

行政手続法（第15条第1項、第3項及び第4項、第16条第1項、第22条第3項、第31条未施行）
Administrative Procedure Act (Article 15, paragraphs (1), (3), and (4), Article 16, paragraph (1), Article 22, paragraph (3), Article 31, unenforced)

(平成五年十一月十二日法律第八十八号)
(Act No. 88 of November 12, 1993)

目次

Table of Contents

第一章 総則（第一条—第四条）

Chapter I General Provisions (Articles 1 through 4)

第二章 申請に対する処分（第五条—第十一条）

Chapter II Dispositions upon Application (Articles 5 through 11)

第三章 不利益処分

Chapter III Adverse Dispositions

第一節 通則（第十二条—第十四条）

Section 1 General Rules (Articles 12 through 14)

第二節 聴聞（第十五条—第二十八条）

Section 2 Hearings (Articles 15 through 28)

第三節 弁明の機会の付与（第二十九条—第三十一条）

Section 3 Granting of Opportunity for Explanation (Articles 29 through 31)

第四章 行政指導（第三十二条—第三十六条の二）

Chapter IV Administrative Guidance (Articles 32 through 36-2)

第四章の二 処分等の求め（第三十六条の三）

Chapter IV-2 Requests for Disposition (Article 36-3)

第五章 届出（第三十七条）

Chapter V Notifications (Article 37)

第六章 意見公募手続等（第三十八条—第四十五条）

Chapter VI Public Comment Procedures (Articles 38 through 45)

第七章 補則（第四十六条）

Chapter VII Auxiliary Provisions (Article 46)

附 則

Supplementary Provisions

第一章 総則

Chapter I General Provisions

(目的等)

(Purpose)

第一条 この法律は、処分、行政指導及び届出に関する手続並びに命令等を定める手続に関し、共通する事項を定めることによって、行政運営における公正の確保と透明性（行政上の意思決定について、その内容及び過程が国民にとって明らかであることをいう。第四十六条において同じ。）の向上を図り、もって国民の権利利益の保護に資することを目的とする。

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 処分、行政指導及び届出に関する手続並びに命令等を定める手続に関しこの法律に規定する事項について、他の法律に特別の定めがある場合は、その定めるところによる。

(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.

(定義)

(Definitions)

第二条 この法律において、次の各号に掲げる用語の意義は、当該各号に定めるところによる。

Article 2 In this Act, the meanings of the terms stated in the following items are as prescribed in each of those items:

一 法令 法律、法律に基づく命令（告示を含む。）、条例及び地方公共団体の執行機関の規則（規程を含む。以下「規則」という。）をいう。

(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);

二 処分 行政庁の処分その他公権力の行使に当たる行為をいう。

(ii) dispositions: meaning administrative dispositions or other acts constituting the exercise of public authority by administrative agencies;

三 申請 法令に基づき、行政庁の許可、認可、免許その他の自己に対し何らかの利益を付与する処分（以下「許認可等」という。）を求める行為であつて、当該行為に対して行政庁が諾否の応答をすべきこととされているものをいう。

(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;

四 不利益処分 行政庁が、法令に基づき、特定の者を名あて人として、直接に、これに義務を課し、又はその権利を制限する処分をいう。ただし、次のいずれかに該当するものを除く。

(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:

イ 事実上の行為及び事実上の行為をするに当たりその範囲、時期等を明らかにするために法令上必要とされている手続としての処分

(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;

ロ 申請により求められた許認可等を拒否する処分その他申請に基づき当該申請をした者を名あて人としてされる処分

(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;

ハ 名あて人となるべき者の同意の下にすることとされている処分

(c) dispositions rendered with the consent of the persons who are to be persons subject to the disposition;

ニ 許認可等の効力を失わせる処分であって、当該許認可等の基礎となった事実が消滅した旨の届出があったことを理由としてされるもの

(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;

五 行政機関 次に掲げる機関をいう。

(v) administrative organs: meaning the organs stated in the following sub-items:

イ 法律の規定に基づき内閣に置かれる機関若しくは内閣の所轄の下に置かれる機関、宮内庁、内閣府設置法（平成十一年法律第八十九号）第四十九条第一項若しくは第二項に規定する機関、国家行政組織法（昭和二十三年法律第二百十号）第三条第二項に規定する機関、会計検査院若しくはこれらに置かれる機関又はこれらの機関の職員であって法律上独立に権限を行使することを認められた職員

(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

ロ 地方公共団体の機関（議会を除く。）

(b) organs of local governments (excluding assemblies).

六 行政指導 行政機関がその任務又は所掌事務の範囲内において一定の行政目的を実現するため特定の者に一定の作為又は不作為を求める指導、勧告、助言その他の行為であって処分に該当しないものをいう。

(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;

七 届出 行政庁に対し一定の事項の通知をする行為（申請に該当するものを除く。）であって、法令により直接に当該通知が義務付けられているもの（自己の期待する一定の法律上の効果を発生させるためには当該通知をすべきこととされているものを含む。）をいう。

(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);

八 命令等 内閣又は行政機関が定める次に掲げるものをいう。

(viii) administrative orders or other orders: the orders stated in the following sub-items which are established by the Cabinet or administrative organs:

イ 法律に基づく命令（処分の要件を定める告示を含む。次条第二項において単に「命令」という。）又は規則

(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;

ロ 審査基準（申請により求められた許認可等をするかどうかをその法令の定めに従って判断するために必要とされる基準をいう。以下同じ。）

(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);

ハ 処分基準（不利益処分をするかどうか又はどのような不利益処分とするかについてその法令の定めに従って判断するために必要とされる基準をいう。以下同じ。）

(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

ニ 行政指導指針（同一の行政目的を実現するため一定の条件に該当する複数の者に対し行政指導をしようとするときにこれらの行政指導に共通してその内容となるべき事項をいう。以下同じ。）

(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).

