

# 独立行政法人産業技術総合研究所法

## Act on the National Institute of Advanced Industrial Science and Technology

(平成十一年十二月二十二日法律第二百三号)  
(Act No. 203 of December 22, 1999)

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### 第一章 総則

#### Chapter I General Provisions

(目的)

(Purpose)

第一条 この法律は、独立行政法人産業技術総合研究所の名称、目的、業務の範囲等に関する事項を定めることを目的とする。

Article 1 The purpose of this Act is to prescribe the matters including the name, purpose, and scope of operations of the National Institute of Advanced Industrial Science and Technology.

(名称)

(Name)

第二条 この法律及び独立行政法人通則法（平成十一年法律第百三号。以下「通則法」という。）の定めるところにより設立される通則法第二条第一項に規定する独立行政法人の名称は、独立行政法人産業技術総合研究所とする。

Article 2 The name of the incorporated administrative agency 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 "Act on General Rules") established pursuant to this Act and the Act on General Rules is to be the National Institute of Advanced Industrial Science and Technology.

(研究所の目的)

(Purpose of the Institute)

第三条 独立行政法人産業技術総合研究所（以下「研究所」という。）は、鉱工業の科学技術に関する研究及び開発等の業務を総合的に行うことにより、産業技術の向上及びその成果の普及を図り、もって経済及び産業の発展並びに鉱物資源及びエネルギーの安定的かつ効率的な供給の確保に資することを目的とする。

Article 3 The purpose of the National Institute of Advanced Industrial Science and Technology (hereinafter referred to as the "Institute") is to improve industrial technology and promote dissemination of the results thereof by comprehensively conducting operations on research, development, etc. related to science and technology in mining and industry and thereby contribute to improving industrial technology and securing a stable and efficient supply of mineral resources and energy.

第四条 削除

Article 4 Deleted

(事務所)

(Office)

第五条 研究所は、主たる事務所を東京都に置く。

Article 5 The principal office of the Institute is to be located in Tokyo.

(資本金)

(Stated Capital)

第六条 研究所の資本金は、附則第五条第二項の規定により政府から出資があったものとされた金額とする。

Article 6 (1) The stated capital of the Institute is to be the amount contributed by the government pursuant to the provisions of Article 5, paragraph (2) of the Supplementary Provisions.

2 政府は、必要があると認めるときは、予算で定める金額の範囲内において、研究所に追加して出資することができる。

(2) The government may, when it finds it necessary, make additional contributions to the Institute within the scope specified by the budget.

3 研究所は、前項又は附則第六条第一項の規定による政府の出資があったときは、その出資額により資本金を増加するものとする。

(3) When the government has made a contribution pursuant to the provisions of

the preceding paragraph or Article 6, paragraph (1) of the Supplementary Provisions, the Institute is to increase its stated capital based on the amount of that contribution.

## 第二章 役員及び職員

### Chapter II Officers and Employees

(役員)

(Officers)

第七条 研究所に、役員として、その長である理事長及び監事二人を置く。

Article 7 (1) The president who is the head of the Institute and two auditors are to be appointed as officers of the Institute.

2 研究所に、役員として、副理事長一人及び理事十人以内を置くことができる。

(2) A senior vice-president and a maximum of ten vice-presidents may be appointed as officers of the Institute.

(副理事長及び理事の職務及び権限等)

(Duties and Authority of the Senior Vice-President and Vice-Presidents)

第八条 副理事長は、理事長の定めるところにより、研究所を代表し、理事長を補佐して研究所の業務を掌理する。

Article 8 (1) The senior vice-president, as determined by the president, is to represent the Institute and assist the president in handling the operations of the Institute.

2 理事は、理事長の定めるところにより、理事長（副理事長が置かれているときは、理事長及び副理事長）を補佐して研究所の業務を掌理する。

(2) The vice-presidents, as determined by the president, is to assist the president (president and senior vice-president if a senior vice-president is appointed) in handling the operations of the Institute.

