether the examinee has the ability to perform standard duties of the standard government position of the classified job ladder to which the government position set forth in the same item belongs, and aptitude required for the government position set forth in the same item, for each group of persons specified by Cabinet Order as those have a certain range of knowledge, technology and other abilities (hereinafter referred to as "knowledge, etc." in this paragraph);
 - (ii) each recruitment examination called the examination for general service positions (meaning a competitive examination to initially appoint persons to government positions set forth in item (ii) of the preceding paragraph), that is implemented for the purpose of judging whether the examinee has the ability to perform standard duties of the standard government positions of the classified job ladder to which the government position set forth in the same item belongs, and aptitude required for the government position set forth in the same item, for each group of persons specified by Cabinet Order as those have a certain range of knowledge, etc.;
 - (iii) each recruitment examination called the examination for specialist positions (meaning a competitive examination to initially appoint persons to government positions set forth in item (iii) of the preceding paragraph), that is implemented for the purpose of judging whether the examinee has the ability to perform standard duties of the standard government position of the classified job ladder to which the government position set forth in the same item belongs, and aptitude required for the government position set forth in the same item, for each group of persons specified by Cabinet Order as those have a certain range of knowledge, etc. in response to a specific administrative field prescribed in the same item;
 - (iv) each recruitment examination called the examination for experienced personnel (meaning a competitive examination to initially appoint persons to

government positions set forth in item (iv) of the preceding paragraph), that is implemented for the purpose of judging whether the examinee has the ability to perform standard duties of the standard government position of the classified job ladder to which the government position set forth in the same item belongs, and aptitude required for the government position set forth in the same item, for each group of persons specified by Cabinet Order as those who have a certain range of knowledge, etc. in response to the classified job ladder and other classification of government positions prescribed in the same item;

- (3) Particulars concerning human resources to be secured by recruitment examinations are specified by Cabinet Order for each type of recruitment examination set forth in the items of the preceding paragraph.
- (4) The Cabinet Order referred to in the preceding three paragraphs is to be specified after hearing the opinions of the National Personnel Authority.

(Method of Recruitment Examinations)

Article 45-3 The method of recruitment examinations, subjects of examination, method of determination of successful candidates and other particulars concerning recruitment examinations are prescribed by the Rules of the National Personnel Authority in accordance with each type of recruitment examination set forth in the items of paragraph (2) of the preceding Article, except those provided for in this Act.

(Recruitment Examinations to Be Open and Equal)

Article 46 Recruitment examinations must be open on equal conditions to all citizens who are qualified to take the examination as provided for by the Rules of the National Personnel Authority.

(Announcement of Recruitment Examinations)

- Article 47 (1) Announcement of recruitment examinations must be made by public notice.
- (2) The announcement referred to in the preceding paragraph is to state the outline of the duties and responsibilities, and the remuneration of the government positions pertaining to the recruitment examination, the requisite qualifications for taking the examination, the time and place of the recruitment examination, where, when and how application forms may be secured and submitted, and other qualifying procedures which are observed, and other related information which the National Personnel Authority finds necessary to provide.
 - (3) The public notice under the provisions of paragraph (1), as provided for by the Rules of the National Personnel Authority, must be given publicity in such a

way that all details necessary for taking the examination may become widely known to all persons qualified for taking the examination.

(4) The National Personnel Authority must endeavor at all times to secure the participation of persons deemed qualified to take examinations.

(5) Recruitment examinations announced or in progress may be rescinded or changed by the National Personnel Authority.

(Examining Bodies)

Article 48 Recruitment examinations are, as provided for by the Rules of the National Personnel Authority, conducted by examining bodies designated by the National Personnel Authority.

(Time and Place of Recruitment Examinations)

Article 49 The time and place of recruitment examinations must be decided on so that they are accessible within reason for any person qualified to take them within Japan.

Subsection 3 Lists of Candidates for Initial Appointment

(Preparation of Lists)

Article 50 With regard to initial appointment of officials by recruitment examinations, a list of candidates for initial appointment is to be prepared as provided for by the Rules of the National Personnel Authority.

(Persons to Be Entered into the List of Candidates for Initial Appointment)

Article 51 The names and examination scores of persons who have achieved a passing score or better in recruitment examinations are to be entered into the list of candidates for initial appointment as those eligible to be appointed for the government positions concerned.

(Inspection of Lists)

Article 52 The list of candidates for initial appointment must be available for inspection at all times upon request by the examinees, appointers, and other persons concerned.

(Invalidation of Lists)

Article 53 The National Personnel Authority may, at its discretion, invalidate lists of candidates for initial appointment when one year or more has passed since the lists were prepared, or at any time due to one of the reasons specified by the National Personnel Authority.

Subsection 4 Appointment

(Basic Policy on Initial Appointment, Promotion)

- Article 54 (1) The Prime Minister must, from the viewpoint of securing the efficient performance of public duties, prepare a proposal of a basic policy to secure appropriate and effective operation of the system that governs initial appointment, promotion, demotion and transfer of officials (hereinafter referred to as the "basic policy on initial appointment, promotion, etc.") through consultation in advance with appointers provided for in paragraph (1) of the following Article or appointers provided for in laws, and request a Cabinet decision.
- (2) Beyond basic particulars provided for in Article 33-2, the basic policy on initial appointment, promotion, etc. is to prescribe the following particulars:
- (i) basic guidelines for appropriate and effective operation of the system that governs initial appointment, promotion, demotion and transfer of officials;
 - (ii) guidelines for initial appointment from the list of candidates for initial appointment referred to in Article 56 and initial appointment by means of selection referred to in Article 57;
 - (iii) guidelines for promotion and transfer referred to in Article 58;
 - (iv) standards concerning appointment to managerial service and other guidelines;
 - (v) guidelines concerning appointment to government positions subject to another appointer;
 - (vi) guidelines concerning a vacancy announcement of officials (meaning announcing vacancies for the government position by publicly notifying specific content of duties of the position, and abilities and experience required for the position; the same applies in the following paragraph);
 - (vii) guidelines concerning personnel exchange between the government and the private sector;
 - (viii) guidelines for the work-life balance by assignment of officials and other measures taking into consideration the circumstances of those officials taking care of children or other family members;
 - (ix) beyond what is set forth in the preceding items, necessary particulars to secure the appropriate and effective operation of the system that governs initial appointment, promotion, demotion and transfer of officials.
- (3) When stipulating the guidelines referred to in item (vi) of the preceding paragraph, particulars concerning restriction on vacancy announcements of the government positions with duties of criminal investigation and other peculiarities, as well as other particulars required to secure appropriateness of vacancy announcements of officials are to be considered.
- (4) When a Cabinet decision under the provisions of paragraph (1) is made, the

Prime Minister must make public the basic policy on initial appointment, promotion, etc. without delay.

- (5) The provisions of paragraph (1) and the preceding paragraph apply *mutatis mutandis* to changes to the basic policy on initial appointment, promotion, etc.
- (6) An appointer must execute initial appointment, promotion, demotion, and transfer of officials in accordance with the basic policy on initial appointment, promotion, etc.

(Appointers)

- Article 55 (1) Unless otherwise provided for by laws, appointive power is to be vested in the Cabinet, each Minister (meaning the Prime Minister and Ministers of each Ministry; the same applies hereinafter), the President of the Board of Audit, the President of the National Personnel Authority, the Grand Steward of the Imperial Household Agency, and the heads of each external bureau. The appointive power held by the head of these organs is restricted to government positions within their organizational structure, while the appointive power of the Cabinet is restricted to government positions within the organizations directly attached to it (excluding the Cabinet Office and Digital Agency); provided, however, that the power to appoint heads of external bureaus (in the case of agencies other than implementing agencies provided for in Article 7, paragraph (5) of the National Government Organization Act, executive service of the external bureaus) is vested in each Minister.
- (2) The appointer who is the head of an administrative organ provided for in the preceding paragraph may delegate appointive power of government positions other than those of executive service (including executive service when the Cabinet has appointive power) only to a high-ranking national public employee (the Prime Minister or Minister of State in the case of executive service of which the Cabinet has appointive power) within the organ. All such delegations must be presented to the National Personnel Authority in writing in advance of the effective date.
 - (3) No person who has not met the requirements provided for in this Act, the Rules and the Directives of the National Personnel Authority must be appointed, employed, promoted or transferred or assigned to any government position.

(Initial Appointment from the List of Candidates for Initial Appointment)

- Article 56 The initial appointment of an official from a list of candidates for initial appointment is to be made by the appointer, taking into consideration the result of an interview conducted by an appointer for a person on the list.

(Initial Appointment by Means of Selection)

Article 57 The initial appointment of an official by means of selection (excluding those falling under appointment to executive service) is to be made by the appointer from among persons who are found to have the ability to perform standard duties of the standard government position of the classified job ladder pertaining to the position to be filled, and aptitude required for the position to be filled.

(Promotion, Demotion and Transfer)

Article 58 (1) The promotion and transfer of an official (excluding those falling under appointment to executive service) are to be made by the appointer, based on the personnel evaluation, from among persons who are found to have the ability to perform standard duties of the standard government position of the classified job ladder pertaining to the position to be filled and aptitude required for the position to be filled.

(2) When an appointer demotes an official (excluding cases falling under appointment to executive service), the appointer is to appoint the official, based on the personnel evaluation of the official, to a government position which the official is found to have the ability to perform standard duties of the standard government position of the classified job ladder pertaining to the position to be filled and aptitude required for the position to be filled.

(3) With regard to the promotion, demotion and transfer of an official (excluding those falling under appointment to executive service) who has not had personnel evaluation due to circumstances such as having been dispatched to an international organization or a private enterprise, notwithstanding the provisions of the preceding two paragraphs, an appointer may promote, demote or transfer the official, based on demonstrated abilities other than those demonstrated by personnel evaluation, to a government position in consideration of the official's ability to perform standard duties of the standard government position of the classified job ladder pertaining to the position to be filled and aptitude required for the position to be filled.

(Conditional Appointment)

Article 59 (1) The initial appointment and promotion of officials is to be considered conditional, except for the cases where it initially appoints a person who is specified by the Rules of the National Personnel Authority from among the persons who has been an official or other equivalent persons, or where it is otherwise provided for by the Rules of the National Personnel Authority, and to become regular only after the appointee has served in the government position concerned for a period of 6 months (for a period specified by the Rules of the National Personnel Authority when an appointee is prescribed by the Rules of the National Personnel Authority as the appointee for whom a period of 6

months is considered not appropriate) during which the appointee had performed satisfactorily the duties of that position.

- (2) Beyond what is provided for in the preceding paragraph, the particulars necessary for conditional appointment are prescribed by the Rules of the National Personnel Authority.

(Temporary Appointment)

Article 60 (1) An appointer, as provided for by the Rules of the National Personnel Authority, may effect, with the approval of the National Personnel Authority, temporary appointment with a term of office not exceeding 6 months, in emergencies, in temporary government positions or in instances when a list of candidates for initial appointment does not exist. In such cases, such appointment may, with the approval of the National Personnel Authority as provided for by the Rules of the National Personnel Authority, be renewed for a period of 6 months, but may not be renewed a second time.

- (2) The National Personnel Authority may, with respect to temporary appointments, limit the number of persons appointed or specify qualifications of persons to be appointed.
- (3) The National Personnel Authority may rescind any temporary appointment which violates the provisions of the preceding two paragraphs or the Rules of the National Personnel Authority.
- (4) Temporary appointment does not in any way confer priority for permanent appointment.
- (5) Beyond what is provided for in the preceding paragraphs, this Act and the Rules of the National Personnel Authority are applied to temporary appointees.

(Appointment of Pre-Mandatory-Retirement-Age Reappointed Short-Time Officials)

Article 60-2 (1) An appointer, as provided for by the Rules of the National Personnel Authority, may initially appoint, by means of selection based on the previous work performance and other information specified by the Rules of the National Personnel Authority, to a short-time government position (meaning a government position where the normal working hours per week of an official who holds the position is shorter than that of an official who holds a full-time position with similar duties; hereinafter the same applies in this paragraph and paragraph (3)) (excluding positions held by an official who is subject to the application of the designated service salary schedule prescribed in Appended Table 11 of the Act on Remuneration of Officials in the Regular Service and those prescribed by the Rules of the National Personnel Authority as equivalent positions of agencies engaged in administrative execution (these positions are referred to as "designated service positions" in paragraph (4) and

Section 6, Subsection 1, Division 2); hereinafter the same applies in this paragraph and paragraph (3)) a person who, pursuant to the provisions of this Act, retires (except in cases which temporary officials, other officials appointed with a term of office which is provided for by law, and officials who hold government positions not requiring full-time service retire) on or after the day when the person reaches 60 years of age (hereinafter referred to as a "retiree 60 years of age or older" in this Article and Article 82, paragraph (2)) or a person who, pursuant to the provisions of the Self-Defense Forces Act (Act No. 165 of 1954), retires (except in cases which uniformed members of the self-defense forces or other personnel set forth in any of the items in Article 44-6, paragraph (3) of the same Act retire) on or after the day when the person reaches 60 years of age (hereinafter referred to as a "retiree 60 years of age or older under the Self-Defense Forces Act" in this paragraph and paragraph (3)); provided, however, that this does not apply to a retiree 60 years of age or older or a retiree 60 years of age or older under the Self-Defense Forces Act who has passed the day equivalent to the mandatory retirement day (meaning the mandatory retirement day prescribed in Article 81-6, paragraph (1), on the assumption that an official holding a short-time government position holds a full-time position with similar duties; the same applies in the following paragraph and paragraph (3)) for the short-time government position to which these retirees are to be initially appointed.

- (2) The term of office for an official initially appointed pursuant to the provisions of the preceding paragraph (hereinafter referred to as a "pre-mandatory-retirement-age reappointed short-time official" in this Article and Article 82, paragraph (2)) is from the day on which the official is initially appointed to the day equivalent to the mandatory retirement day.
- (3) An appointer may neither initially appoint, from among retirees 60 years of age or older or retirees 60 years of age or older under the Self-Defense Forces Act, persons other than those who have not passed the day equivalent to the mandatory retirement day for the short-time government position to which these persons are to be initially appointed to the short-time government position, nor promote, demote, or transfer, from among pre-mandatory-retirement-age reappointed short-time officials, officials other than pre-mandatory-retirement-age reappointed short-time officials who have not passed the day equivalent to the mandatory retirement day for the short-time government position to which the pre-mandatory-retirement-age reappointed short-time officials are to be promoted, demoted, or transferred to the short-time government position.
- (4) An appointer may not promote, demote, or transfer pre-mandatory-retirement-age reappointed short-time officials to designated service positions or other full-time positions.