（適用除外）

(Exclusion from Application)

第三条 次に掲げる処分及び行政指導については、次章から第四章の二までの規定は、適用しない。

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:

一 国会の両院若しくは一院又は議会の議決によってされる処分

(i) a disposition rendered through a resolution of both Houses or one House of the Diet, or resolution by a local council;

二 裁判所若しくは裁判官の裁判により、又は裁判の執行としてされる処分

(ii) a disposition rendered by the judgment of a court or a judge, or rendered as enforcement of judicial decisions;

三 国会の両院若しくは一院若しくは議会の議決を経て、又はこれらの同意若しくは承認を得た上でされるべきものとされている処分

(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;

四 検査官会議で決すべきものとされている処分及び会計検査の際にされる行政指導

(iv) a disposition that is required to be decided by the Audit Commission and administrative guidance to be issued during account audits;

五 刑事事件に関する法令に基づいて検察官、検察事務官又は司法警察職員がする処分及び行政指導

(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;

六 国税又は地方税の犯則事件に関する法令（他の法令において準用する場合を含む。）に基づいて国税庁長官、国税局長、税務署長、国税庁、国税局若しくは税務

署の当該職員、税関長、税関職員又は徴税吏員（他の法令の規定に基づいてこれらの職員の職務を行う者を含む。）がする処分及び行政指導並びに金融商品取引の犯則事件に関する法令（他の法令において準用する場合を含む。）に基づいて証券取引等監視委員会、その職員（当該法令においてその職員とみなされる者を含む。）、財務局長又は財務支局長がする処分及び行政指導

(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);

七 学校、講習所、訓練所又は研修所において、教育、講習、訓練又は研修の目的を達成するために、学生、生徒、児童若しくは幼児若しくはこれらの保護者、講習生、訓練生又は研修生に対してされる処分及び行政指導

(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;

八 刑務所、少年刑務所、拘置所、留置施設、海上保安庁留置施設、少年院又は少年鑑別所において、収容の目的を達成するためにされる処分及び行政指導

(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;

九 公務員（国家公務員法（昭和二十二年法律第二十号）第二条第一項に規定する国家公務員及び地方公務員法（昭和二十五年法律第二百六十一号）第三条第一項に規定する地方公務員をいう。以下同じ。）又は公務員であった者に対してその職務又は身分に関してされる処分及び行政指導

(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;

十 外国人の出入国、出入国管理及び難民認定法（昭和二十六年政令第三百十九号）第六十一条の二第一項に規定する難民の認定、同条第二項に規定する補完的保護対象者の認定又は帰化に関する処分及び行政指導

(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;

十一 専ら人の学識技能に関する試験又は検定の結果についての処分

(xi) a disposition concerning results of examinations or certification examinations on a person's academic knowledge and skills;

十二 相反する利害を有する者の間の利害の調整を目的として法令の規定に基づいてされる裁定その他の処分（その双方を名宛人とするものに限る。）及び行政指導

(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;

十三 公衆衛生、環境保全、防疫、保安その他の公益に関わる事象が発生し又は発生する可能性のある現場において警察官若しくは海上保安官又はこれらの公益を確保するために行使すべき権限を法律上直接に与えられたその他の職員によってされる処分及び行政指導

(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;

十四 報告又は物件の提出を命ずる処分その他その職務の遂行上必要な情報の収集を直接の目的としてされる処分及び行政指導

(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;

十五 審査請求、再調査の請求その他の不服申立てに対する行政庁の裁決、決定その他の処分

(xv) an administrative determination, decision, and other dispositions rendered by administrative agencies for requests for review, requests for re-

investigation, and other appeals; and,

十六 前号に規定する処分の手続又は第三章に規定する聴聞若しくは弁明の機会の付与の手続その他の意見陳述のための手続において法令に基づいてされる処分及び行政指導

(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 次に掲げる命令等を定める行為については、第六章の規定は、適用しない。

(2) The provisions of Chapter VI do not apply to acts to establish the administrative orders or other orders stated in the following items:

一 法律の施行期日について定める政令

(i) Cabinet Orders which provide for the effective date of laws;

二 恩赦に関する命令

(ii) the order concerning a pardon;

三 命令又は規則を定める行為が処分に該当する場合における当該命令又は規則

(iii) the order or rule when acts specifying orders or rules fall under a disposition;

四 法律の規定に基づき施設、区間、地域その他これらに類するものを指定する命令又は規則

(iv) the order or rule that designates facilities, sections, areas, and other matters similar to them pursuant to the provisions of laws;

五 公務員の給与、勤務時間その他の勤務条件について定める命令等

(v) administrative orders or other orders concerning salaries, working hours, and other working conditions of public employees; or

六 審査基準、処分基準又は行政指導指針であつて、法令の規定により若しくは慣行として、又は命令等を定める機関の判断により公にされるもの以外のもの

(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 第一項各号及び前項各号に掲げるもののほか、地方公共団体の機関がする処分（その根拠となる規定が条例又は規則に置かれているものに限る。）及び行政指導、地方公共団体の機関に対する届出（前条第七号の通知の根拠となる規定が条例又は規則に置かれているものに限る。）並びに地方公共団体の機関が命令等を定める行為については、次章から第六章までの規定は、適用しない。

(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.

(国の機関等に対する処分等の適用除外)

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

第四条 国の機関又は地方公共団体若しくはその機関に対する処分（これらの機関又は団体がその固有の資格において当該処分の名あて人となるものに限る。）及び行政指導並びにこれらの機関又は団体がする届出（これらの機関又は団体がその固有の資格においてすべきこととされているものに限る。）については、この法律の規定は、適用しない。

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 次の各号のいずれかに該当する法人に対する処分であつて、当該法人の監督に関する法律の特別の規定に基づいてされるもの（当該法人の解散を命じ、若しくは設立に関する認可を取り消す処分又は当該法人の役員若しくは当該法人の業務に従事する者の解任を命ずる処分を除く。）については、次章及び第三章の規定は、適用しない。

(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):

一 法律により直接に設立された法人又は特別の法律により特別の設立行為をもって設立された法人

(i) corporations directly established by laws or established by special act of establishment pursuant to the provisions of special laws; and,

二 特別の法律により設立され、かつ、その設立に関し行政庁の認可を要する法人のうち、その行う業務が国又は地方公共団体の行政運営と密接な関連を有するものとして政令で定める法人

(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 行政庁が法律の規定に基づく試験、検査、検定、登録その他の行政上の事務について当該法律に基づきその全部又は一部を行わせる者を指定した場合において、その指定を受けた者（その者が法人である場合にあっては、その役員）又は職員その他の者が当該事務に従事することに関し公務に従事する職員とみなされるときは、その指定を受けた者に対し当該法律に基づいて当該事務に関し監督上される処分（当該指定を取り消す処分、その指定を受けた者が法人である場合におけるその役員の解任を命ずる処分又はその指定を受けた者の当該事務に従事する者の解任を命ずる処分を除く。）については、次章及び第三章の規定は、適用しない。

