

Regulations for Enforcement of the Act on Promotion of Use of Alternative Dispute Resolution

(Ministry of Justice Order No. 52 of April 28, 2006)

Based on the provisions of the Act on Promotion of Use of Alternative Dispute Resolution (Act No. 151 of 2004) and the Order for Enforcement of the Act on Promotion of Use of Alternative Dispute Resolution (Cabinet Order No. 186 of 2006) and in order to enforce the same Act, the Regulations for Enforcement of the Act on Promotion of Use of Alternative Dispute Resolution is established as follows.

(Substantial Controllers)

Article 1 The applicant's substantial controllers as stated in Article 6, item (iv) of the Act on Promotion of Use of Alternative Dispute Resolution (below referred to as the "Act") are the following persons; provided, however, that this does not apply when it is found that the person is obviously incapable of having control over the business policy decisions of the applicant (which means an applicant prescribed in Article 6 of the Act; the same applies below) or of having a serious influence on the applicant's business in light of their business relationship:

- (i) a particular person satisfying the following: that particular person holds voting rights on their own account; and the combined voting rights of that particular person of a person who is found to exercise their voting rights in the same manner as the intent of that particular person due to a close relationship with that particular person in terms of contribution, personnel affairs, funds, technology, transactions or other matters, and of a person who agrees to exercise their voting rights in the same manner as the intent of that particular person account for one-third or more of the voting rights of the applicant (excluding individuals) (this includes the cases in which the particular person does not hold any voting rights on their own account);
- (ii) a person who is or who was an officer (including a representative or administrator of an organization that is not a corporation and for which a representative or an administrator is appointed; the same applies below) of the applicant (excluding individuals);
- (iii) a person whose representative (including the representative or the administrator of an organization that is not a corporation and for which a representative or an administrator is appointed; the same applies in item (vi), the following Article and Article 5, item (v)) is a person stated in the preceding item;

- (iv) a person for whom the applicant (limited to individuals) serves as or has served as an officer or an employee;
- (v) a person who is a relative within the third degree of kinship to the applicant (limited to individuals) or to an officer of the applicant (excluding individuals);
- (vi) a person whose representative is a person stated in the preceding item;
- (vii) a person for whom one-third or more of the persons who are officers of the applicant (excluding individuals) serve or have served as officers or employees;
- (viii) a person who is under contract with the applicant to have control over the applicant's business policy decisions;
- (ix) a particular person who provides a loan (including a guarantee of liabilities and provision of collateral; the same applies in this item and item (ix) of the following Article) for one-third or more of the total amount of the applicant's procured funds (limited to those included in the liabilities on the balance sheet; the same applies in this item and item (ix) of the following Article) (including cases where the amount of the loan exceeds one-third of the total amount of the procured funds when combined with the amount of a loan provided by a person with a close relationship with the particular person in terms of contribution, personnel affairs, funds, technology, transactions or other matters);
- (x) in addition to the persons stated in the preceding items, a person whose circumstances suggest that the person has control over the applicant's business policy decisions;
- (xi) a particular person whose relationship with a person stated in any of the preceding items is the same as the relationship of a person stated in any of the preceding items (excluding items (ii) through (vi); below the same applies in this item) with the applicant as prescribed in the preceding items;
- (xii) a particular person whose relationship with any of the persons stated in items (i) through (x) is the same as the relationship of the applicant with any of the persons stated in the respective items (excluding items (ii) through (vi) and item (xi); below the same applies in this item) of the following Article as prescribed in the respective items of the following Article.

