

# Act on the Japan Aerospace Exploration Agency, National Research and Development Agency

(Act No. 161 of December 13, 2002)

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## Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to specify the name, purpose, scope of operations, and other particulars in relation to the Japan Aerospace Exploration Agency, National Research and Development Agency.

(Definitions)

- Article 2 (1) The term "space science" as used in this Act means the scientific theory and application of principles of space and astronomical science and space engineering.
- (2) The term "fundamental R&D" as used in this Act means research and development (hereinafter referred to as "R&D") that falls under any of the following:
- (i) common R&D on science and technology;
  - (ii) R&D on science and technology which requires a facility or equipment that is not appropriate for multiple installation in national experimental research institutes or incorporated administrative agencies (meaning the incorporated administrative agencies as prescribed in Article 2, paragraph (1) of the Act on General Rules for Incorporated Administrative Agencies (Act No. 103 of 1999; hereinafter referred to as the "Act on General Rules"); the same applies hereinafter) which conduct R&D, due to the large amount of expense required; and
  - (iii) comprehensive R&D on science and technology which requires cooperation from a number of sectors.
- (3) The term "satellites, etc." as used in this Act means satellites (including flying objects launched beyond Earth's orbit and artificial objects placed on

celestial bodies) and rockets used to launch satellites.

(Name)

Article 3 The name of the incorporated administrative agency to be established pursuant to the provisions of this Act and the Act on General Rules is the Japan Aerospace Exploration Agency, National Research and Development Agency.

(Purpose of the Agency)

Article 4 The Japan Aerospace Exploration Agency, National Research and Development Agency (hereinafter referred to as the "Agency") aims to facilitate the development of academic research at universities or other institutes, enhance of the level of space science and technology (meaning science and technology related to space; the same applies hereinafter), and aeronautics science and technology, and promote the use and development of space, by comprehensively and systematically conducting academic research concerning space science by means such as collaboration with universities, basic research on space science and technology and fundamental R&D concerning space, and the development, launch, tracking, and operation of satellites, etc., and operations related thereto, in accordance with the basic principle of the peaceful use of space as referred to in Article 2 of the Aerospace Basic Act (Act No. 43 of 2008), and by comprehensively conducting basic research on aeronautics science and technology and fundamental R&D concerning aeronautics, and operations related thereto.

(National Research and Development Agency)

Article 4-2 The Agency is a national research and development agency as prescribed in Article 2, paragraph (3) of the Act on General Rules.

(Office)

Article 5 The Agency is to have its principal office in Tokyo.

(Stated Capital)

- Article 6 (1) The stated capital of the Agency is to the total amount of the contributions made by the government and persons other than the government pursuant to the provisions of Article 11, paragraph (1) and paragraphs (3) through (5) of the Supplementary Provisions.
- (2) When necessary, the Agency may increase its stated capital with the permission of the competent minister.
- (3) The government may make contributions to the Agency up to an amount specified in the budget if the Agency increases its stated capital pursuant to

the provisions of the preceding paragraph.

- (4) When the government makes contributions to the Agency, it may contribute the land, buildings, and any other fixtures (hereinafter referred to as "land, etc." in the following paragraph).
- (5) The value of the land, etc. contributed pursuant to the provisions of the preceding paragraph is to be the value calculated by the evaluation committee members on the basis of the market value on the date of contribution.
- (6) The evaluation committee members referred to in the preceding paragraph and other necessary particulars concerning evaluation are specified by Cabinet Order.

(Investment Securities)

- Article 7 (1) The Agency is to issue investment securities for contributions received.
- (2) Investment securities are to be registered.
  - (3) Beyond what is provided for in the preceding paragraph, Cabinet Order prescribes necessary particulars concerning investment securities.

(Prohibition of Returning Equity Interests)

- Article 8 (1) The Agency may not return equity interests to contributors, except when it makes payment to the national treasury pursuant to the provisions of Article 46-2, paragraph (1) or (2) of the Act on General Rules or returns equity interests pursuant to the provisions of Article 46-3, paragraph (3) of the Act on General Rules.
- (2) The Agency may neither acquire contributor equity interests nor receive them as the subject of a pledge.

## **Chapter II Officers and Employees**

(Officers)

- Article 9 (1) The Agency is to have, as its officers, one president as its head and two auditors.
- (2) The Agency may have, as its officers, one vice president and up to seven directors.

(Duties and Authorities of the Vice President and Directors)

- Article 10 (1) The vice president is to represent the Agency under the direction of the president, and to assist the president in administering the operations of the Agency.
- (2) Directors are to assist the president (if there is a vice president, assisting the president and the vice president) in administering the operations of the Agency

under the direction of the president

- (3) The officer provided for by the relevant individual Act as referred to in Article 19, paragraph (2) of the Act on General Rules is to be a vice president; provided, however, that when there is no vice president but there are directors, that officer is to be a director, and when there are neither vice presidents nor directors, that officer is to be an auditor.
- (4) In the case referred to in the proviso to the preceding paragraph, an auditor who represents or performs the duties of the president pursuant to the provisions of Article 19, paragraph (2) of the Act on General Rules must not perform the duties as an auditor at the same time.

Article 11 Deleted.

