

Administrative Procedure Act (Article 15, paragraphs (1), (3), and (4), Article 16, paragraph (1), Article 22, paragraph (3), Article 31, unenforced)

(Act No. 88 of November 12, 1993)

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Chapter I General Provisions

(Purpose)

- Article 1 (1) The purpose of this Act is to improve fairness and transparency (meaning clarity in the public understanding of the content and decision-making processes involved in administrative processes; the same applies in Article 46) of administrative operations, by specifying common matters concerning procedures for dispositions, administrative guidance and notifications, and procedures for establishing administrative orders or other orders, and thereby promote the protection of the rights and interests of the public.
- (2) When special provisions exist in other laws on the matters governed by this Act concerning procedures for dispositions, administrative guidance and notifications, and procedures for establishing administrative orders or other orders, those procedures are governed by the special provisions.

(Definitions)

- Article 2 In this Act, the meanings of the terms stated in the following items are as prescribed in each of those items:
- (i) laws and regulations: meaning laws, orders based on laws (including public

- notices), Prefectural Ordinances or Municipal Ordinances, and rules of the executive agencies of local governments (including regulations; referred to as "rules" below);
- (ii) dispositions: meaning administrative dispositions or other acts constituting the exercise of public authority by administrative agencies;
 - (iii) applications: meaning requests made based on laws and regulations, for permission, approval, licenses, or other dispositions by an administrative agency for gaining some benefit for the applicant oneself (referred to as "permission or other approvals" below), which are requests that the administrative agencies should respond to in the affirmative or negative;
 - (iv) adverse dispositions: meaning dispositions in which an administrative agency based on laws and regulations, designate specified persons as the person subject to the disposition and directly impose obligations upon them or limit their rights; provided, however, that the dispositions that fall under any of the following dispositions are excluded:
 - (a) de facto acts and dispositions as procedures that are required by laws and regulations for clarifying the scope, timing or other factors in performing the de facto acts;
 - (b) dispositions that refuse the permission or other approvals requested through applications and other dispositions that are rendered based on applications, which designate the persons who filed the applications as the persons subject to the disposition;
 - (c) dispositions rendered with the consent of the persons who are to be persons subject to the disposition;
 - (d) dispositions which nullify the effect of a permission or other approvals, which are rendered because there has been a notification that the facts on which the applicable permission or other approvals had been based have ceased to exist;
 - (v) administrative organs: meaning the organs stated in the following sub-items:
 - (a) organs established under the Cabinet or under the jurisdiction of the Cabinet based on the provisions of laws, the Imperial Household Agency, organs provided for in Article 49, paragraph (1) or (2) of the Act for Establishment of the Cabinet Office (Act No. 89 of 1999), organs provided for in Article 3, paragraph (2) of the National Government Organization Act (Act No. 120 of 1948), the Board of Audit or organs established under those organs, or the employees of those organs that are authorized by laws to independently exercise authority; and
 - (b) organs of local governments (excluding assemblies).
 - (vi) administrative guidance: meaning guidance, recommendations, advice, or other acts by an administrative organ seeking certain actions or inactions on

the part of specified persons in order to realize certain administrative aims within the scope of its duties or processes under its jurisdiction, which do not fall under dispositions;

- (vii) notifications: meaning acts performed to notify administrative agencies of certain matters (excluding those that fall under applications) which are directly obligated by laws and regulations to give the notifications (including those for which the notifications should be given in order to bring about certain legal effects the person anticipates);
- (viii) administrative orders or other orders: the orders stated in the following sub-items which are established by the Cabinet or administrative organs:
 - (a) orders based on laws (including public notices that prescribe the requirements of a disposition; simply referred to as "orders" in paragraph (2) of the following Article) or rules;
 - (b) review standards (meaning the standards that are necessary for judging whether or not to grant a permission or other approvals sought by an application in accordance with the provisions of those laws and regulations; the same applies below);
 - (c) disposition standards (meaning the standards that are necessary for judging whether or not to render adverse dispositions or the kind of adverse dispositions to be rendered; the same applies below); and
 - (d) administrative guidance guidelines (meaning the matters that are to be the common content of administrative guidance when seeking to issue administrative guidance to multiple persons that meet certain conditions in order to achieve the same administrative aim; the same applies below).

(Exclusion from Application)

Article 3 (1) The provisions of Chapter II through Chapter IV-2 do not apply to dispositions and administrative guidance stated in the following items:

- (i) a disposition rendered through a resolution of both Houses or one House of the Diet, or resolution by a local council;
- (ii) a disposition rendered by the judgment of a court or a judge, or rendered as enforcement of judicial decisions;
- (iii) a disposition that is required to be rendered through a resolution of both Houses or one House of the Diet or through resolution by a local council, or through obtaining the consent or approval of the Houses or the council;
- (iv) a disposition that is required to be decided by the Audit Commission and administrative guidance to be issued during account audits;
- (v) a disposition rendered and administrative guidance issued by public prosecutor, a public prosecutor's assistant officer, or a judicial police official based on laws and regulations related to criminal cases;
- (vi) a disposition rendered and administrative guidance issued by the