(Subsidiaries)

Article 2 The applicant's subsidiaries stated in Article 6, item (iv) of the Act are the following persons; provided, however, that this does not apply when it is found that the applicant is obviously incapable of having control over the business policy decisions of the person in any of the following items in light of their business relationship:

- (i) another corporation or an organization without legal personality and for

- which a representative or an administrator is appointed (referred to as the "corporation or organization without legal personality" in this Article) if the total number of voting rights held by the applicant on their own account, voting rights held by a person who is found to exercise their voting rights in the same manner as the intent of the applicant, and voting rights held by a person who agrees to exercise their voting rights in the same manner as the intent of the applicant due to having a close relationship with the applicant in terms of contribution, personnel affairs, funds, technology, transactions or other matters, accounts for one-third or more of the voting rights of the corporation or organization without legal personality (this includes the cases in which the applicant does not hold any voting rights on their own account);
- (ii) a person who is or has been an officer of the applicant (excluding individuals) or an employee of the applicant;
 - (iii) a person whose representative is a person stated in the preceding item;
 - (iv) a person whose representative is the applicant (limited to individuals);
 - (v) a person who is a relative within the third degree of kinship to the applicant (limited to individuals) or to an officer of the applicant (excluding individuals);
 - (vi) a person whose representative is a person stated in the preceding item;
 - (vii) another corporation or organization without legal personality where a person or persons stated in item (ii) account for one-third or more of the officers of the relevant other corporation or organization without legal personality;
 - (viii) a particular person with whom the applicant is under a contract with that person to have control over the person's business policy decisions;
 - (ix) a particular person to whom the applicant provides a loan for one-third or more of the total amount of the particular person's procured funds (including cases where the amount of the loan exceeds one-third of the total amount of the procured funds when combined with the amount of a loan provided by a person with a close relationship with the applicant in terms of contribution, personnel affairs, funds, technology, transactions or other matters);
 - (x) in addition to the persons stated in the preceding items, a particular person whose circumstances suggest that the applicant has control over the particular person's business policy decisions;
 - (xi) a particular person whose relationship with a person stated in any of the preceding items is the same as the relationship of the applicant with a person stated in any of the preceding items (excluding items (ii) through (vi); below the same applies in this item) as prescribed in the preceding items.

(Persons Unable to Properly Perform Private Dispute Resolution Services Due to a Mental or Physical Disorder)

Article 2-2 Persons specified by Ministry of Justice Order as provided for in Article 7, item (i) of the Act are persons who are unable to adequately carry out the cognition, decision making, and communication necessary for properly performing the services of private dispute resolution due to mental impairment.

(Employee Subject to Examination upon Certification)

Article 3 A person specified by Ministry of Justice Order as stated in Article 2 of the Order for Enforcement of the Act on Promotion of Use of Alternative Dispute Resolution is a person who is in a position to act as a person who supervises private dispute resolution services at an office stated in Article 8, paragraph (1), item (ii) of the Act regardless of whether that person is a deputy director, a deputy office manager or a person called by any other title.

(Application for Certification)

Article 4 A person who intends to obtain certification from the Minister of Justice as prescribed in Article 5 of the Act must submit to the Minister of Justice the written application stated in Article 8, paragraph (1) of the Act using the prepared appended Form 1 (below referred to as a "written application for certification") by attaching the documents prescribed in paragraph (2) of the same Article.

(Other Matters to Be Described in a Written Application for Certification)

Article 5 The matters specified by Ministry of Justice Order as stated in Article 8, paragraph (1), item (iii) of the Act are the following matters:

- (i) the telephone number and e-mail address;
- (ii) if the applicant is a corporation directly incorporated by law or a corporation incorporated by a special act of incorporation under a special statute, a statement to that effect and the minister who has jurisdiction over the applicant;
- (iii) if the applicant is a corporation which has obtained permission or approval with regard to its incorporation, a statement to that effect and either of the minister or the National Public Safety Commission that granted the permission, license or approval;
- (iv) the date of birth and the registered domicile (the nationality in the case of a foreign national; the same applies below) of the applicant (limited to individuals);
- (v) the date of birth, the registered domicile and the address of the representative of the applicant (excluding individuals) and the names, dates of birth, registered domiciles and addresses of the officers (excluding the representative) of that applicant;
- (vi) the name, telephone number and e-mail address of the office stated in

