

# **Order for Enforcement of the Administrative Complaint Review Act**

(Cabinet Order No. 391 of November 26, 2015)

The Cabinet hereby enacts this Cabinet Order pursuant to the provisions of Article 19, paragraph (1) of the Administrative Complaint Review Act (Act No. 68 of 2014) (including the cases as applied mutatis mutandis in Article 61, Article 66, paragraph (1), and Article 83, paragraph (2) of the relevant Act), and the provisions of Article 37, paragraph (2), Article 38, paragraphs (4) and (5), Article 41, paragraph (3) (including the cases where these provisions are applied mutatis mutandis in Article 66, paragraph (1) of the relevant Act), Article 43, paragraph (1), items (i) and (ii), Article 78, paragraphs (4) and (5), Article 80, and Article 86 of the relevant Act.

## Table of Contents

Chapter I Request for Review (Articles 1 to 17)

Chapter II Request for Re-investigation (Article 18)

Chapter III Request for Re-examination (Article 19)

Chapter IV Administrative Complaint Review Board (Articles 20 to 25)

Chapter V Auxiliary Provisions (Articles 26 and 27)

Supplementary Provisions

## **Chapter I Request for Review**

(Review Officers)

Article 1 (1) When appointing two or more review officers pursuant to the provisions of Article 9, paragraph (1) of the Administrative Complaint Review Act (hereinafter referred to as the "Act"), the reviewing agency should appoint one of them as a person who supervises the processes performed by the relevant two or more review officers.

(2) When any review officer has come to fall under any of the persons set forth in the items of Article 9, paragraph (2) of the Act, the reviewing agency must cancel the relevant review officer's appointment under paragraph (1) of the relevant Article.

(Replacement of the Terms in the Case Prescribed in Article 9, Paragraph (3) of the Act)

Article 2 In the case prescribed in Article 9, paragraph (3) of the Act, with regard to the application of the provisions set forth in the left-hand column of

Appended Table 1, the terms in these provisions as set forth in the middle column of the relevant Table should be replaced with the terms set forth respectively in the right-hand column of the relevant Table, and the provisions of the preceding Article, Article 15 and Article 16 do not apply.

(Certification of the Qualification as the Representative)

- Article 3 (1) The qualification as the representative or administrator, the representative members, or the agent of requestor for review must be certified in writing except in a case where the provisions of paragraph (3) of the following Article apply. The same applies with regard to the special entrustment prescribed in the proviso to Article 12, paragraph (2) of the Act.
- (2) When the representative or administrator, the representative members, or the agent has lost their qualification, the requestor for review must notify the reviewing agency (when a review officer has been appointed, notify the review officer by the time of the conclusion of the procedures for proceedings) of the relevant fact in writing.
- (3) The provisions of the preceding two paragraphs apply mutatis mutandis to the qualification as the representative or administrator, or the agent of an intervenor. In this case, in paragraph (1), the term "in writing except for the case where the provisions of paragraph (3) of the following Article apply" is deemed to be replaced with "in writing", and the term "the proviso to Article 12, paragraph (2)" is deemed to be replaced with "the proviso to Article 13, paragraph (4)", and in the preceding paragraph, the term "requestor for review" is deemed to be replaced with "intervenor" and the term "the representative members, or" is deemed to be replaced with "or".

(Submission of Written Request for Review)

- Article 4 (1) When the administrative agency with which a request for review is to be filed, does not fall under the administrative agency, etc. reaching the disposition, the original and a duplicate of the written request for review must be submitted.
- (2) The requestor for review (the representative or administrator, when the requestor for review is a corporation, or other association or foundation; the representative members, when the requestors for review have selected representative members from among themselves; or the agent, when the requestor for review files the request for review via its agent) must affix the seal on the written request for review.
- (3) The original of the written request for review must be attached with a document certifying the qualification as the representative or administrator when the requestor for review is a corporation, or other association or foundation, a document certifying the qualification as the representative

members when the requestors for review have selected representative members from among themselves, or a document certifying the qualification as the agent when the requestor for review files the request for review via its agent.

- (4) Notwithstanding the provisions of paragraph (1), when a request for review has been filed by the use of an electronic data processing system prescribed in Article 3, paragraph (1) of the Act on Use of Information and Communications Technology in Administrative Procedure (Act No. 151 of 2002; hereinafter referred to as the "Act on Use of Information and Communications Technology") pursuant to the provisions of the relevant paragraph (limited to the case where the administrative agency with which a request for review is to be filed does not fall under the administrative agency, etc. reaching the disposition), it is deemed that a written request for review has been submitted in accordance with the provisions of paragraph (1).

#### (Sending of a Written Request for Review)

- Article 5 (1) The sending of a written request for review pursuant to the provisions of the main clause of Article 29, paragraph (1) of the Act is to be made with a duplicate thereof (when the provisions of Article 22, paragraph (3) or (4), or Article 83, paragraph (3) of the Act apply, with a copy of the written request for review; the same applies in the following paragraph).
- (2) In the case prescribed in paragraph (4) of the preceding Article, the provisions of the preceding paragraph apply to an electronic or magnetic record for the relevant request for review by deeming it as the duplicate of the written request for review.