3 通則法第十九条第二項の個別法で定める役員は、副理事長とする。ただし、副理事長が置かれていない場合であって理事が置かれているときは理事、副理事長及び理事が置かれていないときは監事とする。

(3) The officer specified by the relevant Individual Act in Article 19, paragraph (2) of the Act on General Rules, is to be the senior vice-president; provided, however, that if a senior vice-president has not been appointed but vice-presidents have been appointed, this officer is to be a vice-president and if neither a senior vice-president nor vice-presidents have been appointed, this officer is to be an auditor.

4 前項ただし書の場合において、通則法第十九条第二項の規定により理事長の職務を代理し又はその職務を行う監事は、その間、監事の職務を行ってはならない。

(4) In the case referred to in the proviso of the preceding paragraph, an auditor who acts on behalf of the president or who carries out the duties of the

president pursuant to the provisions of Article 19, paragraph (2) of the Act on General Rules may not carry out the duties of an auditor during that period.

(役員任期)

(Officers' Term of Office)

第九条 役員任期は、二年とする。

Article 9 The officers' term of office is to be two years.

(理事の欠格条項の特例)

(Exceptions to Disqualification Clause for Vice-Presidents)

第十条 通則法第二十二条の規定にかかわらず、教育公務員で政令で定めるものは、理事となることができる。

Article 10 (1) Notwithstanding the provisions of Article 22 of the Act on General Rules, a person who is a civil servant in the field of education and who has been specified by Cabinet Order may be appointed as a vice-president.

2 研究所の理事の解任に関する通則法第二十三条第一項の規定の適用については、同項中「前条」とあるのは、「前条及び独立行政法人産業技術総合研究所法第十条第一項」とする。

(2) With regard to the application of the provisions of Article 23, paragraph (1) of the Act on General Rules concerning the dismissal of vice-presidents of the Institute, the term "the preceding Article" in that paragraph is deemed to be replaced with "the preceding Article and Article 10, paragraph (1) of the Act on the National Institute of Advanced Industrial Science and Technology."

(役員及び職員の秘密保持義務)

(Officers' and Employees' Duty of Confidentiality)

第十条の二 研究所の役員及び職員は、職務上知ることのできた秘密を漏らし、又は盗用してはならない。その職を退いた後も、同様とする。

Article 10-2 The officers and employees of the Institute may not divulge or misappropriate any secrets they have come to know in the course of their duties. The same applies to any officer or employee after leaving their post.

(役員及び職員の地位)

(Status of Officers and Employees)

第十条の三 研究所の役員及び職員は、刑法（明治四十年法律第四十五号）その他の罰則の適用については、法令により公務に従事する職員とみなす。

Article 10-3 With regard to the application of the Penal Code (Act No. 45 of 1907) and other penal provisions, the officers and employees of the Institute are deemed to be employees engaged in public service pursuant to laws and regulations.

### 第三章 業務等 Chapter III Operations

(業務の範囲)

(Scope of Operations)

第十一条 研究所は、第三条の目的を達成するため、次の業務を行う。

Article 11 (1) The Institute carries out the following operations to achieve the purposes specified in Article 3:

一 鉱工業の科学技術に関する研究及び開発並びにこれらに関連する業務を行うこと。

(i) research and development concerning science and technology in mining and industry, and operations relevant to the research and development;

二 地質の調査を行うこと。

(ii) geological surveys;

三 計量の標準を設定すること、計量器の検定、検査、研究及び開発並びにこれらに関連する業務を行うこと並びに計量に関する教習を行うこと。

(iii) establishment of standards for measurement, calibration, inspection, research and development of measuring instruments, operations relevant to these, and training related to measurement;

四 前三号の業務に係る技術指導及び成果の普及を行うこと。

(iv) technical guidance pertaining to the operations specified in the preceding three items and dissemination of the results;

五 産業技術力強化法（平成十二年法律第四十四号）第二条第二項に規定する技術経営力の強化に寄与する人材を養成し、その資質の向上を図り、及びその活用を促進すること。

(v) developing human resources who can contribute to the strengthening of the technology management capability prescribed in Article 2, paragraph (2) of the Industrial Technology Enhancement Act (Act No. 44 of 2000), improving the quality of those human resources, and promoting their utilization; and

六 前各号の業務に附帯する業務を行うこと。

(vi) operations incidental to the operations specified in each of the preceding items.