- Commissioner of the National Tax Agency, Regional Commissioner of a Regional Taxation Bureau, District Director of a tax office, the relevant officials of the National Tax Agency, a Regional Taxation Bureau, or a tax office, Director-General of Japan Customs, customs officials, or tax collectors (including persons that perform the duties of those officials based on the provisions of other laws and regulations) based on laws and regulations related to criminal cases involving national or local tax offenses (including as applied mutatis mutandis pursuant to other laws and regulations), and dispositions rendered and administrative guidance issued by the Securities and Exchange Surveillance Commission, its employees (including persons deemed to be its employee pursuant to the provisions of the laws and regulations), a director-general of a Local Finance Bureau, or a directors-general of a Local Finance Branch Bureau based on laws and regulations related to criminal cases involving financial instruments transactions (including as applied mutatis mutandis pursuant to other laws and regulations);
- (vii) a disposition rendered and administrative guidance issued in schools, training schools, training centers, or training institutes to students, pupils, children or toddlers or their custodians, course participants, or trainees in order to achieve the purpose of education, schooling, or training;
 - (viii) a disposition rendered and administrative guidance issued in order to achieve the purpose of accommodation in prisons, juvenile prisons, jails, detention facilities, Coast Guard detention facilities, juvenile training schools, juvenile classification homes;
 - (ix) a disposition rendered and administrative guidance issued to public employees (meaning the national public employees prescribed in Article 2, paragraph (1) of the National Public Service Act (Act No. 120 of 1947) and local public employees prescribed in Article 3, paragraph (1) of the Local Public Service Act (Act No. 261 of 1950); the same applies below) or former public employees regarding their duties or status;
 - (x) a disposition and administrative guidance concerning emigration and immigration of foreign nationals, recognition of refugee status prescribed in Article 61-2, paragraph (1) of the Immigration Control and Refugee Recognition Act (Cabinet Order No. 319 of 1951), recognition of status of persons eligible for complementary protection prescribed in paragraph (2) of that Article, and naturalization;
 - (xi) a disposition concerning results of examinations or certification examinations on a person's academic knowledge and skills;
 - (xii) a ruling or other dispositions (limited to cases in which both parties are subject to the rulings or dispositions) rendered and administrative guidance issued based on the provisions of laws and regulations for the purpose of

- adjusting the interests between persons with conflicting interests;
 - (xiii) a disposition rendered and administrative guidance issued at the site where events concerning public health, environmental protection, prevention of epidemics, preservation of public safety, and other public interests arise or are likely to arise by police officers or coast guard officers, or other employees who have been given who have been directly given authority under laws to ensure these public interests;
 - (xiv) a disposition that order the submission of reports or articles, and other dispositions rendered and administrative guidance issued for the direct purpose of collecting information necessary for the performance of duties;
 - (xv) an administrative determination, decision, and other dispositions rendered by administrative agencies for requests for review, requests for re-investigation, and other appeals; and,
 - (xvi) a disposition rendered or administrative guidance issued based on laws and regulations for procedures of the dispositions prescribed in the preceding item, procedures for hearings or for granting the opportunity for explanation prescribed in Chapter III, and other procedures for statement of opinions.
- (2) The provisions of Chapter VI do not apply to acts to establish the administrative orders or other orders stated in the following items:
- (i) Cabinet Orders which provide for the effective date of laws;
 - (ii) the order concerning a pardon;
 - (iii) the order or rule when acts specifying orders or rules fall under a disposition;
 - (iv) the order or rule that designates facilities, sections, areas, and other matters similar to them pursuant to the provisions of laws;
 - (v) administrative orders or other orders concerning salaries, working hours, and other working conditions of public employees; or
 - (vi) the review standards, disposition standards, or administrative guidance guidelines, other than those made available to the public by the provisions of laws and regulations, as established practice, or the decision of organs that establish administrative orders or other orders.
- (3) Beyond what is stated in the items of paragraph (1) and the preceding paragraph, the provisions of Chapter II through Chapter VI do not apply to dispositions rendered (limited to dispositions for which the provisions that are the basis of the dispositions are in Prefectural or Municipal Ordinance, or in rules) and administrative guidance issued by the organs of local governments, notifications (limited to those for which the provisions that are the basis of the notice referred to in item (vii) of the preceding Article are in Prefectural or Municipal Ordinance, or in rules) given to the organs of local governments, and the acts by the organs of local governments of establishing administrative orders or other orders.

(Exclusion from Application of Dispositions Rendered to Organs of the National Government)

- Article 4 (1) The provisions of this Act do not apply to a disposition rendered (limited to disposition for which those organs or entities are the party subjects to the disposition in their distinct status as government entities) and administrative guidance issued to national government organs, local governments or their organs, and notification given by the organs or associations (limited to the notification that organs or entities should give in their distinct status as government entities).
- (2) The provisions of Chapter II and Chapter III do not apply to dispositions rendered to the corporations that fall under any of the following items, and which are rendered based on special provisions of laws relating to the supervision of those corporations (excluding dispositions ordering the dissolution of those corporations or revoking the approval for their establishment or the dismissal of the officers of the corporations or the persons engaged in the business of the corporations):
- (i) corporations directly established by laws or established by special act of establishment pursuant to the provisions of special laws; and,
 - (ii) corporations that are established by special laws, and, among the corporations that require the approval of an administrative agency for their establishment, those whose business is designated by Cabinet Order as being closely related to the administrative operations of the national government or local governments, .
- (3) When an administrative agency designates a person to perform all or a part of the work for examinations, inspections, certified examinations, registrations based on the provisions of a law, or other administrative affairs, and the designated person (if the person is a corporation, its officer), or an employee or other persons are deemed to be employees engaged in public services in engaging in the work, the provisions of Chapter II and Chapter III do not apply to dispositions rendered to the designated person based on the law concerning the work for the purpose of supervision (excluding a disposition to revoke the designation, a disposition ordering the dismissal of an officer when the designated person is a corporation, or a disposition ordering the dismissal of the person engaged in the work for the designated person).
- (4) The provisions of Chapter VI do not apply to the acts to establish the administrative orders or other orders stated in the following items:
- (i) administrative orders or other orders that provide for the establishment, the scope of affairs under jurisdiction, and other matters concerning the organization, of the national government or local governments;
 - (ii) administrative orders or other orders that provide for the Record of

Imperial Lineage referred to in Article 26 of the Imperial House Act (Act No. 3 of 1947);