(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 次に掲げる命令等を定める行為については、第六章の規定は、適用しない。

(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:

一 国又は地方公共団体の機関の設置、所掌事務の範囲その他の組織について定める命令等

(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;

二 皇室典範（昭和二十二年法律第三号）第二十六条の皇統譜について定める命令等

(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);

三 公務員の礼式、服制、研修、教育訓練、表彰及び報償並びに公務員の間における競争試験について定める命令等

(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;

四 国又は地方公共団体の予算、決算及び会計について定める命令等（入札の参加者

の資格、入札保証金その他の国又は地方公共団体の契約の相手方又は相手方になろうとする者に係る事項を定める命令等を除く。)並びに国又は地方公共団体の財産及び物品の管理について定める命令等(国又は地方公共団体が財産及び物品を貸し付け、交換し、売り払い、譲与し、信託し、若しくは出資の目的とし、又はこれらに私権を設定することについて定める命令等であって、これらの行為の相手方又は相手方になろうとする者に係る事項を定めるものを除く。)

(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);

五 会計検査について定める命令等

(v) administrative orders or other orders that provide for auditing;

六 国の機関相互間の関係について定める命令等並びに地方自治法(昭和二十二年法律第六十七号)第二編第十一章に規定する国と普通地方公共団体との関係及び普通地方公共団体相互間の関係その他の国と地方公共団体との関係及び地方公共団体相互間の関係について定める命令等(第一項の規定によりこの法律の規定を適用しないこととされる処分に係る命令等を含む。)

(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

七 第二項各号に規定する法人の役員及び職員、業務の範囲、財務及び会計その他の組織、運営及び管理について定める命令等(これらの法人に対する処分であって、これらの法人の解散を命じ、若しくは設立に関する認可を取り消す処分又はこれらの法人の役員若しくはこれらの法人の業務に従事する者の解任を命ずる処分に係る命令等を除く。)

(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).

第二章 申請に対する処分

Chapter II Dispositions Concerning Applications

(審査基準)

(Review Standards)

第五条 行政庁は、審査基準を定めるものとする。

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

2 行政庁は、審査基準を定めるに当たっては、許認可等の性質に照らしてできる限り具体的なものとしなければならない。

(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 行政庁は、行政上特別の支障があるときを除き、法令により申請の提出先とされている機関の事務所における備付けその他の適当な方法により審査基準を公にしておかなければならない。

(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.

(標準処理期間)

(Standard Processing Period)

第六条 行政庁は、申請がその事務所に到達してから当該申請に対する処分をするまでに通常要すべき標準的な期間（法令により当該行政庁と異なる機関が当該申請の提出先とされている場合は、併せて、当該申請が当該提出先とされている機関の事務所に到達してから当該行政庁の事務所に到達するまでに通常要すべき標準的な期間）を定めるよう努めるとともに、これを定めたときは、これらの当該申請の提出先とされている機関の事務所における備付けその他の適当な方法により公にしておかなければならない。

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.

(申請に対する審査、応答)

(Review of Applications and Response to Applications)

第七条 行政庁は、申請がその事務所に到達したときは遅滞なく当該申請の審査を開始しなければならない。かつ、申請書の記載事項に不備がないこと、申請書に必要な書類が添付されていること、申請をすることができる期間内にされたものであることその他の法令に定められた申請の形式上の要件に適合しない申請については、速やかに、申請をした者（以下「申請者」という。）に対し相当の期間を定めて当該申請の補正を求め、又は当該申請により求められた許認可等を拒否しなければならない。

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.

(理由の提示)

(Presentation of Grounds)

第八条 行政庁は、申請により求められた許認可等を拒否する処分をする場合は、申請者に対し、同時に、当該処分の理由を示さなければならない。ただし、法令に定められた許認可等の要件又は公にされた審査基準が数量的指標その他の客観的指標により明確に定められている場合であつて、当該申請がこれらに適合しないことが申請書の記載又は添付書類その他の申請の内容から明らかであるときは、申請者の求めがあつたときにこれを示せば足りる。

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 前項本文に規定する処分を書面でするときは、同項の理由は、書面により示さなければならない。

(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.

(情報の提供)

(Provision of Information)

第九条 行政庁は、申請者の求めに応じ、当該申請に係る審査の進行状況及び当該申請に対する処分の時期の見通しを示すよう努めなければならない。

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 行政庁は、申請をしようとする者又は申請者の求めに応じ、申請書の記載及び添付書類に関する事項その他の申請に必要な情報の提供に努めなければならない。

(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.

(公聴会の開催等)

(Holding of Public Hearings)

第十条 行政庁は、申請に対する処分であって、申請者以外の者の利害を考慮すべきことが当該法令において許認可等の要件とされているものを行う場合には、必要に応じ、公聴会の開催その他の適当な方法により当該申請者以外の者の意見を聴く機会を設けるよう努めなければならない。

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.

(複数の行政庁が関与する処分)

(Dispositions Involving More Than One Administrative Agency)

第十一条 行政庁は、申請の処理をするに当たり、他の行政庁において同一の申請者が

らされた関連する申請が審査中であることをもって自らすべき許認可等をするかどうかについての審査又は判断を殊更に遅延させるようなことをしてはならない。

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 一の申請又は同一の申請者からされた相互に関連する複数の申請に対する処分について複数の行政庁が関与する場合においては、当該複数の行政庁は、必要に応じ、相互に連絡をとり、当該申請者からの説明の聴取を共同して行う等により審査の促進に努めるものとする。

(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.