2 研究所は、前項の業務のほか、計量法（平成四年法律第五十一号）第四百四十八条第一項及び第二項の規定による立入検査を行う。

(2) In addition to the operations set forth in the preceding paragraph, the Institute is to conduct on-site inspections pursuant to Article 148, paragraph (1) and paragraph (2) of the Measurement Act (Act No. 51 of 1992).

(積立金の処分)

(Appropriation of Reserve Funds)

第十二条 研究所は、通則法第二十九条第二項第一号に規定する中期目標の期間（以下この項において「中期目標の期間」という。）の最後の事業年度に係る通則法第四十

四条第一項又は第二項の規定による整理を行った後、同条第一項の規定による積立金があるときは、その額に相当する金額のうち経済産業大臣の承認を受けた金額を、当該中期目標の期間の次の中期目標の期間に係る通則法第三十条第一項の認可を受けた中期計画（同項後段の規定による変更の認可を受けたときは、その変更後のもの）の定めるところにより、当該次の中期目標の期間における前条に規定する業務の財源に充てることができる。

Article 12 (1) After the Institute has conducted the adjustments pursuant to the provisions of Article 44, paragraph (1) or paragraph (2) of the Act on General Rules pertaining to the last business year of the period for mid-term objectives prescribed in Article 29, paragraph (2), item (i) of the Act on General Rules (hereinafter referred to as the "period for mid-term objectives" in this paragraph), if there are reserve funds pursuant to Article 44, paragraph (1), the Institute may appropriate, from among the amount equivalent to those reserve funds, the amount for which approval has been obtained from the Minister of Economy, Trade and Industry, as a financial resource for the operations prescribed in the preceding Article in the period following the period for mid-term objectives, pursuant to the mid-term plan (or the changed mid-term plan if approval for a change pursuant to the provisions of the second sentence of the paragraph has been obtained) for which the approval specified in Article 30, paragraph (1) of the Act on General Rules has been obtained pertaining to the period for mid-term objectives following the relevant period for mid-term objectives.

2 経済産業大臣は、前項の規定による承認をしようとするときは、あらかじめ、経済産業省の独立行政法人評価委員会の意見を聴くとともに、財務大臣に協議しなければならない。

(2) When the Minister of Economy, Trade and Industry seeks to grant approval pursuant to the provisions of the preceding paragraph, the Minister must hear the opinion of the Ministry of Economy, Trade and Industry's Incorporated Administrative Institution Evaluation Committee, as well as consult with the Minister of Finance.

3 研究所は、第一項に規定する積立金の額に相当する金額から同項の規定による承認を受けた金額を控除してなお残余があるときは、その残余の額を国庫に納付しなければならない。

(3) When there is a surplus after deducting the amount for which approval has been obtained pursuant to the provisions of paragraph (1) from the amount equivalent to the reserve funds prescribed in that paragraph, the Institute must turn over this surplus amount to the national treasury.

4 前三項に定めるもののほか、納付金の納付の手続その他積立金の処分に関し必要な事項は、政令で定める。

(4) Beyond what is provided for in the preceding three paragraphs, necessary matters concerning the procedures for making payments and any other

appropriation of reserve funds are specified by Cabinet Order.

#### 第四章 雑則

#### Chapter IV Miscellaneous Provisions

(主務大臣等)

(Competent Ministers)

第十三条 研究所に係る通則法における主務大臣、主務省及び主務省令は、それぞれ経済産業大臣、経済産業省及び経済産業省令とする。

Article 13 The competent minister, competent ministry, and order of the competent ministry pertaining to the Institute under the Act on General Rules are the Minister of Economy, Trade and Industry, Ministry of Economy, Trade and Industry, and Order of the Ministry of Economy, Trade and Industry, respectively.

#### 第五章 罰則

#### Chapter V Penal Provisions

第十四条 第十条の二の規定に違反して秘密を漏らし、又は盗用した者は、一年以下の懲役又は三十万円以下の罰金に処する。

Article 14 A person who has divulged or misappropriated a secret in violation of the provisions of Article 10-2 is punished by imprisonment with work for not more than one year or a fine of not more than 300,000 yen.