#### (Submission of Written Explanation)

- Article 6 (1) The original and duplicates of the written explanation corresponding to the number of requestors for review and intervenors to which the statement should be sent, must be submitted.
- (2) Notwithstanding the provisions of the preceding paragraph, when an explanation has been made by the use of an electronic data processing system prescribed in Article 3, paragraph (1) of the Act on Use of Information and Communications Technology pursuant to the provisions of the relevant paragraph, it is deemed that a written explanation has been submitted in accordance with the provisions of the preceding paragraph.
- (3) The sending of a written explanation pursuant to the provisions of Article 29, paragraph (5) of the Act is to be made with a duplicate thereof.
- (4) In the case prescribed in paragraph (2), the provisions of the preceding paragraph apply to an electronic or magnetic record for the relevant explanation by deeming it as the duplicate of the written explanation.

(Submission of Written Counterargument)

Article 7 (1) With regard to a written counterargument, the original and duplicates thereof in the number equivalent to the number of the intervenors and the administrative agency reaching the disposition, etc. to which the written counterargument should be sent, must be submitted, and with regard to a written opinion prescribed in Article 30, paragraph (2) of the Act (hereinafter referred to as a "written opinion" in this Article and Article 15), the original and duplicates thereof in the number equivalent to the number of the requestors for review and the administrative agency, etc. reaching the disposition to which the written opinion should be sent must be submitted.

(2) Notwithstanding the provisions of the preceding paragraph, when a counterargument has been made or an opinion has been stated by the use of an electronic data processing system prescribed in Article 3, paragraph (1) of the Act on Use of Information and Communications Technology pursuant to the provisions of the relevant paragraph, it is deemed that a written counterargument or a written opinion has been submitted in accordance with the provisions of the preceding paragraph.

(3) The sending of a written counterargument or a written opinion pursuant to the provisions of Article 30, paragraph (3) of the Act is to be made with a duplicate thereof.

(4) In the case prescribed in paragraph (2), the provisions of the preceding paragraph apply to an electronic or magnetic record for the relevant counterargument or opinion by deeming it as the duplicate of the written counterargument or the written opinion.

(Stating an Opinion Orally through Communication by Audio and Visual Transmissions)

Article 8 When undertaking proceedings on the date of stating an opinion orally, if any person concerned with proceedings resides in a remote area or when otherwise considered appropriate, a review officer may undertake proceedings by a method that enables the review officer and the person concerned with proceedings to communicate with each other while mutually recognizing the status of the other party by audio and visual transmission.

(Confirmation of the Identity of the Called Party)

Article 9 When hearing opinions pursuant to the provisions of Article 37, paragraph (2) of the Act, a review officer must confirm the identity of the called party and the location thereof.

(Request for Delivery)

Article 10 A request for delivery pursuant to the provisions of Article 38,

paragraph (1) of the Act must be filed by submitting a document containing the following matters:

- (i) the matters for sufficiently identifying the documents prescribed in Article 38, paragraph (1) of the Act whose delivery is requested (hereinafter referred to as the "subject documents, etc.") or the electronic or magnetic record prescribed in the relevant paragraph whose delivery is requested (hereinafter referred to as the "subject electronic or magnetic record");
- (ii) the requested delivery method (meaning any of the delivery methods set forth in the items of the following Article) for the subject documents, etc. or the subject electronic or magnetic record; and
- (iii) when requesting the delivery of the subject documents, etc. or the subject electronic or magnetic record by way of sending as prescribed in Article 14, to that effect.

#### (Delivery Methods)

Article 11 The delivery pursuant to the provisions of Article 38, paragraph (1) of the Act is to be made by any of the methods set forth in the following items:

- (i) for the delivery of a copy of the subject documents, etc., the delivery of a form on one side or both sides of which the relevant subject documents, etc. are copied in black and white or in full color by a copy machine;
- (ii) for the delivery of a document containing the matters recorded in the subject electronic or magnetic record, the delivery of a form on one side or both sides of which the relevant matters are output in black and white or in full color; or
- (iii) the method of using an electronic data processing system prescribed in Article 4, paragraph (1) of the Act on use of information and communications technology pursuant to the provisions of the relevant paragraph.

#### (Amount of Fees)

Article 12 (1) The amount of fees that must be paid pursuant to the provisions of Article 38, paragraph (4) of the Act (except for the case where the provisions of the relevant paragraph are applied by replacing the terms pursuant to the provisions of paragraph (6) of the relevant Article) (hereinafter referred to as the "fees" in this Article and the following Article) is to be as specified in the following items in accordance with the categories of the delivery method set forth respectively therein:

- (i) the delivery method set forth in item (i) or (ii) of the preceding Article: 10 yen per sheet of paper (20 yen for a sheet which the relevant matters are copied or output in full color); in this case, for a form on both sides of which the relevant matters are copied or output, the fees are calculated by deeming one side of the form as one sheet; and

