

Regulation for Enforcement of the Administrative Complaint Review Act

(Order of the Ministry of Internal Affairs and Communications No. 5 of January 29, 2016)

Based on the provisions of Article 8 of the Order for Enforcement of the Administrative Complaint Review Act (Cabinet Order No. 391 of 2015) (including the cases as applied mutatis mutandis in Article 18, Article 19, paragraph (1), and Article 22 of the relevant Order), the provisions of Article 12, paragraph (2), item (iii), and Article 14, paragraph (1) of the relevant Order (including the cases where these provisions are applied mutatis mutandis in Article 19, paragraph (1) and Article 23 of the relevant Order), and the provisions of Article 16 of the relevant Order (including the cases as applied mutatis mutandis in Article 19, paragraph (1) of the relevant Order), the Regulation for Enforcement of the Administrative Complaint Review Act is hereby enacted.

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

Article 1 When undertaking proceedings on the date of stating an opinion orally by the method prescribed in Article 8 of the Order for Enforcement of the Administrative Complaint Review Act (hereinafter referred to as the "Order") (including the cases as applied mutatis mutandis by replacing the terms in Article 18 and Article 19, paragraph (1) of the Order), a review officer (or the reviewing agency in the case prescribed in Article 9, paragraph (3) of the Administrative Complaint Review Act (Act No. 68 of 2014; hereinafter referred to as the "Act")); the agency reaching the disposition in the case of a request for re-investigation; or the re-examining agency 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) should hear the opinions of the persons concerned with proceedings (when the agency, etc. reaching the disposition falls under the reviewing agency in the case prescribed in Article 9, paragraph (3) of the Act, meaning the requestor for review and intervenors, and in the case of a request for re-investigation, meaning the requestor for re-investigation and intervenors; hereinafter, the same applies in this Article) and designate a place where equipment necessary for undertaking proceedings is installed and that the review officer finds appropriate for each of the persons concerned with proceedings.

(Payment of Fees)

Article 2 (1) The method specified by Order of the Ministry of Internal Affairs and Communications set forth in Article 12, paragraph (2), item (iii) of the Order (including the cases as applied mutatis mutandis by replacing the terms in Article 19, paragraph (1) of the Order; hereinafter, the same applies in this Article) is to be the method of making a payment based on the payment information obtained through the request for delivery pursuant to the provisions of the item; provided, however, that when finding it appropriate to have a payment be made by any of the following methods, the reviewing agency or re-examining agency may designate the following methods, beyond the method of making a payment based on the payment information:

- (i) the method of attaching a revenue stamp to the document specified by the reviewing agency or re-examining agency;
 - (ii) in the case of the reviewing agency or re-examining agency that has given public notice under Article 12, paragraph (2), item (i) of the Order (including the cases as applied mutatis mutandis in Article 19, paragraph (1) of the Order), the method of paying the fees with a written payment using the Appended Form of the Ministerial Order on Special Measures for the Procedures for Paying Fees Based on the Act on Access to Information Held by Administrative Organs, etc. (Ministry of Finance Order No. 10 of 2001); and
 - (iii) in the case of the reviewing agency or re-examining agency that has given public notice under Article 12, paragraph (2), item (ii) of the Order (including the cases as applied mutatis mutandis in Article 19, paragraph (1) of the Order), the method of paying the fees in cash at the offices of the reviewing agency or re-examining agency (limited to the offices referred to in the public notice).
- (2) Notwithstanding the provisions of the preceding paragraph, when the method prescribed in the main clause of the relevant paragraph cannot be used, the reviewing agency or re-examining agency may designate the methods set forth in the items of the preceding paragraph as the method prescribed in Article 12, paragraph (2), item (iii) of the Order.

(Method of Paying Expenses Required for Sending)

Article 3 The method specified by Order of the Ministry of Internal Affairs and Communications set forth in Article 14, paragraph (1) of the Order (including the cases as applied mutatis mutandis by replacing the terms in Article 19, paragraph (1) of the Order) is to be either of the following:

- (i) the method of making a payment with postal stamps or other voucher equivalent thereto as specified by the Minister of Internal Affairs and Communications; and
- (ii) when having requested the delivery pursuant to the provisions of Article 38,

paragraph (1) of the Act (including the cases as applied mutatis mutandis by replacing the terms in Article 66, 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 in Administrative Procedure (Act No. 151 of 2002) pursuant to the provisions of the relevant paragraph, the method of making a payment based on the payment information obtained through the request.