(Term of Office for Vice Presidents and Officers)

Article 12 The term of office of a vice president or an officer is designated by the president to that vice president or the officer (the last day of which is limited to be on or before the last day of the term of office of the president under the provisions of Article 21-2, paragraph (1) of the Act on General Rules).

(Special Provisions for the Disqualification of Officers)

Article 13 Notwithstanding the provisions of Article 22 of the Act on General Rules, public officers in the field of education specified by Cabinet Order (excluding persons falling under either of the items of the following Article) may become part-time directors or auditors,.

Article 14 Beyond what is provided for in Article 22 of the Act on General Rules, persons falling under either of the following items may not become officers:

- (i) persons engaging in the manufacture or sale of goods or undertaking contract work, who have close business connections with the Agency, or when those persons are corporations, officers thereof (including persons who have equal or greater authority or controlling power, irrespective of their title); or
- (ii) officers of associations formed by the enterprises set forth in the preceding item (including persons who have equal or greater authority or controlling power, irrespective of their title).

Article 15 (1) With regard to the application of the provisions of Article 23, paragraph (1) of the Act on General Rules concerning the dismissal of a president or a vice president of the Agency, the term "the preceding Article" in the paragraph is to be replaced with "the preceding Article and Article 14 of the Act on the Japan Aerospace Exploration Agency, National Research and Development Agency (Act No. 161 of 2002)."

(2) With regard to the application of the provisions of Article 23, paragraph (1) of the Act on General Rules concerning the dismissal of directors and auditors of the Agency, the term "the preceding Article" in the paragraph is to be replaced with "the preceding Article and Articles 13 and 14 of the Act on the Japan Aerospace Exploration Agency, National Research and Development Agency. (Act No. 161 of 2002)."

(Confidentiality Obligations of Officers and Employees)

Article 16 Officers and employees of the Agency must not divulge any secret that has come to their knowledge in the course of duties. The same applies even after they have left their positions.

(Status of Officers and Employees)

Article 17 Officers and employees of the Agency are deemed to be employees engaged in public service pursuant to laws and regulations, with regard to the application of penal provisions such as the Penal Code (Act No. 45 of 1907).

### **Chapter III Operations**

(Scope of Operations)

Article 18 The Agency is to perform the following operations to achieve the purpose referred to in Article 4:

- (i) conducting academic research concerning space science by collaborating with universities and other means;
- (ii) conducting basic research concerning space science and technology and aeronautics science and technology, and fundamental R&D concerning space and aeronautics;
- (iii) conducting the development of satellites, etc. and development of facilities and equipment that are required therefor;
- (iv) conducting the launch, tracking, and operation of satellites, etc., and the development of methods, facilities, and equipment required therefor;
- (v) disseminating the results obtained by conducting the operations listed in the preceding items and promoting their utilization;
- (vi) providing assistance and advice concerning the operations set forth in items (iii) and (iv) in response to requests from private enterprises;
- (vii) providing facilities and equipment of the Agency for use by persons who engage in academic research, R&D concerning science and technology and the development and use of space;
- (viii) training researchers and technicians in space science, space science and technology, and aeronautics science and technology, and enhancing their level of expertise;

- (ix) cooperating in education at graduate schools or other education at universities, in response to a request from a university; and
- (x) performing operations incidental to the operations referred to in the preceding items.

(Basic Plan on Space Development and Use)

Article 19 (1) When the competent minister sets or revises the medium to long-term objectives prescribed in Article 35-4, paragraph (1) of the Act on General Rules (referred to as the "medium to long-term objectives" in the following paragraph and the following Article, excluding the portion pertaining to basic research on aeronautics science and technology and fundamental R&D concerning aeronautics, and operations related thereto), the minister must do so based on the basic plan on space policy prescribed in Article 24 of the Aerospace Basic Act.

(2) When the competent minister intends to set or revise the medium to long-term objectives in relation to the operations set forth in items (ii) and (viii) of the preceding Article (excluding the operations set forth in item (ii) of that Article which pertain to basic research on aeronautics science and technology and fundamental R&D concerning aeronautics and the operations set forth in item (viii) of that Article which pertain to space science and aeronautics science and technology) and operations incidental thereto, the minister must consult with the Prime Minister in advance.

(Accounting for the Specific Qualities of Academic Research)

Article 20 If the Minister of Education, Culture, Sports, Science and Technology sets or revises medium to long-term objectives (limited to the portion pertaining to academic research concerning space science, and operations related thereto), the minister must give account for the specific qualities of academic research, such as respecting the autonomy of researchers).

(Conclusion of Insurance Contracts on the Launch of Satellites)

Article 21 Deleted.

(Special Provisions on Consigned Launches)

Article 22 Deleted.