- (ii) the delivery method set forth in item (iii) of the preceding Article: when adopting the delivery method set forth in item (i) or (ii) of the relevant Article (limited to the method of copying or outputting the relevant matters on one side of a form), 10 yen per sheet of a form on which the relevant matters are copied or output.
- (2) The fees must be paid by attaching a revenue stamp to the document specified by the reviewing agency; provided, however, that this does not apply in the following cases:
- (i) when the reviewing agency has made public in the Official Gazette, the scope of the requests for review for which it is not appropriate to pay the fees with a revenue stamp, and also the proper method for paying the fees, and the relevant person intends to pay the fees by the method made public (excluding the case set forth in item (iii));
  - (ii) when the reviewing agency has made public, in the Official Gazette, that the fees may be paid in cash at its offices, and also the locations of the relevant offices, and the relevant person intends to pay the fees in cash at any of the relevant offices (excluding the case set forth in the following item); and
  - (iii) when the relevant person requests the delivery under Article 38, paragraph (1) of the Act by the use of an electronic data processing system prescribed in Article 3, paragraph (1) of the Act on Use of Information and Communications Technology pursuant to the provisions of the relevant paragraph, and intends to pay the fees by the method specified by Order of the Ministry of Internal Affairs and Communications.

(Reduction of the Amount and Exemption from Payment of Fees)

- Article 13 (1) When a review officer finds that a requestor for review or intervenor who is going to receive the delivery pursuant to the provisions of Article 38, paragraph (1) of the Act (hereinafter referred to as a " requestor, etc. for review" in this Article and the following Article) is unable to pay the fees due to financial difficulties, the review officer may reduce the fees by up to 2,000 yen for each case of the delivery under the relevant paragraph, or exempt the payment of the fees.
- (2) A requestor, etc. for review who intends to have the amount of the fees reduced or be exempted from the payment of the fees must submit a document stating to that effect and the ground therefor to the review officer when requesting the delivery pursuant to the provisions of Article 38, paragraph (1) of the Act.
- (3) When the ground for seeking the reduction of the amount or the exemption from the payment of the fees is the fact that the requestor, etc. for review is receiving any of the assistance set forth in the items of Article 11, paragraph

(1) of the Public Assistance Act (Act No. 144 of 1950), a document proving the fact of receiving the relevant assistance, and when any other fact is the ground therefor, a document proving the relevant fact must be attached to the document set forth in the preceding paragraph.

(Delivery)

Article 14 (1) A requestor, etc. for review who receives the delivery pursuant to the provisions of Article 38, paragraph (1) of the Act may request the sending of a copy of the subject documents, etc. or a document containing the matters recorded in the subject electronic or magnetic record by paying the expenses required for the sending, beyond the fees payable under paragraph (4) of the relevant Article. In this case, the expenses required for sending the documents must be paid by a method specified by Order of the Ministry of Internal Affairs and Communications.

(2) With regard to the application of the provisions of the preceding paragraph, when an administrative agency not affiliated to the national government falls under the reviewing agency, the term "Order of the Ministry of Internal Affairs and Communications" in the relevant paragraph is deemed to be replaced with "the reviewing agency."

(Case Record)

Article 15 (1) Documents and articles specified by Cabinet Order set forth in Article 41, paragraph (3) of the Act are as follows:

- (i) a written statement concerning the request for review;
- (ii) a document set forth in the items of Article 29, paragraph (4) of the Act;
- (iii) written counterargument;
- (iv) written opinion;
- (v) records of the opinions stated orally or specified hearing of opinions, witnesses' statements or expert opinions set forth in Article 34 of the Act, observation set forth in Article 35, paragraph (1) of the Act, questions under Article 36 of the Act, or opinion hearing under Article 37, paragraph (1) or (2) of the Act;
- (vi) documentary evidence or articles of evidence, or documents or other articles submitted pursuant to the provisions of Article 32, paragraph (1) or (2) of the Act; and
- (vii) documents or other articles submitted in response to a demand for submission pursuant to the provisions of Article 33 of the Act.

(2) The specified opinion hearing set forth in item (v) of the preceding paragraph refers to an opinion hearing held by a review officer during the procedures for proceedings pursuant to the provisions set forth as follows:

- (i) Article 56, paragraph (1) of the Foreign Exchange and Foreign Trade Act

- (Act No. 228 of 1949);
- (ii) Article 34, paragraph (2) of the Fertilizer Regulation Act (Act No. 127 of 1950) (including the cases as applied mutatis mutandis in Article 33-5, paragraph (4) of the relevant Act);
  - (iii) Article 55, paragraph (1) of the Explosives Control Act (Act No. 149 of 1950);
  - (iv) Article 48, paragraph (1) of the Fishing Boat Act (Act No. 178 of 1950);
  - (v) Article 156, paragraph (1) of the Act on Protection of Cultural Properties (Act No. 214 of 1950);
  - (vi) Article 126 of the Mining Act (Act No. 289 of 1950) (including the cases as applied mutatis mutandis in Article 38 of the Quarrying Act (Act No. 291 of 1950), Article 30, paragraph (3) of the Gravel Gathering Act (Act No. 74 of 1968), and Article 35 of the Act on Special Measures for Pollution Caused by the Metal Mining Industries (Act No. 26 of 1973));
  - (vii) Article 34-5, paragraph (1) of the Quarrying Act;
  - (viii) Article 78, paragraph (1) of the High Pressure Gas Safety Act (Act No. 204 of 1951);
  - (ix) Article 35, paragraph (3) of the Certified Public Tax Accountant Act (Act No. 237 of 1951);
  - (x) Article 20, paragraph (1) of the Aircraft Manufacturing Industry Act (Act No. 237 of 1952);
  - (xi) Article 39-2, paragraph (1) of the Export and Import Transactions Act (Act No. 299 of 1952);
  - (xii) Article 63, paragraph (1) of the Act on Safety Assurance and Quality Improvement of Feeds (Act No. 35 of 1953);
  - (xiii) Article 10, paragraph (1) of the Wire Telecommunications Act (Act No. 96 of 1953) (including the cases as applied mutatis mutandis by replacing the terms in Article 11 of the relevant Act);
  - (xiv) Article 83, paragraph (1) of the Chambers of Commerce and Industry Act (Act No. 143 of 1953);
  - (xv) Article 30, paragraph (1) of the Ordnance Manufacturing Act (Act No. 145 of 1953);
  - (xvi) Article 6, paragraph (1) of the Act on Temporary Adjustment of Shipbuilding (Act No. 149 of 1953);
  - (xvii) Article 13, paragraph (2) of the Act on Promotion of Agricultural Mechanization (Act No. 252 of 1953);
  - (xviii) Article 50, paragraph (1) of the Gas Business Act (Act No. 51 of 1954);
  - (xix) Article 31, paragraph (1) of the Livestock Transaction Act (Act No. 123 of 1956);
  - (xx) Article 27, paragraph (1) of the Industrial Water Act (Act No. 146 of 1956);
  - (xxi) Article 26, paragraph (1) of the Industrial Water Supply Business Act (Act



- No. 84 of 1958);
- (xxii) Article 20, paragraph (1) of the Act on Special Measures for the Adjustment of Retail Business (Act No. 155 of 1959);
- (xxiii) Article 59, paragraph (1) of the Commercial and Industry Associations Act (Act No. 89 of 1960);
- (xxiv) Article 44, paragraph (1) of the Installment Sales Act (Act No. 159 of 1961);
- (xxv) Article 51, paragraph (1) of the Electrical Appliances and Materials Safety Act (Act No. 234 of 1961);
- (xxvi) Article 110, paragraph (1) of the Electricity Business Act (Act No. 170 of 1964);
- (xxvii) Article 92, paragraph (1) of the Act on the Securing of Safety and the Optimization of Transaction of Liquefied Petroleum Gas (Act No. 149 of 1967);
- (xxviii) Article 39, paragraph (1) of the Gravel Gathering Act (Act No. 74 of 1968);
- (xxix) Article 31, paragraph (1) of the Act on Ensuring Fair Electric Business Practices (Act No. 96 of 1970);
- (xxx) Article 30, paragraph (1) of the Heat Supply Business Act (Act No. 88 of 1972);
- (xxxi) Article 38, paragraph (1) of the Petroleum Pipeline Business Act (Act No. 105 of 1972);
- (xxxii) Article 50, paragraph (1) of the Consumer Product Safety Act (Act No. 31 of 1973);
- (xxxiii) Article 51, paragraph (1) of the Act on the Evaluation of Chemical Substances and Regulation of Their Manufacture (Act No. 117 of 1973);
- (xxxiv) Article 22, paragraph (1) of the Act on the Quality Control of Gasoline and Other Fuels (Act No. 88 of 1976);
- (xxxv) Article 46, paragraph (1) of the Act on Special Measures Concerning the Development of Petroleum and Combustible Natural Gas in Connection with the Implementation of the Agreement between Japan and the Republic of Korea Concerning Joint Development of the Southern Part of the Continental Shelf Adjacent to the Two Countries (Act No. 81 of 1978);
- (xxxvi) Article 38, paragraph (1) of the Act on Interim Measures for Deep Seabed Mining (Act No. 64 of 1982);
- (xxxvii) Article 71, paragraph (1) of the Telecommunications Business Act (Act No. 86 of 1984);
- (xxxviii) Article 28, paragraph (1) of the Act on the Protection of the Ozone Layer through the Control of Specified Substances and Other Measures (Act No. 53 of 1988);
- (xxxix) Article 38, paragraph (1) of the Act on the Promotion of Effective

- Utilization of Resources (Act No. 48 of 1991);
- (xl) Article 164, paragraph (1) of the Measurement Act (Act No. 51 of 1992);
- (xli) Article 18, paragraph (1) of the Act on Control of Export, Import and Others of Specified Hazardous Wastes and Other Wastes (Act No. 108 of 1992); and
- (xlii) Article 40, paragraph (1) of the Act on Correspondence Delivery by Private Business Operators (Act No. 99 of 2002).
- (3) The submission of the case record (limited to a written request for review, written explanation, written counterargument, and written opinion) pursuant to the provisions of Article 42, paragraph (2) of the Act is to be made with the original of the written request for review, written explanation, written counterargument, or written opinion.
- (4) In the cases prescribed in Article 4, paragraph (4), Article 6, paragraph (2), or Article 7, paragraph (2), the provisions of the preceding paragraph apply to an electronic or magnetic record for the relevant request for review, explanation, counterargument, or opinion statement by deeming it as the original of the written request for review, written explanation, written counterargument, or written opinion, respectively.