第三章 不利益処分

Chapter III Adverse Dispositions

第一節 通則

Section 1 General Rules

(処分の基準)

(Disposition Standards)

第十二条 行政庁は、処分基準を定め、かつ、これを公にしておくよう努めなければならない。

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

2 行政庁は、処分基準を定めるに当たっては、不利益処分の性質に照らしてできる限り具体的なものとしなければならない。

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

(不利益処分をしようとする場合の手續)

(Procedures When Intending to Render Adverse Dispositions)

第十三条 行政庁は、不利益処分をしようとする場合には、次の各号の区分に従い、この章の定めるところにより、当該不利益処分の名あて人となるべき者について、当該各号に定める意見陳述のための手續を執らなければならない。

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:

一 次のいずれかに該当するとき 聴聞

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

イ 許認可等を取り消す不利益処分をしようとするとき。

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

ロ イに規定するもののほか、名あて人の資格又は地位を直接にはく奪する不利益処分をしようとするとき。

(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;

ハ 名あて人が法人である場合におけるその役員の解任を命ずる不利益処分、名あて人の業務に従事する者の解任を命ずる不利益処分又は名あて人の会員である者の除名を命ずる不利益処分をしようとするとき。

(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

ニ イからハマまでに掲げる場合以外の場合であって行政庁が相当と認めるとき。

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

二 前号イからニまでのいずれにも該当しないとき 弁明の機会の付与

(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 次の各号のいずれかに該当するときは、前項の規定は、適用しない。

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

一 公益上、緊急に不利益処分をする必要があるため、前項に規定する意見陳述のための手続を執ることができないとき。

(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;

二 法令上必要とされる資格がなかったこと又は失われるに至ったことが判明した場合に必ずすることとされている不利益処分であって、その資格の不存在又は喪失の事実が裁判所の判決書又は決定書、一定の職に就いたことを証する当該任命権者の書類その他の客観的な資料により直接証明されたものをしようとするとき。

(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;

三 施設若しくは設備の設置、維持若しくは管理又は物の製造、販売その他の取扱いについて遵守すべき事項が法令において技術的な基準をもって明確にされている場合において、専ら当該基準が充足されていないことを理由として当該基準に従うべきことを命ずる不利益処分であってその不充足の事実が計測、実験その他客観的な認定方法によって確認されたものをしようとするとき。

(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;

四 納付すべき金銭の額を確定し、一定の額の金銭の納付を命じ、又は金銭の給付決定の取消しその他の金銭の給付を制限する不利益処分をしようとするとき。

(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,
五 当該不利益処分の性質上、それによって課される義務の内容が著しく軽微なものであるため名あて人となるべき者の意見をあらかじめ聴くことを要しないものとして政令で定める処分をしようとするとき。

(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.

(不利益処分の理由の提示)

(Presentation of Grounds for Adverse Dispositions)

第十四条 行政庁は、不利益処分をする場合には、その名あて人に対し、同時に、当該不利益処分の理由を示さなければならない。ただし、当該理由を示さないで処分をすべき差し迫った必要がある場合は、この限りでない。

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 行政庁は、前項ただし書の場合においては、当該名あて人の所在が判明しなくなったときその他処分後において理由を示すことが困難な事情があるときを除き、処分後相当の期間内に、同項の理由を示さなければならない。

(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 不利益処分を書面でするときは、前二項の理由は、書面により示さなければならない。

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

第二節 聴聞

Section 2 Hearings

(聴聞の通知の方式)

(Manner of Notifying Hearings)

第十五条 行政庁は、聴聞を行うに当たっては、聴聞を行うべき期日までに相当な期間において、不利益処分の名宛人となるべき者に対し、次に掲げる事項を書面により通知しなければならない。

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:

一 予定される不利益処分内容及び根拠となる法令の条項

(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;

二 不利益処分の原因となる事実

(ii) the fact that is to be the cause of the adverse disposition;

三 聴聞の期日及び場所

(iii) the date and place of the hearing; and

四 聴聞に関する事務を所掌する組織の名称及び所在地

(iv) the name and location of the organization that has jurisdiction over the affairs relating to the hearing.

2 前項の書面においては、次に掲げる事項を教示しなければならない。

(2) The document referred to in the preceding paragraph must indicate the following matters:

一 聴聞の期日に出頭して意見を述べ、及び証拠書類又は証拠物（以下「証拠書類

等」という。)を提出し、又は聴聞の期日への出頭に代えて陳述書及び証拠書類等を提出することができること。

(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

二 聴聞が終結する時までの間、当該不利益処分の原因となる事実を証する資料の閲覧を求めることができること。

(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 行政庁は、不利益処分の名宛人となるべき者の所在が判明しない場合においては、第一項の規定による通知を、公示の方法によって行うことができる。

(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 前項の公示の方法による通知は、不利益処分の名宛人となるべき者の氏名、第一項第三号及び第四号に掲げる事項並びに当該行政庁が同項各号に掲げる事項を記載した書面をいつでもその者に交付する旨（以下この項において「公示事項」という。）を総務省令で定める方法により不特定多数の者が閲覧することができる状態に置くとともに、公示事項が記載された書面を当該行政庁の事務所の掲示場に掲示し、又は公示事項を当該事務所に設置した電子計算機の映像面に表示したものの閲覧をすることができる状態に置く措置をとることによって行うものとする。この場合においては、当該措置を開始した日から二週間を経過したときに、当該通知がその者に到達したものとみなす。

(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.

(代理人)

(Agents)

第十六条 前条第一項の通知を受けた者（同条第四項後段の規定により当該通知が到達したものとみなされる者を含む。以下「当事者」という。）は、代理人を選任することができる。

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 代理人は、各自、当事者のために、聴聞に関する一切の行為をすることができる。

(2) An agent may individually perform any and all acts relating to hearings on behalf of the relevant person.

3 代理人の資格は、書面で証明しなければならない。

(3) The qualification of an agent must be certified in writing.

4 代理人がその資格を失ったときは、当該代理人を選任した当事者は、書面でその旨を行政庁に届け出なければならない。

(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.

(参加人)

(Intervenors)

第十七条 第十九条の規定により聴聞を主宰する者（以下「主宰者」という。）は、必要があると認めるときは、当事者以外の者であって当該不利益処分の根拠となる法令に照らし当該不利益処分につき利害関係を有するものと認められる者（同条第二項第六号において「関係人」という。）に対し、当該聴聞に関する手続に参加することを求め、又は当該聴聞に関する手続に参加することを許可することができる。

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 前項の規定により当該聴聞に関する手続に参加する者（以下「参加人」という。）は、代理人を選任することができる。

(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 前条第二項から第四項までの規定は、前項の代理人について準用する。この場合に

において、同条第二項及び第四項中「当事者」とあるのは、「参加人」と読み替えるものとする。

- (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".