(Disposition of Accumulated Funds)

Article 23 (1) When the Agency has conducted settlement of accounts under Article 44, paragraph (1) or (2) of the Act on General Rules for the final business year of the period for the medium to long-term objectives prescribed in Article 35-4, paragraph (2), item (i) of the Act on General Rules (hereinafter

referred to as the "period for the medium to long-term objectives" in this paragraph), and there remain reserve funds under Article 44, paragraph (1) of the Act on General Rules, the Agency may allocate the portion of the amount equivalent to the amount of reserve funds that have been approved by the competent minister to the operations prescribed in Article 18 to be conducted during the period for the medium to long-term objectives following the relevant period for the medium to long-term objectives, in accordance with the medium to long-term plan for which the authorization referred to in Article 35-5, paragraph (1) of the Act on General Rules has been obtained with regard to that following period for the medium to long-term objectives (when having obtained the authorization for a revision pursuant to the provisions of the second sentence of that paragraph, in accordance with the revised plan).

- (2) When any surplus remains after deducting the amount approved pursuant to the provisions of the preceding paragraph from the amount equivalent to the amount of the reserve funds prescribed in that paragraph, the Agency must pay the remaining surplus to the national treasury.
- (3) Beyond what is provided for in the preceding two paragraphs, procedures for making payments and other necessary particulars concerning the disposition of reserve funds are prescribed by Cabinet Order.

#### **Chapter IV Miscellaneous Provisions**

(Requests by the Competent Minister)

Article 24 (1) In any of the following cases, the competent minister may request the Agency to take necessary measures:

- (i) if the minister finds it necessary for Japan to implement international agreements in good faith, such as treaties on the development and use of space; or
  - (ii) if, on receiving a request from a relevant administrative organ, the minister finds it particularly necessary for promoting Japan's international cooperation or for maintaining international peace and security, or urgently necessary.
- (2) If the Agency receives a request under the preceding paragraph from the competent minister, it must respond to that request.

(Distribution of Residual Assets at the Time of Dissolution of the Agency)

Article 25 If the Agency dissolves and has any residual assets after repaying all debts, it is to distribute those residual assets to each contributor, up to the amount of each contributor's capital contribution.

(Competent Ministers)

Article 26 (1) The competent ministers pertaining to the Agency under this Act and the Act on General Rules are as follows:

- (i) with regard to particulars concerning officers and employees, and finance, accounting, and other management operations (excluding those prescribed in the following item), the Minister of Education, Culture, Sports, Science and Technology;
- (ii) with regard to particulars concerning the management operations prescribed in Article 6 and 23 of this Act and Articles 38, 44, 46-2 (limited to the portion concerning unnecessary property pertaining to government contributions,, etc. relating to the operations prescribed in items (iv) through (viii)), 46-3 (limited to the portion concerning unnecessary property pertaining to contribution from the private sector, etc. relating to the operations prescribed in items (iv) through (viii)), and 48 (limited to the portion concerning important property to be provided for use in the operations prescribed in items (iv) through (viii)) of the Act on General Rules, the Minister of Education, Culture, Sports, Science and Technology and the Minister for Internal Affairs and Communications;
- (iii) with regard to particulars concerning the operations prescribed in Article 18 (excluding those prescribed in the following item through item (viii)), the Minister of Education, Culture, Sports, Science and Technology;
- (iv) with regard to particulars concerning the operations prescribed in Article 18 which are set forth in items (iii) and (iv) of that Article (excluding those for the purpose of academic research concerning space science) and those set forth in items (v) and (vii) of that Article that are related to those operations (excluding those prescribed in the following item through item (vii) and including operations incidental to those operations), the Minister of Education, Culture, Sports, Science and Technology and the Minister for Internal Affairs and Communications;
- (v) with regard to particulars concerning the operations prescribed in Article 18 which are set forth in items (iii) and (iv) of that Article (excluding those for the purpose of academic research concerning space science) and which are related to promotion of use of space, and those prescribed in items (v) and (vii) of that Article that are related to those operations (excluding those prescribed in item (vii) and including operations incidental to those operations), the Minister of Education, Culture, Sports, Science and Technology and the Minister for Internal Affairs and Communications;
- (vi) with regard to particulars concerning the operations prescribed in Article 18 which are set forth in items (iii) and (iv) of that Article (excluding those for the purpose of academic research concerning space science) and which are related to the satellites, etc., facilities, or equipment specified by Cabinet Order, and those prescribed in items (v) and (vii) of that Article that are



- related to those operations (excluding those prescribed in the following item and including operations incidental to those operations), the Minister of Education, Culture, Sports, Science and Technology, the Minister for Internal Affairs and Communications, and the ministers specified by Cabinet Order;
- (vii) with regard to particulars concerning the operations prescribed in Article 18 which are set forth in items (iii) and (iv) of that Article (excluding those for the purpose of academic research concerning space science) and which are related to the satellites, etc., facilities, or equipment specified by Cabinet Order as referred to in the preceding item (limited to those related to promotion of use of space), and those prescribed in items (v) and (vii) of that Article that are related to those operations (including operations incidental to those operations), the Minister of Education, Culture, Sports, Science and Technology, the Prime Minister, the Minister for Internal Affairs and Communications, and the ministers specified by Cabinet Order as referred to in the preceding item; and
- (viii) with regard to particulars concerning the operations prescribed in Article 18 which are set forth in item (vi) of that Article (including operations incidental to those operations), the Minister of Education, Culture, Sports, Science and Technology, the Prime Minister, the Minister for Internal Affairs and Communications, and the Minister of Economy, Trade and Industry.
- (2) The Minister for Internal Affairs and Communications is to give the approval or authorization based on the provisions prescribed in item (ii) of the preceding paragraph, solely from the viewpoint of implementing the operations prescribed in items (iv) through (viii) of that paragraph properly and securely.
- (3) The competent ministerial orders under the Act on General Rules which pertain to the Agency are orders issued by the competent ministers; provided, however, that the competent ministerial orders prescribed in Article 50 of the Act on General Rules pertaining to the operations prescribed in paragraph (1), items (iv) through (viii) are Order of the Ministry of Education, Culture, Sports, Science and Technology and Order of the Ministry of Internal Affairs and Communications.