(Submission of Review Officer's Written Opinions)

Article 16 When submitting a review officer's written opinion pursuant to the provisions of Article 42, paragraph (2) of the Act, the review officer must submit a document concerning the permission set forth in Article 13, paragraph (1) of the Act and other documents specified by Order of the Ministry of Internal Affairs and Communications, beyond the case record, to the reviewing agency.

(The Council)

Article 17 (1) Authorities specified by Cabinet Order set forth in Article 43, paragraph (1), item (i) of the Act are as follows:

- (i) the Qualifications Screening Board prescribed in Article 46-11 of the Certified Public Accountants Act (Act No. 103 of 1948);
- (ii) the Local Social Insurance Medical Council;
- (iii) the Registration Screening Board prescribed in Article 67 of the Judicial Scriveners Act (Act No. 197 of 1950);
- (iv) the Local Port and Harbor Council prescribed in Article 24-2 of the Port and Harbor Act (Act No. 218 of 1950);
- (v) the Registration Screening Board prescribed in Article 62 of the Land and House Investigator Act (Act No. 228 of 1950);
- (vi) the Qualifications Screening Board prescribed in Article 18-4 of the Certified Administrative Procedures Legal Specialist Act (Act No. 4 of 1951);

- (vii) the Qualifications Screening Board prescribed in Article 49-16 of the Certified Public Tax Accountant Act;
  - (viii) the Land Readjustment Council prescribed in Article 71-4 of the Land Readjustment Act (Act No. 119 of 1954);
  - (ix) the Qualifications Screening Board prescribed in Article 25-37 of the Act on Public Consultants on Social and Labor Insurance (Act No. 89 of 1968);
  - (x) the assessment commissioner prescribed in Article 7-19, Article 43, and Article 50-14 of the Urban Renewal Act (Act no. 38 of 1969), and the Urban Renewal Assessment Board prescribed in Article 59 of the relevant Act;
  - (xi) the residential area development council prescribed in Article 60 of the Act on Special Measures Concerning the Promotion of Supply of Houses and Housing Lands in Urban Districts (Act No. 67 of 1975);
  - (xii) the assessment commissioner prescribed in Article 131, Article 161, and Article 177 of the Act on Promotion of Improvement of Disaster Control Districts in Populated Urban Districts (Act No. 49 of 1997) and the Disaster Prevention Block Improvement Board prescribed in Article 190 of the relevant Act;
  - (xiii) the Registration Screening Board prescribed in Article 70 of the Patent Attorneys Act (Act No. 49 of 2000);
  - (xiv) the assessment commissioner prescribed in Article 37, Article 53, and Article 136 of the Act on Facilitation of Reconstruction of Condominiums (Act No. 78 of 2002);
  - (xv) the certification examiner prescribed in Article 10 of the Act on Promotion of Use of Alternative Dispute Resolution (Act No. 151 of 2004);
  - (xvi) the postal service privatization committee; and
  - (xvii) the local pension record correction council.
- (2) The authority specified by Cabinet Order set forth in Article 43, paragraph (1), item (ii) of the Act is the certification examiner prescribed in Article 10 of the Act on Promotion of Use of Alternative Dispute Resolution.

## **Chapter II Request for Re-investigation**

Article 18 The provisions of Article 3, Article 4, paragraphs (2) and (3), and Article 8 apply mutatis mutandis to a request for re-investigation. In this case, in the provisions set forth in the left-hand column of Appended Table 2, the terms set forth in the middle column of the relevant table are deemed to be replaced with the terms set forth respectively in the right-hand column of the relevant table.

## **Chapter III Request for Re-examination**

Article 19 (1) The provisions of Chapter I (excluding Article 2, Article 6, Article 15, paragraph (1), items (ii) and (iii), and paragraph (2), and Article 17) apply mutatis mutandis to a request for re-examination. In this case, in the provisions set forth in the left-hand column of Appended Table 3, the terms set forth in the middle column of the relevant table are deemed to be replaced with the terms set forth respectively in the right-hand column of the relevant table.

(2) When the re-examining agency falls under any of the agencies set forth in the items of Article 9, paragraph (1) of the Act as applied mutatis mutandis in Article 66, paragraph (1) of the Act, the provisions of Article 1, Article 15 (excluding paragraph (1), items (ii) and (iii), and paragraph (2)), and Article 16 as applied mutatis mutandis pursuant to the preceding paragraph following the deemed replacement of terms do not apply.