(文書等の閲覧)

(Inspection of Documents)

第十八条 当事者及び当該不利益処分がされた場合に自己の利益を害されることとなる参加人（以下この条及び第二十四条第三項において「当事者等」という。）は、聴聞の通知があった時から聴聞が終結する時までの間、行政庁に対し、当該事案についてした調査の結果に係る調書その他の当該不利益処分の原因となる事実を証する資料の閲覧を求めることができる。この場合において、行政庁は、第三者の利益を害するおそれがあるときその他正当な理由があるときでなければ、その閲覧を拒むことができない。

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 前項の規定は、当事者等が聴聞の期日における審理の進行に応じて必要となった資料の閲覧を更に求めることを妨げない。

(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 行政庁は、前二項の閲覧について日時及び場所を指定することができる。

(3) An administrative agency may designate the date, time, and place for inspections referred to in the preceding two paragraphs.

(聴聞の主宰)

(Presiding Officials of Hearings)

第十九条 聴聞は、行政庁が指名する職員その他政令で定める者が主宰する。

Article 19 (1) A hearing is presided over by an employee nominated by an administrative agency or other persons specified by Cabinet Order.

2 次の各号のいずれかに該当する者は、聴聞を主宰することができない。

(2) A person who falls under any of the following items may not preside over a hearing:

一 当該聴聞の当事者又は参加人

(i) relevant persons or intervenors of the hearing;

二 前号に規定する者の配偶者、四親等内の親族又は同居の親族

(ii) spouses, relatives within the fourth degree of kinship, or other relatives living together with the person prescribed in the preceding paragraph;

三 第一号に規定する者の代理人又は次条第三項に規定する補佐人

(iii) agents of the person prescribed in item (i) or the assistants prescribed in paragraph (3) of the following Article;

四 前三号に規定する者であった者

(iv) persons who were the persons prescribed in any of the preceding three items;

五 第一号に規定する者の後見人、後見監督人、保佐人、保佐監督人、補助人又は補助監督人

(v) guardians, supervisors of guardians, curators, supervisors of curators, assistants, or supervisors of assistants of the persons prescribed in item (i); and,

六 参加人以外の関係人

(vi) related persons other than intervenors.

(聴聞の期日における審理の方式)

(Method of Proceedings on Date of Hearings)

第二十条 主宰者は、最初の聴聞の期日の冒頭において、行政庁の職員に、予定される不利益処分内容及び根拠となる法令の条項並びにその原因となる事実を聴聞の期日に出頭した者に対し説明させなければならない。

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 当事者又は参加人は、聴聞の期日に出頭して、意見を述べ、及び証拠書類等を提出し、並びに主宰者の許可を得て行政庁の職員に対し質問を発することができる。

(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 前項の場合において、当事者又は参加人は、主宰者の許可を得て、補佐人とともに出頭することができる。

(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 主宰者は、聴聞の期日において必要があると認めるときは、当事者若しくは参加人に対し質問を発し、意見の陳述若しくは証拠書類等の提出を促し、又は行政庁の職員に対し説明を求めることができる。

(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 主宰者は、当事者又は参加人の一部が出頭しないときであっても、聴聞の期日における審理を行うことができる。

(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 聴聞の期日における審理は、行政庁が公開することを相当と認めるときを除き、公開しない。

(6) Expect 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.

(陳述書等の提出)

(Submission of Written Statements)

第二十一条 当事者又は参加人は、聴聞の期日への出頭に代えて、主宰者に対し、聴聞の期日までに陳述書及び証拠書類等を提出することができる。

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 主宰者は、聴聞の期日に出頭した者に対し、その求めに応じて、前項の陳述書及び証拠書類等を示すことができる。

(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.

(続行期日の指定)

(Designation of Further Date)

第二十二条 主宰者は、聴聞の期日における審理の結果、なお聴聞を続行する必要があると認めるときは、さらに新たな期日を定めることができる。

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 前項の場合においては、当事者及び参加人に対し、あらかじめ、次回の聴聞の期日

及び場所を書面により通知しなければならない。ただし、聴聞の期日に出頭した当事者及び参加人に対しては、当該聴聞の期日においてこれを告知すれば足りる。

(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 第十五条第三項及び第四項の規定は、前項本文の場合において、当事者又は参加人の所在が判明しないときにおける通知の方法について準用する。この場合において、同条第三項及び第四項中「不利益処分の名宛人となるべき者」とあるのは「当事者又は参加人」と、同項中「とき」とあるのは「とき（同一の当事者又は参加人に対する二回目以降の通知にあつては、当該措置を開始した日の翌日）」と読み替えるものとする。

(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)".

(当事者の不出頭等の場合における聴聞の終結)

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

第二十三条 主宰者は、当事者の全部若しくは一部が正当な理由なく聴聞の期日に出頭せず、かつ、第二十一条第一項に規定する陳述書若しくは証拠書類等を提出しない場合、又は参加人の全部若しくは一部が聴聞の期日に出頭しない場合には、これらの者に対し改めて意見を述べ、及び証拠書類等を提出する機会を与えることなく、聴聞を終結することができる。

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 主宰者は、前項に規定する場合のほか、当事者の全部又は一部が聴聞の期日に出頭せず、かつ、第二十一条第一項に規定する陳述書又は証拠書類等を提出しない場合に

において、これらの者の聴聞の期日への出頭が相当期間引き続き見込めないときは、これらの者に対し、期限を定めて陳述書及び証拠書類等の提出を求め、当該期限が到来したときに聴聞を終結することとすることができる。

- (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.

(聴聞調書及び報告書)

(Hearing Records and Written Reports)

第二十四条 主宰者は、聴聞の審理の経過を記載した調書を作成し、当該調書において、不利益処分の原因となる事実に対する当事者及び参加人の陳述の要旨を明らかにしておかなければならない。

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 前項の調書は、聴聞の期日における審理が行われた場合には各期日ごとに、当該審理が行われなかった場合には聴聞の終結後速やかに作成しなければならない。

(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 主宰者は、聴聞の終結後速やかに、不利益処分の原因となる事実に対する当事者等の主張に理由があるかどうかについての意見を記載した報告書を作成し、第一項の調書とともに行政庁に提出しなければならない。

(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 当事者又は参加人は、第一項の調書及び前項の報告書の閲覧を求めることができる。

(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.

(聴聞の再開)

(Reopening of Hearings)

第二十五条 行政庁は、聴聞の終結後に生じた事情にかんがみ必要があると認めるときは、主宰者に対し、前条第三項の規定により提出された報告書を返戻して聴聞の再開を命ずることができる。第二十二条第二項本文及び第三項の規定は、この場合について準用する。

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.