Subsection 5 Administrative Leave, Reinstatement, Retirement and Dismissal

(Administrative Leave, Reinstatement, Retirement and Dismissal)

Article 61 The administrative leave, reinstatement, retirement, and dismissal of officials are executed by the appointer, in accordance with this Act and the Rules of the National Personnel Authority.

Subsection 6 Special Provisions for Appointment of Executive Officials

(Eligibility Screening and Executive Candidates List)

Article 61-2 (1) The Prime Minister is to implement a fair screening process (hereafter referred to as "eligibility screening") to confirm whether the persons listed below have the ability to perform standard duties (including the ability to perform standard duties prescribed in Article 30-2, paragraph (1), item (v) of the Self-Defense Forces Act; the same applies in the following paragraph) of the government position (including positions held by personnel other than uniformed members of the self-defense forces prescribed in paragraph (1), item (ii) of the same Article; the same applies in the following paragraph and Article 61-11) belonging to executive service (including executive service prescribed in Article 30-2, paragraph (1), item (vi) of the same Act; the same applies in item (ii) and the following paragraph), as specified by Cabinet Order:

(i) executive officials (including executive self-defense forces personnel prescribed in Article 30-2, paragraph (1), item (vi) of the Self-Defense Forces Act; the same applies in the following item and Article 61-9, paragraph (1));

(ii) persons other than executive officials, whom appointers (including those who have power regarding appointment and dismissal of personnel prescribed in Article 2, paragraph (5) of the Self-Defense Forces Act (hereinafter referred to as "self-defense forces personnel") provided for in Article 31, paragraph (1) of the same Act; the same applies in paragraphs (3) and (4) of this Article and Articles 61-6 and 61-11) recommend to the Prime Minister as ones who are expected to have abilities suitable for duties of executive service;

(iii) persons specified by Cabinet Order as equivalent to persons set forth in the preceding two items.

(2) The Prime Minister is to prepare a list stating the name and other particulars (hereinafter referred to as "executive candidates list" in this Article and the following Article) pertaining to persons who are confirmed to have the ability to perform standard duties of the government position belonging to executive service as a result of the eligibility screening, as specified by Cabinet Order.

- (3) When requested by an appointer, the Prime Minister is to present the executive candidates list to the appointer, as specified by Cabinet Order.
- (4) The Prime Minister is to implement the eligibility screening and renew the executive candidates list periodically, whenever an appointer requests to implement it and whenever the Prime Minister finds it to be necessary, as specified by Cabinet Order.
- (5) The Prime Minister delegates the power under the provisions of the preceding paragraphs to the Chief Cabinet Secretary.
- (6) Cabinet Order referred to in paragraph (1) (excluding item (iii)) and paragraphs (2) through (4) is to be specified after hearing the opinions of the National Personnel Authority.

(Appointment from among Persons on the Executive Candidates List)

- Article 61-3 (1) In the case of initially appointing an official to a position belonging to executive service by means of selection, an appointer is to appoint an official from among those who are on the executive candidates list and have aptitude required for the position belonging to executive service.
- (2) In the case of promoting or transferring an official to a position belonging to executive service, an appointer is to promote or transfer an official from among those who are on the executive candidates list and have aptitude required for the position belonging to the executive service based on the official's personnel evaluation.
 - (3) In the case of demoting an official on the executive candidates list to a position belonging to the executive service, an appointer is to appoint an official to a position belonging to the executive service for which the person has aptitude based on the official's personnel evaluation.
 - (4) In the case of promoting, demoting or transferring to a position belonging to the executive service, an official on the executive candidates list who has not had personnel evaluation due to circumstances such as having been dispatched to an international organization or a private enterprise, notwithstanding the provisions of the preceding two paragraphs, an appointer may promote, demote or transfer the official, based on demonstrated abilities other than those demonstrated by personnel evaluation, to a position belonging to the executive service in consideration of the aptitude of the official to the executive service.

(Appointment Based on Consultation with Prime Minister and Chief Cabinet Secretary)

- Article 61-4 (1) In the case of initially appointing by means of selection, promoting, demoting or transferring an official to a position belonging to the executive service, of promoting, demoting or transferring (excluding demoting or transferring under the provisions of Article 81-2, paragraph (1)) an

executive official to a governmental position not belonging to the executive service, or of retirement (limited to those specified by Cabinet Order; the same applies in paragraph (4)) or dismissal of executive officials (referred to as "initial appointment, etc." in the following paragraph and paragraph (3)), an appointer is to have a consultation in advance with the Prime Minister and the Chief Cabinet Secretary, and implement initial appointment, etc. based on that consultation, as specified by Cabinet Order.

- (2) In the case referred to in the preceding paragraph, if there is no time available to consult the Prime Minister and the Chief Cabinet Secretary in advance by any disaster or other urgent and inevitable reasons, an appointer may implement initial appointment, etc. without the consultation notwithstanding the provisions of the same paragraph.
- (3) When an appointer implements the initial appointment, etc. of officials pursuant to the provisions of the preceding paragraph, the appointer must notify the Prime Minister and the Chief Cabinet Secretary of the initial appointment, etc. and, without delay, consult the initial appointment, etc. with the Prime Minister and the Chief Cabinet Secretary, and take necessary measures based on the consultation, as specified by Cabinet Order.
- (4) If the Prime Minister or the Chief Cabinet Secretary finds it necessary to secure appropriate personnel management regarding executive officials, the Prime Minister or the Chief Cabinet Secretary may request the appointer to have a consultation on promotion, demotion, transfer, retirement and dismissal of executive officials (excluding demotion or transfer under the provisions of Article 81-2, paragraph (1); hereinafter referred to as "promotion, etc." in this paragraph). In this case, if an agreement is reached, the appointer is to implement a promotion, etc. based on the consultation.

(Management of Operation Concerning Appointment to Managerial Service)

Article 61-5 (1) An appointer is to report the situation of appointment to managerial service to the Prime Minister periodically, and whenever the Prime Minister requests to report, as specified by Cabinet Order.

- (2) When the Prime Minister finds it necessary in light of the standards referred to in Article 54, paragraph (2), item (iv), the Prime Minister may request the appointer to take necessary measures including the improvement of operation concerning appointment to managerial service.

(Coordination Pertaining to Appointment to Position Belonging to Managerial Service Subject to Another Appointer)

Article 61-6 The Prime Minister is to conduct necessary coordination including provision of information to appointers, promotion of mutual exchange of information between appointers, in order to contribute to smooth

implementation of appointment to managerial service (including managerial service prescribed in Article 30-2, paragraph (1), item (vii) of the Self-Defense Forces Act) subject to another appointer.

(Management of Information Regarding Personnel Affairs)

Article 61-7 (1) The Prime Minister may request the Cabinet Office, Digital Agency, each ministry and other organs, as specified by Cabinet Order, to provide information regarding personnel affairs of executive officials of the organs, managerial officials of the organs, persons of the organs subject to courses prescribed in Article 61-9, paragraph (2), item (ii) and other officials specified by Cabinet Order as equivalent to those, to promote smooth implementation of provisions of this and following Subsections.

(2) The Prime Minister is to appropriately manage information submitted pursuant to the provisions of the preceding paragraph, as specified by Cabinet Order.

(Special Provisions of Executive Service with Peculiarities)

Article 61-8 (1) With regard to the government positions of the organs established within the Cabinet under the provisions of laws (excluding the Cabinet Legislation Bureau, the Cabinet Office and Digital Agency; hereinafter referred to as "organs directly under the Cabinet" in this paragraph), the National Personnel Authority, the Public Prosecutors Office and the Board of Audit (excluding those belong to organs directly under the Cabinet whose appointer executes appointive power delegated from the Cabinet), the provisions of Articles 61-2 through 61-5 do not apply. With regard to the application of the provisions of Articles 57 and 58 and paragraph (1) of the preceding Article, the phrase "The initial appointment of an official by means of selection (excluding cases falling under appointment to executive service)" in Article 57 is deemed to be replaced with "The initial appointment of an official by means of selection", the phrase "transfer of an official (excluding cases falling under appointment to executive service)" in Article 58, paragraph (1) is deemed to be replaced with "transfer of an official", the phrase "demotes an official (excluding cases falling under appointment to executive service)" in paragraph (2) of the same Article is deemed to be replaced with "demotes an official", the phrase "transfer of an official (excluding cases falling under appointment to executive service)" in paragraph (3) of the same Article is deemed to be replaced with "transfer", and the phrase "specified by Cabinet Order" in paragraph (1) of the preceding Article is deemed to be replaced with "pursuant to the provisions of Cabinet Order only when officials of the organ are subject to the eligibility screening and in other cases specified by Cabinet Order as necessary".

(2) With regard to the government positions of the National Police Agency, the provisions of Articles 61-2 and 61-3, Article 61-4, paragraph (4), and Article 61-5 do not apply. With regard to the application of the provisions of Articles 57 and 58, Article 61-4, paragraphs (1) through (3), and paragraph (1) of the preceding Article, the phrase "The initial appointment of an official by means of selection (excluding cases falling under appointment to the executive service)" in Article 57 is deemed to be replaced with "The initial appointment of an official by means of selection", the phrase "transfer of an official (excluding cases falling under appointment to the executive service)" in Article 58, paragraph (1) is deemed to be replaced with "transfer of an official", the phrase "demotes an official (excluding cases falling under appointment to the executive service)" in paragraph (2) of the same Article is deemed to be replaced with "demotes an official", the phrase "transfer of an official (excluding cases falling under appointment to the executive service)" in paragraph (3) of the same Article is deemed to be replaced with "transfer of an official", the phrase "an appointer is to have a consultation in advance with the Prime Minister and the Chief Cabinet Secretary, and implement initial appointment, etc. based on the consultation" in Article 61-4, paragraph (1) is deemed to be replaced with "an appointer is to notify the Prime Minister and the Chief Cabinet Secretary (the Prime Minister and the Chief Cabinet Secretary through the National Public Safety Commission when the appointer is the Commissioner General of the National Police Agency). In this case, the Prime Minister and the Chief Cabinet Secretary may state opinions from the viewpoint of having the ability to perform standard duties pertaining to executive service to the appointer (the appointer through the National Public Safety Commission when the appointer is the Commissioner General of the National Police Agency)", the phrase "to consult the Prime Minister and the Chief Cabinet Secretary" in paragraph (2) of the same Article is deemed to be replaced with "to notify the Prime Minister and the Chief Cabinet Secretary (the Prime Minister and the Chief Cabinet Secretary through the National Public Safety Commission when the appointer is the Commissioner General of the National Police Agency)", the phrase "without the consultation" with "without the notice", the phrase "notify the Prime Minister and the Chief Cabinet Secretary of the appointment, etc. and, without delay," in the paragraph (3) of the same Article is deemed to be replaced with ", without delay," the phrase "consult the initial appointment, etc. with the Prime Minister and the Chief Cabinet Secretary pursuant to the provisions of Cabinet Order, and take necessary measures based on the consultation" with "notify the Prime Minister and the Chief Cabinet Secretary (the Prime Minister and the Chief Cabinet Secretary through the National Public Safety Commission when the appointer is the Commissioner General of the National Police

Agency). In this case, the Prime Minister and the Chief Cabinet Secretary may state opinions from the viewpoint of having the ability to perform standard duties pertaining to executive service to the appointer (the appointer through the National Public Safety Commission when the appointer is the Commissioner General of the National Police Agency)", and the phrase "specified by Cabinet Order" in paragraph (1) of the preceding Article is deemed to be replaced with "specified by Cabinet Order only when officials of the organ are subject to the eligibility screening and in other cases specified by Cabinet Order as necessary".

- (3) With regard to the government positions of executive service of the Cabinet Legislation Bureau, the Imperial Household Agency, commissions established as external bureaus (excluding those specified by Cabinet Order) and implementing agencies provided for in Article 7, paragraph (5) of the National Government Organization Act (excluding the heads of these organs), the provisions of Article 61-4, paragraph (4) do not apply. With regard to the application of the provisions of paragraphs (1) and (3) of the same Article, the phrase "the Prime Minister" in paragraph (1) of the same Article is deemed to be replaced with "the Prime Minister through the competent minister regarding particulars pertaining to the organ to which the appointer belongs (referred to simply as "competent minister" in paragraph (3)) prescribed in the Cabinet Act (Act No. 5 of 1947)", and the phrase "the Prime Minister" in paragraph (3) of the same Article with "the Prime Minister through the competent minister".

Subsection 7 Fostering Courses for Executive Candidates

(Standards of Operation)

Article 61-9 (1) The Prime Minister, Ministers of each Ministry (including the Minister of Defense who has power concerning appointment and dismissal of self-defense forces personnel pursuant to the provisions of Article 31, paragraph (1) of the Self-Defense Act), the President of the Board of Audit, the President of the National Personnel Authority, and heads of other organs specified by Cabinet Order (hereinafter referred to as "each Minister, etc." in this Article and following Article) are to establish courses (hereinafter referred to as "fostering courses for executive candidates") to foster officials (including self-defense forces personnel (excluding uniformed members of the self-defense forces); the same applies in the following paragraph) who have appropriate abilities and experience suitable for their duties as managerial official (including managerial self-defense forces personnel prescribed in Article 30-2, paragraph (1), item (vii) of the same Act; the same applies in the same paragraph) who can become candidates for an executive official, and operate

them in accordance with the standards provided for by the Prime Minister.

- (2) The standards referred to in the preceding paragraph are to prescribe the following particulars:
- (i) each Minister, etc. is to select at any time, persons subject to development under fostering courses for executive candidates from among the officials who has had work experience for a certain period after initial appointment based on their wish and personnel evaluation (including personnel evaluation prescribed in Article 31, paragraph (3) of the Self-Defense Act; the same applies in the following item);
 - (ii) each Minister, etc. is to determine periodically, based on personnel evaluation, whether the persons selected pursuant to the provisions of the preceding item (hereinafter referred to as "persons subject to courses") are to continue to be persons subject to courses;
 - (iii) each Minister, etc. is to implement training (excluding a government-wide one) for persons subject to courses for the purpose of developing their abilities pertaining to planning policies and managing duties required for managerial officials;
 - (iv) each Minister, etc. is to have persons subject to courses participate in training for the purpose of developing the abilities pertaining to planning policies and managing duties required for managerial officials which the Prime Minister plans, drafts and implements as government-wide one;
 - (v) each Minister, etc. is to give persons subject to courses opportunities to experience various duties through working in plural national administrative organs or corporations other than the government;
 - (vi) in implementing training referred to in item (iii) and giving opportunities referred to in the preceding item, each Minister, etc. is to endeavor to conduct the following particulars:
 - (a) giving opportunities to work in private enterprises and other corporations;
 - (b) giving opportunities to work in international organizations, diplomatic missions abroad and other organs located abroad or to study abroad;
 - (c) implementing training for the purpose of improving expertise pertaining to the functions under the jurisdiction or giving opportunities to work that will contribute to improving expertise;
 - (vii) beyond what is set forth in the preceding items, necessary particulars for securing the government-wide coherence concerning fostering courses for executive candidates.