第十五条 次の各号のいずれかに該当する場合には、その違反行為をした研究所の役員は、二十万円以下の過料に処する。

Article 15 The officer of the Institute who has committed the violation is to be punished by a civil fine of not more than 200,000 yen when the Institute falls under any of the following items:

一 第十一条に規定する業務以外の業務を行ったとき。

(i) when the Institute has conducted an operation other than those prescribed in Article 11; or

二 第十二条第一項の規定により経済産業大臣の承認を受けなければならない場合において、その承認を受けなかったとき。

(ii) when the Institute has failed to obtain approval in a case where the approval of the Minister of Economy, Trade and Industry must be obtained pursuant to the provisions of Article 12, paragraph (1).

#### 附 則 [抄]

#### Supplementary Provisions [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、平成十三年一月六日から施行する。

Article 1 This Act comes into effect as of January 6, 2001.

(職員の引継ぎ等)

(Succession of Employees)

第二条 研究所の成立の際現に経済産業省の部局又は機関で政令で定めるものの職員である者は、別に辞令を発せられない限り、研究所の成立の日において、研究所の相当の職員となるものとする。

Article 2 A person who is actually an employee of an agency or a department of the Ministry of Economy, Trade and Industry specified by Cabinet Order at the time of establishment of the Institute is to become a proper employee of the Institute on the date of establishment of the Institute, unless a written appointment is otherwise issued.

第三条 研究所の成立の際現に前条に規定する政令で定める部局又は機関の職員である者のうち、研究所の成立の日において引き続き研究所の職員となったもの（次条において「引継職員」という。）であって、研究所の成立の日の前日において経済産業大臣又はその委任を受けた者から児童手当法（昭和四十六年法律第七十三号）第七条第一項（同法附則第六条第二項、第七条第四項又は第八条第四項において準用する場合を含む。以下この条において同じ。）の規定による認定を受けているものが、研究所の成立の日において児童手当又は同法附則第六条第一項、第七条第一項若しくは第八条第一項の給付（以下この条において「特例給付等」という。）の支給要件に該当するときは、その者に対する児童手当又は特例給付等の支給に関しては、研究所の成立の日において同法第七条第一項の規定による市町村長（特別区の区長を含む。）の認定があったものとみなす。この場合において、その認定があったものとみなされた児童手当又は特例給付等の支給は、同法第八条第二項（同法附則第六条第二項、第七条第四項又は第八条第四項において準用する場合を含む。）の規定にかかわらず、研究所の成立の日の前日の属する月の翌月から始める。

Article 3 Among persons who are actually employees of an agency or a department specified by Cabinet Order as prescribed in the preceding Article at the time of establishment of the Institute, when there is a person who continues to be an employee of the Institute on the day of establishment of the Institute (hereinafter referred to as a "successional employee" in the following Article) and who has obtained certification pursuant to the provisions of 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 Economy, Trade and Industry, and falls under the payment requirements for



child allowance or the benefits specified 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." in this Article) on the day of establishment of the Institute, payment of child allowance or special benefits, etc. to the person is deemed as having been certified by the mayor (including ward mayors of special wards) pursuant to the provisions of Article 7, paragraph (1) of the same Act on the day of establishment of the Institute. In this case, payment of the child allowance or special benefits, etc. that were deemed to have been certified begin on the month after the month in which the day preceding the day of establishment of the Institute falls, notwithstanding the provisions of Article 8, paragraph (2) of the same 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 the same Act).

(研究所の職員となる者の職員団体についての経過措置)

(Transitional Measures on Employee Organizations for Persons Who Are to Become Employees of the Institute)

第四条 研究所の成立の際現に存する国家公務員法（昭和二十二年法律第百二十号）第百八条の二第一項に規定する職員団体であつて、その構成員の過半数が引継職員であるものは、研究所の成立の際国営企業及び特定独立行政法人の労働関係に関する法律（昭和二十三年法律第二百五十七号）の適用を受ける労働組合となるものとする。この場合において、当該職員団体が法人であるときは、法人である労働組合となるものとする。

Article 4 (1) An employee organization prescribed in Article 108-2, paragraph (1) of the National Public Service Act (Act No. 120 of 1947) that actually exists at the time of establishment of the Institute and of which the majority of its members are successional employees is deemed to be a labor union to which the Act on the Labor Relations of State Enterprises and Specified Incorporated Administrative Agencies, etc. (Act No. 257 of 1948) is applicable upon establishment of the Institute. In this case, if the employee organization is a corporation, it is considered to become a corporate labor union.