- Article 8, paragraph (1), item (ii) of the Act;
- (vii) the days and hours during which private dispute resolution services are to be carried out;
 - (viii) the name, address and the proportion of voting rights held by the main voting rights holder (a particular person holding voting rights held on their account, if the combined voting rights of that particular person, of persons who are found to exercise their voting rights in the same manner as the intent of that particular person due to a close relationship with the relevant particular person in terms of contribution, personnel affairs, funds, technology, transactions or other matters ,and of persons who agree to exercise their voting rights in the same manner as the intent of that particular person account for one-tenth or more of the voting rights of the applicant (including cases where the particular person does not hold any voting rights on the person's own account); the same applies in Article 12, paragraph (1), item (iv)) of the applicant (excluding individuals);
 - (ix) if the applicant engages in any other business (which means a business carrying out services other than the private dispute resolution services related to the application; the same applies below), the type and details of the business;
 - (x) The name, date of birth, registered domicile, address and job title or position of an employee specified by Cabinet Order as stated in Article 7, item (ix) and item (x) of the Act (below referred to as an "important employee");
 - (xi) an outline of the contents and implementation method of the private dispute resolution services related to the application.

(Other Documents to Be Attached to a Written Application for Certification)

Article 6 (1) The documents specified by Ministry of Justice Order as prescribed in Article 8, paragraph (2), item (iv) of the Act are the following documents:

- (i) the balance sheet, the income and expenditure account statement or the profit and loss statement for the business year immediately before the business year encompassing the day of the application for certification and an inventory of assets or a document equivalent to it as of the end of the business year immediately before the business year encompassing the day of the application for certification (if the applicant is a corporation or an organization that is not a corporation that was established in the business year encompassing the day of the application and for which a representative or an administrator is appointed, an inventory of assets as of the time of establishment);
 - (ii) documents stating the expected income and expenditure after certification.
- (2) The documents specified by Ministry of Justice Order as stated in Article 8,

paragraph (2), item (v) of the Act are the following documents:

- (i) a certificate of the registered information of the applicant (limited to corporations);
- (ii) a copy of the residence record containing a statement on the registered domicile of the applicant (limited to individuals) or officers of the applicant (excluding individuals) and any important employees, or any alternative document;
- (iii) documents prepared respectively by the applicant, the officers of the applicant (excluding individuals) and any important employees using appended Form 2 to pledge that they do not fall under any of the items of Article 7 of the Act;
- (iv) a drawing indicating an outline of the organization of the applicant.

(Method of Payment of Fees)

Article 7 The fees stated in Article 8, paragraph (3) of the Act (including cases where they are applied mutatis mutandis pursuant to the provisions of Article 12, paragraph (4) of the Act) must be paid by attaching revenue stamps of an amount corresponding to the amount of fees to the written application for certification.

(Hearing of the Opinions of the Certification Examiners)

Article 8 (1) When the Minister of Justice hears the opinions of the certification examiners pursuant to the provisions of Article 9, paragraph (3) of the Act (including cases in which it is applied mutatis mutandis pursuant to the provisions of Article 12, paragraph (4) and Article 23, paragraph (6) of the Act; the same applies in the following paragraph), the minister is to indicate the form and the time limit for submission of the written opinions prescribed in the following paragraph and any other necessary matters in advance.

(2) Submission of the opinions of the certification examiners under Article 9, paragraph (3) of the Act is carried out by submitting a written opinion stating the grounds for the opinion.

(Posting)

Article 9 (1) The matters specified by Ministry of Justice Order as stated in Article 11, paragraph (2) of the Act are the following matters:

- (i) the scope of disputes for which settlement will be arranged by the certified dispute resolution business operator with its specialized expertise;
- (ii) the method of selecting dispute resolution providers;
- (iii) an outline of the occupation or status of the candidates for dispute resolution providers;
- (iv) the method of notice to be used when implementing certified dispute