(Management of Operation)

Article 61-10 (1) Each Minister, etc. (excluding the President of the Board of Audit and the President of the National Personnel Authority; the same applies

in the following paragraph) is to report the status of operation of fostering courses for executive candidates to the Prime Minister periodically, and whenever the Prime Minister requests to report, as specified by Cabinet Order.

(2) When the Prime Minister finds it necessary in light of the standards referred to in paragraph (1) of the preceding Article, the Prime Minister may request each Minister, etc. to take necessary measures including the improvement of the operation of fostering courses for executive candidates.

(Coordination Pertaining to Appointment to Government Positions Subject to Another Appointer)

Article 61-11 The provisions of Article 61-6 apply *mutatis mutandis* to the appointment of persons subject to courses to government positions subject to another appointer.

Section 3 Remuneration

(Basic Standard for Remuneration)

Article 62 Remuneration to officials is paid on the basis of the duties and responsibilities of their government positions.

Subsection 1 General Rules

(Payment of Remuneration under Law)

Article 63 Remuneration to officials is paid under law provided for separately, and, unless provided for therein, no money or valuables of any kind may be given as payment.

(Salary Schedules)

Article 64 (1) Salary schedules must be prescribed in the law provided for in the preceding Article (hereinafter referred to as "the Act on Remuneration").

(2) Salary schedules must be determined taking into consideration the cost of living, prevailing wage rates of the private sector and other appropriate circumstances determined by the National Personnel Authority, and must include a clearly specified range for the amount of salary for each grade.

(Particulars to Be Provided for in the Act on Remuneration)

Article 65 (1) Beyond the salary schedules referred to in the preceding Article, the following particulars must be provided for in the Act on Remuneration:

- (i) particulars concerning standards for the determination of salary, such as initial salary, and salary increase;
- (ii) particulars concerning remuneration to be paid taking into consideration

- the peculiarities of the government positions or duties;
- (iii) particulars concerning remuneration to be paid taking into consideration the supporting of relatives and other circumstances related to the livelihood of the officials;
 - (iv) particulars concerning remuneration to be paid taking into consideration the circumstances of the area where the officials work;
 - (v) particulars concerning remuneration for overtime, night and holiday work;
 - (vi) particulars concerning remuneration to be paid specially at the end of the year, etc., taking into consideration the state of performance over a certain period of time;
 - (vii) particulars concerning remuneration of officials who hold government positions not requiring full-time service.
- (2) The standards referred to in item (1) of the preceding paragraph are to be determined taking into consideration length of service, efficiency of service and other service-related requirements.

Article 66 Deleted.

(Revision of Particulars Provided for in the Act on Remuneration)

Article 67 The National Personnel Authority, beyond what is provided for in Article 28, paragraph (2), must regularly conduct necessary research and study concerning the particulars as provided for in the Act on Remuneration and must, if it finds it necessary to revise them, prepare proposed revision without delay and make recommendations to the Diet and the Cabinet.

Subsection 2 Payment of Remuneration

(Payrolls)

- Article 68 (1) A person who pays remuneration to officials must first prepare a payroll with regard to recipients.
- (2) Payrolls must be kept available for audit by officials of the National Personnel Authority at all times.
 - (3) Except for those provided for in the preceding two paragraphs, necessary particulars concerning payrolls are provided for by the Rules of the National Personnel Authority.

(Auditing of Payrolls)

Article 69 If it is necessary to ensure that payment of remuneration is made to officials in compliance with laws and regulations, the Rules of the National Personnel Authority or the Directives of the National Personnel Authority, the National Personnel Authority may audit payrolls and order rectifications if it

finds it necessary to do so.

(Measures against Illegal Payments)

Article 70 When it is discovered that payment of remuneration has been made in violation of laws and regulations, the Rules of the National Personnel Authority or the Directives of the National Personnel Authority, the National Personnel Authority must, in addition to taking appropriate measures on the particulars under its own jurisdiction on its own, if it finds it necessary to do so and according to the nature of the case, report this to the Board of Audit or notify a public prosecutor of this.

Section 4 Personnel Evaluation

(Basic Standards for Personnel Evaluation)

Article 70-2 Personnel evaluation of officials must be conducted impartially.

(Implementation of Personnel Evaluation)

Article 70-3 (1) With regard to the performance of officials' duties, personnel evaluation of officials must be periodically conducted by the head of the competent authority.

(2) Particulars concerning standards and methods for personnel evaluation and other necessary particulars concerning personnel evaluation are specified by Cabinet Order, after hearing the opinions of the National Personnel Authority.

(Measures Based on Personnel Evaluation)

Article 70-4 (1) The head of the competent authority must take appropriate measures as may be called for by the findings of the personnel evaluation referred to in paragraph (1) of the preceding Article.

(2) The Prime Minister must plan particulars concerning commendation of persons with excellent work performance and corrective means for those with extremely poor performance, and take appropriate measures thereon.

Section 4-2 Training

(Basic Standards for Training)

Article 70-5 (1) Training must have the purpose of helping officials to acquire necessary knowledge and skills for performing duties of the government position they currently hold or they are expected to hold in the future, and to enhance abilities and qualities of officials.

(2) Particulars necessary for enforcing the basic standards referred to in the preceding paragraph are specified by Cabinet Order after hearing the opinions

of the National Personnel Authority, except those provided for in this Act.

- (3) The National Personnel Authority and the Prime Minister must conduct research and study concerning development of officials pertaining to respective functions under each jurisdiction, and take appropriate measures concerning training pertaining to respective functions under each jurisdiction based on the results of the research and study.

(Training Plan)

Article 70-6 (1) The National Personnel Authority, the Prime Minister and the head of the relevant agency must endeavor to formulate a plan for training of officials (in the case of the National Personnel Authority, training implemented from the viewpoints set forth in item (i), in the case of the Prime Minister, training implemented from the viewpoints set forth in item (ii), and in the case of the head of the relevant agency, training implemented from the viewpoints set forth in item (iii)) and implement it, in order to achieve the basic standards prescribed in paragraph (1) of the preceding Article.

(i) development of officials who have awareness of their mission as servants of all citizens and diverse range of viewpoints, etc. and effective development of officials utilizing expert knowledge concerning methods of training;

(ii) government-wide development of persons subject to courses in each administrative organ or securing coherence of policies of administrative branches through deepening the understanding of important policies of the Cabinet;

(iii) development of its officials conducted by each administrative organ or grant of knowledge and skills conducted by each administrative organ pertaining to the functions under the jurisdiction of the organ to its officials and other officials who belong to other administrative organs.

(2) The plan referred to in the preceding paragraph must secure necessary and appropriate opportunities to participate in training of officials for the achievement of the purpose referred to in the same paragraph.

(3) With regard to the formulation and implementation of plans for training conducted by the Prime Minister and the head of relevant agency pursuant to the provisions of the paragraph (1), the Prime Minister conducts their comprehensive planning and coordination with relevant agencies.

(4) The Prime Minister may request the National Personnel Authority to conduct necessary cooperation relating to the comprehensive planning referred to in the preceding paragraph.

(5) With regard to the formulation and implementation of the plan referred to in paragraph (1), the National Personnel Authority conducts their monitoring.

(Request of Report Concerning Training)

Article 70-7 (1) The National Personnel Authority may request the Prime Minister or the head of the relevant agency to report the situation of implementation of training based on the plan referred to in paragraph (1) of the preceding Article, as provided for by the Rules of the National Personnel Authority.

(2) If the Prime Minister or the head of the relevant agency has implemented training based on the plan referred to in paragraph (1) of the preceding Article in violation of laws and regulations, the National Personnel Authority may give necessary instructions.

Section 5 Efficiency

(Basic Standards for Efficiency)

Article 71 (1) Effort must be made to fully develop and improve the efficiency of officials.

(2) Except for those provided for in this Act, particulars necessary for enforcing the basic standards referred to in the preceding paragraph are prescribed by the Rules of the National Personnel Authority.

(3) The Prime Minister must conduct research and study concerning development and improvement of the efficiency of officials and take appropriate steps to assure the attainment of this objective.

Article 72 Deleted.

(Programs for Improving Efficiency)

Article 73 (1) In order to develop and improve the work efficiency of officials, the Prime Minister and the head of the relevant agency must endeavor to formulate plans for the following particulars and implement them:

- (i) particulars concerning the health of officials;
- (ii) particulars concerning the recreation for officials;
- (iii) particulars concerning maintaining the safety of officials;
- (iv) particulars concerning the welfare of officials.

(2) With regard to formulation and implementation of the plans referred to in the preceding paragraph, the Prime Minister conducts their comprehensive planning, coordination with relevant agencies, and monitoring of the agencies.

(Request Regarding Improving Efficiency)

Article 73-2 If the Prime Minister finds it necessary to improve efficiency of officials, the Prime Minister may make necessary requests to the head of the relevant agency with regard to the enforcement of the National Public Employees' Housing Act (Act No. 117 of 1949) or the Act on Travel Expenses of

National Public Employees, etc. (Act No. 114 of 1950).

Section 6 Status, Disciplinary Action and Guarantee

(Basic Standards for Status, Disciplinary Action and Guarantee)

Article 74 (1) With regard to their status, disciplinary action and guarantee, officials must be treated impartially.

(2) Except for those provided for in this Act, particulars necessary for enforcing the basic standards provided for in the preceding paragraph are prescribed by the Rules of the National Personnel Authority.

Subsection 1 Status

Division 1 Demotion, Administrative Leave, Dismissal, etc.

(Guarantee of Status)

Article 75 (1) Officials are not to be demoted, placed on administrative leave or dismissed against their will, unless there are grounds to do so provided for by law or the Rules of the National Personnel Authority.

(2) Officials are to suffer a reduction in pay if falling under the grounds provided for by this Act or the Rules of the National Personnel Authority.

(Forfeiture of Position Due to Disqualification)

Article 76 When officials come to fall under any of the items of Article 38 (excluding item (ii)), they are to automatically forfeit their position, except as provided for by the Rules of the National Personnel Authority.

(Separation from Service)

Article 77 The provisions for officials' separation from service are provided for by this Act and the Rules of the National Personnel Authority.

(Demotion and Dismissal against an Official's Will)

Article 78 If any official falls under any of the following items, the official may be demoted or dismissed against their will, as provided for by the Rules of the National Personnel Authority:

- (i) when the official's work performance is deemed not satisfactory in light of personnel evaluation or facts that show the state of the official's performance;
- (ii) when due to a mental or physical disorder, the official has difficulty or is incompetent in performing duties;
- (iii) when the official otherwise lacks the qualifications required for the government position;

(iv) when the position is abolished or the official becomes redundant due to amendment or repeal of the laws and regulations concerning the administrative organization or of the ceiling of the number of officials, or as a result of a reduction in budget.

(Special Provisions for Demotion of Executive Officials)

Article 78-2 If an executive official (excluding an executive official who holds the lowest level in a classified job ladder in executive service; hereinafter the same applies in this Article) falls under all of the following items, an appointer may execute demotion (limited to demotion to the immediately lower level in the classified job ladder in executive service) against the executive their will, as provided for by the Rules of the National Personnel Authority, even if the executive official does not fall under any cases set forth in the items of the preceding Article:

- (i) the case where the executive official meets the requirements specified by the Rules of the National Personnel Authority as the case where the work performance of the executive official is deemed inferior compared to other executive officials who hold other government positions (meaning those who belong to the same level in the classified job ladder, and of which appointive power belongs to the executive official's appointer; referred to as "another government position" in item (iii)) in light of personnel evaluation of the executive official or facts that show their working state;
- (ii) the case where, supposing that an appointer appoints another specific person who can be an executive official to the government position which the executive official is currently appointed to, another specific person meets the requirements specified by the Rules of the National Personnel Authority as the case where another specific person is sufficiently expected to achieve better performance than the executive official in light of personnel evaluation or facts that show their working state and other objective facts, and aptitude pertaining to the government position;
- (iii) the case where the executive official is found not to have any appropriate government positions to which the official is to be transferred because (a) the executive official meets the requirements specified by the Rules of the National Personnel Authority as the case where aptitude of the executive official is not sufficient compared to other candidates in another government position which becomes vacant or will become vacant or (b) supposing that the executive official perform duties of another government position, the executive official does not meet the requirements specified by the Rules of the National Personnel Authority as the case where the executive official is sufficiently expected to achieve better performance than another official who currently holds the other government position, or other cases specified by the

Rules of the National Personnel Authority as the case where it is necessary to demote the executive official in order to maintain appropriate appointment of executive officials.

(Administrative Leave against an Official's Will)

Article 79 When an official falls under one of the following items, or in other cases established by the Rules of the National Personnel Authority, the official may be placed on administrative leave against the official's will:

- (i) when the official requires a prolonged period of rest due to a mental or physical disorder;
- (ii) when the official is prosecuted with respect to a criminal case.

(Effect of Administrative Leave)

Article 80 (1) The period of administrative leave under the provisions of item (i) of the preceding Article is provided for by the Rules of the National Personnel Authority. If a disorder abates during the period of administrative leave, the administrative leave is deemed to have automatically terminated and reinstatement must be ordered promptly.

- (2) The period of administrative leave under the provisions of item (ii) of the preceding Article is the period of time during which such case is pending in court.
- (3) Any administrative leave is deemed to have automatically terminated when the reason for such administrative leave is extinguished.
- (4) Although an official on administrative leave still retains the status as an official, the official does not attend to their duties during the period of the administrative leave. An official on administrative leave must not receive remuneration of any kind during the period of the administrative leave unless otherwise provided for in the Act on Remuneration.

(Exclusion from Application)

Article 81 (1) With regard to the status (excluding those pertaining to the mandatory retirement age, the same applies in the following paragraph) of officials listed below, the provisions of Article 75, and Articles 78 through the preceding Article, and Article 89, and the provisions of the Administrative Complaint Review Act (Act No. 68 of 2014) do not apply:

- (i) temporary officials;
 - (ii) officials currently serving during a period of conditional initial appointment.
- (2) With regard to the status of officials set forth in the items of the preceding paragraph, necessary particulars may be provided for by the Rules of the National Personnel Authority.