2 前項の規定により法人である労働組合となったものは、研究所の成立の日から起算して六十日を経過する日までに、労働組合法（昭和二十四年法律第百七十四号）第二条及び第五条第二項の規定に適合する旨の労働委員会の証明を受け、かつ、その主たる事務所の所在地において登記しなければ、その日の経過により解散するものとする。

(2) An employee organization that has become a corporate labor union pursuant to the provisions of the preceding paragraph is to obtain certification from the labor relations commission regarding conformity to the provisions of Article 2 and Article 5, paragraph (2) of the Labor Union Act (Act No. 174 of 1949) by the day on which sixty days have elapsed from the day of establishment of the Institute, and undergo registration at the location of its principal office;

otherwise, the organization is to be dissolved after the elapse of that date.

3 第一項の規定により労働組合となったものについては、研究所の成立の日から起算して六十日を経過する日までは、労働組合法第二条ただし書（第一号に係る部分に限る。）の規定は、適用しない。

(3) The proviso of Article 2 of the Labor Union Act (limited to the part pertaining to item (i)) does not apply to an employee organization that has become a labor union pursuant to the provisions of paragraph (1) until the day on which sixty days have elapsed from the day of establishment of the Institute.

(権利義務の承継等)

(Succession to Rights and Obligations)

第五条 研究所の成立の際、第十一条に規定する業務に関し、現に国が有する権利及び義務のうち政令で定めるものは、研究所の成立の時に於いて研究所が承継する。

Article 5 (1) Upon establishment of the Institute, the rights and obligations that the State actually possesses in relation to the operations prescribed in Article 11 and that are specified by Cabinet Order are succeeded by the Institute at the time of establishment of the Institute.

2 前項の規定により研究所が国の有する権利及び義務を承継したときは、その承継の際、承継される権利に係る土地、建物その他の財産で政令で定めるものの価額の合計額に相当する金額は、政府から研究所に対し出資されたものとする。

(2) When the Institute has succeeded to the rights and duties possessed by the State pursuant to the provisions of the preceding paragraph, the amount equivalent to the total amount of the value of the land, buildings, and any other assets specified by Cabinet Order that pertain to the succeeded rights at the time of succession, is deemed to having been contributed by the government to the Institute.

3 前項の規定により政府から出資があったものとされる同項の財産の価額は、研究所の成立の日現在における時価を基準として評価委員が評価した価額とする。

(3) The value of the assets specified in the preceding paragraph which was deemed to be a contribution by the government pursuant to the provisions of that paragraph is to be the value assessed by the Evaluation Committee using the market value on the day of establishment of the Institute as the standard.

4 前項の評価委員その他評価に関し必要な事項は、政令で定める。

(4) Other necessary matters related to the Evaluation Committee and assessment by the Evaluation Committee as specified in the preceding paragraph are specified by Cabinet Order.

第六条 前条に規定するもののほか、政府は、研究所の成立の時に於いて現に建設中の建物等（建物及びその建物に附属する工作物をいう。次項において同じ。）で政令で定めるものを研究所に追加して出資するものとする。

Article 6 (1) Beyond what is provided for in the preceding Article, buildings, etc.

(buildings and auxiliary structures of the buildings; hereinafter the same applies in the following paragraph) that are actually in the process of being constructed at the time of establishment of the Institute and that are specified by Cabinet Order are deemed to be additional contributions by the government to the Institute.

2 前項の規定により政府が出資の目的とする建物等の価額は、出資の日現在における時価を基準として評価委員が評価した価額とする。

(2) The value of buildings, etc. that are intended to be contributions by the government pursuant to the provisions of the preceding paragraph is the value assessed by the Evaluation Committee using the market value on the day of contribution as the standard.

