

裁判外紛争解決手続の利用の促進に関する法律施行規則

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

(平成十八年四月二十八日法務省令第五十二号)
(Ministry of Justice Order No. 52 of April 28, 2006)

裁判外紛争解決手続の利用の促進に関する法律（平成十六年法律第百五十一号）及び裁判外紛争解決手続の利用の促進に関する法律施行令（平成十八年政令第百八十六号）の規定に基づき、並びに同法を実施するため、裁判外紛争解決手続の利用の促進に関する法律施行規則を次のように定める。

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.

(実質的支配者等)

(Substantial Controllers)

第一条 裁判外紛争解決手続の利用の促進に関する法律（以下「法」という。）第六条第四号の申請者の実質的支配者等は、次の各号に掲げる者とする。ただし、事業上の関係からみて申請者（法第六条に規定する申請者をいう。以下同じ。）の事業の方針の決定を支配すること及びその事業に重要な影響を与えることができないことが明らかであると認められる者は、この限りでない。

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:

一 特定の者が自己の計算において所有している議決権と当該特定の者と出資、人事、資金、技術、取引等において緊密な関係があることにより当該特定の者の意思と同一の内容の議決権を行使すると認められる者及び当該特定の者の意思と同一の内容の議決権を行使することに同意している者が所有している議決権とを合わせて、申請者（個人を除く。）の議決権の三分の一以上を占めている場合（当該特定の者が自己の計算において議決権を所有していない場合を含む。）における当該特定の者

- (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);
二 申請者（個人を除く。）の役員（法人でない団体で代表者又は管理人の定めのあるものの代表者又は管理人を含む。以下同じ。）である者又は役員であった者
- (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);
三 前号に掲げる者を代表者（法人でない団体で代表者又は管理人の定めのあるものの代表者又は管理人を含む。以下第六号、次条及び第五条第五号において同じ。）とする者
- (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;
四 申請者（個人に限る。）を役員若しくは使用人とする者又はこれらとしていたことがある者
- (iv) a person for whom the applicant (limited to individuals) serves as or has served as an officer or an employee;
五 申請者（個人に限る。）又は申請者（個人を除く。）の役員の子親等以内の親族である者
- (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);
六 前号に掲げる者を代表者とする者
- (vi) a person whose representative is a person stated in the preceding item;
七 申請者（個人を除く。）の役員である者の三分の一以上を役員若しくは使用人とする者又はこれらとしていたことがある者
- (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;
八 申請者との間で申請者の事業の方針の決定を支配する契約を締結している者

(viii) a person who is under contract with the applicant to have control over the applicant's business policy decisions;

九 特定の者が申請者の資金調達額（貸借対照表の負債の部に計上されているものに限る。以下この号及び次条第九号において同じ。）の総額の三分の一以上について融資（債務の保証及び担保の提供を含む。以下この号及び次条第九号において同じ。）を行っている場合（当該特定の者と出資、人事、資金、技術、取引等において緊密な関係のある者が行う融資の額を合わせて資金調達額の総額の三分の一以上となる場合を含む。）における当該特定の者

(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);

十 前各号に掲げる者のほか申請者の事業の方針の決定を支配していることが推測される事実が存在する者

(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;

十一 特定の者が前各号に掲げる者に対して、前各号（第二号から第六号までを除く。以下この号において同じ。）に規定する前各号に掲げる者の申請者に対する関係と同様の関係を有する場合における当該特定の者

(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;

十二 第一号から第十号までに掲げる者が特定の者に対して、次条各号（第二号から第六号まで及び第十一号を除く。以下この号において同じ。）に規定する申請者の次条各号に掲げる者に対する関係と同様の関係を有する場合における当該特定の者

(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.

(子会社等)

(Subsidiaries)

第二条 法第六条第四号の申請者の子会社等は、次の各号に掲げる者とする。ただし、事業上の関係からみて申請者が当該各号に掲げる者の事業の方針の決定を支配することができないことが明らかであると認められる者は、この限りでない。

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:

一 申請者が自己の計算において所有している議決権と申請者と出資、人事、資金、技術、取引等において緊密な関係があることにより申請者の意思と同一の内容の議決権を行使すると認められる者及び申請者の意思と同一の内容の議決権を行使することに同意している者が所有している議決権とを合わせて、他の法人又は法人でない団体で代表者又は管理人の定めのあるもの（以下この条において「法人等」という。）の議決権の三分の一以上を占めている場合（申請者が自己の計算において議決権を所有していない場合を含む。）における当該他の法人等

(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);