#### **Chapter IV Administrative Complaint Review Board**

##### (Meetings)

Article 20 (1) The panel set forth in Article 72, paragraph (1) of the Act and the panel set forth in paragraph (2) of the relevant Article may neither hold a meeting nor make a resolution unless all members comprising the former and the majority of the members comprising the latter attend the meeting, respectively.

(2) The decision of the panel set forth in Article 72, paragraph (1) of the Act is to be made by the majority of the members comprising the panel.

(3) The decision of the panel set forth in Article 72, paragraph (2) of the Act is to be made by the majority of the members attending the meeting, and in the case of a tie vote, the decision is to be made by the chairperson.

(4) Members or expert board members may not participate in a meeting on matters in which they have any interest.

##### (Consolidation or Separation of Study and Deliberation Procedures)

Article 21 (1) When finding it necessary, the Administrative Complaint Review Board (hereinafter referred to as the "board") may consolidate study and deliberation procedures for multiple cases or separate study and deliberation procedures for consolidated multiple cases.

(2) When the board has consolidated or separated study and deliberation procedures for a case pursuant to the provisions of the preceding paragraph, the board must give a notice to that effect to the persons concerned with the review.

##### (Statement of Opinions through Communication by Audio and Visual Transmission)

Article 22 The provisions of Article 8 apply mutatis mutandis to statement of opinions under Article 75, paragraph (1) of the Act. In this case, in Article 8, the term "a review officer" is deemed to be replaced with "a board," the term "undertake proceedings" or "undertaking proceedings" is deemed to be replaced with "undertake study and deliberation procedures," or "undertaking study and deliberation procedures," the term "person concerned with proceedings" is deemed to be replaced with "person concerned with the review." and the term "the review officer" is deemed to be replaced with " , the member".

(Delivery of Submitted Materials)

Article 23 The provisions of Articles 10 through 14 (excluding Article 12, paragraph (2), item (i), and Article 14, paragraph (2)) apply mutatis mutandis to the delivery under Article 78, paragraph (1) of the Act. In this case, in Article 10, item (i), the term "Article 38, paragraph (1)" is deemed to be replaced with "Article 78, paragraph (1)," the term "documents" is deemed to be replaced with "written allegation or materials," and the term "subject documents, etc." is deemed to be replaced with "subject written allegation, etc."; in items (ii) and (iii) of the relevant Article and Article 11, item (i), the term "subject documents, etc." is deemed to be replaced with "subject written allegation, etc."; in Article 12, paragraph (1), the term "Article 38, paragraph (4) of the Act (except for the case where the provisions of the relevant paragraph are applied by replacing the terms pursuant to the provisions of paragraph (6) of the relevant Article)" is deemed to be replaced with "Article 78, paragraph (4)," and the term "in this Article and the following Article" is deemed to be deleted; the term "the reviewing agency" in paragraph (2) of the relevant Article and the term "a/the review officer" in Article 13, paragraphs (1) and (2) are deemed to be replaced with "the board"; and in Article 14, paragraph (1), the term "the fees payable under paragraph (4) of the relevant Article" is deemed to be replaced with "the fees," and the term "subject documents, etc." is deemed to be replaced with "subject written allegation, etc."

(Secretary General of the Board)

- Article 24 (1) The secretary general of the board is to be appointed from among persons who hold another related office.
- (2) The secretariat of the board is to have divisions.
- (3) Beyond what is prescribed in the preceding paragraph, details of the internal organization of the secretariat of the board are prescribed by Order of the Ministry of Internal Affairs and Communications.

(Study and Deliberation Procedures of the Board)

Article 25 Beyond what is provided for in this Cabinet Order, matters necessary

for study and deliberation procedures of the board are decided by the chairperson in consultation with the board.

## **Chapter V Auxiliary Provisions**

(Written Complaint)

Article 26 (1) When applying the provisions of Article 19 of the Act (excluding paragraph (5), items (i) and (ii)) mutatis mutandis in Article 83, paragraph (2) of the Act, in Article 19, paragraph (1) the term "A request for review, unless any other Act (or Prefectural or Municipal Ordinance in the case of a Disposition under Prefectural or Municipal Ordinance) provides that a request may be filed orally" is deemed to be replaced with "a complaint (meaning the complaint prescribed in Article 82, paragraph (1); the same applies hereinafter)"; the term "requestor for review" in paragraph (2), item (i) of relevant Article is deemed to be replaced with "complainant"; the term "request for review" in item (ii) of the relevant paragraph is deemed to be replaced with "complaint"; the term the disposition, for which the request for review is filed, was reached (when a decision was made for a request for re-investigation with regard to the relevant disposition, came to know that the relevant decision was made)" in item (iii) of the relevant paragraph is deemed to be replaced with "the disposition, for which the complaint is filed, was reached"; the term "request for review" in items (iv) and (vi) of the relevant paragraph is deemed to be replaced with "complaint"; in paragraph (4) of the relevant Article, the term "requestor for review" is deemed to be replaced with "complainant" the term "request for review" is deemed to be replaced with "complaint," and the term "the items of paragraph (2) or the items of the preceding paragraph" is deemed to be replaced with "the items of paragraph (2)"; and in paragraph (5), item (iii) of the relevant Article, the term "period for filing request for review" is deemed to be replaced with "period during which a complaint may be filed," the term "request for review" is deemed to be replaced with "complaint" and the term "prescribed in the proviso to paragraph (1) or paragraph (2) of the preceding Article" is deemed to be replaced with "for not having filed a complaint within the period."