Article 27 Deleted.

(Consultation with the Minister of Finance)

Article 28 The competent minister must consult with the Minister of Finance in advance, in any of the following cases:

- (i) if the minister intends to give authorization under Article 6, paragraph (2);  
or  
(ii) if the minister intends to give approval under Article 23, paragraph (1).

Article 29 Deleted.

### **Chapter V Penal Provisions**

Article 30 A person who divulges a secret in violation of the provisions of Article 16 is subject to imprisonment for not more than one year or a fine of not more than 500,000 yen.

Article 31 If the Agency falls under any of the following items, the officer of the Agency who has committed the violation in question is subject to a civil fine of not more than 200,000 yen:

- (i) if the Agency fails to obtain an authorization or approval of the Minister of Education, Culture, Sports, Science and Technology or the competent minister when the authorization or approval is required pursuant to the provisions of this Act; and
- (ii) if the Agency performs operations other than those prescribed in Article 18.

### **Supplementary Provisions [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the date of promulgation; provided, however, that the provisions set forth in the following items come into effect as of the dates specified in the relevant items:

- (i) the provisions of Articles 16 through 18, Articles 20 through 24, and Article 28 of the Supplementary Provisions: October 1, 2003;
- (ii) omitted; and
- (iii) the provisions of Article 26 of the Supplementary Provisions: the date on which the Japan Post Act (Act No. 97 of 2002) comes into effect.

(Succession of Employees)

Article 2 A person who is an employee of any of the following institutes at the time of establishment of the Agency becomes an employee of the Agency, unless a written appointment is issued separately:

- (i) the inter-university research institute prescribed in Article 9-2, paragraph (1) of the Act for Establishment of National Schools (Act No. 150 of 1949) which is specified by Cabinet Order (hereinafter referred to as an "inter-university research institute");
- (ii) the National Aerospace Laboratory of Japan (hereinafter referred to as "NAL"); and
- (iii) the National Space Development Agency of Japan (hereinafter referred to

as "NASDA").

Article 3 With regard to application of Article 82, paragraph (2) of the National Public Service Act (Act No. 120 of 1947) to an employee of an inter-university research institute or NAL who became an employee of the Agency pursuant to the provisions of the preceding Article, the employee of the Agency is deemed to be a national public employee in the special service, etc. as prescribed in that paragraph, and the loss of status as a national public employee pursuant to the provisions of the preceding Article is deemed to be due to retirement upon the request of an appointer for that person to become a national public employee in the special service, etc. as prescribed in that paragraph.

Article 4 (1) When an employee of an inter-university research institute or NAL becomes an employee of the Agency pursuant to Article 2 of the Supplementary Provisions, severance pay under the Act on National Public Officers' Retirement Allowance (Act No. 182 of 1953) is not paid to that employee.

(2) When the Agency intends to pay severance pay to an employee of the Agency to whom the provisions of the preceding paragraph have been applied upon that employee's retirement, the Agency is to handle the severance pay by deeming the employee's continuous period of holding office as an employee as prescribed in Article 2, paragraph (1) of the Act on National Public Officers' Retirement Allowance (including a person who is deemed to be an employee pursuant to paragraph (2) of that Article) as the employee's period of holding office as an employee of the Agency.

(3) If an official who holds office as an employee of an inter-university research institute or NAL as of the day preceding the day of establishment of the Agency becomes an employee of the Agency without interruption pursuant to Article 2 of the Supplementary Provisions, and after holding office as an employee of the Agency without interruption, becomes an employee as prescribed in Article 2, paragraph (1) of the Act on National Public Officers' Retirement Allowance without interruption, with regard to calculation of the length of service that serves as the basis for calculation of severance pay to be paid to that employee based on that Act, that employee's period of holding office as an employee of the Agency is deemed to be the continuous period of holding office as prescribed in that paragraph; provided, however, that this does not apply if that employee has received severance pay (including a payment equivalent thereto) due to retirement from the Agency.

(4) If an employee who holds office as an employee of an inter-university research institute or NAL as of the day preceding the day of establishment of the Agency becomes an employee of the Agency without interruption pursuant to Article 2 of the Supplementary Provisions, and retires from the Agency during

the period from the day of establishment of the Agency until the time of obtaining the qualification to receive benefits for unemployment under the Employment Insurance Act (Act No. 116 of 1974), and if the employee would have been entitled to receive payment of severance pay under Article 10 of the Act on National Public Officers' Retirement Allowance if the employee had held office as an employee of the inter-university research institute or NAL until the day of the retirement, the Agency is to pay the employee an amount equivalent to the amount of severance pay calculated in the same way as the provisions of that Article.