- resolution procedures;
 - (v) the standard operation process from the commencement to the termination of the certified dispute resolution procedures;
 - (vi) the requirements and methods of operation to be satisfied by the party to a dispute making a request for implementation of certified dispute resolution procedures;
 - (vii) the procedures to notify promptly the other party to the dispute of the request, upon receiving a request made by the other party to a dispute under the preceding item, and to confirm whether the other party, in response, also wishes to request the use of certified dispute resolution procedures;
 - (viii) the methods for retaining, returning or otherwise handling materials submitted through certified dispute resolution procedures;
 - (ix) the method for handling the secrets of the parties to a dispute or of other third parties that are contained in the opinions stated or materials submitted or presented through certified dispute resolution procedures;
 - (x) the requirements and methods of operation for the parties to a dispute to terminate the certified dispute resolution procedures;
 - (xi) the amount of rewards and expenses to be paid by the parties to a dispute to the certified dispute resolution business operator (including dispute resolution providers) or the method of calculation and payment;
 - (xii) the system for handling complaints on the private dispute resolution services carried out by the certified dispute resolution business operator.
- (2) The posting under Article 11, paragraph (2) of the Act may be made by way of displaying the fact that that person is a certified dispute resolution business operator and the matters prescribed in the respective items of the preceding paragraph on the screen of a computer kept at the office where the certified dispute resolution services are to be carried out.

(Minor Changes That Require No Certification of Changes)

Article 10 The minor changes specified by Ministry of Justice Order as stated in Article 12, paragraph (1) of the Act are the following changes:

- (i) changes in the name, location, telephone number or e-mail address of the offices stated in Article 8, paragraph (1), item (ii) of the Act;
- (ii) changes in the days or hours during which certified dispute resolution services are to be carried out;
- (iii) in addition to those matters provided for in the preceding two items, any changes related to matters that serve as the basis for determining compliance with the standards stated in the respective items of Article 6 of the Act, which do not reduce the knowledge or skills for carrying out certified dispute resolution services and do not cause an increased burden on or any other disadvantage to the parties to a dispute.

(Application for Certification of Changes)

Article 11 (1) When a certified dispute resolution business operator intends to obtain a certification of changes from the Minister of Justice under Article 12, paragraph (1) of the Act, the relevant certified dispute resolution business operator must submit to the Minister of Justice the written application stated in paragraph (2) of the same Article that has been prepared using appended Form 3 by attaching the documents prescribed in paragraph (3) of the same Article.

(2) The documents specified by Ministry of Justice Order as stated in Article 12, paragraph (3) of the Act are the documents among the documents stated in the respective items (excluding item (ii)) of Article 8, paragraph (2) of the Act which relate to the changes.

(Notification of Changes)

Article 12 (1) The matters specified by Ministry of Justice Order as stated in Article 13, paragraph (1), item (iv) of the Act are the following matters:

- (i) the telephone number or the e-mail address of the certified dispute resolution business operator;
- (ii) the registered domicile of the certified dispute resolution business operator (limited to individuals);
- (iii) the names, dates of birth and the registered domiciles or addresses of the officers of the certified dispute resolution business operator (excluding individuals);
- (iv) the name, address or the proportion of voting rights held by the main voting rights holder of the certified dispute resolution business operator (excluding individuals);
- (v) if the certified dispute resolution business operator engages in any other business, the type and details of the business;
- (vi) the name, date of birth, registered domicile, the address or the job title or position of any important employees.

(2) When a certified dispute resolution business operator intends to give the notification under Article 13, paragraph (1) of the Act, the certified dispute resolution business operator must submit to the Minister of Justice a written notice of changes that has been prepared using appended Form 4 by attaching the documents among the documents stated in Article 8, paragraph (2), item (i), item (ii) and item (v) of the Act which relate to the changes.

(3) The cases provided for by Ministry of Justice Order as stated in Article 13, paragraph (2) of the Act are cases in which the relevant person has come to have mental impairment and it has become extremely difficult to continue the services of certified dispute resolution.