(2) The provisions of Article 4, paragraphs (2) and (3) apply mutatis mutandis to the written complaint set forth in Article 83, paragraph (1) of the Act. In this case, the terms "requestor for review" and "request for review" in these provisions are deemed to be replaced with "complainant" and "complaint" respectively.

(Delegation to Order of the Ministry of Internal Affairs and Communications)

Article 27 Beyond what is provided for in this Cabinet Order, procedures and

other matters necessary for the enforcement of the Act and this Cabinet Order are prescribed by Order of the Ministry of Internal Affairs and Communications.

### Supplementary Provisions

This Cabinet Order comes into effect as of the effective date of the Act (April 1, 2016).

Appended Table 1 (Re. Article 2)

Article 3, paragraph (2)	the reviewing agency (when a review officer has been appointed, notify the review officer by the time of the conclusion of the procedures for proceedings)	the reviewing agency
Article 6, paragraph (1)	submitted	submitted or prepared
Article 6, paragraph (2)	the relevant paragraph	the relevant paragraph, or an electronic or magnetic record for an explanation has been prepared pursuant to the provisions of Article 6, paragraph (1) of the Act on Use of Information and Communications Technology
	submitted	submitted or prepared
Article 7, paragraph (1)	the intervenors and the administrative agency, etc. reaching the disposition	the intervenors and the administrative agency, etc. reaching the disposition (when the administrative agency, etc. reaching the disposition falls under the reviewing agency, the intervenors)
	the requestors for review and the administrative agency, etc. reaching the disposition	the requestors for review and the administrative agency, etc. reaching the disposition (when the administrative agency, etc. reaching the disposition falls under the reviewing agency, the requestors for review)
Article 8	a/the review officer	the reviewing agency

	any person concerned with proceedings	any person concerned with proceedings (when the administrative agency, etc. reaching the disposition falls under the reviewing agency, any of the requestor for review or intervenors; hereinafter, the same applies in this Article)
Article 9 and Article 13, paragraphs (1) and (2)	a/the review officer	the reviewing agency

Appended Table 2 (Re. Article 18)

Article 3, paragraph (1)	the Act	the Act as applied mutatis mutandis in Article 61 of the Act
Article 3, paragraph (2)	the reviewing agency (when a review officer has been appointed, notify the review officer by the time of the conclusion of the procedures for proceedings)	the administrative agency reaching the disposition
Article 4, paragraph (2)	the written request for review	the written request for re-investigation
Article 4, paragraph (3)	The original of the written request for review	The written request for re-investigation
Article 8	a review officer	the administrative agency reaching the disposition
	any person concerned with proceedings	any of the requestor for re-investigation or intervenors
	the review officer and the person concerned with proceedings	the administrative agency reaching the disposition, requestor for re-investigation, and intervenors

Appended Table 3 (Re. Article 19)

Article 1, paragraph (1)	Article 9, paragraph (1) of the Administrative Complaint Review Act (hereinafter referred to as the "Act")	Article 9, paragraph (1) of the Administrative Complaint Review Act (hereinafter referred to as the "Act") as applied mutatis mutandis by replacing the terms in Article 66, paragraph (1) of the Act
--------------------------	--	---



Article 1, paragraph (2)	the Act	the Act as applied mutatis mutandis by replacing the terms in Article 66, paragraph (1) of the Act
Article 3, paragraph (1)	the Act	the Act as applied mutatis mutandis by replacing the terms in Article 66, paragraph (1) of the Act
Title of Article 4	Written Request for Review	Written Request for Re-examination
Article 4, paragraph (1)	When the administrative agency with which a request for review is to be filed does not fall under the administrative agency, etc. reaching the disposition, the original and a duplicate of the written request for review	The original and a duplicate of the written request for re-examination
Article 4, paragraphs (2) and (3)	written request for review	written request for re-examination
Article 4, paragraph (4)	(limited to the case where the administrative agency with which a request for review is to be filed does not fall under the administrative agency, etc.reaching the disposition)	[Deleted]
	written request for review	written request for re-examination
Title of Article 5	Written Request for Review	Written Request for Re-examination
Article 5, paragraph (1)	main clause of Article 29, paragraph (1) of the Act	main clause of Article 29, paragraph (1) of the Act as applied mutatis mutandis by replacing the terms in Article 66, paragraph (1) of the Act
	sending of a written request for review	sending of a written request for re-examination
	(when the provisions of Article 22, paragraphs (3) or (4), or Article 83, paragraph (3) of the Act apply, with a copy of the written request for review; the same applies in the following paragraph)	[Deleted]
Article 5, paragraph (2)	written request for review	written request for re-examination
Title of Article 7	Written Counterargument, etc.	Written Opinion