- (iii) administrative orders or other orders that provide for the manners, uniform regulations, education and training, commendation and remuneration for public employees, and competitive examinations among the public employees;
- (iv) administrative orders or other orders that provide for the budget, settlement of accounts, and accounting of the national government or local governments (excluding administrative orders or other orders that provide for the qualifications of bid participants, bid deposits, and other matters concerning the counterparties of the contract with the national government or local governments or the persons who seek to become the counterparties), and administrative orders or other orders that provide for the management of the property and articles of the national government or local governments (excluding administrative orders or other orders that provide for lending, exchanging, selling, transferring, entrusting the property or articles, or using them as subject of contribution, or establishing private rights on those acts, which provide for the matters concerning the counterparties of those acts or the persons who seek to become the counterparties);
- (v) administrative orders or other orders that provide for auditing;
- (vi) administrative orders or other orders that provide for the relationship between organs of the national government, and administrative orders or other orders that provide for the relationship between the national government and ordinary local public entities and the mutual relationship between ordinary local governments, prescribed in Part II, Chapter XI of the Local Autonomy Act (Act No. 67 of 1947), and other relationships between the national government and local governments and mutual relationship between local governments (including administrative orders or other orders concerning the dispositions to which the provisions of this Act do not apply pursuant to the provisions of paragraph (1) of this Article);or
- (vii) administrative orders or other orders that provide for the officers and employees, scope of business, financial affairs and accounting, and other matters concerning organization, operation, and management of the corporations prescribed in each item of paragraph (2) (excluding administrative orders or other orders related to dispositions rendered to those corporations that order the dissolution of the corporations or to revoke the approval for the establishment of the corporations, or to dismiss the officers or the employees engaged in the operation of the corporations).

Chapter II Dispositions Concerning Applications

(Review Standards)

Article 5 (1) Administrative agencies are to establish review standards.

(2) In establishing review standards, administrative agencies must make them as concrete as possible in light of the nature of the permission or other approvals.

(3) Except when there are special administrative obstacles, an administrative agency must publicize the review standards by keeping them at the office that is the place for submitting applications pursuant to laws and regulations, or by other appropriate methods.

(Standard Processing Period)

Article 6 An administrative agency must endeavor to establish a standard period normally required between when an application arrives at its office and when disposition for that application is rendered (if an organ different from the administrative agency is the place for submitting the application pursuant to laws and regulations, including a standard period normally required between the time when the application arrives at the office of the organ that has been designated as the place to submit the application and when it arrives at the office of that administrative agency), and upon establishing the standard period, must publicize it by keeping it at the office of the organ that is designated as the place to submit the application or by other appropriate methods.

(Review of Applications and Response to Applications)

Article 7 Upon the arrival of an application at the office of an administrative agency, the agency must commence a review of the application without delay, and, for an application that does not conform to requirements of there being no deficiency in the entries of the written application, the necessary documents being attached to the application, the application being filed within a specified period, or other pro forma requirements specified by laws and regulations, the agency must promptly request a person who has filed the application (referred to as "applicant" below) to amend the application by specifying a reasonable period, or refuse the permission or other approvals sought through the application.

(Presentation of Grounds)

Article 8 (1) If an administrative agency renders a disposition to refuse the permission or other approvals sought through the application, the agency must indicate the grounds for the disposition at the same time to an applicant; provided, however, that if the requirements for the permission or other approvals specified by laws and regulations or the review standards publicized have been clearly provided for by quantitative indexes or other objective

indexes, and the fact that the application does not conform to those requirements are obvious from the entries in the written application or the attached documents, it is sufficient to indicate the grounds for the refusal when requested by the applicant.

- (2) When the disposition prescribed in the main clause of the preceding paragraph are to be rendered in writing, the grounds referred to in the preceding paragraph must be indicated in writing.

(Provision of Information)

Article 9 (1) In response to requests by an applicant, an administrative agency must endeavor to indicate the progress of the review of an application and the projected time for rendering a disposition on that application.

- (2) In response to the request by a person planning to file applications or an applicant, an administrative agency must endeavor to provide information on the entries in written applications, documents attached to them, and other information necessary for filing applications.

(Holding of Public Hearings)

Article 10 When rendering dispositions on an application for which the applicable laws and regulations provide that the requirement for granting permission or other approvals is that the interests of persons other than the applicant should be considered, an administrative agency must endeavor to provide an opportunity to hear the opinions of the persons other than the applicant, by holding public hearings or by other appropriate methods, as necessary.

(Dispositions Involving More Than One Administrative Agency)

Article 11 (1) When processing an application, an administrative agency must not deliberately delay the review or judgment on whether that administrative agency is to grant permission or other approvals that should be made by the administrative agency, due to the fact that a related application filed by the same applicant is under review at another administrative agency .

- (2) When multiple administrative agencies are involved in a disposition on a single application or several related applications from the same applicant, those multiple administrative agencies are to endeavor to accelerate their review by contacting each other as necessary, and jointly conduct hearing or other acts of explanations from the applicant.

Chapter III Adverse Dispositions

Section 1 General Rules

(Disposition Standards)

Article 12 (1) An administrative agency must endeavor to establish disposition standards, and, publicize the standards.

(2) In establishing disposition standards, an administrative agency must make them as concrete as possible in light of the nature of adverse dispositions.

(Procedures When Intending to Render Adverse Dispositions)

Article 13 (1) If an administrative agency intends to render adverse dispositions, as specified in this Chapter in accordance with the category referred to in the following items, the administrative agency must take procedures for hearing statement of opinions provided for in each of those items for the person who is to become the subject of the adverse disposition:

(i) when falling under any of the following cases: hearings

(a) when intending to render an adverse disposition that revokes a permission or other approvals;

(b) in addition to the case provided for in sub-item (a), when intending to render an adverse disposition that directly deprives the subject person's qualification or status;

(c) in the cases the subject person is a corporation, when intending to render an adverse disposition ordering the dismissal of officers of that corporation, an adverse disposition ordering the dismissal of a person engaged in the operation of the subject person, or an adverse disposition ordering the expulsion of a person who is member of the subject person; or

(d) other than the cases stated in sub-items (a) through (c), cases in which an administrative agency finds to be appropriate.

(ii) when the case does not fall under any of the cases stated in (a) through (d) of the preceding items: granting of the opportunity for explanation.