Article 5 If an employee of an inter-university research institute who becomes an employee of the Agency pursuant to Article 2 of the Supplementary Provisions and who obtains approval under Article 7, paragraph (1) of the Child Allowance Act (Act No. 73 of 1971) (including as applied *mutatis mutandis* pursuant to Article 6, paragraph (2), Article 7, paragraph (4), or Article 8, paragraph (4) of the Supplementary Provisions of that Act; hereinafter the same applies in this Article) from the Minister of Education, Culture, Sports, Science and Technology or from a person who has been entrusted by the minister on the day preceding the day of establishment of the Agency satisfies the requirements for receiving payment of child allowance or the benefits referred to in Article 6, paragraph (1), Article 7, paragraph (1), or Article 8, paragraph (1) of the Supplementary Provisions of that Act (hereinafter referred to as "special benefits, etc.") on the day of establishment of the Agency, the approval of the mayor of a municipality (including of the mayor of a special ward) is deemed to have been given on the day of establishment of the Agency with regard to payment of child allowance or special benefits, etc. to that employee. In this case, the payment of the child allowance or special benefits, etc. for which approval is deemed to have been given starts in the month following that with the day preceding the day of establishment of the Agency, notwithstanding the provisions of Article 8, paragraph (2) of that Act (including as applied *mutatis mutandis* pursuant to Article 6, paragraph (2), Article 7, paragraph (4), or Article 8, paragraph (4) of the Supplementary Provisions of that Act).

Article 6 (1) If the employee prescribed in Article 2, paragraph (1), item (i) of the National Public Officers Mutual Aid Association Act (Act No. 128 of 1958) is a member of a national public employee mutual aid association that has been organized by the employees prescribed in that item who belong to the Ministry of Education, Culture, Sports, Science and Technology and the employees prescribed in that item of incorporated administrative agencies under the jurisdiction of the ministry pursuant to Article 3, paragraph (1) of that Act

(hereinafter referred to as the "mutual aid association of MEXT" in this Article) on the day preceding the day of establishment of the Agency (limited to an employee who belongs to an inter-university research institute or NAL on that day), and the employee becomes an officer or employee (limited to an employee who is as prescribed in that item; hereinafter referred to as an "officer or employee" in this Article) of the Agency on the day of establishment of the Agency and continues to be an officer or employee of the Agency on and after the day of establishment, and the employee makes a request to the mutual aid association of MEXT by the day on which twenty days have elapsed from the day of establishment (if the mutual aid association of MEXT finds that there are reasonable grounds, by the day on which those grounds exist), that officer or employee is an employee as prescribed in that item constituting a member of the mutual aid association of MEXT during the period in which the employee continues to be the officer or employee after the day of establishment of the Agency.

(2) If the officer or employee prescribed in the preceding paragraph dies without making the request by the time limit prescribed in that paragraph, that request may be made by a surviving family member (limited to a person who corresponds to the surviving family member prescribed in Article 2, paragraph (1), item (iii) of the National Public Officers Mutual Aid Association Act; the same applies in the following paragraph) of that officer or employee by that time limit.

(3) If the employee prescribed in Article 2, paragraph (1), item (i) of the National Public Officers Mutual Aid Association Act who is a member of the mutual aid association of MEXT on the day preceding the day of establishment of the Agency (limited to an employee who belongs to an inter-university research institute or NAL on that day) becomes an officer or employee of the Agency on the day of establishment of the Agency, and if the officer or employee or a surviving family member thereof fails to make a request under paragraph (1), that officer or employee is deemed to have retired (meaning the retirement prescribed in paragraph (1), item (iv) of that Article) on the day preceding the day of establishment of the Agency.

(Transitional Measures on Employee Organizations of Employees Who Join the Agency)

Article 7 (1) Any employee organization prescribed in Article 108-2, paragraph (1) of the National Public Service Act that actually exists at the time of establishment of the Agency and of which the majority of its members are employees who are succeeded to by the Agency pursuant to Article 2 of the Supplementary Provisions is to become a labor union to which the Labor Union Act (Act No. 174 of 1949) applies upon establishment of the Agency. In this

case, if the employee organization is a corporation, it is deemed to be a labor union which is a corporation.

- (2) An employee organization that becomes a labor union which is a corporation pursuant to the provisions of the preceding paragraph is to obtain certification from the labor relations commission to the effect that the organization conforms to the provisions of Article 2 and Article 5, paragraph (2) of the Labor Union Act by the day on which sixty days have elapsed from the day of establishment of the Agency, and is to register at the location of its principal office, or else the organization dissolves with the passage of that day.
- (3) The proviso to Article 2 of the Labor Union Act (limited to the portion pertaining to item (i)) does not apply to an employee organization that becomes a labor union pursuant to paragraph (1) until the day on which sixty days have elapsed from the day of establishment of the Agency.

(Transitional Measures on Petitions against Unfair Labor Practices)

Article 8 (1) With regard to the period for filing a petition with the Central Labor Relations Commission against dismissal by NAL based on Article 18 of the Act on the Labor Relationship of Specified Independent Administrative Agencies, etc. (Act No. 257 of 1948; hereinafter referred to as the "Specified Labor Act" in this Article) prior to the establishment of the Agency, and the period for an order by the Central Labor Relations Commission, prior laws continue to govern.