Division 2 Demotion Due to the Upper Age Limit for a Managerial-Supervisory Position

- (Demotion Due to the Upper Age Limit for a Managerial-Supervisory Position)
- Article 81-2 (1) An appointer is to demote or transfer (limited to transfer with a reduction in pay) an official who holds a managerial-supervisory position (meaning a position prescribed in Article 10-2 of the Act on Remuneration of Officials in the Regular Service, an equivalent position prescribed by the Rules of the National Personnel Authority, or a designated service position (except positions held by doctors and dentists working at hospitals, sanatoriums, clinics, or other national government bureaus or organs, or other positions prescribed by the Rules of the National Personnel Authority as those for which it is found extremely inappropriate to apply the provisions of this Article because their duties and responsibilities have peculiarities or it is difficult to fill vacancies in the positions from among these positions); hereinafter the same applies in this Division and Article 81-7) and reaches the upper age limit for the managerial-supervisory position during a transfer period (meaning a period from the day following the date when the official reaches the upper age limit for the managerial-supervisory position to the first April 1 after the date; hereinafter the same applies in this Division and the same Article) (including the extended period pursuant to the provisions of Article 81-5, paragraphs (1) through (4); hereinafter the same applies in this paragraph) to a position other than managerial-supervisory positions or a managerial-supervisory position whose upper age limit exceeds the age of the official (hereinafter these positions will be referred to as "another government position" in this paragraph and paragraph (3)); provided, however, that this does not apply to a case in which, during a transfer period, the official is promoted, demoted, or transferred to another government position pursuant to other provisions of this Act, or the official is kept in the managerial-supervisory position pursuant to the provision of Article 81-7, paragraph (1).
- (2) The upper age limit for the managerial-supervisory position referred to in the preceding paragraph is 60 years of age; provided, however, that the upper age limit for officials holding managerial-supervisory positions set forth in the following items is as provided for in those respective items:
- (i) managerial-supervisory positions prescribed by the Rules of the National Personnel Authority from among administrative vice-ministers provided for in Article 18, paragraph (1) of the National Government Organization Act and their equivalent managerial-supervisory positions: 62 years of age;
 - (ii) beyond managerial-supervisory positions set forth in the preceding item, managerial-supervisory positions prescribed by the Rules of the National Personnel Authority as those for which it is found extremely inappropriate to

set the upper age limit at 60 years of age because their duties and responsibilities have peculiarities or it is difficult to fill vacancies in the positions: years of age provided for by the Rules of the National Personnel Authority, which is over 60 years but not more than 64 years.

(3) In implementing demotion or transfer to another government position under the provisions of the main clause of paragraph (1) (hereinafter referred to as "demotion or transfer to another government position" in this Division and Article 89, paragraph (1)), particulars concerning standards which an appointer is to observe and other necessary particulars for demotion or transfer to another government position are prescribed by the Rules of the National Personnel Authority.

(Restrictions on Appointment to Managerial-Supervisory Positions)

Article 81-3 An appointer may not initially appoint, promote, demote, or transfer a person who has reached the upper age limit for the managerial-supervisory position to which the person is to be initially appointed, promoted, demoted, or transferred to the managerial-supervisory position on or after the day following the last day of the transfer period on the assumption that the person holds the managerial-supervisory position (in the case of the official who has gotten a demotion or transfer to another government position, the day on which the official got the demotion or transfer to another government position).

(Exclusion from Application)

Article 81-4 The provisions of the preceding two Articles do not apply to temporary officials or other officials appointed with a term of office which is provided for by law.

(Special Provisions for Demotion Due to the Upper Age Limit for Managerial-Supervisory Position and Restriction on Appointment to Managerial-Supervisory Position)

Article 81-5 (1) An appointer may extend a transfer period for an official who is to be gotten a demotion or transferred to another government position, if it finds that any of the following grounds exist for the official, within the period not exceeding one year from the day following the last day of the transfer period for the managerial-supervisory position which the official holds (for an official whose mandatory retirement day provided for in paragraph (1) of the following Article (hereinafter referred to as "mandatory retirement day" in this paragraph and the following paragraph) falls within the period, within the period from the day following the last day of the transfer period to the mandatory retirement day; the same applies in paragraph (3)) and keep the official holding a managerial-supervisory position in the present position:

- (i) the grounds prescribed by the Rules of the National Personnel Authority concluding that the official's demotion or transfer to another government position may cause extreme difficulty in administering public duties in view of special circumstances of the performance of their duties;
 - (ii) the grounds prescribed by the Rules of the National Personnel Authority concluding that it may cause extreme difficulty in administering public duties that would make it difficult in filling a vacancy in the managerial-supervisory position following the official's demotion or transfer to another government position in view of the peculiarities of their duties.
- (2) An appointer may, with the approval of the National Personnel Authority, further extend the transfer period for the official in a managerial-supervisory position whose transfer period (including the transfer period extended pursuant to the after-mentioned provisions) has been extended pursuant to the provisions of the preceding paragraph and this paragraph, if it finds that grounds set forth in each of the items of the preceding paragraph still exist, within the period not exceeding one year from the day following the last day of the extended transfer period for the managerial-supervisory position (for an official whose mandatory retirement day falls within the period, within the period from the day following the last day of the transfer period to the mandatory retirement day; the same applies to paragraph (4)); provided, however, that the last day of the further extended transfer period must not exceed 3 years from the day following the last day of the transfer period for the managerial-supervisory position.
- (3) An appointer may, except for the cases which it can extend a transfer period pursuant to the provision of paragraph (1), extend a transfer period for an official holding a position belonging to a specific managerial-supervisory position group (meaning multiple managerial-supervisory positions (except designated service positions; hereinafter the same applies in this paragraph and the following paragraph) whose content of duties is similar to one another, and managerial-supervisory positions prescribed by the Rules of the National Personnel Authority that their vacancy cannot be easily filled in view of age distribution or other special circumstances; hereinafter the same applies in this paragraph), if it finds that there are grounds prescribed by the Rules of the National Personnel Authority concluding that it may cause extreme difficulty in administering public duties to create a hardship in filling a vacancy in a managerial-supervisory position belonging to the specific managerial-supervisory position group as a result of the official's demotion or transfer to another government position, within the period not exceeding one year from the day following the last day of the transfer period for the managerial-supervisory position which the official holds, and keep the official in the present managerial-supervisory position, or demote or transfer the

official to another position in the specific managerial-supervisory position group to which the managerial-supervisory position belongs.

- (4) An appointer, if it finds there are grounds provided for in the preceding paragraph for an official holding a managerial-supervisory position whose transfer period (including the period extended pursuant to the after-mentioned provisions) is extended pursuant to the provisions of paragraph (1) or (2) (except when the extended transfer period can be further extended pursuant to the provision of paragraph (2)), or if it finds that any of the grounds provided for in the preceding paragraph still exists for an official holding a managerial-supervisory position whose transfer period (including the period extended pursuant to the provisions of the preceding three paragraphs or this paragraph) is extended pursuant to the provisions of the preceding paragraph or this paragraph, with the approval of the National Personnel Authority, may further extend the extended transfer period, within the period not exceeding one year from the day following the last day of the extended transfer period.
- (5) Beyond what is provided for in the preceding paragraphs, particulars necessary for an extension of a transfer period (including a period extended pursuant to these provisions), and a demotion or a transfer of an official pertaining to the extension pursuant to these provisions are prescribed by the Rules of the National Personnel Authority.

Division 3 Retirement Due to Mandatory Retirement Age

(Retirement at the Mandatory Retirement Age)

- Article 81-6 (1) Unless otherwise prescribed by laws, when an official reaches the mandatory retirement age, the official retires on whichever day comes earlier (referred to as the "mandatory retirement day" in paragraph (1) and the proviso of paragraph (2) of the following Article); the first March 31 after the official reaches the mandatory retirement age or the day which is designated in advance by the appointer, provided for in Article 55, paragraph (1) or provided for in other laws.
- (2) The mandatory retirement age referred to in the preceding paragraph is 65 years of age; provided, however, that the mandatory retirement age for officials provided for by the Rules of the National Personnel Authority as doctors and dentists or other officials holding positions for which the mandatory retirement age of 65 is found to be extremely inappropriate due to the special nature of their duties and responsibilities or the difficulty of filling vacancies in those positions is the age provided for by the Rules of the National Personnel Authority, which is over 65 years but not more than 70 years.
- (3) The provisions of the preceding two paragraphs do not apply to temporary officials or other officials appointed with a term of office which is provided for

by law, and officials who hold government positions not requiring full-time service.

(Special Provisions for Retirement at the Mandatory Retirement Age)

- Article 81-7 (1) If an official who has reached the mandatory retirement age is to retire pursuant to the provisions of paragraph (1) of the preceding Article, an appointer may keep the official in the present position, notwithstanding the provisions of the same paragraph, setting a due date within the limit of not more than one year from the day following the date of their mandatory retirement day, in order to let the official perform duties that the official is doing on the mandatory retirement day, when it finds any of the following grounds exist; provided, however, that, in the case of an official whose transfer period (including the period extended pursuant to the after-mentioned provisions) is extended pursuant to the provisions of Article 81-5, paragraphs (1) through (4) and who is holding a managerial-supervisory position on the mandatory retirement day, the grounds are limited to when approval is obtained from the National Personnel Authority pursuant to the provisions of paragraphs (1) or (2) of the same Article for extending the transfer period until the mandatory retirement day and keeping the official in the position, and the due date must not exceed 3 years from the day following the last day of the transfer period for the managerial-supervisory position which the official holds:
- (i) the grounds prescribed by the Rules of the National Personnel Authority concluding that the retirement of the official may cause extreme difficulty in administering public duties in view of special circumstances of the performance of the duties of the official who is to retire pursuant to the provisions of paragraph (1) of the preceding Article;
 - (ii) the grounds prescribed by the Rules of the National Personnel Authority concluding that it may cause extreme difficulty in administering public duties to create a hardship in filling a vacancy in the position which the official holds following the retirement of the official in view of the peculiarities of duties of the official to be about to retire pursuant to the provisions of paragraph (1) of the preceding Article.
- (2) If the due date referred to in the preceding paragraph or the due date extended pursuant to the provisions of this paragraph is to arrive, an appointer may extend the due date within the limit of not exceeding one year from the day following the last day of these due dates, with the approval of the National Personnel Authority, if it finds that any of the grounds set forth in each item of the preceding paragraph still exists; provided, however, that the due date must not exceed 3 years from the day following the date of the mandatory retirement day (for an official provided for in the proviso of the same paragraph, the last day of the transfer period for the managerial-supervisory position which the

official holds) pertaining to the official.

- (3) Beyond what is provided for in the preceding two paragraphs, particulars necessary for the service under these provisions are prescribed by the Rules of the National Personnel Authority.

(Adjustment of Affairs Concerning the Mandatory Retirement Age)

Article 81-8 In order to ensure the proper administration of affairs concerning the mandatory retirement age of officials, the Prime Minister is to initiate coordination as may be required with regard to the administration of the affairs by administrative organs, conduct research and study of measures concerning enforcement of the mandatory retirement age system for officials, and take appropriate measures for particulars within the jurisdiction.

Subsection 2 Disciplinary Action

(Instances of Disciplinary Action)

Article 82 (1) When an official falls under any of the following items, the official may be dismissed, suspended from duty, suffer a reduction in pay or be reprimanded as disciplinary action:

- (i) when the official has violated this Act, the National Public Service Ethics Act or orders issued under these laws (including the official directives under the provisions of Article 5, paragraph (3) of the National Public Service Ethics Act, and the codes under the provisions of paragraph (4) of the same Article);
- (ii) when the official has breached the obligations in the course of duties or has neglected duties;
- (iii) when the official is guilty of malfeasance rendering the official unfit to fulfill the role as a servant of all citizens.

(2) When an official who retired, upon request of the appointer to become a national public employee in the special service, a local public employee, or an employee of the Okinawa Development Finance Corporation or any other corporation designated by the Rules of the National Personnel Authority from among corporations whose business is closely related to that of the national government (hereinafter referred to as "a national public employee in the special service, etc." in this paragraph), was continuously appointed as a national public employee in the special service, etc., and then was continuously appointed as an official on the premise of the retirement (including cases where an official who held the position of a national public employee in the special service, etc., continuously held one or more government positions in the special service, etc., and was continuously appointed as an official on the premise of the retirement) falls under any of the items in the preceding

paragraph during the continuous period of holding office as an official up to the retirement (in cases of an official who, before the retirement, had a similar retirement (hereinafter referred to as "the previous retirement" in this paragraph), had held office as a national public employee in the special service, etc., and had held office as an official, the period up to the previous retirement is included, hereinafter referred to as "the period of holding office as an official up to the previous retirement responding to the request" in this paragraph), any of the disciplinary actions prescribed in the same paragraph may be taken against the official. When a pre-mandatory-retirement-age reappointed short-time official falls under any of the items of the preceding paragraph during the continuous period of holding office as an official up to the day when it becomes a retiree 60 years of age or older (including the period of holding office as an official up to the previous retirement responding to the request), or the period that the official had held office as a pre-mandatory-retirement-age reappointed short-time official after the appointment pursuant to the provisions of Article 60-2, paragraph (1), the same also applies.

(Effect of Disciplinary Action)

- Article 83 (1) The period of suspension from duty is provided for by the Rules of the National Personnel Authority within the limit of not exceeding one year.
- (2) Although an official suspended from duty still retains the status as an official, the official does not engage in their duties during this time. An official suspended from duty may not receive remuneration of any kind during the period of suspension except the case under the provisions of Article 92.

(Administrator of Disciplinary Action)

- Article 84 (1) Disciplinary action is taken by an appointer.
- (2) The National Personnel Authority may initiate disciplinary proceedings against officials through investigation as provided for in this Act.

(Delegation of Authority to the National Public Service Ethics Board)

Article 84-2 The National Personnel Authority is to delegate the authority under the provisions of paragraph (2) of the preceding Article (limited to those implemented with regard to the acts violating the National Public Service Ethics Act or orders issued thereunder (including the official directives under the provisions of Article 5, paragraph (3) and codes under the provisions of paragraph (4) of the same Article of the same Act)) to the National Public Service Ethics Board.

(Relation with Criminal Court)

Article 85 Even while a case which is to be subject to disciplinary action is

pending in the criminal court, disciplinary proceedings may be taken for the same case at the discretion of the National Personnel Authority or the appointer with the approval of the National Personnel Authority. Any disciplinary action under this Act does not preclude the official involved from being subjected to criminal prosecution for the same or related cases.

Subsection 3 Guarantee

Division 1 Request for Administrative Measures on Working Conditions

(Request for Administrative Measures on Working Conditions)

Article 86 Officials may make requests to the National Personnel Authority that appropriate administrative action be accorded by the National Personnel Authority, the Prime Minister, or the head of the competent authority, relating to salary, compensation, or any other working conditions.