二 申請者（個人を除く。）の役員である者若しくは申請者の使用人である者又はこれらであった者

(ii) a person who is or has been an officer of the applicant (excluding individuals) or an employee of the applicant;

三 前号に掲げる者を代表者とする者

(iii) a person whose representative is a person stated in the preceding item;

四 申請者（個人に限る。）を代表者とする者

(iv) a person whose representative is the applicant (limited to individuals);

五 申請者（個人に限る。）又は申請者（個人を除く。）の役員の三親等以内の親族である者

(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);

六 前号に掲げる者を代表者とする者

(vi) a person whose representative is a person stated in the preceding item;

七 第二号に掲げる者が他の法人等の役員である者の三分の一以上を占めている場合における当該他の法人等

(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;

八 申請者が特定の者との間に当該特定の者の事業の方針の決定を支配する契約を締結している場合における当該特定の者

(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;

九 申請者が特定の者の資金調達額の総額の三分の一以上について融資を行っている場合（申請者と出資、人事、資金、技術、取引等において緊密な関係のある者が行う融資の額を合わせて資金調達額の総額の三分の一以上となる場合を含む。）における当該特定の者

(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);

十 前各号に掲げる者のほか申請者が特定の者の事業の方針の決定を支配していることが推測される事実が存在する場合における当該特定の者

(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;

十一 前各号に掲げる者が特定の者に対して、前各号（第二号から第六号までを除く。以下この号において同じ。）に規定する申請者の前各号に掲げる者に対する関係と同様の関係を有する場合における当該特定の者

(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.

(心身の故障により民間紛争解決手続の業務を適正に行うことができない者)

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

第二条の二 法第七条第一号の法務省令で定める者は、精神の機能の障害により民間紛争解決手続の業務を適正に行うに当たって必要な認知、判断及び意思疎通を適切に行うことができない者とする。

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.

(認証に当たり審査の対象となる使用人)

(Employee Subject to Examination upon Certification)

第三条 裁判外紛争解決手続の利用の促進に関する法律施行令第二条の法務省令で定める者は、副所長、所長代理その他いかなる名称を有する者であるかを問わず、民間紛争解決手続の業務に関し法第八条第一項第二号の事務所の業務を統括する者の権限を代行し得る地位にある者とする。

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.

(認証の申請)

(Application for Certification)

第四条 法第五条の規定による法務大臣の認証を受けようとする者は、別紙様式第一号により作成した法第八条第一項の申請書（以下「認証申請書」という。）に同条第二項に規定する書類を添付して、これを法務大臣に提出しなければならない。

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.

(認証申請書のその他の記載事項)

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

第五条 法第八条第一項第三号の法務省令で定める事項は、次に掲げる事項とする。

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:

一 電話番号及び電子メールアドレス

(i) the telephone number and e-mail address;

二 申請者が法律により直接に設立された法人又は特別の法律により特別の設立行為をもって設立された法人である場合にあっては、その旨及び申請者を所管する大臣

(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;

三 申請者が設立に関し許可又は認可を受けている法人である場合にあっては、その旨及びその許可又は認可をした大臣又は国家公安委員会

(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;

四 申請者（個人に限る。）の生年月日及び本籍（外国人にあっては、国籍。以下同じ。）

(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);

五 申請者（個人を除く。）の代表者の生年月日、本籍及び住所並びにその役員（代表者を除く。）の氏名、生年月日、本籍及び住所

(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;

六 法第八条第一項第二号の事務所の名称、電話番号及び電子メールアドレス

(vi) the name, telephone number and e-mail address of the office stated in Article 8, paragraph (1), item (ii) of the Act;

七 民間紛争解決手続の業務を行う日及び時間

(vii) the days and hours during which private dispute resolution services are to be carried out;

八 申請者（個人を除く。）の主要議決権所有者（特定の者が自己の計算において所有している議決権と当該特定の者と出資、人事、資金、技術、取引等において緊密な関係があることにより当該特定の者の意思と同一の内容の議決権を行使すると認められる者及び当該特定の者の意思と同一の内容の議決権を行使することに同意している者が所有している議決権とを合わせて、申請者の議決権の十分の一以上を占めている場合（当該特定の者が自己の計算において議決権を所有していない場合を含む。）における当該特定の者をいう。第十二条第一項第四号において同じ。）の氏名又は名称、住所及び所有する議決権の割合

(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);

九 申請者が他の事業（申請に係る民間紛争解決手続の業務以外の業務を行う事業をいう。以下同じ。）を営んでいるときは、その事業の種類及び内容

(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;

十 法第七条第九号及び第十号に規定する政令で定める使用人（以下「重要な使用人」という。）の氏名、生年月日、本籍、住所及び職名又は呼称

(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");

十一 その申請に係る民間紛争解決手続の業務の内容及びその実施方法の概要

(xi) an outline of the contents and implementation method of the private dispute resolution services related to the application.