- (2) With regard to the particulars prescribed in Chapter III (excluding the provisions of Articles 12 through 16) and Chapter VI of the Specified Labor Act concerning cases relating to mediation, conciliation, or arbitration where NAL and a labor union that is subject to application of the Specified Labor Act pertaining to the employees of NAL are the concerned parties, which are actually pending in the Central Labor Relations Commission at the time of establishment of the Agency, prior laws continue to govern.

(Succession of Rights and Obligations Held by the State)

Article 9 (1) Rights and obligations which are held by the State in relation to the operations prescribed in Article 18, paragraph (1) at the time of establishment of the Agency and which are specified by Cabinet Order are succeeded to by the Agency at the time of its establishment.

- (2) If any amount of money which the Minister of Education, Culture, Sports, Science and Technology has granted to the head of an inter-university research institute and had the head manage the accounting thereof based on Article 17 of the National School Special Account Act (Act No. 55 of 1964) remains at the time of establishment of the Agency, the amount equivalent to that remainder is deemed to have been contributed to the Agency for the purpose of

scholarship on the day of establishment of the Agency. In this case, necessary particulars concerning the accounting of that contribution are prescribed by Order of the Ministry of Education, Culture, Sports, Science and Technology.

(Dissolution of NAL and NASDA)

Article 10 (1) NAL and NASDA are to dissolve at the time of establishment of the Agency, and all of their rights and obligations, excluding the assets to be succeeded to by the State pursuant to the provisions of the following paragraph, are to be succeeded to by the Agency at that time.

(2) Of the rights actually held by NAL and NASDA at the time of establishment of the Agency, assets other than those necessary for the Agency to securely implement its operations are to be succeeded to by the State at the time of establishment of the Agency.

(3) The scope of assets to be succeeded to by the State pursuant to the provisions of the preceding paragraph and other necessary particulars concerning the succession of the assets to the State are prescribed by Cabinet Order.

(4) The business years of NAL and NASDA that start on April 1, 2003 are to end on the day preceding the day of dissolution of NAL and NASDA, respectively.

(5) The settlement of accounts of NAL and NASDA and preparation, etc. of NAL's financial statements and business reports prescribed in Article 38 of the Act on General Rules and NASDA's financial statements, annexed detailed statement, and business reports prescribed in Article 28 of the Act on the National Space Development Agency of Japan (Act No. 50 of 1969; hereinafter referred to as the "former NASDA Act") prior to the repeal under Article 16 of the Supplementary Provisions for their business years that start on April 1, 2003 are to be carried out by the Agency, continuing to be governed by prior laws. In this case, the time limit for the completion of that settlement of accounts of NASDA is to be the day on which two months have elapsed from the day of dissolution.

(6) With regard to the performance of operations of NAL for the business year that starts on April 1, 2003, the Agency is to receive the evaluation therefor. In this case, a recommendation under Article 32, paragraph (3) of the Act on General Rules is to be made against the Agency.

(7) The processing of profit and loss of NAL for the business year that starts on April 1, 2003 is to be carried out by the Agency, continuing to be governed by prior laws.

(8) The disposal of reserve funds of NAL is to be carried out by the Agency, continuing to be governed by prior laws, by deeming that the period for the medium-term objectives has terminated on the day preceding the day of dissolution of NAL. In this case, the term "the preceding Article for the next period for the medium-term objectives" in Article 15, paragraph (1) of the Act

on the National Aerospace Laboratory of Japan (Act No. 175 of 1999; hereinafter referred to as the "former NAL Act") prior to the repeal under Article 16 of the Supplementary Provisions is to be replaced with "Article 18, paragraph (1) of the Act on the Japan Aerospace Exploration Agency, Incorporated Administrative Agency for the first period for the medium-term objectives of the Agency."

- (9) With regard to the dissolution of NASDA, the distribution of residual assets under Article 38, paragraph (1) of the former NASDA Act is not to be carried out.
- (10) The registration of dissolution in the case where NAL and NASDA dissolve pursuant to paragraph (1) is prescribed by Cabinet Order.

(Contribution to the Agency)

Article 11 (1) If the Agency succeeds to rights and obligations held by the State pursuant to the provisions of Article 9, paragraph (1) of the Supplementary Provisions, an amount equivalent to the total amount of values of the land, buildings, and any other property specified by Cabinet Order is deemed to have been contributed by the government to the Agency at the time of the succession.