3 前項の評価委員その他評価に関し必要な事項は、政令で定める。

(3) Other necessary matters related to the Evaluation Committee and assessments by the Evaluation Committee as specified in the preceding paragraph are specified by Cabinet Order.

(国有財産の無償使用)

(Gratuitous Use of National Government Asset)

第七条 国は、研究所の成立の際現に経済産業省の部局又は機関で政令で定めるものに使用されている国有財産であつて政令で定めるものを、政令で定めるところにより、研究所の用に供するため、研究所に無償で使用させることができる。

Article 7 The State may, pursuant to Cabinet Order, allow the Institute to use, without compensation, national government asset that is specified by Cabinet Order and that is actually being used by an agency or department of the Ministry of Economy, Trade and Industry for matters specified by Cabinet Order at the time of establishment of the Institute, for the national government asset to be used for the Institute.

(政令への委任)

(Delegation to Cabinet Order)

第十一条 附則第二条から第七条まで及び前条に定めるもののほか、研究所の設立に伴い必要な経過措置その他この法律の施行に関し必要な経過措置は、政令で定める。

Article 11 Beyond what is provided for in Articles 2 through 7 and the preceding Article of the Supplementary Provisions, the necessary transitional measures associated with the establishment of the Institute and any other necessary transitional measures for the implementation of this Act are specified by Cabinet Order.

附 則 〔平成十二年五月二十六日法律第八十四号〕 〔抄〕

Supplementary Provisions [Act No. 84 of May 26, 2000] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、平成十二年六月一日から施行する。

Article 1 This Act comes into effect as of June 1, 2000.

附 則 [平成十六年六月九日法律第八十三号] [抄]

**Supplementary Provisions [Act No. 83 of June 9, 2004] [Extract]**

(施行期日)

(Effective Date)

第一条 この法律は、平成十七年四月一日から施行する。ただし、附則第七条の規定は公布の日から、附則第八条の規定は同年三月三十一日から施行する。

Article 1 This Act comes into effect as of April 1, 2005; provided, however, that the provisions of Article 7 of the Supplementary Provisions come into effect as of the date of promulgation, and the provisions of Article 8 of the Supplementary Provisions come into effect as of March 31 of the same year.

(職員の引継ぎ等)

(Succession of Employees)

第二条 この法律の施行の際現に従前の独立行政法人産業技術総合研究所（以下「従前の研究所」という。）の職員である者は、別に辞令を發せられない限り、この法律の施行の日（以下「施行日」という。）において、独立行政法人産業技術総合研究所（以下「研究所」という。）の職員となるものとする。

Article 2 A person who is actually an employee of the existing National Institute of Advanced Industrial Science and Technology (hereinafter referred to as the "existing Institute") at the time of implementation of this Act becomes an employee of the National Institute of Advanced Industrial Science and Technology (hereinafter referred to as the "Institute") on the day on which this Act comes into effect (hereinafter referred to as "implementation date"), unless a written appointment is otherwise issued.

第三条 前条の規定により研究所の職員となった者に対する国家公務員法（昭和二十二年法律第二百十号）第八十二条第二項の規定の適用については、研究所の職員を同項に規定する特別職国家公務員等と、前条の規定により国家公務員としての身分を失ったことを任命権者の要請に応じ同項に規定する特別職国家公務員等となるため退職したこととみなす。

Article 3 With regard to the application of the provisions of Article 82, paragraph (2) of the National Public Service Act (Act No. 120 of 1947), a person who has become an employee of the Institute pursuant to the provisions of the preceding Article is deemed to have retired, due to the fact that the person becomes a national public servant in special service, etc. pursuant to the

provisions of the paragraph, and the loss of one's status as a national public servant pursuant to the provisions of the preceding Article results in the person becoming a national public servant in special service, etc. as prescribed in the paragraph at the request of the appointer.

第四条 附則第二条の規定により研究所の職員となる者に対しては、国家公務員退職手当法（昭和二十八年法律第百八十二号）に基づく退職手当は、支給しない。

Article 4 (1) The retirement allowance pursuant to the National Government Employees, etc. Retirement Allowance Act (Act No. 182 of 1953) is not paid to a person who becomes an employee of the Institute pursuant to the provisions of Article 2 of the Supplementary Provisions.