(4) A person who intends to make a notification as prescribed in Article 13, paragraph (2) of the Act must submit to the Minister of Justice a document stating the grounds prescribed in the same paragraph, together with a medical certificate from a physician stating the name of the disease, the degree of the disability, the cause, the course of recovery after the disease, the prospect for cure, and other referential findings with regard to the state of mental impairment as prescribed in the preceding paragraph.

(Explanation to the Parties to a Dispute)

Article 13 (1) The matters specified by Ministry of Justice Order as stated in Article 14, item (iv) of the Act are the following matters:

- (i) the method for handling the secrets of the parties to a dispute or of other third parties that are contained in the opinions stated or materials submitted or presented through certified dispute resolution procedures or described in the procedure operation records prescribed in Article 16 of the Act (below referred to as the "procedure operation records");
 - (ii) the requirements and methods of operation for the parties to a dispute to terminate the certified dispute resolution procedures;
 - (iii) when the dispute resolution provider considers it impossible to arrange a settlement between the parties to a dispute through certified dispute resolution procedures, the dispute resolution provider must promptly terminate the certified dispute resolution procedures and notify the parties to the dispute to that effect;
 - (iv) whether there is a document to be prepared if a settlement is arranged between the parties to a dispute, and if there is, the person who will prepare the document, the number of copies to be prepared and any other outlines related to preparation of the document.
 - (v) if the certified dispute resolution procedures have been terminated as a result of the effectuation of a specified settlement, the preservation period of the dispute resolution procedures record related to the procedures, whether or not there are any procedures for the inspection, copying, or duplication of the dispute resolution procedures record, and the outline thereof;
- (2) When a certified dispute resolution business operator is asked by the parties to a dispute to deliver a document upon providing the explanation prescribed in Article 14 of the Act, the certified dispute resolution business operator must deliver the document and provide the explanation.

(Preparation and Preservation of Procedure Operation Records)

Article 14 (1) The matters specified by Ministry of Justice Order as prescribed in Article 16, item (vi) of the Act are the following matters:

- (i) the date on which a claim was made in a certified dispute resolution

- procedure and the contents of the relevant claim;
- (ii) if the certified dispute resolution procedures result in settlement, the contents of the settlement.
- (2) The certified dispute resolution business operator must preserve the procedure operation records for ten years or more from the date of termination of the certified dispute resolution procedures which the certified dispute resolution business operator has carried out.

(Notification of Merger)

Article 15 (1) When a certified dispute resolution business operator intends to give the notification prescribed in Article 17, paragraph (1) of the Act, the certified dispute resolution business operator must submit to the Minister of Justice a written notice of merger that has been prepared using appended Form 5 by attaching the documents specified in the following items for the categories stated respectively in those items:

- (i) the merger prescribed in Article 17, paragraph (1), item (i) of the Act (including an act equivalent to a merger conducted by an organization that is not a corporation and for which a representative or an administrator is appointed; the same applies in this Article): a document explaining the back ground of the merger, a copy of the written contract related to the merger, documents containing the articles of incorporation and any other basic contracts (below referred to as the "basic contracts") of the corporation surviving the merger (including an organization that is not a corporation and which appoints a representative or an administrator; the same applies in this Article) or the corporation established by the merger and a certificate of the registered information;
- (ii) the transfer of all or part of the business management or business operations prescribed in item (ii) of the same paragraph: a document explaining the back ground of the transfer of all or part of the business management or business operations, a copy of the written contract related to the transfer of all or part of the business management or business operations, and if the transferee of the transfer of all or part of the business management or business operations is a corporation, documents containing the basic contracts of the corporation and a certificate of its registered information;
- (iii) the split prescribed in item (iii) of the same paragraph: a document explaining the back ground of the split, a copy of the written plan or the written split contract, documents containing the basic contracts of the corporation succeeding all or part of the business management or business operations related to the certified dispute resolution services through the split and a certificate of the registered information of that corporation;

- (iv) the abolition of services prescribed in item (iv) of the same paragraph: a document explaining the back ground of the abolition of the services.
- (2) A person who has conducted any act stated in the respective items of Article 17, paragraph (1) of the Act (for the act stated in item (i) of the same paragraph, the corporation surviving the merger or the corporation established by the merger) must notify the Minister of Justice to that effect without delay by submitting a document stating to that effect, attaching a document proving that the relevant act has been conducted.