(Review and Determination of Cases)

Article 87 When a request provided for in the preceding Article is filed, the National Personnel Authority must conduct investigations, hearings or other fact-finding reviews as it finds necessary, and reach a determination on the case with due regard to impartiality to the general public and the persons concerned and in terms of developing and improving the efficiency of officials.

(Measures to Be Taken as a Result of Determinations)

Article 88 When the National Personnel Authority finds it necessary to take certain measures with regard to working conditions based on the determinations provided for in the preceding Article, it must implement its own measures on the particulars under its jurisdiction, and recommend the Prime Minister or the head of the competent authority to take measures on other particulars.

Division 2 Review of Disadvantageous Dispositions Made against the Will of Officials

(Delivery of Written Explanations Concerning Dispositions Such as Reduction in Pay Made against an Official's Will)

Article 89 (1) When an official, against the official's will, is subject to pay reduction (except for pay reduction caused by demotion or transfer to another government position), demotion (except for demotion corresponding to demotion or transfer to another government position), administrative leave, or dismissal, or when an official is otherwise subject to a significantly disadvantageous

disposition or disciplinary action, the person making the disposition must deliver a written explanation setting forth the reasons for the disposition to the official at the time of the disposition.

- (2) When an official considers that the official has been subjected to a significantly disadvantageous disposition provided for in the preceding paragraph, the official may request delivery of the written explanation referred to in the same paragraph.
- (3) The written explanation referred to in paragraph (1) must contain a statement to the effect that a request for administrative review on the disposition may be filed to the National Personnel Authority, and the period of time for filing such request.

(Requests for Administrative Review)

Article 90 (1) Officials subject to the disposition provided for in paragraph (1) of the preceding Article may file a request for administrative review only to the National Personnel Authority.

- (2) Except dispositions provided for in paragraph (1) of the preceding Article and dispositions otherwise provided for by law, a request for administrative review may not be filed with regard to the dispositions made against officials. The same applies to any inaction with regard to the applications filed by officials.
- (3) The provisions of Chapter II of the Administrative Complaint Review Act do not apply to the requests for administrative review provided for in paragraph (1).

(Period for Requests for Administrative Review)

Article 90-2 A request for administrative review provided for in paragraph (1) of the preceding Article must be filed within three months from the day following the date when the official concerned received the written explanation of the disposition, and may not be filed when one year has passed from the day following the day on which the disposition was made.

(Investigation)

Article 91 (1) On receipt of the request for administrative review provided for in Article 90, paragraph (1), the National Personnel Authority, or any organ designated by the National Personnel Authority must immediately investigate the case.

- (2) In the cases provided for in the preceding paragraph, a hearing must be held if requested by the official subject to the disposition. If so requested by the official concerned, the hearing must be open to the public.
- (3) The person who made the disposition or their deputy, and the official subject to the disposition may appear at all the hearings, appoint defense counsel as a

representative, make statements, present witnesses, and submit documents, records and any other pertinent facts and data.

- (4) Persons other than those set forth in the preceding paragraph may submit to the National Personnel Authority any facts and data concerning the case.

(Measures to Be Taken as a Result of an Investigation)

Article 92 (1) If, as a result of the investigation provided for in the preceding Article, it is found that there are grounds for the disposition to be made, the National Personnel Authority must approve the disposition or revise it at its discretion.

- (2) If, as a result of the investigation provided for in the preceding Article, it is found that there are no grounds for the disposition to be made against the official, the National Personnel Authority must rescind the disposition and take necessary and appropriate action to restore the official's rights and rectify any injustice that may have been done to the official due to the disposition. The National Personnel Authority must instruct that the official be paid any salary lost due to the disposition.

- (3) Determinations referred to in the preceding two paragraphs are final and reviewed only by the National Personnel Authority as provided for by the Rules of the National Personnel Authority.

(Relation between Requests for Administrative Review and Lawsuits)

Article 92-2 With regard to any of the dispositions provided for in Article 89, paragraph (1) of which officials may file a request for administrative review to the National Personnel Authority, no lawsuit may be filed for the rescission of the dispositions until after the National Personnel Authority has rendered a judgment on the administrative request.

Division 3 Compensation for Injury and Disease Incurred in the Line of Public Duty

(Compensation for Injury and Disease Incurred in the Line of Public Duty)

Article 93 (1) A system of compensating the official and the official's immediate dependents for damage due to the death, injury or disease of the official incurred in the line of public duty or the death of the official resulting from injury or disease incurred in the line of public duty must be established and enforced.

- (2) The compensation system under the provisions of the preceding paragraph is provided for by law.

(Particulars to Be Provided for in Law)

Article 94 In the compensation system referred to in the preceding Article, the following particulars must be provided for:

- (i) particulars concerning protection of the official against economic hardship during periods of incapacity resulting from injury or disease incurred in the line of public duty;
- (ii) particulars concerning compensation to the official for damage due to permanent or prolonged harm to the official's earning capacity resulting from injury or disease incurred in the line of public duty;
- (iii) particulars concerning compensation to the bereaved family of the official or those who depended on the income of the official at the time of the official's death, for damage due to the death of the official resulting from injury or disease incurred in the line of public duty.

(Responsibility for Drafting and Implementing the Compensation System)

Article 95 The National Personnel Authority must conduct studies on the compensation system, submit the results thereof to the Diet and the Cabinet, and implement the program as promptly as possible.

Section 7 Service Discipline

(Basic Standards for Service Discipline)

Article 96 (1) Every official must, as a servant of all citizens, serve the public interest, and devote their utmost attention to the performance of duties.
(2) Except for those specified by this Act or the National Public Service Ethics Act, particulars necessary for enforcing the basic standards prescribed in the preceding paragraph are provided for by the Rules of the National Personnel Authority.

(Oath of Service)

Article 97 Officials must take an oath of service, as specified by Cabinet Order.

(Obligation to Obey Laws and Regulations and Orders of Superiors; Prohibition of Acts of Dispute)

Article 98 (1) Officials must, in the performance of their duties, comply with laws and regulations, and faithfully observe the orders of their superiors in the course of duties.
(2) Officials must not strike or engage in a strike, a lockout or other acts of dispute against the public as their employer represented by the government, or resort to a neglectful act which would reduce the efficiency of government operations, and no person must attempt, or conspire to effect, instigate or incite the illegal acts.

(3) Any official who resorts to a strike or other acts violating the provisions of the preceding paragraph may not, with the commencement of such acts, be asserted against the national government with the rights to appointment or employment possessed by officials under laws and regulations.

(Prohibition of Acts Causing Discredit)

Article 99 No official may act in such a way as to discredit their government positions or bring dishonor upon all government positions.

(Obligation to Preserve Secrecy)

Article 100 (1) An official must not divulge any secret which may have come to the official's knowledge in the course of duties. This also applies after the official has left the position.

(2) In order for an official to make a statement concerning any secret in the course of duties as a witness, an expert witness or in other capacities provided for by laws and regulations, the official is to require the permission of the head of the competent authority (in the case of a person who has retired, the head of the government agency having jurisdiction over the government position the official held at the time of the retirement or any government position equivalent thereto).

(3) The permission referred to in the preceding paragraph may not be refused, except in cases pertaining to the conditions and procedures provided for by law or by Cabinet Orders.

(4) The provisions of the preceding three paragraphs do not apply to information that is requested by the National Personnel Authority during an investigation or hearing conducted by the National Personnel Authority. It is not necessary for any person to secure permission from anyone to make a statement or testify on any confidential or restricted information when so requested by the National Personnel Authority during or as part of such investigations or hearings conducted by the authority of the National Personnel Authority. Any person who fails to make a statement or testify before the National Personnel Authority on information officially requested by the National Personnel Authority must be subject to the penal provisions of this Act.

(5) The provisions of the preceding paragraph apply mutatis mutandis to the investigation conducted by the Reemployment Surveillance Commission, to which the authority is delegated pursuant to the provisions of Article 18-4. In this case, the term "National Personnel Authority" in the same paragraph is deemed to be replaced with "Reemployment Surveillance Commission," and the term "investigation or hearing" is deemed to be replaced with "investigation."

(Obligation to Devote Themselves to Duties)

Article 101 (1) An official, except in cases provided for by laws or orders, must devote their full working hours and all of their occupational attention to the performance of their duties, and engage only in those duties which the government assumes the responsibility to perform. Officials, except in cases specified by laws or orders, must not hold concurrently two or more government positions. Even when an official holds additional government positions, they must not be paid for them.

(2) The provisions of the preceding paragraph do not preclude the agency from having their officials engage in duties other than regular ones in the event of an earthquake, fire, flood or other serious disasters.

(Restriction on Political Acts)

Article 102 (1) An official must not solicit, receive, or be in any manner involved in soliciting or receiving any donation or other benefit for any political party or political purpose, nor must engage in any political acts as provided for by the Rules of the National Personnel Authority other than to exercise the right to vote.

(2) No official may be a candidate for elective public office.

(3) No official may be an officer, a political adviser, or any other member with a similar role of any political party or political organization.

(Separation from Private Enterprises)

Article 103 (1) No official must concurrently hold the position of an officer, advisor or councilor in a company or any other organizations established for the purpose of operating a commercial, industrial, financial or other for-profit private enterprises (hereinafter referred to as an "enterprise for profit"), nor may they personally operate any enterprise for profit.

(2) The provisions of the preceding paragraph do not apply to cases wherein approval is given by the National Personnel Authority on the report of the head of the competent authority, as provided for by the Rules of the National Personnel Authority.

(3) With respect to an enterprise for profit, when an official is in a position in which the official is able to participate in the management of the enterprise because of the official's holding of shares therein or because of some other relationships with it, the National Personnel Authority may call upon such an official to submit a report regarding the official's holding of shares and other relationships, as provided for by the Rules of the National Personnel Authority.

(4) If the National Personnel Authority, based on the report referred to in the preceding paragraph, finds that the continuance of all or part of the official's relationship with the enterprise is inappropriate in the course of the performance of their duties, it may notify the official to that effect, as provided

for by the Rules of the National Personnel Authority.

- (5) If an official, upon receipt of the notice referred to in the preceding paragraph, has an objection to the content thereof, the official may file a request for administrative review to the National Personnel Authority within three months from the day following the date when the official received such notice.
- (6) The provisions of Article 90, paragraph (3) and Article 91, paragraphs (2) and (3) apply mutatis mutandis to cases where the request for administrative review referred to in the preceding paragraph has been filed, and the provisions of Article 92-2 apply mutatis mutandis to lawsuits filed for rescission of the notice referred to in paragraph (4) respectively.
- (7) An official who has not filed a request for administrative review referred to in paragraph (5) and an official who has received a judgment as a result of an investigation by the National Personnel Authority of the request for administrative review referred to in the same paragraph stating that the content of the notice was justifiable must, as provided for by the Rules of the National Personnel Authority, divest themselves of the relationships with that enterprise entirely or in part, or relinquish their government positions within the period provided for by the Rules of the National Personnel Authority.

(Restrictions on Participation in Other Business or Affairs)

Article 104 If an official is to concurrently hold the position of an officer, advisor or councilor in any business organization other than an enterprise for profit, or to engage in any other businesses or to carry out affairs, by receiving remuneration, the official is required to obtain permission of the Prime Minister and the head of the official's competent authority.

(Scope of Duties of Officials)

Article 105 An Official bears no other obligations apart from taking charge of those duties under laws, orders, rules or directives.

(Working Conditions)

Article 106 (1) Working conditions of officials and other necessary particulars pertinent to service discipline may be provided for by the Rules of the National Personnel Authority.

- (2) The Rules of the National Personnel Authority referred to in the preceding paragraph must be consistent with the purpose of the provisions of this Act.

Section 8 Retirement Management

Subsection 1 Regulations on Employment after Separation from Service

(Regulations of Requests Regarding Other Officers or Officials)

Article 106-2 (1) An official, for the purpose of having another official or officer of an agency engaged in administrative execution (hereinafter referred to as "officer or official") after separation from service, or a person that was an officer or official assume a position in an enterprise for profit, etc. (meaning an enterprise for profit and a corporation other than an enterprise for profit (excluding the national government, international organizations, local governments, agencies engaged in administrative execution and specified local incorporated administrative agencies provided for in Article 2, paragraph (2) of the Local Incorporated Administrative Agency Act (Act No. 118 of 2003)); the same applies hereinafter) or its subsidiary corporation (meaning a corporation specified by Cabinet Order as having institutions that make decisions on financial or operational, or business policies (meaning shareholders meetings and other equivalent institutions) controlled by the enterprise for profit, etc.; the same applies hereinafter), must not, to the enterprise for profit, etc., provide information on the officer or official, or the person who was an officer or official, request to provide information on the position, or demand or request that the officer or official after separation from service, or a person who was as officer or official assume a position in the enterprise for profit, etc. or its subsidiary corporation.

(2) The provisions of the preceding paragraph do not apply to the following cases:

(i) when conducted as affairs concerning security of employment as provided for in the Employment Security Act (Act No. 141 of 1947), the Mariners Employment Security Act (Act No. 130 of 1948) and other laws and regulations.

(ii) when conducting for the purpose of having an official scheduled to receive an aggregate retirement allowance assume a position in an aggregate retirement allowance corporation (including cases where the purpose is to have an officer scheduled to receive an aggregate retirement allowance provided for in paragraph (4) as applied mutatis mutandis by replacing the terms pursuant to Article 54, paragraph (1) of the Act on General Rules for Incorporated Administrative Agency, assume a position in the aggregate retirement allowance corporation provided for in the following paragraph as applied mutatis mutandis pursuant to the provisions of paragraph (1) of the same Article).

(iii) when an official of the Center for Personnel Interchanges between the Government and Private Entities (hereinafter referred to as "the Center") conducts as their duties.

(3) An "aggregate retirement allowance corporation" referred to in item (ii) of the preceding paragraph means a corporation specified by Cabinet Order from among incorporated administrative agencies (meaning incorporated

administrative agencies provided for in Article 2, paragraph (1) of the Act on General Rules for Incorporated Administrative Agency; the same applies hereinafter) and corporations established under other special Acts, whose business is closely related to the administration or business of the national government (limited to corporations which prescribe in their rules concerning retirement allowance (including equivalent payments) that in case an official becomes an officer or becomes employed by the corporation without interruption upon the request of an appointer or a person who has been delegated by the appointer, the length of service as an official is aggregated to the length of service as an officer of the corporation or as a person employed by the corporation).