(2) The provisions of the preceding paragraph do not apply to the cases that fall under any of the following items:

(i) when procedures for statement of opinions prescribed in the preceding paragraph may not be taken because it is necessary to urgently render an adverse disposition in the public interest;

(ii) when intending to render an adverse disposition that must be rendered if it is discovered that a person did not have the legally required qualification or has lost the legally required qualification, and for which the fact of the non-existence of the qualification or its loss has been directly proved by a written judgment or decision of the court, by a document of the appointer certifying that the person has obtained regular employment or other objective materials;

(iii) when the matters required to be complied with concerning the establishment, maintenance, or management of facilities or equipment, or

the manufacturing, sale, or other handling of objects are clarified using technical standards in laws and regulations, and intending to render an adverse disposition ordering compliance with the standards, solely for the reason that the standards are not met, and for which the fact of insufficiency has been confirmed by measurement, experimentation, or other objective certification methods;

- (iv) when intending to render an adverse disposition for fixing an amount of money required to be paid, ordering the payment of a fixed amount of money, revoking a decision of payment of money, or limiting payment of money; or,
- (v) when intending to make an adverse disposition that is specified by Cabinet Order as not being required to hear the opinion of persons who are to become subject to the adverse disposition, owing to the fact that the content of the obligations imposed by the disposition is extremely insignificant in light of the nature of the disposition.

(Presentation of Grounds for Adverse Dispositions)

Article 14 (1) In rendering an adverse disposition, an administrative agency must indicate the grounds for the adverse disposition to the person subject to the disposition at the same time; provided, however, that this does not apply when there is an urgent need for rendering the disposition without indicating the grounds.

- (2) In the case referred to in the proviso to the preceding paragraph, an administrative agency must indicate the grounds referred to in that paragraph within a reasonable period of time after the disposition has been rendered, excluding the cases in which the whereabouts of the subject person have become unknown and other cases in which there are circumstances that make it difficult to indicate the grounds after rendering the disposition.

- (3) When adverse dispositions are made in writing, the grounds referred to in the preceding two paragraphs must be indicated in writing.

Section 2 Hearings

(Manner of Notifying Hearings)

Article 15 (1) In conducting hearings, an administrative agency must provide a written notice of the following matters to the person who is to be subject to an adverse disposition, within a reasonable period of time before the date of the hearing:

- (i) the content of the anticipated adverse disposition and the specific provisions of laws and regulations that are to be the grounds for the anticipated adverse disposition;
- (ii) the fact that is to be the cause of the adverse disposition;

- (iii) the date and place of the hearing; and
 - (iv) the name and location of the organization that has jurisdiction over the affairs relating to the hearing.
- (2) The document referred to in the preceding paragraph must indicate the following matters:
- (i) that the subject person may appear and state their opinion on the date of the hearing and submit evidence documents or articles of evidence (referred to as "evidence documents or other evidence"), or may submit written statements and evidence documents or other evidence in lieu of appearing on the date of the hearing; and
 - (ii) that until the conclusion of the hearing, the subject person may request to inspect materials proving the fact that is to be the cause of the adverse disposition.
- (3) If the whereabouts of the person to be the subject of an adverse disposition is unknown, an administrative agency may give the notice under the provisions of paragraph (1) by the method of public notice.
- (4) The notice given by the method of public notice under the provisions of the preceding paragraph is to be issued by a notice of the fact that the document stating the name of the person that is to be the subject of the adverse disposition, the matters stated in paragraph (1), items (iii) and (iv), and the matters the administrative agency has entered in each item of that paragraph is to be delivered to that person at any time (referred to as "matters of public notice" below) is to be kept in a state in which the notice may be inspected by an unspecified and large number of persons through the method specified by Order of the Ministry of Internal Affairs and Communications, and posting a document stating the matters of public notice at the posting area of the office of the administrative agency, or by taking the measures of making the object on which the matters of public notice are displayed on a screen of a computer installed in the office available for inspection. In such a case, the notice is deemed to have reached that person when two weeks have passed since the day on which the measures were commenced.

(Agents)

- Article 16 (1) The persons who have received the notice referred to in paragraph (1) of the preceding Article (including persons who are deemed to have received the notice pursuant to the provisions of the second sentence of paragraph (4) of that Article; referred to as "relevant person" below) may appoint agents.
- (2) An agent may individually perform any and all acts relating to hearings on behalf of the relevant person.
- (3) The qualification of an agent must be certified in writing.
- (4) When an agent loses their qualification, the relevant person who appointed

that agent must give written notice of that fact to the administrative agency.

(Intervenors)

- Article 17 (1) When a person who presides over a hearing pursuant to the provisions of Article 19 (referred to as "presiding official" below) finds it necessary, that person may request the person who is not the relevant person but is found to have an interest in the adverse disposition (referred to in paragraph (2), item (vi) of that Article as "related person") , in light of laws and regulations that are the basis for the adverse dispositions to intervene in the procedures for hearings or may permit the person to intervene in the procedures for hearings.
- (2) The persons who intervene in the procedures for hearings pursuant to the provisions of the preceding paragraph (referred to as "intervenor" below) may appoint an agent.
- (3) The provisions of paragraphs (2) through (4) of the preceding Article apply mutatis mutandis to the agent referred to in the preceding paragraph. In such a case, the term "relevant person" in paragraphs (2) and (4) of that Article is deemed to be replaced with "intervenor".

(Inspection of Documents)

- Article 18 (1) Between the time when notice of a hearing is given and when the hearing is concluded, the relevant person and the intervenor whose interests will be harmed by the adverse disposition (referred to as "relevant person or intervenor" below in this Article and Article 24, paragraph (3)) may make a request to the administrative agency for inspection of the record indicating the results of investigation on the case and other materials which certify the facts that are to be the cause of the adverse disposition. In such a case, an administrative agency may not reject the requests for inspection unless there is a risk that the interests of third parties would be harmed or there are other legitimate grounds.
- (2) The provisions of the preceding paragraph do not preclude the relevant persons or intervenors from further making requests for the inspection of materials that has becomes necessary in accordance with the progress of proceedings on the date of the hearing.
- (3) An administrative agency may designate the date, time, and place for inspections referred to in the preceding two paragraphs.

(Presiding Officials of Hearings)

- Article 19 (1) A hearing is presided over by an employee nominated by an administrative agency or other persons specified by Cabinet Order.
- (2) A person who falls under any of the following items may not preside over a

hearing:

- (i) relevant persons or intervenors of the hearing;
- (ii) spouses, relatives within the fourth degree of kinship, or other relatives living together with the person prescribed in the preceding paragraph;
- (iii) agents of the person prescribed in item (i) or the assistants prescribed in paragraph (3) of the following Article;
- (iv) persons who were the persons prescribed in any of the preceding three items;
- (v) guardians, supervisors of guardians, curators, supervisors of curators, assistants, or supervisors of assistants of the persons prescribed in item (i); and,
- (vi) related persons other than intervenors.