(Notification of Dissolution)

Article 16 A person giving the notification prescribed in Article 18, paragraph (1) of the Act must submit to the Minister of Justice a written notice of dissolution that has been prepared using appended Form 6 by attaching a certificate of registered information which contains a description of the liquidator (if a certified dispute resolution business operator, which has the status of an organization that is not a corporation and for which a representative or an administrator is appointed, conducts an act equivalent to dissolution, a document proving that the relevant act has been conducted).

(Business Report)

Article 17 The business report stated in Article 20 of the Act must be prepared using appended Form 7.

(Report)

- Article 18 (1) When a certified dispute resolution business operator has been requested by the Minister of Justice to make a report pursuant to the provisions of Article 21, paragraph (1) of the Act, the certified dispute resolution business operator must submit a written report.
- (2) When the Minister of Justice requests the report stated in the preceding paragraph, that person is to clearly indicate the form and the time limit for submission of the written report and any other necessary matters.

(Form of Identification Cards of Officials)

Article 19 The identification card stated in Article 21, paragraph (2) of the Act is to use appended Form 8.

(Publication of Information on Certified Dispute Resolution Services)

- Article 20 The matters specified by Ministry of Justice Order as prescribed in Article 31 of the Act are the following matters:
- (i) the telephone number, e-mail address and the website URL of the certified dispute resolution business operator;

- (ii) the name, telephone number and the e-mail address of the offices where the certified dispute resolution services are to be carried out;
- (iii) the days and hours during which the certified dispute resolution services are to be carried out;
- (iv) the matters listed in the respective items of Article 9, paragraph (1);
- (v) statistics concerning the certified dispute resolution business operator and the certified dispute resolution procedures.

Supplementary Provisions

This Ministerial Order comes into effect as of the day of enforcement of the Act (April 1, 2007).

Supplementary Provisions [Ministry of Justice Order No. 39 of December 21, 2011 Extract] [Extract]

(Effective Date)

Article 1 This Ministerial Order comes into effect as of January 7, 2012.

Supplementary Provisions [Ministry of Justice Order No. 1 of January 6, 2015]

This Ministerial Order comes into effect as of the date of promulgation.

Supplementary Provisions [Ministry of Justice Order No. 10 of March 22, 2019]

This Ministerial Order comes into effect as of the date of promulgation.

Supplementary Provisions [Ministry of Justice Order No. 6 of June 28, 2019]

This Ministerial Order comes into effect as of July 1, 2019.

Supplementary Provisions [Ministry of Justice Order No. 32 of September 13, 2019]

This Ministerial Order comes into effect as of September 14, 2019.

Supplementary Provisions [Ministry of Justice Order No. 8 of March 15, 2021]

This Ministerial Order comes into effect as of March 31, 2021.

Supplementary Provisions [Ministry of Justice Order No. 10 of March 15, 2022]

(Effective Date)

Article 1 This Ministerial Order comes into effect as of April 1, 2022.

(Transitional Measures in Line with the Partial Amendment of the Regulations for Enforcement of the Act on Promotion of Use of Alternative Dispute Resolution)

Article 2 The provisions of item (vii) of the appended form of the Regulations for Enforcement of the Act on Promotion of Use of Alternative Dispute Resolution amended by this Ministerial Order apply to business reports related to a business year starting on or after the date of enforcement of this Ministerial Order, and prior laws may continue to govern with regard to business reports related to a business year starting before the same date.

Supplementary Provisions [Ministry of Justice Order No. 45 of November 14, 2023]

This Ministerial Order comes into effect as of the day prescribed in the main clause of Article 1 of the Supplementary Provisions of the Act Partially Amending the Act on Promotion of Use of Alternative Dispute Resolution (Act No. 17 of 2023).