(聴聞を経てされる不利益処分決定)

(Decision to Render Adverse Dispositions Following Hearings)

第二十六条 行政庁は、不利益処分決定をするときは、第二十四条第一項の調書の内容及び同条第三項の報告書に記載された主宰者の意見を十分に参酌してこれをしなければならない。

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.

(審査請求の制限)

(Limitation on Requests for Review)

第二十七条 この節の規定に基づく処分又はその不作為については、審査請求をすることができない。

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

(役員等の解任等を命ずる不利益処分をしようとする場合の聴聞等の特例)

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

第二十八条 第十三条第一項第一号ハに該当する不利益処分に係る聴聞において第十五条第一項の通知があった場合におけるこの節の規定の適用については、名あて人である法人の役員、名あて人の業務に従事する者又は名あて人の会員である者（当該処分において解任し又は除名すべきこととされている者に限る。）は、同項の通知を受けた者とみなす。

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 前項の不利益処分のうち名あて人である法人の役員又は名あて人の業務に従事する者（以下この項において「役員等」という。）の解任を命ずるものに係る聴聞が行われた場合においては、当該処分にその名あて人が従わないことを理由として法令の規定によりされる当該役員等を解任する不利益処分については、第十三条第一項の規定にかかわらず、行政庁は、当該役員等について聴聞を行うことを要しない。

(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.

第三節 弁明の機会の付与

Section 3 Granting of Opportunity for Explanation

(弁明の機会の付与の方式)

(Method of Granting Opportunity for Explanation)

第二十九条 弁明は、行政庁が口頭であることを認めるときを除き、弁明を記載した書面（以下「弁明書」という。）を提出してするものとする。

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 弁明をするときは、証拠書類等を提出することができる。

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

(弁明の機会の付与の通知の方式)

(Method of Notice for Granting Opportunity for Giving Explanations)

第三十条 行政庁は、弁明書の提出期限（口頭による弁明の機会の付与を行う場合には、その日時）までに相当な期間において、不利益処分の名あて人となるべき者に対し、次に掲げる事項を書面により通知しなければならない。

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):

一 予定される不利益処分内容及び根拠となる法令の条項

(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;

二 不利益処分の原因となる事実

(ii) the facts that are to be the cause of the adverse disposition; and

三 弁明書の提出先及び提出期限（口頭による弁明の機会の付与を行う場合には、その旨並びに出頭すべき日時及び場所）

(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).

（聴聞に関する手続の準用）

(Application, Mutatis Mutandis of Procedures for Hearings)

第三十一条 第十五条第三項及び第四項並びに第十六条の規定は、弁明の機会の付与について準用する。この場合において、第十五条第三項中「第一項」とあるのは「第三十条」と、同条第四項中「第一項第三号及び第四号」とあるのは「第三十条第三号」と、第十六条第一項中「前条第一項」とあるのは「第三十条」と、「同条第四項後段」とあるのは「第三十一条において準用する第十五条第四項後段」と読み替えるものとする。

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.

第四章 行政指導

Chapter IV Administrative Guidance

（行政指導の一般原則）

(General Principles of Administrative Guidance)

第三十二条 行政指導にあつては、行政指導に携わる者は、いやしくも当該行政機関の任務又は所掌事務の範囲を逸脱してはならないこと及び行政指導の内容があくまでも相手方の任意の協力によってのみ実現されるものであることに留意しなければならない。

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 行政指導に携わる者は、その相手方が行政指導に従わなかったことを理由として、不利益な取扱いをしてはならない。

(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.

(申請に関連する行政指導)

(Administrative Guidance Concerning Applications)

第三十三条 申請の取下げ又は内容の変更を求める行政指導にあつては、行政指導に携わる者は、申請者が当該行政指導に従う意思がない旨を表明したにもかかわらず当該行政指導を継続すること等により当該申請者の権利の行使を妨げるようなことをしてはならない。

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.

(許認可等の権限に関連する行政指導)

(Administrative Guidance Concerning Authority over Permission or Other Approvals)

第三十四条 許認可等をする権限又は許認可等に基づく処分をする権限を有する行政機関が、当該権限を行使することができない場合又は行使する意思がない場合においてする行政指導にあつては、行政指導に携わる者は、当該権限を行使し得る旨を殊更に示すことにより相手方に当該行政指導に従うことを余儀なくさせるようなことをしてはならない。

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.

(行政指導の方式)

(Manner of Administrative Guidance)

第三十五条 行政指導に携わる者は、その相手方に対して、当該行政指導の趣旨及び内容並びに責任者を明確に示さなければならない。

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 行政指導に携わる者は、当該行政指導をする際に、行政機関が許認可等をする権限又は許認可等に基づく処分をする権限を行使し得る旨を示すときは、その相手方に対して、次に掲げる事項を示さなければならない。

(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:

一 当該権限を行使し得る根拠となる法令の条項

(i) the provisions of laws and regulations that are the basis for being capable of exercising the authority;

二 前号の条項に規定する要件

(ii) the requirements prescribed in the provisions of the preceding item; and

三 当該権限の行使が前号の要件に適合する理由

(iii) the reasons that the exercise of the authority conforms to the requirements referred to in the preceding item.

3 行政指導が口頭でされた場合において、その相手方から前二項に規定する事項を記載した書面の交付を求められたときは、当該行政指導に携わる者は、行政上特別の支障がない限り、これを交付しなければならない。

(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 前項の規定は、次に掲げる行政指導については、適用しない。

(4) The provisions of the preceding paragraph do not apply to administrative guidance stated in the following items:

一 相手方に対しその場において完了する行為を求めるもの

(i) administrative guidance that seeks the subject person to conduct an act that can be concluded on the spot; and

二 既に文書（前項の書面を含む。）又は電磁的記録（電子的方式、磁気的方式その他人の知覚によっては認識することができない方式で作られる記録であって、電子計算機による情報処理の用に供されるものをいう。）によりその相手方に通知されている事項と同一の内容を求めるもの

(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.).

(複数の者を対象とする行政指導)

(Administrative Guidance Directed to Multiple Persons)

第三十六条 同一の行政目的を実現するため一定の条件に該当する複数の者に対し行政指導をしようとするときは、行政機関は、あらかじめ、事案に応じ、行政指導指針を定め、かつ、行政上特別の支障がない限り、これを公表しなければならない。

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.