(Method of Proceedings on Date of Hearings)

Article 20 (1) At the beginning of the first date of the hearing, the presiding official must have an employee of an administrative agency explain the content of the anticipated adverse disposition, the provisions of laws and regulations which are the basis of the adverse disposition, and the facts that are to be the cause of the adverse disposition to the persons who appeared on the date of the hearing.

(2) Relevant persons or intervenors may appear on the date of the hearing, and state their opinions and submit evidence documents or other evidence, and ask questions to the employees of the administrative agency with the approval of the presiding official.

(3) In the case referred to in the preceding paragraph, relevant persons or intervenors may appear together with assistants with the permission of the presiding official.

(4) When the presiding official finds it necessary, they may ask questions to the relevant persons or intervenors, call upon the relevant persons or intervenors to state opinions or submit evidence documents or other evidence, or request employees of the administrative agency to provide explanations.

(5) Even if some relevant persons or intervenors do not make an appearance, the presiding official may conduct the proceedings on the date of the hearing.

(6) Except when an administrative agency finds it appropriate to open the proceedings to the public, proceedings on the date of hearings will be closed to the public.

(Submission of Written Statements)

Article 21 (1) In lieu of appearing on the date of a hearing, relevant persons, or intervenors may submit written statements and evidence documents or other evidence to the presiding official on or before the date of the hearing.

- (2) The presiding official may present the written statements and evidence documents or other evidence referred to in the preceding paragraph to the person who has appeared on the date of the hearing, at their request.

(Designation of Further Date)

Article 22 (1) If the presiding official finds it necessary to continue the hearing based on the results of the proceedings on the date of the hearing, they may set a new date for hearing.

- (2) In the case referred to in the preceding paragraph, a written notice of the date and place of the next hearing must be given to relevant persons and intervenors, in advance; provided, however, that for the relevant persons and intervenors who have appeared on the date of hearing, it is sufficient to announce those matters on the date of the hearing.

- (3) The provisions of Article 15, paragraphs (3) and (4) apply *mutatis mutandis* to the method of giving notice when the whereabouts of relevant persons or intervenors are unknown, in the case referred to in the main clause of the preceding paragraph. In such a case, the term "person to be subject of the adverse disposition" in paragraphs (3) and (4) of that Article is deemed to be replaced with the "relevant persons or intervenors," and the term "when two weeks have passed since the day on which the measures were commenced" in paragraph (4) of that Article is deemed to be replaced with "when two weeks have passed since the day on which the measures were commenced (for the notices counting from the second notice to be given to the same relevant person or intervenor, on the day following the day of commencement of the measures)".

(Conclusion of Hearings in Cases of Nonappearance of Relevant Persons)

Article 23 (1) If some or all of the relevant persons fail to appear on the date of a hearing without legitimate grounds, and, they do not submit written statements or evidence documents or other evidence prescribed in Article 21, paragraph (1), or if some or all of the intervenors fail to appear on the date of a hearing, the presiding official may conclude the hearing without granting those persons another opportunity to state their opinions and submit evidence documents or other evidence.

- (2) In addition to the case prescribed in the preceding paragraph, if some or all of the relevant persons fail to appear on the date of a hearing and do not submit written statements or evidence documents or other evidence prescribed in Article 21, paragraph (1), and when those persons are not expected to appear on a date for the hearing for a considerable period of time, the presiding official may ask them to submit written statements and evidence documents or other evidence by setting a due date, and when the due date arrives, may conclude the hearing.

(Hearing Records and Written Reports)

- Article 24 (1) The presiding official must prepare a record of the proceedings of the hearing, and must clarify the outline of the statements by relevant persons and intervenors on the facts that are the cause of an adverse disposition in the record.
- (2) The record stated in the preceding paragraph must be prepared for each date of the hearing when proceedings are conducted on the date of the hearing, and if the proceedings are not conducted, promptly after the hearing is concluded.
- (3) After the hearing is concluded, the presiding official must promptly prepare a written report stating their opinion as to whether there are any grounds for the assertion of the relevant persons or other persons concerning the facts that are to be the cause of the adverse disposition, and submit the report to the administrative agency together with the record referred to in paragraph (1).
- (4) Relevant persons and intervenors may request inspection of the records referred to in paragraph (1) and the written report referred to in the preceding paragraph.

(Reopening of Hearings)

Article 25 When an administrative agency finds it necessary in view of the circumstances that have arisen after the conclusion of a hearing, it may order the presiding official to reopen the hearing by returning the written report submitted pursuant to the provisions of paragraph (3) of the preceding Article to the presiding official. The provisions of the main clause of Article 22, paragraph (2) and paragraph (3) of that Article apply *mutatis mutandis* to that case.

(Decision to Render Adverse Dispositions Following Hearings)

Article 26 When making a decision on rendering an adverse disposition, an administrative agency must make the decision after fully taking into account the content of the record referred to in Article 24, paragraph (1) and of the opinion of the presiding official stated in the written report referred to in paragraph (3) of that Article.

(Limitation on Requests for Review)

Article 27 A request for review may not be filed against dispositions based on the provisions of this Section or their inaction.

(Special Provisions on Hearings When Intending to Render Adverse Dispositions Ordering Dismissal of Officers)

Article 28 (1) In the hearing on an adverse disposition which falls under Article

13, paragraph (1), item (i) sub-item (c), if the notice referred to in Article 15, paragraph (1) has been given, for applying the provisions of this Section, the officers of the corporation that is the subject of the adverse disposition, the persons engaged in the operation of that subject, or the members of that subject (limited to the persons who are to be dismissed or expelled by the disposition) are deemed to be the persons who have received the notice referred to in that paragraph.