- (4) An "official scheduled to receive an aggregate retirement allowance" in paragraph (2), item (ii) means an official specified by Cabinet Order from among officials who, upon the request of an appointer or a person who has been delegated by the appointer, have come to retire to become officers of the aggregate retirement allowance corporation (meaning the aggregate retirement allowance corporation prescribed in the preceding paragraph; the same applies hereinafter) or to become employed by the aggregate retirement allowance corporation without interruption, and are expected to be appointed by means of selection without interruption, unless there are special circumstances, after employment in the aggregate retirement allowance corporation.

(Regulations of Job-Seeking While Holding Office)

Article 106-3 (1) An official must not provide information concerning themselves, request the provision of information on a position, or demand or promise to assume a position to an interested enterprise, etc. (meaning an organization specified by Cabinet Order from among enterprise for profits, etc. that have an interest in the duties of the official; the same applies hereinafter), for the purpose of assuming the position in the interested enterprise, etc. or its subsidiary corporation after separation from service.

- (2) The provisions of the preceding paragraph do not apply to the following cases:
- (i) when conducted by the official scheduled to receive an aggregate retirement allowance (meaning an official scheduled to receive an aggregate retirement allowance as provided for in paragraph (4) of the preceding Article; the same applies hereinafter) against the aggregate retirement allowance corporation.
 - (ii) when conducted by an official, who is in a government position specified by Cabinet Order as having no substantial authority on decision making in the organization such as a bureau, etc. where the official holds office (meaning a secretariat or bureau provided for in Article 7, paragraph (1) of the National Government Organization Act, an organization specified by Cabinet Order as facilities and other organs, etc. provided for in Article 8-2 of the same Act,

other national government bureaus or organ equivalent to these, an organization specified by Cabinet Order as an organization of an agency engaged in administrative execution equivalent to these or prefectural police; the same applies hereinafter).

- (iii) when conducted by an official with interested enterprises, etc. introduced by the Center, with regard to assuming a position in the interested enterprises, etc. or their subsidiary corporations.
 - (iv) when conducted by an official who has obtained the approval of the Prime Minister through procedures specified by Cabinet Order against the interested enterprises, etc. pertaining to the approval under the circumstances specified by Cabinet Order as the case that, for the purpose of assuming a position in the interested enterprises, etc. or their subsidiary corporations, the official providing information concerning the official, requesting to provide information on the position, or demanding or promising to assume the position in the interested enterprises, etc. is found not to pose any impediment to ensuring fairness in public duties.
- (3) The authority approved by the Prime Minister under the provisions of item (iv) of the preceding paragraph is delegated to the Reemployment Surveillance Commission.
- (4) The authority delegated to the Reemployment Surveillance Commission pursuant to the provisions of the preceding paragraph, may be delegated to the reemployment surveillance inspector, as specified by Cabinet Order.
- (5) With respect to the approval made by the Reemployment Surveillance Commission based on the authority delegated pursuant to the provisions of paragraph (3) (including approvals made by the reemployment surveillance inspector based on the authority delegated pursuant to the provisions of the preceding paragraph), a request for administrative review may be filed to the Reemployment Surveillance Commission.

(Regulations of Requests by Reemployed Officials)

Article 106-4 (1) A person who was an official holding a position in an enterprise for profit, etc. after separation from service (excluding a person that has been an official scheduled to receive an aggregate retirement allowance and holds a position at the aggregate retirement allowance corporation (hereinafter referred to as an "official separated from service with an aggregate retirement allowance"); hereinafter referred to as a "reemployed official") must not demand or request to, or not to perform acts in the course of duties during the period of 2 years after separation from service, to an officer or official belonging to an organization such as bureau where the officer or official had held office during the period of 5 years prior to the separation from service, or to a person specified by Cabinet Order as being similar to the officer or official,

concerning sales, leases, contracts for work and other contracts concluded between the national government, an agency engaged in administrative execution or a prefecture and the enterprise for profit, etc. or its subsidiary corporation, or affairs concerning dispositions provided for in Article 2, item (ii) of the Administrative Procedure Act (Act No. 88 of 1993) against the enterprise for profit, etc. or its subsidiary corporation (hereinafter referred to as "contract affairs, etc."), which has belonged to the duties during the period of 5 years prior to separation from service.

- (2) Beyond what is prescribed in the preceding paragraph, a reemployed official who held the position of director-general of the department or director of the division as provided for in Article 21, paragraph (1) of the National Government Organization Act or an equivalent position specified by Cabinet Order prior to the day which is 5 years previous to the day of separation from service, must not demand or request to, or not to perform acts in the course of duties, during the period of 2 years after separation from service, to an officer or official belonging to an organization such as the bureau where the reemployed official has been holding the position, or to a person specified by Cabinet Order as being similar to the officer or official, concerning contract affairs, etc. that has been the official's duties prior to the day which is 5 years previous to the day of separation from service (limited to duties while in the position).
- (3) Beyond what is prescribed in the preceding two paragraphs, a reemployed official who held the position of director-general provided for in Article 6 of the National Government Organization Act, an administrative vice-minister provided for in Article 18, paragraph (1) of the same Act or director of the executive office or director-general of the bureau provided for in Article 21, paragraph (1) of the same Act, or an equivalent position specified by Cabinet Order, must not demand or request to, or not to perform acts in the course of duties, during the period of 2 years after separation from service, to an officer or official belonging to the Cabinet Office and Ministries and other national organs specified by Cabinet Order, agencies engaged in administrative execution or prefectural police where the reemployed official had held the position (hereinafter referred to as an "organ for which they served as director-general of the bureau, etc.") or to a person specified by Cabinet Order as being similar to the officer or official, concerning contract affairs, etc. that are under the jurisdiction of the organ for which they served as director-general of the bureau, etc.
- (4) Beyond what is prescribed in the preceding three paragraphs, a reemployed official must not demand or request to, or not to perform acts in the course of duties, to an officer or official belonging to the Cabinet Office and Ministries where the reemployed official had held office, and other national organs

specified by Cabinet Order, agencies engaged in administrative execution or prefectural police (hereinafter referred to as "administrative organ, etc." in this paragraph) or to a person specified by Cabinet Order as being similar to the officer or official, concerning contracts concluded between the national government, an agency engaged in administrative execution or a prefecture and enterprise for profit, etc. (limited to which the reemployed official is currently holding a position) or its subsidiary corporation which the reemployed official has personally made decisions on the conclusion at the administrative organ, etc., or has made decisions on dispositions provided for in Article 2, item (ii) of the Administrative Procedure Act against the enterprise for profit, etc. or its subsidiary corporation by the administrative organ, etc.

- (5) The provisions of the preceding paragraphs do not apply to the following cases:
- (i) when it is necessary for a person who received designations, registrations or other dispositions by administrative agencies under the provisions of laws (hereinafter referred to as "designations, registrations or other dispositions ") to carry out examinations, inspections, and other affairs of administration pertaining to the designations, registrations or other dispositions, or for a person who received entrustment from administrative agencies to carry out affairs of administration pertaining to the entrustment, or when it is necessary to conduct business specified by Cabinet Order as being closely related to the administration or business of the national government;
 - (ii) when exercising rights or performing obligations, under laws and regulations that define the rights or obligations to administrative agencies, or under the contracts concluded between the national government, agencies engaged in administrative execution or prefectures, or when performing obligations imposed by disposition of administrative agencies, or when it is specified by Cabinet Order as being similar to these cases;
 - (iii) when making applications provided for in Article 2, item (iii) of the Administrative Procedure Act, or notifications provided for in item (vii) of the same Article;
 - (iv) when it is necessary to conclude sales, leases, contracts for work and other contracts, in accordance with procedures of competition as provided for in Article 29-3, paragraph (1) of the Public Accounting Act (Act No. 35 of 1947), procedures of competition by having agencies engaged in administrative execution issuing public notices and filing applications, or procedures for open competitive bidding or auction sale as provided for in Article 234, paragraph (1) of the Local Autonomy Act (Act No. 67 of 1947);
 - (v) when requesting to provide information that is made public or that is scheduled to be made public pursuant to the provisions of laws and

- regulations or as practice (excluding cases of requesting to disclose information before the certain date when it is scheduled to be made public);
- (vi) when the reemployed official who has obtained the approval of the Prime Minister through procedures specified by Cabinet Order demands or requests to, or not to perform acts in the course of their duties to an officer or official (including persons similar thereto; the same applies for this item hereinafter), concerning contract affairs, etc. pertaining to the approval under the circumstances specified by Cabinet Order as the case where the reemployed official demanding or requesting to an officer or official to perform or not to perform acts in the course of their duties regarding contract affairs, etc. is found not to pose any impediment to ensuring fairness in public duties.
- (6) The authority approved by the Prime Minister under the provisions of item (vi) of the preceding paragraph is delegated to the Reemployment Surveillance Commission.
- (7) The authority delegated to the Reemployment Surveillance Commission pursuant to the provisions of the preceding paragraph may be delegated to a reemployment surveillance inspector, as specified by Cabinet Order.
- (8) With respect to the approval made by the Reemployment Surveillance Commission based on the authority delegated pursuant to the provisions of paragraph (6) (including approvals made by a reemployment surveillance inspector based on the authority delegated pursuant to the provisions of the preceding paragraph), a request for administrative review may be filed to the Reemployment Surveillance Commission.
- (9) When an official receives a demand or request from a reemployed official that is prohibited pursuant to the provisions of paragraphs (1) through (4), except for the cases set forth in each item of paragraph (5) (including the cases of receiving a demand or request that is prohibited pursuant to the provisions of paragraphs (1) through (4) as applied mutatis mutandis pursuant to Article 54, paragraph (1) of the Act on General Rules for Incorporated Administrative Agency), the official must notify the reemployment surveillance inspector to that effect, as specified by Cabinet Order.

Subsection 2 Reemployment Surveillance Commission

(Establishment)

Article 106-5 (1) The Reemployment Surveillance Commission (hereinafter referred to as the "Commission") is established in the Cabinet Office.

(2) The Commission takes charge of the following affairs:

- (i) conducting investigations based on the authority delegated pursuant to the provisions of Article 18-4;

- (ii) giving approvals based on the authority delegated pursuant to the provisions of Article 106-3, paragraph (3), and paragraph (6) of the preceding Article;
- (iii) beyond what is set forth in the preceding two items, dealing with the particulars belonging to its authority pursuant to the provisions of this Act or other laws.

(Exercise of Authority)

Article 106-6 The Chairperson and Commission members independently exercise their authority.

(Organization)

Article 106-7 (1) The Commission is composed of the Chairperson and four Commission members.

(2) Commission members are of part-time service.

(3) The Chairperson presides over the affairs of the Commission and represents it.

(4) If the Chairperson is unavailable, a member designated in advance by the Chairperson acts in place of the Chairperson in the performance of duties.

(Appointment of the Chairperson and Commission Members)

Article 106-8 (1) The Chairperson and Commission members are appointed, with the consent of both Houses of the Diet, by the Prime Minister from among persons who are of the highest moral character and integrity, can make fair judgment on retirement management of officials, have relevant knowledge and experience concerning law or society, and having no previous experience as an officer or an official or a self-defense forces personnel (excluding previous experience as public prosecutors and other persons specified by Cabinet Order by taking the peculiarities of their duties into consideration).

(2) The Prime Minister may appoint the Chairperson or a Commission member notwithstanding the provisions of the preceding paragraph, if the consent of both Houses of the Diet cannot be obtained due to the closing of the Diet or dissolution of the House of Representatives, if the term of office of the Chairperson or a Commission member has expired or a vacancy occurs.

(3) In the case referred to in the preceding paragraph, ex post facto consent by both Houses of the Diet must be obtained in the first Diet session after appointment. In this case, if the ex post facto consent cannot be obtained by both Houses of the Diet, the Prime Minister must immediately dismiss the Chairperson or Commission member.

(Term of Office of the Chairperson and Commission Members)

Article 106-9 (1) The term of office of the Chairperson and Commission members is 3 years; provided, however, that the term of office of the Chairperson and Commission members appointed to fill a vacancy is the remaining term of their predecessor.

(2) The Chairperson and Commission members may be reappointed.

(3) When the term of office of the Chairperson and a Commission member expires, the Chairperson and Commission member are to continuously perform their duties until their successor is appointed.

(Guarantee of Status)

Article 106-10 The Chairperson and Commission members are not dismissed against their will while they are in office, except when they fall under any of the following items:

(i) when they receive the decision of commencement of bankruptcy proceedings.

(ii) when they are sentenced to imprisonment without work or a severer punishment.

(iii) when they become an officer or an official or a self-defense forces personnel (excluding those specified by Cabinet Order provided for in Article 106-8, paragraph (1)).

(iv) when they are found by the Commission to be incapable of performing their duties due to a mental or physical disorder or are found to be guilty of violating their obligations in the course of carrying out their duties and other malfeasance that renders themselves unfit to be the Chairperson or a Commission member.

(Dismissal)

Article 106-11 The Prime Minister must dismiss the Chairperson or any Commission member if the Chairperson or the Commission member falls under any of the items of the preceding Article.

(Service Discipline)

Article 106-12 (1) The Chairperson and Commission members must not divulge any secret which may have come to their knowledge in the course of duties. This applies even after they have left their position.

(2) The Chairperson or Commission members must neither be an officer of any political party or political organization nor engage in political movements actively while in office.

(3) The Chairperson, while in office, must not engage in other jobs with remuneration, operate any enterprise for profit, or conduct any business for the purpose of profit, except when they are permitted to do so by the Prime Minister.

(Remuneration)

Article 106-13 The remuneration of the Chairperson and Commission members is specified separately by laws.

(Reemployment Surveillance Inspector)

Article 106-14 (1) The Commission has reemployment surveillance inspectors (hereinafter called "inspectors").

- (2) An inspector carries out the following duties, as provided for by the Commission:
- (i) giving approvals based on the authority delegated pursuant to the provisions of Article 106-3, paragraph (4) and Article 106-4, paragraph (7);
 - (ii) receiving notifications under the provisions of Article 106-4, paragraph (9);
 - (iii) conducting investigations under the provisions of Article 106-19 and Article 106-20, paragraph (1);
 - (iv) beyond what is set forth in the preceding three items, dealing with the particulars belonging to their authority pursuant to the provisions of this Act or other Acts.
- (3) The fixed number of inspectors who should be in full-time service is specified by Cabinet Order.
- (4) Beyond what is provided for in the preceding paragraph, inspectors are of part-time service.
- (5) An inspector is appointed, with the resolution of the Commission, by the Prime Minister from among persons who do not have previous experience as officers or officials or self-defense forces personnel (excluding previous experience as public prosecutors and other persons specified by Cabinet Order by taking the peculiarities of their duties into consideration).

(Secretariat)

Article 106-15 (1) Secretariat is established in the Commission to deal with the administrative affairs of the Commission.