2 研究所は、前項の規定の適用を受けた研究所の職員の退職に際し、退職手当を支給しようとするときは、その者の国家公務員退職手当法第二条第一項に規定する職員（同条第二項の規定により職員とみなされる者を含む。）としての引き続いた在職期間を研究所の職員としての在職期間とみなして取り扱うべきものとする。

(2) When the Institute seeks to pay the retirement allowance upon retirement of an employee of the Institute who is subject to the provisions of the preceding paragraph, the tenure during which the person continued in a position as an employee as prescribed in Article 2, paragraph (1) of the National Government Employees, etc. Retirement Allowance Act (including persons deemed to be employees pursuant to the provisions of paragraph (2) of that Article) is to be deemed as the tenure during which the person was an employee of the Institute and handled as such.

3 施行日の前日に従前の研究所の職員として在職する者が、附則第二条の規定により引き続いて研究所の職員となり、かつ、引き続き研究所の職員として在職した後引き続き国家公務員退職手当法第二条第一項に規定する職員となった場合におけるその者の同法に基づいて支給する退職手当の算定の基礎となる勤続期間の計算については、その者の研究所の職員としての在職期間を同項に規定する職員としての引き続いた在職期間とみなす。ただし、その者が研究所を退職したことにより退職手当（これに相当する給付を含む。）の支給を受けているときは、この限りでない。

(3) When a person who holds a position as an employee of the existing Institute on the day before the implementation date continues to be an employee of the Institute pursuant to the provisions of Article 2 of the Supplementary Provisions, and when that person continues to become an employee pursuant to the provisions of Article 2, paragraph (1) of the National Government Employees, etc. Retirement Allowance Act after the tenure as an employee of the Institute, for the computation of the period of time of their services that serves as the basis for calculating the retirement allowance to be received pursuant to that Act, their tenure as an employee of the Institute is deemed to be their ongoing tenure as an employee prescribed in that paragraph; provided, however, that this does not apply when the person has received a retirement

allowance (including benefits equivalent to this retirement allowance) as a result of retiring from the Institute.

- 4 研究所は、施行日の前日に従前の研究所の職員として在職し、附則第二条の規定により引き続いて研究所の職員となった者のうち施行日から雇用保険法（昭和四十九年法律第百十六号）による失業等給付の受給資格を取得するまでの間に研究所を退職したものであって、その退職した日まで従前の研究所の職員として在職したものとしたならば国家公務員退職手当法第十条の規定による退職手当の支給を受けることができるものに対しては、同条の規定の例により算定した退職手当の額に相当する額を退職手当として支給するものとする。

- (4) Among the persons who held positions as employees of the existing Institute on the day before the implementation date, and who continued to become employees of the Institute pursuant to the provisions of Article 2 of the Supplementary Provisions, a person who retired from the Institute between the implementation date and when the person obtained recipient qualification for unemployment, etc. benefits pursuant to the Employment Insurance Act (Act No. 116 of 1974) and who may receive a retirement allowance pursuant to the provisions of Article 10 of the National Government Employees, etc. Retirement Allowance Act if they held a position as an employee of the existing Institute up until the day of the retirement, the Institute is to pay an amount equivalent to the retirement allowance calculated based on the example in the provisions of the Article to the person as a retirement allowance.

（労働組合についての経過措置）

(Transitional Measures for Labor Unions)

- 第五条 この法律の施行の際現に存する特定独立行政法人等の労働関係に関する法律（昭和二十三年法律第二百五十七号。次条において「特労法」という。）第四条第二項に規定する労働組合であつて、その構成員の過半数が附則第二条の規定により研究所に引き継がれる者であるものは、この法律の施行の際労働組合法（昭和二十四年法律第百七十四号）の適用を受ける労働組合となるものとする。この場合において、当該労働組合が法人であるときは、法人である労働組合となるものとする。

- Article 5 (1) A labor union as prescribed in the provisions of Article 4, paragraph (2) of the Act on Labor Relations of Specified Incorporated Administrative Agencies, etc. (Act No. 257 of 1948; hereinafter referred to as "Specified Labor Act" in the following Article) that actually exists upon implementation of this Act, and when the majority of the members continue to be employees of the Institute pursuant to the provisions of Article 2 of the Supplementary Provisions, the union is considered to be a labor union to which the Labor Union Act (Act No. 174 of 1949) applies at the time of implementation of this Act. In this case, when the labor union is a corporation, the labor union is to become a corporate labor union.