(Submission of Review Officer's Written Opinions)

Article 4 The documents specified by Order of the Ministry of Internal Affairs and Communications prescribed in Article 16 of the Order (including the cases as applied mutatis mutandis by replacing the terms in Article 19, paragraph (1) of the Order) are to be as follows (including electronic or magnetic records and excluding those falling under the case record):

- (i) an application for permission set forth in Article 13, paragraph (1) of the Act (including the cases as applied mutatis mutandis by replacing the terms in Article 66, paragraph (1) of the Act; the same applies in the following item), or other notices that has been filed with the review officer by the person concerned with proceedings or other persons concerned;
- (ii) permission set forth in Article 13, paragraph (1) of the Act, or other notices that the review officer has granted to the person concerned with proceedings or other persons concerned; and
- (iii) other documents that the review officer finds necessary.

(Mutatis Mutandis Application to Study and Deliberation Procedures of the Administrative Complaint Review Board)

Article 5 The provisions of Article 1 apply mutatis mutandis to the statement of opinions under Article 75, paragraph (1) of the Act, and the provisions of Article 2 (excluding paragraph (1), item (ii)) and Article 3 apply mutatis mutandis to the delivery under Article 78, paragraph (1) of the Act. In this case, in the provisions set forth in the left-hand column of the following Table, 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.

Article 1	Article 8 of the Order for Enforcement of the Administrative Complaint Review Act (hereinafter referred to as the "Order") (including the cases as applied mutatis mutandis by replacing the terms in Article 18 and Article 19, paragraph (1) of the Order)	Article 8 of the Order for Enforcement of the Administrative Complaint Review Act (hereinafter referred to as the "Order") as applied mutatis mutandis by replacing the terms in Article 22
	undertaking proceedings	undertaking study and deliberation procedures
	the persons concerned with proceedings (when the agency reaching the disposition, etc. falls under the reviewing agency in the case prescribed in Article 9, paragraph (3) of the Act, meaning the requestor for review and intervenors, and in the case of a request for re-investigation, meaning the requestor for re-investigation and intervenors; hereinafter, the same applies in this Article)	the persons concerned with the review
	undertaking proceedings	undertaking study and deliberation procedures

	a review officer (or the reviewing agency in the case prescribed in Article 9, paragraph (3) of the Administrative Complaint Review Act (Act No. 68 of 2014; hereinafter referred to as the "Act"); the agency reaching the disposition in the case of a request for re-investigation ; or the re-examination agency when the re-examination 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 administrative complaint review board
	each of the persons concerned with proceedings	each of the persons concerned with the review
Article 2, paragraph (1)	Article 12, paragraph (2), item (iii) of the Order (including the cases as applied mutatis mutandis by replacing the terms in Article 19, paragraph (1) of the Order; hereinafter, the same applies in this Article)	Article 12, paragraph (2), item (iii) of the Order as applied mutatis mutandis in Article 23 of the Order
	the reviewing agency or re-examining agency	the Administrative Complaint Review Board
	the following methods	the methods set forth in item (i) or (iii)
	the reviewing agency or re-examining agency	the Administrative Complaint Review Board
	Article 12, paragraph (2), item (ii) of the Order (including the cases as applied mutatis mutandis in Article 19, paragraph (1) of the Order)	Article 12, paragraph (2), item (ii) of the Order as applied mutatis mutandis in Article 23 of the Order

	the reviewing agency or re-examining agency	the Administrative Complaint Review Board
	the relevant reviewing agency or re-examination agency	the Administrative Complaint Review Board
Article 2, paragraph (2)	the reviewing agency or re-examining agency	the Administrative Complaint Review Board
	Article 12, paragraph (2), item (iii) of the Order	Article 12, paragraph (2), item (iii) of the Order as applied mutatis mutandis in Article 23 of the Order
	the items of the preceding paragraph	item (i) or (iii) of the preceding paragraph
Article 3	Article 14, paragraph (1) of the Order (including the cases as applied mutatis mutandis by replacing the terms in Article 19, paragraph (1) of the Order)	Article 14, paragraph (1) of the Order as applied mutatis mutandis by replacing the terms in Article 23 of the Order

Supplementary Provisions

(Effective Date)

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

(Partial Amendment to the Order for Enforcement of the Act on Use of Information and Communications Technology in Administrative Procedure for Laws and Regulations Relating to the Ministry of Internal Affairs and Communications)

Article 2 The Order for Enforcement of the Act on Use of Information and Communications Technology in Administrative Procedure for Laws and Regulations Relating to the Ministry of Internal Affairs and Communications (Order of the Ministry of Internal Affairs and Communications No. 48 of 2003) is to be partially amended as follows:

The row of the Administrative Complaint Review Act (Act No. 160 of 1962) in the Appended Table is to be deleted; and in the row of the Administrative Procedure Act (Act No. 88 of 1993) in the table, the term "and Article 35, paragraph (2)" is to be amended to ", Article 35, paragraph (3), Article 36-2, paragraph (2), and Article 36-3, paragraph (2)"; and after the row of the Act on