- (2) Secretariat has Secretary General and other necessary officials.
- (3) The Secretary General takes control of the affairs of Secretariat, as ordered by the Chairperson.

(Report by an Appointer on Suspected Acts of Violation)

Article 106-16 If an appointer considers that an official or a person who was an official is suspected to have committed an act that violates regulations of reemployment, etc. (meaning an act that is in violation of the provisions of Articles 106-2 through 106-4; the same applies hereinafter), the appointer must report to the Commission to that effect.

(Investigation by Appointers)

- Article 106-17 (1) If an appointer considers that an official or a person who was an official is suspected to have committed an act that violates regulations of reemployment, etc. and intends to investigate the act that violates regulations of reemployment, etc., the appointer must notify the Commission to that effect.
- (2) The Commission may request the appointer to report the progress of the investigation referred to in the preceding paragraph conducted by an appointer or state its opinion.
- (3) If the appointer completes the investigation referred to in paragraph (1), the appointer must report the results of the investigation to the Commission without delay.

(Request for Investigation by Appointers)

- Article 106-18 (1) If the Commission considers that an official or a person who was an official is suspected to have committed an act that violates regulations of reemployment, etc. due to a notification referred to in Article 106-4, paragraph (9), a report referred to in Article 106-16, or other reasons, the Commission may request the appointer to conduct investigation of the act that violates regulations of reemployment, etc.
- (2) The provisions of paragraphs (2) and (3) of the preceding Article apply *mutatis mutandis* to the investigation conducted pursuant to the provisions of the preceding paragraph.

(Joint Investigations)

- Article 106-19 When the Commission receives a report pursuant to the provisions of Article 106-17, paragraph (2) (including as applied *mutatis mutandis* pursuant to paragraph (2) of the preceding Article), and if it finds it necessary, the Commission may have an inspector conduct investigation of an act that violates regulations of reemployment, etc. jointly with the appointer.

(Investigation by the Commission)

- Article 106-20 (1) When the Commission considers that an official or a person who was an official is suspected to have committed an act that violates regulations of reemployment, etc. due to a notification referred to in Article 106-4, paragraph (9), a report referred to in Article 106-16, or other reasons, and if it finds it particularly necessary, the Commission may decide to start investigating the act that violates regulations of reemployment, etc., and may have an inspector conduct the investigation.
- (2) An appointer must cooperate in the investigation referred to in the preceding paragraph.

(3) When the Commission completes the investigation referred to in paragraph (1), it must notify the results of the investigation to the appointer without delay.

(Recommendations)

Article 106-21 (1) If the Commission finds it appropriate for the appointer to take disciplinary action or other measures, in light of a report on the results of the investigation under the provisions of Article 106-17, paragraph (3) (including as applied mutatis mutandis pursuant to Article 106-18, paragraph (2)), or as a result of having an inspector conduct investigation pursuant to the provisions of Article 106-19 or paragraph (1) of the preceding Article, the Commission may recommend that the appointer should take the measures.

(2) An appointer must report on the measures pertaining to the recommendation referred to in the preceding paragraph to the Commission.

(3) The Commission may make a recommendation to the Prime Minister concerning the measures which it finds necessary to assure appropriate application of the provisions of this Section.

(Delegation to Cabinet Order)

Article 106-22 Beyond what is provided for in Article 106-5 through the preceding Article, necessary particulars concerning the Commission are specified by Cabinet Order.

Subsection 3 Miscellaneous Provisions

(Notification to Appointers)

Article 106-23 (1) When an official (excluding an official scheduled to receive an aggregate retirement allowance) promises to assume a position in an enterprise for profit, etc. after separation from service, the official must promptly notify the particulars specified by Cabinet Order to the appointer, as specified by the provisions of Cabinet Order,.

(2) An appointer who received the notification referred to in the preceding paragraph is to appoint the official who submitted the notification by taking the purpose of the provisions of Article 106-3, paragraph (1) into consideration.

(3) appointer who received the notification referred to in paragraph (1) is to promptly notify the particulars pertaining to the notification to the Prime Minister, when the official who submitted the notification is an official holding a position specified by Cabinet Order as a managerial or supervisory government position (hereinafter referred to as a "managerial-supervisory official").

(Notification to the Prime Minister)

Article 106-24 (1) When a person who was a managerial-supervisory official (excluding an official separated from service with an aggregate retirement allowance; the same applies in the following paragraph) intends to assume a position of an officer or other position of the following corporations that is specified by Cabinet Order (excluding cases where the particulars specified by Cabinet Order are notified pursuant to the provisions of paragraph (1) of the preceding Article), during the period of 2 years after separation from service, the person must notify the Prime Minister of the particulars specified by Cabinet Order in advance, as specified by Cabinet Order:

- (i) incorporated administrative agencies other than agencies engaged in administrative execution;
 - (ii) special corporations (meaning corporations specified by Cabinet Order from among those directly incorporated by Acts and those incorporated through special acts for establishment under special laws (excluding those falling under the category of incorporated administrative agencies));
 - (iii) authorized corporations (meaning corporations specified by Cabinet Order from among those incorporated under special Acts and where approval from administrative agencies is required for their incorporation);
 - (iv) public interest incorporated associations or public interest incorporated foundations (limited to those specified by Cabinet Order as having an especially close relationship with the national government).
- (2) When a person who was a managerial-supervisory official has assumed a position, engaged in business or conducted affairs in any business organization other than an enterprise for profit (limited to the cases of receiving remuneration), or assumed a position in an enterprise for profit (excluding the corporations set forth in item (ii) or (iii) of the preceding paragraph) during the period of 2 years after separation from service, the person must promptly notify the Prime Minister of the particulars specified by Cabinet Order, as specified by Cabinet Order, except when the person submits the notification under the provisions of paragraph (1) of the preceding Article or the preceding paragraph, or the person becomes an employee employed on a daily basis, or in other cases specified by Cabinet Order.

(Reports and Publication by the Prime Minister)

Article 106-25 (1) The Prime Minister must report on notices under the provisions of Article 106-23, paragraph (3) and notified particulars under the provisions of the preceding Article to the Cabinet without delay, as specified by Cabinet Order.

- (2) Each fiscal year, the Cabinet is to compile the reports referred to in the preceding paragraph, and makes public the particulars specified by Cabinet

Order.

(Basic Policy on Retirement Management)

Article 106-26 (1) The Prime Minister must prepare a proposal of the basic policy regarding the retirement management of officials (hereinafter referred to as the "basic policy on retirement management") in an advance consultation with appointers provided for in Article 55, paragraph (1) or provided for separately in laws, and ask for a Cabinet decision.

(2) If a Cabinet decision under the provisions of the preceding paragraph is made, the Prime Minister must make public the basic policy on retirement management without delay.

(3) The provisions of the preceding two paragraphs apply mutatis mutandis to the revision of the basic policy on retirement management.

(4) An appointer must conduct retirement management of officials in accordance with the basic policy on retirement management.

(Publication after Reemployment)

Article 106-27 When an managerial-supervisory official who obtained the approval referred to in Article 106-3, paragraph (2), item (iv) while in office assumes a position in an enterprise for profit, etc. pertaining to the approval after separation from service, the Cabinet Office and Ministries or other national organs specified by Cabinet Order, agencies engaged in administrative execution or prefectural police where the managerial-supervisory official held office at the time of separation from service (hereinafter referred to as "organ for which they served" in this Article), as specified by Cabinet Order, must make public the following particulars during the period of 2 years after separation of the person from service (limited to the period during which the person is holding a position in the enterprise for profit, etc.):

(i) the person's name;

(ii) the total amount of subsidies, etc. (meaning subsidy, etc. prescribed in Article 2, paragraph (1) of the Act on Rationalization of Budgetary pending on Subsidies (Act No. 179 of 1955)) that the organ for which they served granted to the enterprise for profit, etc.;

(iii) the total amount of sales, leases, contracts for work or other contracts between the organ for which they served and the enterprise for profit, etc.;

(iv) other particulars specified by Cabinet Order.

Section 9 Retirement Pension System

(Retirement Pension System)

Article 107 (1) A system that governs the pension issuable to officials or to their

bereaved families when an official has retired after having faithfully served for a reasonable number of years or as the result of injury or disease incurred in the line of public duty or when they have died in the line of public duty must be established and implemented.

- (2) The pension system referred to in the preceding paragraph must have as its purpose the provision of an income necessary to enable the person concerned and the official's immediate dependents at the time of the official's retirement or death to maintain thereafter a standard of living appropriate to the conditions prevailing at the time of the retirement or death.
- (3) The pension system referred to in paragraph (1) must be provided for on a sound actuarial basis.
- (4) The pension system under the provisions of the preceding three paragraphs is provided for by laws.

(Submission of Opinions)

Article 108 The National Personnel Authority may conduct research and study with regard to the pension system referred to in the preceding Article and submit opinions as it may consider necessary to the Diet and the Cabinet.

Section 10 Employee Organizations

(Employee Organizations)

- Article 108-2 (1) The term "employee organization" as used in this Act means an organization which is formed by officials for the purpose of maintaining and improving their working conditions, or a federation of such organizations.
- (2) The term "officials" referred to in the preceding paragraph means all officials other than those provided for in paragraph (5).
 - (3) Officials may organize or refrain from organizing, or may join or refrain from joining an employee organization; provided, however, that officials making important administrative decisions, holding managerial positions who participate in making the aforementioned decisions, holding supervisory positions with direct authority on the appointment and dismissal of officials, or those holding supervisory positions with access to confidential details related to plans and policies of the proper authorities on appointment and dismissal, status, disciplinary action or service discipline, remuneration and other working conditions of officials, or on their relations with employee organizations, whose obligations and responsibilities in the course of duties are thus found to directly conflict with sincerity and responsibilities as members of employee organizations, and other officials taking charge of duties which, in their relations with employee organizations, should be performed from the standpoint of the proper authorities (hereinafter referred to collectively as

"managerial personnel, etc.") may not form the same employee organization with officials other than managerial personnel, etc., and furthermore, an organization formed jointly by managerial personnel, etc. and by the officials other than managerial personnel, etc., is not the employee organization referred to in this Act.

- (4) The scope of managerial personnel, etc. provided for in the proviso of the preceding paragraph is provided for by the Rules of the National Personnel Authority.
- (5) Police officials and officials working in the Japan Coast Guard or in penal facilities must not organize or join an organization whose purpose is the maintenance and improvement of their working conditions and which conducts negotiations thereon with the proper authorities.

(Registration of Employee Organizations)

Article 108-3 (1) An employee organizations may, as provided for by the Rules of the National Personnel Authority, apply for registration to the National Personnel Authority by submitting a written application stating the names of its directors and other officers, and the particulars provided for by the Rules of the National Personnel Authority, together with its constitution.

- (2) The constitution of an employee organization is to include at least the following particulars:
 - (i) name;
 - (ii) purpose and business;
 - (iii) location of its principal office;
 - (iv) provisions governing the scope of membership and the acquisition and loss of membership;
 - (v) provisions governing its directors and other officers;
 - (vi) provisions governing business execution, meetings and voting, including the particulars provided for in the following paragraph;
 - (vii) provisions governing expenses and accounts;
 - (viii) provisions governing association with other employee organizations;
 - (ix) provisions governing revision of the constitution;
 - (x) provisions governing dissolution.
- (3) In order to qualify for and maintain registration, an employee organization is required to provide procedures whereby the adoption or revision of its constitution, election of officers, and other equivalently important acts are decided by a majority of all its members (by a majority of those who voted, in the case of the election of officers) by direct secret vote in which every member is given an equal opportunity to participate, and is required to ensure that these important acts are actually determined in accordance with such procedures; provided, however, that in the case of an employee organization

which is a federation or national in scale, it is to suffice to establish and to actually observe the procedures by which delegates are elected by a majority vote by direct secret vote held for each constituent organization or each geographical area or occupational area which every member is given an equal opportunity to participate in, and furthermore, that the foregoing important acts be decided by a majority of all the delegates (by a majority of the delegates who voted, in the case of the election of officers) by direct secret vote in which each delegate is given an equal opportunity to participate.

- (4) Beyond what is provided for in the preceding paragraph, it is required that an employee organization, in order to qualify for and maintain its registration, be formed exclusively by officials other than those provided for in paragraph (5) of the preceding Article; provided, however, that this does not preclude an employee organization from retaining in its membership those that have been officials other than those provided for in the same paragraph and who have been dismissed against their will or subject to dismissal in a disciplinary action, and for whom a period of one year has not elapsed since the day following the date of their dismissal, or who have filed a request for administrative review or filed a lawsuit against the position, in accordance with the applicable law, within the one-year period but the judgment or court judgment thereon is still pending, and it does not preclude an employee organization from having current officers in its membership.
- (5) When an employee organization that has applied for registration conforms to the provisions of the preceding three paragraphs, the National Personnel Authority must, as provided for by the Rules of the National Personnel Authority, register its constitution and the particulars to be stated in the written application prescribed in paragraph (1), and must notify the employee organization to this effect. In this case, an employee organization that allows persons other than its officials to hold positions as officers must not be construed to be disqualified for registration merely on that account.
- (6) If a registered employee organization ceases to be an employee organization, if it has been found that a registered employee organization no longer conforms to the provisions of paragraphs (2) through (4), or if a registered employee organization has failed to submit the notification under the provisions of paragraph (9), the National Personnel Authority may suspend the effect of its registration for a period not exceeding 60 days or may rescind its registration, as provided for by the Rules of the National Personnel Authority.
- (7) The proceedings on the date of hearing pertaining to the rescission of registration under the provisions of the preceding paragraph must be conducted open to the public, if requested by the employee organization.
- (8) The rescission of registration under the provisions of paragraph (6) does not come into effect during the periods when a lawsuit for the rescission the

disposition can be filed, and while the lawsuit is pending in court if a lawsuit has actually been filed.

- (9) If a registered employee organization has made any changes to its constitution or to the particulars to be stated in the written application as provided for in paragraph (1), it must notify the National Personnel Authority to that effect, as provide for by the Rrules of the National Personnel Authority. In this case, the provisions of paragraph (5) apply mutatis mutandis.
- (10) If a registered employee organization has been dissolved, it must notify the National Personnel Authority to that effect, as provided for by the provisions of the Rules of the National Personnel Authority.

Article 108-4 Deleted.