- (2) Rights contributed under the preceding paragraph are to belong to the general account.
- (3) If the Agency succeeds to rights and obligations of NAL pursuant to paragraph (1) of the preceding Article, an amount obtained by deducting the amount of liabilities from the value of assets succeeded to by the Agency (if any amount has been approved under Article 15, paragraph (1) of the former NAL Act of which terms are deemed to have been replaced pursuant to paragraph (8) of the preceding Article, excluding an amount equivalent to that amount) is deemed to have been contributed by the government to the Agency at the time of the succession.
- (4) If the Agency succeeds to rights and obligations of NASDA pursuant to paragraph (1) of the preceding Article, an amount obtained by deducting the amount of liabilities succeeded to by the Agency (if that amount deducted exceeds the amount of NASDA's stated capital, the amount equivalent to the amount of the stated capital) from the total value of NASDA's assets to be succeeded to by the State and the Agency and multiplying the result by the percentage of the amount of contributions made to NASDA by entities other than the government is deemed to have been contributed to the Agency by those entities other than the government at the time of succession.
- (5) If the Agency succeeds to rights and obligations of NASDA pursuant to paragraph (1) of the preceding Article, an amount obtained by deducting the amount of liabilities from the value of NASDA's assets succeeded to by the Agency, and further deducting the amount deemed to have been contributed to



the Agency by entities other than the government pursuant to the provisions of the preceding paragraph is deemed to have been contributed by the government to the Agency at the time of the succession.

- (6) The value of property prescribed in paragraph (1) and the value of assets prescribed in the preceding three paragraphs are to be the value evaluated by evaluation committee members on the basis of the market value as of the day of establishment of the Agency.
- (7) The evaluation committee members prescribed in the preceding paragraph and other necessary particulars concerning the evaluation are prescribed by Cabinet Order.
- (8) A pledge on investment securities issued by NASDA exists on investment securities of the Agency to be received by contributors pursuant to the provisions of Article 7, paragraph (1).

(Returning of Equity Interests)

Article 12 (1) With regard to the amount deemed to be contributed to the Agency by entities other than the government pursuant to the provisions of paragraph (4) of the preceding Article, those entities may request the return of their equity interests from the Agency only within one month from the date of the establishment of the Agency.

- (2) When the Agency receives a request under the preceding paragraph, it must return an amount equivalent to the amount of contributions related to those equity interests, notwithstanding the provisions of Article 8, paragraph (1). In this case, the Agency is to reduce its stated capital by the amount thus returned.

(Consent of the Space Activities Commission at the Time of Nominating Persons as Officers)

Article 13 The provisions of Article 11 apply mutatis mutandis to nomination of a person as the president and persons as auditors of the Agency under Article 14, paragraph (1) of the Act on General Rules.

(Special Provisions on the Term of Office of the President)

Article 14 With regard to the term of office of the president who is deemed to have been appointed at the time of establishment of the Agency pursuant to Article 14, paragraph (2) of the Act on General Rules, the term "date of appointment" in Article 12, paragraph (1) is to be replaced with "day of establishment of the Agency."

Article 15 Deleted.

(Repeal of the Act on the National Aerospace Laboratory of Japan and the Act on the National Space Development Agency of Japan)

Article 16 The following Acts are to be repealed:

- (i) the Act on the National Aerospace Laboratory of Japan; and
- (ii) the Act on the National Space Development Agency of Japan.

(Transitional Measures in Line with Repeal of the Act on the National Aerospace Laboratory of Japan and the Act on the National Space Development Agency of Japan)

Article 17 Dispositions, procedures and acts conducted pursuant to the provisions of the former NAL Act and the former NASDA Act (excluding Articles 12 and 20) prior to the day on which the provisions of the preceding Article come into effect are deemed to be dispositions, procedures and other acts conducted pursuant to the corresponding provisions of this Act or the Act on General Rules.

(Transitional Measures on Penal Provisions)

Article 18 Prior laws continue to govern the application of penal provisions to acts conducted prior to the day on which the provisions of Article 16 of the Supplementary Provisions come into effect and to acts conducted after this Act comes into effect in relation to matters for which prior laws are to continue to govern pursuant to Article 10, paragraphs (5), (7), and (8) of the Supplementary Provisions.

(Delegation to Cabinet Order)

Article 19 Beyond what is provided for in Articles 2 through 14 and Article 17 of the Supplementary Provisions and the preceding Article, transitional measures necessary in line with the establishment of the Agency and other necessary transitional measures concerning the enforcement of this Act are prescribed by Cabinet Order.

### **Supplementary Provisions [Act No. 126 of June 18, 2004 Extract] [Extract]**

(Effective Date)

Article 1 (1) This Act comes into effect as of the day on which the Agreement comes into effect; provided, however, that the provisions set forth in the following items come into effect on the days respectively specified in those items:

- (i) and (ii) omitted; and
- (iii) Article 42 of the Supplementary Provisions: the date of promulgation of the

Act Partially Amending the National Public Officers Mutual Aid Association Act (Act No. 130 of 2004) or the promulgation date, whichever comes later.

**Supplementary Provisions [Act No. 127 of June 18, 2004 Extract]  
[Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the day on which the Agreement comes into effect; provided, however, that the provisions set forth in the following items come into effect on the days respectively specified in those items:

- (i) omitted; and
- (ii) Article 3 of the Supplementary Provisions: the date of promulgation of the Act Partially Amending the National Public Officers Mutual Aid Association Act (Act No. 130 of 2004) or the promulgation date, whichever comes later.