- (2) If hearings related to the adverse disposition stated in the preceding paragraph that order the dismissal of officers of the corporation that is the subject to the adverse disposition or the persons engaged in the operation of that subject (referred to as "officers or other employees"), notwithstanding the provisions of Article 13, paragraph (1), an administrative agency is not required to conduct hearings for the officers or other employees related to the adverse disposition which are rendered pursuant to the provisions of laws and regulations to dismiss the officers or other employees due to the fact that the subject does not obey the disposition.

Section 3 Granting of Opportunity for Explanation

(Method of Granting Opportunity for Explanation)

Article 29 (1) Except when an administrative agencies agency authorizes giving an explanation orally, explanation is to be made by submitting a document stating an explanation (referred to as "written explanation" below).

- (2) When giving an explanation, evidence documents or other evidence may be submitted.

(Method of Notice for Granting Opportunity for Giving Explanations)

Article 30 An administrative agency must notify the person that are to be subject of an adverse disposition of the following matters after providing a reasonable period of time before the deadline of the submission of a written explanation (when granting an opportunity for giving an explanation orally, before the date and time of that explanation):

- (i) the content of the anticipated adverse disposition and the provisions of laws and regulations which are to be the grounds for the adverse disposition;
- (ii) the facts that are to be the cause of the adverse disposition; and
- (iii) the place and deadline for submitting a written explanation (if granting the opportunity for giving an explanation orally, that fact and the time, date, and place of explanation).

(Application, Mutatis Mutandis of Procedures for Hearings)

Article 31 The provisions of Article 15, paragraphs (3) and (4), and Article 16

apply mutatis mutandis to the grant of opportunities for explanation. In such a case, the terms "paragraph (1)" in Article 15, paragraph (3), "paragraph (1), items (iii) and (iv)" in Article 15, paragraph (4), and "paragraph (1) of the preceding Article", and "the second sentence of paragraph (4) of that Article" in Article 16, paragraph (1) are deemed to be replaced with "Article 30", "Article 30, item (iii)", "Article 30", and "the second sentence of paragraph (4), Article 15 as applied mutatis mutandis pursuant to Article 31", respectively.

Chapter IV Administrative Guidance

(General Principles of Administrative Guidance)

- Article 32 (1) In providing administrative guidance, a person engaged in administrative guidance must pay attention not to exceed the scope of the duties or affairs under the jurisdiction of the administrative organ by no means and pay attention to the fact that the content of the administrative guidance is to be realized solely due to the voluntary cooperation of the subject person.
- (2) A person engaged in administrative guidance must not disadvantageously treat the person subject to administrative guidance on the grounds that they did not obey the administrative guidance.

(Administrative Guidance Concerning Applications)

- Article 33 In providing administrative guidance that demand withdrawal of an application or modification of the content of an application, a person engaged in administrative guidance must not take an action that obstructs the applicant's exercise of rights by continuing with the administrative guidance or other acts although the applicant expressed that they have no intention of complying with the administrative guidance.

(Administrative Guidance Concerning Authority over Permission or Other Approvals)

- Article 34 When an administrative organ that has authority to grant permission or other approvals or to render dispositions based on permission or other approvals is unable to exercise the authority, or has no intention of exercising the authority, a person engaged in administrative guidance must not take an action that forces a subject person to comply with the administrative guidance by deliberately indicating the fact that they are capable of exercising the authority.

(Manner of Administrative Guidance)

- Article 35 (1) A person engaged in administrative guidance must clearly indicate the purpose, content, and the responsible persons for the administrative

guidance to the subject person.

- (2) In providing the administrative guidance, if a person engaged in administrative guidance indicates that the administrative organ is capable of exercising the authority to grant permission or other approvals or rendering dispositions based on permission or other approvals, the person must indicate the following matters to the subject person:
 - (i) the provisions of laws and regulations that are the basis for being capable of exercising the authority;
 - (ii) the requirements prescribed in the provisions of the preceding item; and
 - (iii) the reasons that the exercise of the authority conforms to the requirements referred to in the preceding item.
- (3) When administrative guidance has been provided orally, if the subject person requests delivery of the document stating the matters prescribed in the preceding two paragraphs, a person engaged in the administrative guidance must deliver the document, as long as there is no special hindrance to administrative affairs.
- (4) The provisions of the preceding paragraph do not apply to administrative guidance stated in the following items:
 - (i) administrative guidance that seeks the subject person to conduct an act that can be concluded on the spot; and
 - (ii) administrative guidance seeking the matter that has the same content as matter that the subject person has been notified by a document (including the document referred to in the preceding paragraph) or an electronic or magnetic record (meaning a record prepared in an electronic form, a magnetic form or any other form that cannot be perceived by human senses, which is used for information processing by computers.).

(Administrative Guidance Directed to Multiple Persons)

Article 36 When intending to provide administrative guidance to multiple persons who meet certain conditions in order to achieve a common administrative objective, an administrative organ must establish administrative guidance guidelines, and publicize the guidelines, in advance and on a case-by-case basis, as long as there is no special hindrance to administrative affairs.

(Requests for Suspension of Administrative Guidance)

Article 36-2 (1) If a person subject to an administrative guidance that seeks correction of an act that violates laws and regulations (limited to administrative guidance for which the provisions that serve as basis are in laws) considers that the administrative guidance does not conform to the requirements prescribed in the relevant laws, the subject person may notify

the administrative organ that has provided the administrative guidance of that fact and seek the administrative organ to suspend the administrative guidance or take other necessary measures; provided, however, that this does not apply if the administrative guidance has been provided after conducting the procedures for granting the subject with the opportunity to give explanations or otherwise state their opinions.

- (2) The request referred to in the preceding paragraph must be made by submitting a written notification stating the following matters:
 - (i) the name and domicile or residence of the person making the request;
 - (ii) the content of the administrative guidance;
 - (iii) the provisions of the laws which are the basis for the administrative guidance;
 - (iv) the requirements prescribed in the provisions of the preceding item;
 - (v) the reason the person making the request considers that the administrative guidance does not conform to the requirements referred to in the preceding item; and
 - (vi) other matters for reference.
- (3) If the proposal under the provisions of paragraph (1) has been made, the administrative organ must conduct the necessary investigation, and if it finds that that the administrative guidance does not conform to the requirements prescribed in the relevant laws, it must suspend the administrative guidance or take other necessary measures.