(行政指導の中止等の求め)

(Requests for Suspension of Administrative Guidance)

第三十六条の二 法令に違反する行為の是正を求める行政指導（その根拠となる規定が法律に置かれているものに限る。）の相手方は、当該行政指導が当該法律に規定する要件に適合しないと思料するときは、当該行政指導をした行政機関に対し、その旨を申し出て、当該行政指導の中止その他必要な措置をとることを求めることができる。ただし、当該行政指導がその相手方について弁明その他意見陳述のための手続を経てされたものであるときは、この限りでない。

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 前項の申出は、次に掲げる事項を記載した申出書を提出してしなければならない。

(2) The request referred to in the preceding paragraph must be made by submitting a written notification stating the following matters:

一 申出をする者の氏名又は名称及び住所又は居所

(i) the name and domicile or residence of the person making the request;

二 当該行政指導の内容

(ii) the content of the administrative guidance;

三 当該行政指導がその根拠とする法律の条項

(iii) the provisions of the laws which are the basis for the administrative guidance;

四 前号の条項に規定する要件

(iv) the requirements prescribed in the provisions of the preceding item;

五 当該行政指導が前号の要件に適合しないと思料する理由

(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

六 その他参考となる事項

(vi) other matters for reference.

3 当該行政機関は、第一項の規定による申出があつたときは、必要な調査を行い、当該行政指導が当該法律に規定する要件に適合しないと認めるときは、当該行政指導の中止その他必要な措置をとらなければならない。

(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.

第四章の二 処分等の求め

Chapter IV-2 Requests for Dispositions

第三十六条の三 何人も、法令に違反する事実がある場合において、その是正のためにされるべき処分又は行政指導（その根拠となる規定が法律に置かれているものに限る。）がされていないと思料するときは、当該処分をする権限を有する行政庁又は当該行政指導をする権限を有する行政機関に対し、その旨を申し出て、当該処分又は行政指導をすることを求めることができる。

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 前項の申出は、次に掲げる事項を記載した申出書を提出してしなければならない。

(2) The proposal referred to in the preceding paragraph must be made by

submitting a written notification stating the following matters:

一 申出をする者の氏名又は名称及び住所又は居所

(i) the name and domicile or residence of the person making the proposal;

二 法令に違反する事実の内容

(ii) the content of the fact violating laws and regulations;

三 当該処分又は行政指導の内容

(iii) the content of the disposition or administrative guidance;

四 当該処分又は行政指導の根拠となる法令の条項

(iv) the provisions of laws and regulations which are to be the basis for the disposition or administrative guidance;

五 当該処分又は行政指導がされるべきであると思料する理由

(v) the reason the person making the proposal considers that the disposition or administrative guidance should be rendered or provided; and

六 その他参考となる事項

(vi) other matters for reference.

3 当該行政庁又は行政機関は、第一項の規定による申出があったときは、必要な調査を行い、その結果に基づき必要があると認めるときは、当該処分又は行政指導をしなければならない。

(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.

第五章 届出

Chapter V Notifications

(届出)

(Notifications)

第三十七条 届出が届出書の記載事項に不備がないこと、届出書に必要な書類が添付されていることその他の法令に定められた届出の形式上の要件に適合している場合は、当該届出が法令により当該届出の提出先とされている機関の事務所に到達したときに、当該届出をすべき手続上の義務が履行されたものとする。

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.

第六章 意見公募手続等

Chapter VI Public Comment Procedures

(命令等を定める場合の一般原則)

(General Principles When Establishing Administrative Orders)

第三十八条 命令等を定める機関（閣議の決定により命令等が定められる場合にあつては、当該命令等の立案をする各大臣。以下「命令等制定機関」という。）は、命令等を定めるに当たっては、当該命令等がこれを定める根拠となる法令の趣旨に適合するものとなるようにしなければならない。

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 命令等制定機関は、命令等を定めた後においても、当該命令等の規定の実施状況、社会経済情勢の変化等を勘案し、必要に応じ、当該命令等の内容について検討を加え、その適正を確保するよう努めなければならない。

(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.

(意見公募手続)

(Public Comment Procedures)

第三十九条 命令等制定機関は、命令等を定めようとする場合には、当該命令等の案（命令等で定めようとする内容を示すものをいう。以下同じ。）及びこれに関連する資料をあらかじめ公示し、意見（情報を含む。以下同じ。）の提出先及び意見の提出のための期間（以下「意見提出期間」という。）を定めて広く一般の意見を求めなければならない。

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 前項の規定により公示する命令等の案は、具体的かつ明確な内容のものであって、

かつ、当該命令等の題名及び当該命令等を定める根拠となる法令の条項が明示されたものでなければならない。

(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 第一項の規定により定める意見提出期間は、同項の公示の日から起算して三十日以上でなければならない。

(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 次の各号のいずれかに該当するときは、第一項の規定は、適用しない。

(4) The provisions of paragraph (1) do not apply in cases that fall under any of the following items:

一 公益上、緊急に命令等を定める必要があるため、第一項の規定による手続（以下「意見公募手続」という。）を実施することが困難であるとき。

(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;

二 納付すべき金銭について定める法律の制定又は改正により必要となる当該金銭の額の算定の基礎となるべき金額及び率並びに算定方法についての命令等その他当該法律の施行に関し必要な事項を定める命令等を定めようとするとき。

(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;

三 予算の定めるところにより金銭の給付決定を行うために必要となる当該金銭の額の算定の基礎となるべき金額及び率並びに算定方法その他の事項を定める命令等を定めようとするとき。

(iii) when intending to establish administrative orders or other orders that provide for the amount and the rate that is to serve 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;

四 法律の規定により、内閣府設置法第四十九条第一項若しくは第二項若しくは国家行政組織法第三条第二項に規定する委員会又は内閣府設置法第三十七条若しくは第五十四条若しくは国家行政組織法第八条に規定する機関（以下「委員会等」とい

う。)の議を経て定めることとされている命令等であって、相反する利害を有する者の間の利害の調整を目的として、法律又は政令の規定により、これらの者及び公益をそれぞれ代表する委員をもって組織される委員会等において審議を行うこととされているものとして政令で定める命令等を定めようとするとき。

(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;

五 他の行政機関が意見公募手続を実施して定めた命令等と実質的に同一の命令等を定めようとするとき。

(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;

六 法律の規定に基づき法令の規定の適用又は準用について必要な技術的読替えを定める命令等を定めようとするとき。

(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;

七 命令等を定める根拠となる法令の規定の削除に伴い当然必要とされる当該命令等の廃止をしようとするとき。

(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

八 他の法令の制定又は改廃に伴い当然必要とされる規定の整理その他の意見公募手続を実施することを要しない軽微な変更として政令で定めるものを内容とする命令等を定めようとするとき。

(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.