(Negotiations)

- Article 108-5 (1) When a registered employee organization proposes lawfully to negotiate with the proper authorities on officials' remuneration, working hours or other conditions of work or, in connection therewith, on particulars pertaining to lawful activities including social and welfare activities, the proper authorities are to place themselves in the position to respond to such proposal.
- (2) The negotiation between the employee organization and the proper authorities is not to include the right to conclude a collective agreement.
 - (3) Particulars concerning the administration and operation of the national government business may not be the subject of negotiation.
 - (4) The proper authorities with whom the employee organization may negotiate are those who may lawfully administer the particulars to be negotiated or make decisions thereon.
 - (5) A negotiation must be conducted between the persons designated by the employee organization from among its officers and the persons designated by the proper authorities, within the number of such representatives as agreed upon in advance between the two parties concerned. In conducting the negotiation, the employee organization and the proper authorities are to agree in advance upon the agenda, time and place of the meeting and other necessary details concerning the negotiation.
 - (6) In the case referred to in the preceding paragraph, the employee organization may, if special circumstances exist, designate persons other than its officers; provided, however, that the persons so designated must be the ones who are able to prove by documents that they have been lawfully authorized by the executive organ of the employee organization to negotiate on specific particulars that are the subject of the negotiation.
 - (7) The negotiation may be terminated if it has ceased to conform to the

provisions of the preceding two paragraphs or has obstructed the performance of duties by other officials, or has impeded the normal operation of the national government business.

- (8) The lawful negotiation provided for in this Article may also take place during working hours.
- (9) An official must not be denied the freedom to express dissatisfaction or submit the opinion on any of the particulars provided for in paragraph (1) on the grounds of the official's non-membership in an employee organization.

(Request from Employee Organizations on Enactment, Amendment or Repeal of the Rules of the National Personnel Authority)

Article 108-5-2 (1) A registered employee organization may request the National Personnel Authority to enact, amend or repeal rules of the National Personnel Authority if it finds it necessary to do so regarding working conditions of officials, as provided for by the Rules of the National Personnel Authority.

- (2) If receiving the request under the provisions of the preceding paragraph, the National Personnel Authority is to promptly make public the content of the request.

(Restriction on Officials' Actions on Behalf of Employee Organizations)

Article 108-6 (1) No official may engage exclusively in any business of an employee organization; provided, however, that this does not apply when an official, with permission of the head of the competent authority, engages exclusively in such business as an officer of a registered employee organization.

- (2) The permission referred to in the proviso of the preceding paragraph is to be granted when the head of the competent authority finds it appropriate, and in granting the permission, the head of the competent authority is to establish the period for which such permission is effective.
- (3) The period for which an official engages exclusively in the business of a registered employee organization as its officer pursuant to the provisions of the proviso of paragraph (1), may not exceed 5 years throughout the period of the service as an official (in the case of an official who has formerly engaged exclusively in the business of a trade union pursuant to the provisions of the proviso of Article 7, paragraph (1) of the Act on Labor Relations of Agency Engaged in Administrative Execution (Act No. 257 of 1948) as the employee referred to in Article 2, item (ii) of the same Act, this 5-year period is reduced by subtracting the period during which the official has formerly engaged exclusively in such business).
- (4) The permission referred to in the proviso of paragraph (1) is to be rescinded if the official who has been granted the permission no longer engages exclusively as an officer of the registered employee organization in the business of the

employee organization.

- (5) An official who has been granted the permission referred to in the proviso of paragraph (1) is deemed to be a person who is placed on administrative leave during the period the permission is effective for.
- (6) No official may carry out the business of or act on behalf of an employee organization while receiving remuneration, except for cases where it is otherwise provided for by the Rules of the National Personnel Authority.

(Prohibition of Adverse Treatment)

Article 108-7 No official is subjected to adverse treatment on the grounds that they are members of an employee organization, or that they have attempted to organize or join an employee organization, or that they have performed a justifiable act in an employee organization.

Chapter IV Penal Provisions

Article 109 Any person who falls under any of the following items is punished by imprisonment for not more than one year or a fine of not more than 500,000 yen:

- (i) any person who has accepted an appointment in violation of the provisions of Article 7, paragraph (3);
- (ii) any Cabinet member who has intentionally failed to dismiss a Commissioner in violation of the provisions of Article 8, paragraph (3);
- (iii) any Cabinet member who has failed to appoint a Commissioner within 60 days after a vacancy among the Commissioners occurs (This does not apply if the consent of both Houses of the Diet has not been obtained during the period.);
- (iv) any person who has concurrently held more than one government position in violation of the provisions of Article 15;
- (v) any person who has intentionally withheld publication of the Rules of the National Personnel Authority and its amendment or repeal in the Official Gazette in violation of the provisions of Article 16, paragraph (2);
- (vi) any person who has intentionally failed to prepare, retain or revise personnel records in violation of the provisions of Article 19;
- (vii) any person who has intentionally failed to report in violation of the provisions of Article 20;
- (viii) any person who has discriminated in violation of the provisions of Article 27;
- (ix) any official who has withheld or restrained public notice of recruitment examinations in violation of the provisions of Article 47, paragraph (3);
- (x) any person who has ordered a suspension from duty in violation of the

- provisions of Article 83, paragraph (1);
- (xi) any person who has intentionally failed to comply with determination, action or instruction of the National Personnel Authority made under the provisions of Article 92;
 - (xii) any person who has divulged secrets in violation of the provisions of Article 100, paragraph (1) or (2) or Article 106-12, paragraph (1);
 - (xiii) any person who has assumed a position in any enterprise for profit in violation of the provisions of Article 103;
 - (xiv) any reemployed official who demanded or requested to commit unlawful acts or refrain from acting in the course of duties during a period of 2 years after separation from service, to an officer or official belonging to an organization such as a bureau where the reemployed official had held office during the period of 5 years prior to separation from service, or to a person specified by Cabinet Order as being similar to the officer or official, concerning contract affairs, etc. that has belonged to the duties during the period of 5 years prior to separation from service;
 - (xv) any reemployed official who had held the position of director-general of the department or director of the division provided for in Article 21, paragraph (1) of the National Government Organization Act or an equivalent position specified by Cabinet Order prior to the day which is 5 years previous to the day of separation from service, and who demanded or requested to commit unlawful acts or refrain from acting in the course of duties during the period of 2 years after separation from service, to an officer or official belonging to an organization such as the bureau where the reemployed official had been holding the position, or to a person specified by Cabinet Order as being similar to the officer or official, concerning contract affairs, etc. that had been the official's duties prior to the day which is 5 years previous to the day of separation from service (limited to duties while in the position);
 - (xvi) any reemployed official who had held the position of director-general provided for in Article 6 of the National Government Organization Act, administrative vice-minister provided for in Article 18, paragraph (1) of the same Act, director of the executive office or director-general of the bureau provided for in Article 21, paragraph (1) of the same Act, or an equivalent position specified by Cabinet Order, and who demanded or requested to commit unlawful acts or refrain from acting in the course of duties during a period of 2 years after separation from service, to an officer or official belonging to the organ for which they served as director-general of the bureau, etc. or to a person specified by Cabinet Order as being similar to the officer or official, concerning contract affairs, etc. belonging to the jurisdiction of the organ for which they served as director-general of the bureau, etc.;

(xvii) any reemployed official who demanded or requested to commit unlawful acts or refrain from acting in the course of duties, to an officer or official belonging to the Cabinet Office and Ministries, other national organs specified by Cabinet Order, agencies engaged in administrative execution or prefectural police (hereinafter referred to as "administrative organs, etc." in this item) where the reemployed official had held office, or to a person specified by Cabinet Order as being similar to the officer or official, concerning contracts concluded between the national government, an agency engaged in administrative execution or a prefecture and the enterprise for profit, etc. (limited to which the reemployed official currently holds a position) or its subsidiary corporation which the reemployed official has personally made decisions on their conclusions at the administrative organs, etc., or concerning dispositions provided for in Article 2, item (ii) of the Administrative Procedure Act against the enterprise for profit, etc. or its subsidiary corporation by the administrative organs, etc. on which the reemployed official has personally made decisions;

(xviii) any official who has received a demand or request (including a demand or request set forth in items (xiv) through the preceding item, as applied mutatis mutandis pursuant to Article 54, paragraph (1) of the Act on General Rules for Incorporated Administrative Agency) from reemployed officials set forth in items (xiv) through the preceding item, and has committed unlawful acts or refrained from acting in the course of duties for the reason of receiving the demand or request.

Article 110 (1) Any person who falls under any of the following items is punished by imprisonment for not more than three years or a fine of not more than one million yen:

(i) any person who has violated the provisions of Article 2, paragraph (6);

(ii) deleted;

(iii) any person who has been summoned as a witness under the provisions of Article 17, paragraph (2) (including as applied mutatis mutandis pursuant to Article 18-3, paragraph (2); the same applies in the following item and item (v)) and has made a false statement;

(iv) any person who has been summoned as a witness pursuant to the provisions of Article 17, paragraph (2) and has not responded without any justifiable reason for not doing so, or one who, pursuant to the provisions of the same paragraph, has been ordered to submit documents or copies thereof, and has not complied with such order without any justifiable reason for not doing so;

(v) any person who has been ordered to submit documents or copies thereof pursuant to the provisions of Article 17, paragraph (2) and has submitted

- documents with false entries or copies thereof;
- (v)-2 any person who has refused, obstructed or evaded the investigation conducted pursuant to the provisions of Article 17, paragraph (3) (including as applied mutatis mutandis pursuant to Article 18-3, paragraph (2)), or has not made a statement or has made a false statement to the questions (excluding an official subject to the investigation referred to in Article 17, paragraph (1) (when it is applied mutatis mutandis pursuant to Article 18-3, paragraph (2), any official or a person who was an official subject to the investigation referred to in paragraph (1) of the same Article));
 - (vi) any person who has paid remuneration in violation of the provisions of Article 18;
 - (vii) any person who has made an appointment in violation of the provisions of Article 33, paragraph (1);
 - (viii) any person who has violated the prohibition under the provisions of Article 39;
 - (ix) any person who has committed a fraud in violation of the provisions of Article 40;
 - (x) any person who has impeded the taking of an examination or appointment or provided information in violation of the provisions of Article 41;
 - (xi) any person who has given remuneration in violation of the provisions of Article 63;
 - (xii) any person who has paid remuneration in violation of the provisions of Article 68;
 - (xiii) any Commissioner who has intentionally failed to take appropriate measures with regard to payment of remuneration in violation of the provisions of Article 70;
 - (xiv) any person who has paid salary to a person suspended from duty in violation of the provisions of Article 83, paragraph (2);
 - (xv) any person who, in violation of the provisions of Article 86, has intentionally prevented a request for an administrative measures concerning working conditions from being filed.;
 - (xvi) and (xvii) deleted;
 - (xviii) any person who has failed to make a statement or testify in violation of the provisions of Article 100, paragraph (4) (including as applied mutatis mutandis pursuant to paragraph (5) of the same Article);
 - (xix) deleted;
 - (xx) any person who has formed an organization in violation of the provisions of Article 108-2, paragraph (5).
- (2) Money or any other benefit received by a person who falls under item (viii) of the preceding paragraph is confiscated. If it is not possible to confiscate such an amount, either in whole or in part, the value thereof is collected.

Article 111 Any person who has attempted, ordered, intentionally permitted, instigated, or has been an accessory to the accomplishment of any of the acts set forth in Article 109, items (ii) through (iv) and (xii), or paragraph (1), item (i) and items (iii) through (vii), items (ix) through (xv), and items (xviii) and (xx) of the preceding Article is punished by the penalty referred to in the respective Articles.

Article 111-2 Any person who falls under any of the following items is punished by imprisonment without work for not more than three years or a fine of not more than one million yen:

- (i) any person who has conspired to effect, instigated or incited an illegal act provided for in the first sentence of Article 98, paragraph (2), or has attempted any such act;
- (ii) any person who has violated the restrictions on political acts provided for in Article 102, paragraph (1).

Article 112 Any person who falls under any of the following items is punished by imprisonment for not more than three years; provided, however, that the Penal Code (Act No. 145 of 1907) applies when there are applicable provisions in the same Code.

- (i) any official who demanded or promised to an enterprise for profit, etc., in connection with engaging or having engaged in unlawful acts (excluding acts in violation of the provisions of Article 106-2, paragraph (1) or Article 106-3, paragraph (1); the same applies in the following item) or refraining or having refrained from acting in the course of duties, in order to assume a position in the enterprise for profit, etc. or its subsidiary corporation after separation from service, or to have another officer or official after separation from service, or a person who was an officer or official assume a position in the enterprise for profit, etc. or its subsidiary corporation.
- (ii) any official who demanded or promised: a) to demand, request, or instigate another officer or official to commit unlawful acts or refrain from acting in the course of duties, or b) in connection with having demanded, requested, or instigated an enterprise for profit, etc. to assume a position in the enterprise for profit, etc. or its subsidiary corporation after separation from service, or to have another officer or official after separation from service, or a person who was an officer or official assume a position in the enterprise for profit, etc. or its subsidiary corporation.
- (iii) any official who is the counterparty to the person who demanded, requested, or instigated to commit unlawful acts or refrain from acting as referred to in the preceding item (including as applied *mutatis mutandis* by

Article 54, paragraph (1) of the Act on General Rules for Incorporated Administrative Agency), and committed unlawful acts or refrained from acting in the course of duties knowing that there was a demand or promise referred to in the same item (including as applied mutatis mutandis pursuant to the same paragraph).

Article 113 Any person who falls under any of the following items is punished by a civil fine of not more than 100,000 yen.

- (i) any person who, in violation of the provisions of Article 106-4, paragraphs (1) through (4), demanded or requested an officer or official, or a person specified by Cabinet Order as being similar to the officer and official prescribed in these provisions, to act duly or refrain from acting duly in the course of duties concerning contract affairs, etc. (excluding any person who demanded or requested to commit unlawful acts or refrain from acting);
- (ii) any person who has failed to make a notification under the provisions of Article 106-24, paragraph (1) or (2), or has made a false notification.

Supplementary Provisions [Extract]

Article 8 (1) With regard to the application of the provisions of Article 81-6, paragraph (2), during the period from April 1, 2023 to March 31, 2031, in accordance with the period set forth in the left column of the following table, the phrase "65 years" in the same paragraph is deemed to be replaced with the phrase set forth in the middle column of the same table, and the phrase "70 years" in the proviso of the same paragraph is deemed to be replaced with the phrase set forth in the right column of the same table respectively.

From April 1, 2023 to March 31, 2025	61 years	66 years
From April 1, 2025 to March 31, 2027	62 years	67 years
From April 1, 2025 to March 31, 2027	62 years	67 years
From April 1, 2027 to March 31, 2029	63 years	68 years
From April 1, 2027 to March 31, 2029	63 years	68 years
From April 1, 2029 to March 31, 2031	64 years	69 years
From April 1, 2029 to March 31, 2031	64 years	69 years

(2) to (5) [omitted]