Article 7, paragraph (1)	With regard to a written counterargument, the original and duplicates thereof in the number equivalent to the number of the intervenors and the administrative agency, etc. reaching the disposition to which the written counterargument should be sent must be submitted, and with regard to a written opinion prescribed in Article 30, paragraph (2) of the Act	With regard to a written opinion prescribed in Article 30, paragraph (2) of the Act as applied mutatis mutandis by replacing the terms in Article 66, paragraph (1) of the Act
	the administrative agency, etc. reaching the disposition	the administrative agency, etc. making the original determination
Article 7, paragraph (2)	a counterargument has been made or an opinion has been stated	an opinion has been stated
	a written counterargument or a written opinion	a written opinion
Article 7, paragraph (3)	the Act	the Act as applied mutatis mutandis by replacing the terms in Article 66, paragraph (1) of the Act
	a written counterargument or a written opinion	a written opinion
Article 7, paragraph (4)	the relevant counterargument or opinion	the relevant opinion
	the written counterargument or the written opinion	the written opinion
Article 8	a review officer	a review officer (when the re-examining agency falls under any of the agencies set forth in the items of Article 9, paragraph (1) of the Act as applied mutatis mutandis in Article 66, paragraph (1) of the Act, the re-examining agency; the same applies hereinafter)
Article 9	the Act	the Act as applied mutatis mutandis by replacing the terms in Article 66, paragraph (1) of the Act

Articles 10 and 11	Article 38, paragraph (1) of the Act	Article 38, paragraph (1) of the Act as applied mutatis mutandis by replacing the terms in Article 66, paragraph (1) of the Act
Article 12, paragraph (1)	the Act (except for the case where the provisions of the relevant paragraph are applied by replacing the terms pursuant to the provisions of paragraph (6) of the relevant Article)	the Act as applied mutatis mutandis in Article 66, paragraph (1) of the Act (except for the case where the provisions of the relevant paragraph are applied by replacing the terms pursuant to the provisions of Article 38, paragraph (6) of the Act as applied mutatis mutandis in Article 66, paragraph (1) of the Act)
Article 12, paragraph (2), item (iii)	Article 38, paragraph (1) of the Act	Article 38, paragraph (1) of the Act as applied mutatis mutandis by replacing the terms in Article 66, paragraph (1) of the Act
Article 13, paragraphs (1) and (2)	the Act	the Act as applied mutatis mutandis by replacing the terms in Article 66, paragraph (1) of the Act
	requestor, etc. for review	requestor, etc. for re-examination
Article 13, paragraph (3)	requestor, etc. for review	requestor, etc. for re-examination
Article 14, paragraph (1)	Article 38, paragraph (1) of the Act	Article 38, paragraph (1) of the Act as applied mutatis mutandis by replacing the terms in Article 66, paragraph (1) of the Act
	requestor, etc. for review	requestor, etc. for re-examination
	paragraph (4) of the relevant Article	Article 38, paragraph (4) of the Act as applied mutatis mutandis in Article 66, paragraph (1) of the Act
Article 15, paragraph (1)	Article 41, paragraph (3) of the Act	Article 41, paragraph (3) of the Act as applied mutatis mutandis by replacing the terms in Article 66, paragraph (1) of the Act

	written statement concerning the request for review	written statement concerning the request for re-examination
	stating an opinion orally or specified opinion hearing, witnesses' statements or expert opinions set forth in Article 34 of the Act	stating an opinion orally, witnesses' statements or expert opinions set forth in Article 34 of the Act as applied mutatis mutandis by replacing the terms in Article 66, paragraph (1) of the Act
	Article 35, paragraph (1) of the Act	Article 35, paragraph (1) of the Act as applied mutatis mutandis by replacing the terms in Article 66, paragraph (1) of the Act
	Article 36 of the Act	Article 36 of the Act as applied mutatis mutandis by replacing the terms in Article 66, paragraph (1) of the Act
	Article 37, paragraph (1) or (2) of the Act	Article 37, paragraph (1) or (2) of the Act as applied mutatis mutandis by replacing the terms in Article 66, paragraph (1) of the Act
	Article 32, paragraph (1) or (2) of the Act	Article 32, paragraph (1) or (2) of the Act as applied mutatis mutandis in Article 66, paragraph (1) of the Act
	Article 33 of the Act	Article 33 of the Act as applied mutatis mutandis by replacing the terms in Article 66, paragraph (1) of the Act
Article 15, paragraph (3)	the Act	the Act as applied mutatis mutandis in Article 66, paragraph (1) of the Act
	the written request for review, written explanation, written counterargument	the written request for re-examination
Article 15, paragraph (4)	, Article 6, paragraph (2)	[Deleted]
	the relevant request for review, explanation, counterargument,	the relevant request for re-examination
	the written request for review, written explanation, written counterargument,	the written request for re-examination

Article 16	Article 42, paragraph (2) of the Act	Article 42, paragraph (2) of the Act as applied mutatis mutandis in Article 66, paragraph (1) of the Act
	Article 13, paragraph (1) of the Act	Article 13, paragraph (1) of the Act as applied mutatis mutandis by replacing the terms in Article 66, paragraph (1) of the Act