**Supplementary Provisions [Act No. 130 of June 23, 2004 Extract]  
[Extract]**

(Effective Date)

Article 1 This Act comes into effect on October 1, 2004; provided, however, that the provisions set forth in the following items come into effect on the days respectively specified in those items:

- (i) omitted; and
- (ii) Articles 2, 7, 10, 13, and 18 of this Act and Articles 9 through 15, Articles 28 through 36, Articles 38 through 76-2, Article 79, and Article 81 of the Supplementary Provisions: April 1, 2005.

**Supplementary Provisions [Act No. 135 of June 23, 2004 Extract]  
[Extract]**

(Effective Date)

Article 1 This Act comes into effect on the date of promulgation; provided, however, that the provisions set forth in the following items come into effect on the days respectively specified in those items:

- (i) omitted; and
- (ii) Article 17 of the Supplementary Provisions: the date of promulgation of this Act or the date of promulgation of the Act Partially Amending the National Public Officers Mutual Aid Association Act (Act No. 130 of 2004), whichever comes later.

**Supplementary Provisions [Act No. 37 of May 28, 2010 Extract] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the day specified by Cabinet Order within a period not exceeding six months from the date of promulgation (hereinafter referred to as the "enforcement date").

(Transitional Measures on the Application of Penal Provisions)

Article 34 With regard to the application of penal provisions to acts committed prior to the day on which this Act comes into effect, prior laws continue to govern.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 35 Beyond what is provided for in the Supplementary Provisions, necessary transitional measures concerning the enforcement of this Act are prescribed by Cabinet Order.

**Supplementary Provisions [Act No. 35 of June 27, 2012 Extract] [Extract]**

(Effective Date)

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

(Transitional Measures in Line with Partial Amendment of the Act on the Japan Aerospace Exploration Agency, Incorporated Administrative Agency)

Article 4 With regard to the application of penal provisions to acts committed prior to the day on which this Act comes into effect, prior laws continue to govern.

(Delegation to Cabinet Order)

Article 6 Beyond what is provided for in the Supplementary Provisions, necessary transitional measures concerning the enforcement of this Act are prescribed by Cabinet Order.

**Supplementary Provisions [Act No. 67 of June 13, 2014 Extract] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the date of promulgation of the Act Partially Amending the Act on General Rules for Incorporated Administrative Agencies (Act No. 66 of 2014; hereinafter referred to as the "Act Amending the Act on General Rules"); provided, however, that the provisions set forth in the following items come into effect on the days respectively specified in those

items:

(i) Article 14, paragraph (2), Article 18, and Article 30 of the Supplementary Provisions: the date of promulgation.

(Special Provisions on Taxation)

Article 27 According to the provisions of the individual laws provided for in Article 1, paragraph (1) of the Act on General Rules and the provisions of Article 4, paragraph (2) of the New Act on General Rules, no registration and license tax is imposed when an incorporated administrative agency the specified name of which includes the words "国立研究開発法人"(with a pronunciation of "Kokuritsu-Kenkyu-Kaihatsu-Hojin) and with a literal meaning of "National Research and Development Agency") registers the name of a nominal person that will be changed due to a change in accordance with Article 2, paragraph (1) of the New Act on General Rules.

(Effects of Dispositions)

Article 28 Dispositions, procedures and other acts that have been conducted or should be conducted before the provisions of this Act come into effect pursuant to the provisions of individual laws (including orders based on them) prior to their amendment by this Act and that are provided for in the corresponding provisions of the respective individual laws (including orders based on them; hereafter referred to in this Article as "new laws and regulations") following their amendment by this Act are deemed to be dispositions, procedures and other acts that have been conducted or should be conducted pursuant to the corresponding provisions of the new laws and regulations (including Cabinet Orders based on them), unless otherwise stipulated in the laws.

(Transitional Measures on Penal Provisions)

Article 29 Prior laws continue to govern application of penal provisions to acts conducted prior to the day on which this Act comes into effect and to acts conducted after this Act comes into effect pertaining to matters for which prior laws are to continue to govern pursuant to the provisions of the Supplementary Provisions.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 30 Beyond what is provided for in Article 3 of the Supplementary Provisions through the preceding Article, necessary transitional measures concerning the enforcement of this Act (including transitional measures on penal provisions) are prescribed by Cabinet Order (Regulation of the National Personnel Authority for matters under the jurisdiction of the National Personnel Authority).

## Supplementary Provisions [Act No. 76 of November 16, 2016 Extract]

(Effective Date)

Article 1 This Act comes into effect on the day specified by Cabinet Order within a period not exceeding two years from the date of promulgation; provided, however, that the provisions set forth in the following items come into effect on the days respectively specified in those items:

(i) Articles 3 and 10 of the Supplementary Provisions: the date of promulgation.

(Transitional Measures on Penal Provisions in Line with Partial Amendment of the Act on the Japan Aerospace Exploration Agency, National Research and Development Agency)

Article 7 With regard to application of penal provisions to acts in violation of the provisions of the Act on the Japan Aerospace Exploration Agency, National Research and Development Agency prior to amendment by the preceding Article, that were committed prior to the day on which this Act comes into effect, prior laws continue to govern.

(Delegation to Cabinet Order)

Article 10 Beyond what is provided for in the Supplementary Provisions, necessary transitional measures concerning the enforcement of this Act (including transitional measures on penal provisions) are prescribed by Cabinet Order.