Temporary Measures Concerning Local Special Corporate Tax (Act No. 25 of 2008), the following addition is to be made:

Administrative Complaint Review Act (Act No. 68 of 2014)	Article 14, Article 15, paragraph (3), Article 19, paragraph (1), and Article 20 (including the cases where these provisions are applied mutatis mutandis in Article 61 and Article 66, paragraph (1)); Article 21, paragraph (2) (including the cases as applied mutatis mutandis in Article 66, paragraph (1)); Article 22, paragraphs (1) through (4); Article 27, paragraph (2) (including the cases as applied mutatis mutandis in Article 61 and Article 66, paragraph (1)); Article 29, paragraph (1) (including the cases as applied mutatis mutandis in Article 66, paragraph (1)); Article 29, paragraphs (2), (4), and (5), and Article 30, paragraph (1), and paragraphs (2) and (3) of the relevant Article (including the cases where these provisions are applied mutatis mutandis in Article 66, paragraph (1)); Article 32, paragraph (1) (including the cases as applied mutatis mutandis in Article 61 and Article 66, paragraph (1)); Article 32, paragraph (2), Article 33, Article 38, paragraph (1), Article 40, and Article 42 (including the cases where these provisions are applied mutatis mutandis in Article 66, paragraph (1)); Article 43, paragraphs (2) and (3), and Article 50, paragraphs (1) and (2) (including the cases where these provisions are applied mutatis mutandis in Article 66, paragraph (1)); Article 51, paragraphs (2) and (4), and Article 53 (including the cases where these provisions are applied mutatis mutandis in Article 61 and Article 66, paragraph (1)); Article 55, paragraph (1), Article 57, Article 60, paragraph (1), Article 63, Article 74, Article 76, Article 78, paragraph (1), and Article 79 (including the cases where these provisions are applied mutatis mutandis in Article 81, paragraph (3)); Article 82, paragraph (1); and Article 83, paragraphs (1) and (3)
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The following addition is to be made after the row of the Order for Enforcement of the Statistics Act (Cabinet Order No. 334 of 2008) in the Appended Table:

Order for Enforcement of the Administrative Complaint Review Act (Cabinet Order No. 391 of 2015)	Article 3, paragraphs (1) and (2) (including the cases where these provisions are applied mutatis mutandis in paragraph (3) of the relevant Article (including the cases as applied mutatis mutandis in Article 18 and Article 19, paragraph (1)), Article 18, and Article 19, paragraph (1)); Article 4, paragraph (3) (including the cases as applied mutatis mutandis in Article 18, Article 19, paragraph (1), and Article 26, paragraph (2)); Article 10, and Article 13, paragraphs (2) and (3) (including the cases where these provisions are applied mutatis mutandis in Article 19, paragraph (1), and Article 23); and Article 16 (including the cases as applied mutatis mutandis in Article 19, paragraph (1))
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(Partial Amendment of the Ministerial Order that Specifies Subject Procedures Pertaining to the Act on Access to Information Held by Administrative Organs Accompanying the Enforcement of the Act on Use of Information and Communications Technology in Administrative Procedure)

Article 3 The Ministerial Order that Specifies Subject Procedures Pertaining to the Act on Access to Information Held by Administrative Organs Accompanying the Enforcement of the Act on Use of Information and Communications Technology in Administrative Procedure (Order of the Ministry of Internal Affairs and Communications No. 39 of 2004) is to be partially amended as follows:

The term "the items of" in Article 6, paragraph (1) is to be deleted, and the term "Ministerial Order on Special Measures for the Procedures for Paying Fees Based on the Act on Access to Information Held by Administrative Organs and the Act on the Protection of Personal Information Held by Administrative Organs" in item (ii) of the relevant paragraph is to be amended to "Ministerial Ordinance on Special Measures for the Procedures for Paying Fees Based on the Act on Access to Information Held by Administrative Organs, etc."

(Partial Amendment of the Order for Enforcement of the Act on Use of Information and Communications Technologies for Administrative Procedures Pertaining to the Act on the Protection of Personal Information Held by Administrative Organs)

Article 4 The Order for Enforcement of the Act on Use of Information and Communications Technologies for Administrative Procedures Pertaining to the Act on the Protection of Personal Information Held by Administrative Organs (Order of the Ministry of Internal Affairs and Communications No. 125 of 2004) is to be partially amended as follows:

The term "the items of" in Article 8, paragraph (1) is to be deleted, and the term "Ministerial Order on Special Measures for the Procedures for Paying

Fees Based on the Act on Access to Information Held by Administrative Organs and the Act on the Protection of Personal Information Held by Administrative Organs" in item (ii) of the relevant paragraph is to be amended to "Ministerial Order on Special Measures for the Procedures for Paying Fees Based on the Act on Access to Information Held by Administrative Organs, etc."