Chapter IV-2 Requests for Dispositions

Article 36-3 (1) If there is a fact that violates laws and regulations, any person who considers that a disposition or an administrative guidance necessary for the correction of the violation (limited to a disposition or an administrative guidance for which the provisions that serve as basis are in laws) has not been conducted may notify the administrative agency that has the authority to render the disposition, or the administrative organ that has the authority to provide the administrative guidance of that fact and request the administrative organ to render the disposition or provide the administrative guidance.

- (2) The proposal referred to in the preceding paragraph must be made by submitting a written notification stating the following matters:
 - (i) the name and domicile or residence of the person making the proposal;
 - (ii) the content of the fact violating laws and regulations;
 - (iii) the content of the disposition or administrative guidance;
 - (iv) the provisions of laws and regulations which are to be the basis for the disposition or administrative guidance;

- (v) the reason the person making the proposal considers that the disposition or administrative guidance should be rendered or provided; and
 - (vi) other matters for reference.
- (3) If the proposal under the provisions of paragraph (1) has been made, the administrative agency or administrative organ must conduct the necessary investigations and render the disposition or provide the administrative guidance if it finds this to be necessary based on the results of the investigation.

Chapter V Notifications

(Notifications)

Article 37 If a notification conforms to requirements that there are no deficiencies in the matters entered in the written notification and that necessary documents are attached to the written notification, and to other pro forma requirements provided by laws and regulations, the procedural obligations concerning the filing of the notification are considered to have been performed when the notification arrives at the office of the organ designated as the place to submit the notification by laws and regulations.

Chapter VI Public Comment Procedures

(General Principles When Establishing Administrative Orders)

- Article 38 (1) The organ that establishes administrative orders or other orders (if administrative orders or other orders are established by Cabinet Decision, the minister in charge of drafting the administrative orders or other orders; referred to as "organs establishing administrative orders or other orders" below) must establish the administrative orders or other orders so that that they will comply with the purpose of the laws and regulations which are to be the basis for the administrative orders or other orders.
- (2) After establishing administrative orders or other orders, organs establishing administrative orders or other orders must endeavor to maintain the appropriateness of the orders by taking into account of their implementation status and social and economic trends, and review the content of the administrative orders or other orders as necessary.

(Public Comment Procedures)

Article 39 (1) When an organ establishing administrative orders or other orders intends to establish administrative orders or other orders, it must publicize a draft of the orders (meaning a draft indicating the content to be established; the same applies below) and the materials relating to the administrative orders or

other orders in advance and establish the place the comments (including information; the same applies below) are to be submitted, and the period for submitting comments (referred to as "period for submitting comments" below) and widely request comments from the general public.

- (2) The draft of the administrative orders or other orders to be publicized pursuant to the provisions of the preceding paragraph must have a concrete and clear content, and, must clearly indicate the title of the orders and the provisions of the laws and regulations which are to be the basis for them.
- (3) The period for submitting comments specified pursuant to the provisions of paragraph (1) must be 30 days or more commencing from the date of public notice referred to in that paragraph.
- (4) The provisions of paragraph (1) do not apply in cases that fall under any of the following items:
 - (i) when it is difficult to take the procedures provided for in paragraph (1) (referred to as "public comment procedures" below) because it is necessary to urgently establish administrative orders or other orders in the public interest;
 - (ii) when intending to establish administrative orders or other orders that provide for the amount and the rate that serves as the basis for calculating the amount of money required to be paid and the calculation method for that amount which becomes necessary due to the establishment or amendment of laws providing for the money required to be paid, and administrative orders or other orders that provide for necessary matters concerning the implementation of those laws;
 - (iii) when intending to establish administrative orders or other orders that provide for the amount and the rate that is to serves as the basis for calculating the amount that becomes necessary for making a decision to pay money as prescribed in the budget, and administrative orders or other orders that provide for other matters;
 - (iv) when intending to establish administrative orders or other orders that are to be established through considerations of the committee prescribed in Article 49, paragraph (1) or (2) of the Act for Establishment of the Cabinet Office or in Article 3, paragraph (2) of the National Government Organization Act, or the organ prescribed in Article 37 or Article 54 of the Act for Establishment of the Cabinet Office or in Article 8 of the National Government Organization Act (referred to as "committees or other councils"), pursuant to the provisions of laws, and that are specified by Cabinet Order for the purpose of adjusting the interests of persons with conflicting interests, pursuant to the provisions of laws or Cabinet Order, as those to be deliberated in the committees or other councils organized by each member representing those persons and the public interest;

- (v) when intending to establish administrative orders or other orders that are practically the same as those that another administrative organ has established after conducting public comment procedures;
- (vi) when intending to establish administrative orders or other orders that prescribe the technical replacement of terms necessary for applying or applying *mutatis mutandis* the provisions of laws and regulations, based on provisions of laws;
- (vii) when intending to abolish administrative orders or other orders which should be abolished along with the deletion of the provisions of laws and regulations which are the basis for the administrative orders or other orders; or
- (viii) when intending to establish administrative orders or other orders whose content is specified by Cabinet Order as an insignificant change that does not require the implementation of public comment procedures, such as the arrangement of provisions that are naturally required along with the establishment, amendment, or repeal of other laws and regulations.

(Special Provisions on Public Comment Procedures)

Article 40 (1) When intending to establish administrative orders or other orders, if there are compelling reasons for not being able to specify a minimum 30-day period for submitting comments, notwithstanding the provisions of paragraph (3) of the preceding Article, organs establishing administrative orders or other orders may specify a period for submitting comments that is less than 30 days. In such a case, the organs establishing administrative orders or other orders must clarify the reasons at the time of giving the public notice of the proposed administrative orders or other orders.

(2) If organs establishing administrative orders intend to establish administrative orders or other orders through deliberation by the committees or other councils (except for cases that fall under paragraph (4), item (iv) of the preceding Article) and the committees or other councils has conducted a procedure equivalent to the public comment procedures, notwithstanding the provisions of paragraph (1) of that Article, they are not required to conduct the public comment procedures themselves.