- 2 前項の規定により法人である労働組合となったものは、施行日から起算して六十日

を経過する日までに、労働組合法第二条及び第五条第二項の規定に適合する旨の労働委員会の証明を受け、かつ、その主たる事務所の所在地において登記しなければ、その日の経過により解散するものとする。

- (2) A labor union that has become a corporate labor union pursuant to the provisions of the preceding paragraph must obtain certification from the labor relations commission regarding conformity 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 implementation date and undergo registration at the location of its principal office; otherwise, the labor union is to be dissolved after the elapse of that date.
- 3 第一項の規定により労働組合法の適用を受ける労働組合となったものについては、施行日から起算して六十日を経過する日までは、同法第二条ただし書（第一号に係る部分に限る。）の規定は、適用しない。
- (3) The proviso of Article 2 of the Labor Union Act (limited to the part pertaining to item (i)) does not apply to an employee organization that has become a labor union to which that Act applies pursuant to the provisions of paragraph (1) until the day on which sixty days have elapsed from the implementation date.

（不当労働行為の申立て等についての経過措置）

(Transitional Measures Regarding Petitions against Unfair Labor Practices)

第六条 この法律の施行前に特労法第十八条の規定に基づき従前の研究所がした解雇に係る中央労働委員会に対する申立て及び中央労働委員会による命令の期間については、なお従前の例による。

Article 6 (1) With regard to the period for filing a petition with the Central Labour Relations Commission pertaining to dismissal by the existing Institute prior to the implementation of this Act pursuant to Article 18 of the Specified Labor Act, and the period for an order by the Central Labour Relations Commission, the provisions then in force remain applicable.

2 この法律の施行の際現に中央労働委員会に係属している従前の研究所とその職員に係る特労法の適用を受ける労働組合とを当事者とするあつせん、調停又は仲裁に係る事件に関する特労法第三章（第十二条から第十六条までの規定を除く。）及び第六章に規定する事項については、なお従前の例による。

(2) With regard to matters provided for in Chapter III of the Specified Labor Act (excluding the provisions of Articles 12 through 16) and Chapter VI pertaining to cases relating to mediation, conciliation, or arbitration where the existing Institute that are actually pending in the Central Labor Relations Commission at the time of enforcement of this Act and the labor union to which the Specified Labor Act pertaining to the employees of the Institute applies are the concerned parties, the provisions then in force remain applicable.

（政令への委任）

(Delegation to Cabinet Order)

第七条 附則第二条から前条までに定めるもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 7 Beyond what is provided for in Article 2 to the preceding Article of the Supplementary Provisions, necessary transitional measures for the implementation of this Act are specified by Cabinet Order.

附 則 〔平成十九年五月十一日法律第三十六号〕〔抄〕

**Supplementary Provisions [Act No. 36 of May 11, 2007] [Extract]**

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して六月を超えない範囲内において政令で定める日から施行する。

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding six months from the date of promulgation.

(罰則の適用に関する経過措置)

(Transitional Measures Relating to Application of Penal Provisions)

第七条 この法律の施行前にした行為に対する罰則の適用については、なお従前の例による。

Article 7 With regard to the application of penal provisions to acts performed prior to the implementation of this Act, the provisions then in force remain applicable.

(その他の経過措置の政令への委任)

(Delegation of Other Transitional Measures to Cabinet Order)

第八条 この附則に規定するもののほか、この法律の施行に伴い必要な経過措置は、政令で定める。

Article 8 Beyond what is provided for in these Supplementary Provisions, the necessary transitional measures associated with the implementation of this Act are specified by Cabinet Order.