(意見公募手続の特例)

(Special Provisions on Public Comment Procedures)

第四十条 命令等制定機関は、命令等を定めようとする場合において、三十日以上意見提出期間を定めることができないやむを得ない理由があるときは、前条第三項の規定にかかわらず、三十日を下回る意見提出期間を定めることができる。この場合においては、当該命令等の案の公示の際その理由を明らかにしなければならない。

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 命令等制定機関は、委員会等の議を経て命令等を定めようとする場合（前条第四項第四号に該当する場合を除く。）において、当該委員会等が意見公募手続に準じた手続を実施したときは、同条第一項の規定にかかわらず、自ら意見公募手続を実施することを要しない。

(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.

(意見公募手続の周知等)

(Publicizing Public Comment Procedures)

第四十一条 命令等制定機関は、意見公募手続を実施して命令等を定めるに当たっては、必要に応じ、当該意見公募手続の実施について周知するよう努めるとともに、当該意見公募手続の実施に関連する情報の提供に努めるものとする。

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.

(提出意見の考慮)

(Consideration of Submitted Comments)

第四十二条 命令等制定機関は、意見公募手続を実施して命令等を定める場合には、意

見提出期間内に当該命令等制定機関に対し提出された当該命令等の案についての意見（以下「提出意見」という。）を十分に考慮しなければならない。

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.

（結果の公示等）

(Public Notice of Results)

第四十三条 命令等制定機関は、意見公募手続を実施して命令等を定めた場合には、当該命令等の公布（公布をしないものにあつては、公にする行為。第五項において同じ。）と同時期に、次に掲げる事項を公示しなければならない。

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));

一 命令等の題名

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

二 命令等の案の公示の日

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

三 提出意見（提出意見がなかった場合にあっては、その旨）

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

四 提出意見を考慮した結果（意見公募手続を実施した命令等の案と定めた命令等との差異を含む。）及びその理由

(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 命令等制定機関は、前項の規定にかかわらず、必要に応じ、同項第三号の提出意見に代えて、当該提出意見を整理又は要約したものを公示することができる。この場合においては、当該公示の後遅滞なく、当該提出意見を当該命令等制定機関の事務所に於ける備付けその他の適当な方法により公にしなければならない。

(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 命令等制定機関は、前二項の規定により提出意見を公示し又は公にすることにより第三者の利益を害するおそれがあるとき、その他正当な理由があるときは、当該提出意見の全部又は一部を除くことができる。

(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 命令等制定機関は、意見公募手続を実施したにもかかわらず命令等を定めなかった場合には、その旨（別の命令等の案について改めて意見公募手続を実施しようとする場合にあつては、その旨を含む。）並びに第一項第一号及び第二号に掲げる事項を速やかに公示しなければならない。

(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 命令等制定機関は、第三十九条第四項各号のいずれかに該当することにより意見公募手続を実施しないで命令等を定めた場合には、当該命令等の公布と同時期に、次に掲げる事項を公示しなければならない。ただし、第一号に掲げる事項のうち命令等の趣旨については、同項第一号から第四号までのいずれかに該当することにより意見公募手続を実施しなかった場合において、当該命令等自体から明らかでないときに限る。

(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.

一 命令等の題名及び趣旨

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

二 意見公募手続を実施しなかった旨及びその理由

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

(準用)

(Application, Mutatis Mutandis)

第四十四条 第四十二条の規定は第四十条第二項に該当することにより命令等制定機関が自ら意見公募手続を実施しないで命令等を定める場合について、前条第一項から第三項までの規定は第四十条第二項に該当することにより命令等制定機関が自ら意見公募手続を実施しないで命令等を定めた場合について、前条第四項の規定は第四十条第二項に該当することにより命令等制定機関が自ら意見公募手続を実施しないで命令等を定めなかった場合について準用する。この場合において、第四十二条中「当該命令等制定機関」とあるのは「委員会等」と、前条第一項第二号中「命令等の案の公示の日」とあるのは「委員会等が命令等の案について公示に準じた手続を実施した日」と、同項第四号中「意見公募手続を実施した」とあるのは「委員会等が意見公募手続に準じた手続を実施した」と読み替えるものとする。

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".

(公示の方法)

(Means of Public Notice)

第四十五条 第三十九条第一項並びに第四十三条第一項（前条において読み替えて準用する場合を含む。）、第四項（前条において準用する場合を含む。）及び第五項の規定による公示は、電子情報処理組織を使用する方法その他の情報通信の技術を利用する方法により行うものとする。

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 前項の公示に関し必要な事項は、総務大臣が定める。

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

第七章 補則

Chapter VII Auxiliary Provisions

(地方公共団体の措置)

(Measures by Local Governments)

第四十六条 地方公共団体は、第三条第三項において第二章から前章までの規定を適用しないこととされた処分、行政指導及び届出並びに命令等を定める行為に関する手続について、この法律の規定の趣旨にのっとり、行政運営における公正の確保と透明性の向上を図るため必要な措置を講ずるよう努めなければならない。

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.

附 則

Supplementary Provisions

(施行期日)

(Effective Date)

1 この法律は、公布の日から起算して一年を超えない範囲内において政令で定める日から施行する。

(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.

(経過措置)

(Transitional Measures)

2 この法律の施行前に第十五条第一項又は第三十条の規定による通知に相当する行為がされた場合においては、当該通知に相当する行為に係る不利益処分の手続に関しては、第三章の規定にかかわらず、なお従前の例による。

(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 この法律の施行前に、届出その他政令で定める行為（以下「届出等」という。）がされた後一定期間内に限りすることができることとされている不利益処分に係る当該届出等がされた場合においては、当該不利益処分に係る手続に関しては、第三章の規定にかかわらず、なお従前の例による。

(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 前二項に定めるもののほか、この法律の施行に関して必要な経過措置は、政令で定める。

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