(Publicizing Public Comment Procedures)

Article 41 In conducting public comment procedures and establishing administrative orders or other orders, organs establishing administrative orders or other orders are to endeavor to publicize the implementation of the public comment procedures, and provide information on the implementation of the public comment procedures to the public, as necessary.

(Consideration of Submitted Comments)

Article 42 In the case of conducting public comment procedures and establishing administrative orders or other orders, organs establishing administrative orders or other orders must sufficiently consider the comments submitted to them (referred to as "submitted comments" below) within the period for submitting comments.

(Public Notice of Results)

Article 43 (1) When an organ establishing administrative orders or other orders has conducted the public comment procedures and has established administrative orders or other orders, it must make the following matters public at the same time as the promulgation of the administrative orders or other orders (for those not to be promulgated, an act of making the administrative orders or other orders public; the same applies in paragraph (5));

(i) the title of the administrative orders or other orders;

(ii) the date of the public notice of the proposed administrative orders or other orders;

(iii) the submitted comments (if there are no submitted comments, that fact); and

(iv) the results after considering the submitted comments (including any differences between the proposed administrative orders or other orders for which the public comment procedures have been conducted and the established administrative orders or other orders), and the reasons for that.

(2) Notwithstanding the provisions of the preceding paragraph, an organ establishing administrative orders or other orders may issue a public notice of the submitted comments that have been organized or summarized in lieu of the submitted comments referred to in item (iii) of that paragraph, as necessary. In such a case, the organ establishing administrative orders or other orders must publicize the submitted comments by keeping the administrative orders or other orders at the office of the organ establishing administrative orders or other orders, or by other appropriate means, without delay after the issuance of the public notice.

(3) When there is a risk that the interests of a third party would be harmed by giving public notification of or making public the submitted comments pursuant to the provisions of the preceding two paragraphs, or when there are other legitimate grounds, an organ establishing administrative orders or other orders may exclude all or part of the submitted comments.

(4) When an organ establishing administrative orders or other orders decides not to establish orders despite conducting the public comment procedures, the organ establishing administrative orders or other orders must promptly

publicize that fact (if public comment procedures are to be conducted anew for other proposed administrative orders or other orders, including that fact) and the matters stated in items (i) and (ii) of paragraph (1).

(5) When an organ establishing administrative orders or other orders has established administrative orders or other orders without conducting the public comment procedures due to falling under any of the items of Article 39, paragraph (4), it must make the following matters public at the same time as the promulgation of the administrative orders or other orders; provided, however, that the organs have publish the purpose of the administrative orders or other orders specified in item (i), only when the organs has not implemented the public comment procedures comment due to falling under any of the provisions of Article 39, paragraph (4), items (i) through (iv), and the purpose of the administrative orders or other orders is not obvious by the administrative orders or other orders.

(i) the title and purpose of the administrative orders or other orders.;

(ii) the fact that public comment procedures have not been conducted and the reasons for that.

(Application, Mutatis Mutandis)

Article 44 The provisions of Article 42 apply mutatis mutandis to cases in which an organ establishing administrative orders or other orders establishes the administrative orders or other orders without conducting the public comment procedures due to the case falling under Article 40, paragraph (2); the provisions of paragraphs (1) through (3) of the preceding Article apply mutatis mutandis to the case in which an organ establishing administrative orders or other orders has established the administrative orders or other orders without conducting the public comment procedures due to the case falling under Article 40, paragraph (2); and the provisions of paragraph (4) of the preceding Article apply mutatis mutandis to the case in which an organ establishing administrative orders or other orders has decided not to establish the administrative orders or other orders without conducting the public comment procedures due to the case falling under Article 40, paragraph (2). In these cases, the term "organs establishing administrative orders or other order" in Article 42 is deemed to be replaced by "committees or other councils", the term "the date of the public notice of the proposed administrative orders or other orders" in paragraph (1), item (ii) of the preceding Article is deemed to be replaced by "the date on which the committees or other councils have conducted a procedure equivalent to the public comment procedures concerning the proposed administrative orders or other orders", and the phrase "the public comment procedures have been conducted" in item (iv) of that paragraph is deemed to be replaced with "the procedure equivalent to the public comment

procedures have been conducted by the committees or other councils ".

(Means of Public Notice)

Article 45 (1) The public notice under the provisions of Article 39, paragraph (1), and Article 43, paragraph (1) (including as applied mutatis mutandis pursuant to the preceding Article following the deemed replacement of terms), paragraph (4) (including as applied mutatis mutandis pursuant to the preceding Article), and paragraph (5) is to be provided by the means of using an electronic data processing system or other means using information and communications technology.

(2) The Minister for Internal Affairs and Communications specifies the necessary matters concerning the public notice referred to in the preceding paragraph.

Chapter VII Auxiliary Provisions

(Measures by Local Governments)

Article 46 Concerning procedures for dispositions, administrative guidance, and notifications, and the procedures for establishing administrative orders or other orders, to which the provisions of Chapter II through the preceding Chapter are not to apply pursuant to Article 3, paragraph (3), local governments are to endeavor to take necessary measures in order to secure fairness and improve transparency of administrative operations, in accordance with the purport of the provisions of this Act.

Supplementary Provisions

(Effective Date)

(1) This Act comes into effect on the date specified by Cabinet Order within a period not exceeding one year from the day of promulgation.

(Transitional Measures)

(2) If an act equivalent to the notice under the provisions of Article 15, paragraph (1) or Article 30 are performed before this Act comes into effect, notwithstanding the provisions of Chapter III, prior laws continue to govern the procedures for the adverse dispositions related to the acts equivalent to the notice.

(3) Notwithstanding the provisions of Chapter III, prior laws continue to govern the procedures related to adverse dispositions if, before this Act comes into effect, a notification or other acts prescribed by Cabinet Order (referred to as "notification or other acts" below) that are given or performed after an adverse disposition that may be rendered only within a fixed period of time after the

notification or other acts has been given or performed.

- (4) Beyond what is provided for in the preceding two paragraphs, Cabinet Order prescribes the necessary transitional measures concerning the enforcement of this Act.