(認証申請書のその他の添付書類)

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

第六条 法第八条第二項第四号に規定する法務省令で定める書類は、次に掲げる書類とする。

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:

一 認証の申請の日の属する事業年度の直前の事業年度の貸借対照表、収支計算書若しくは損益計算書及び当該事業年度末の財産目録又はこれらに準ずるもの（申請者が申請の日の属する事業年度に設立された法人又は法人でない団体で代表者又は管理人の定めのあるものである場合にあっては、その設立時における財産目録）

(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);

二 認証後における収支の見込みを記載した書類

(ii) documents stating the expected income and expenditure after certification.

2 法第八条第二項第五号の法務省令で定める書類は、次に掲げる書類とする。

(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:

一 申請者（法人に限る。）の登記事項証明書

(i) a certificate of the registered information of the applicant (limited to corporations);

二 申請者（個人に限る。）又は申請者（個人を除く。）の役員及び重要な使用人の本籍の記載された住民票の写し又はこれに代わる書面

(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;

三 申請者、申請者（個人を除く。）の役員及び重要な使用人がそれぞれ別紙様式第二号により作成した法第七条各号に該当しないことを誓約する書面

(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;

四 申請者の組織の概要を記載した図面

(iv) a drawing indicating an outline of the organization of the applicant.

（手数料の納付方法）

(Method of Payment of Fees)

第七条 法第八条第三項（法第十二条第四項において準用する場合を含む。）の手数料は、認証申請書に手数料の額に相当する額の収入印紙を貼って納めなければならない。

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.

（認証審査参与員からの意見聴取）

(Hearing of the Opinions of the Certification Examiners)

第八条 法務大臣は、法第九条第三項（法第十二条第四項及び第二十三条第六項において準用する場合を含む。次項において同じ。）の規定により認証審査参与員の意見を聴取するときは、あらかじめ、次項に規定する意見書の様式及び提出期限その他必要な事項を示すものとする。

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 法第九条第三項の規定による認証審査参与員の意見の提出は、理由を記載した意見書を提出して行うものとする。

(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.

(揭示)

(Posting)

第九条 法第十一条第二項に規定する法務省令で定める事項は、次に掲げる事項とする。

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:

一 認証紛争解決事業者がその専門的な知見を活用して和解の仲介を行う紛争の範囲

(i) the scope of disputes for which settlement will be arranged by the certified dispute resolution business operator with its specialized expertise;

二 手続実施者の選任の方法

(ii) the method of selecting dispute resolution providers;

三 手続実施者の候補者の職業又は身分の概要

(iii) an outline of the occupation or status of the candidates for dispute resolution providers;

四 認証紛争解決手続の実施に際して行う通知の方法

(iv) the method of notice to be used when implementing certified dispute resolution procedures;

五 認証紛争解決手続の開始から終了に至るまでの標準的な手続の進行

(v) the standard operation process from the commencement to the termination of the certified dispute resolution procedures;

六 紛争の当事者が認証紛争解決事業者に対し認証紛争解決手続の実施の依頼をする場合の要件及び方式

(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;

七 認証紛争解決事業者が紛争の一方の当事者から前号の依頼を受けた場合において、紛争の他方の当事者に対し、速やかにその旨を通知するとともに、当該紛争の他方の当事者がこれに応じて認証紛争解決手続の実施を依頼するか否かを確認するための手続

(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;

- 八 認証紛争解決手続において提出された資料の保管、返還その他の取扱いの方法
(viii) the methods for retaining, returning or otherwise handling materials submitted through certified dispute resolution procedures;
- 九 認証紛争解決手続において陳述される意見又は提出され、若しくは提示される資料に含まれる紛争の当事者又は第三者の秘密の取扱いの方法
(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;
- 十 紛争の当事者が認証紛争解決手続を終了させるための要件及び方式
(x) the requirements and methods of operation for the parties to a dispute to terminate the certified dispute resolution procedures;
- 十一 認証紛争解決事業者（手続実施者を含む。）が紛争の当事者から支払を受ける報酬及び費用の額又は算定方法並びに支払方法
(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;
- 十二 認証紛争解決事業者が行う認証紛争解決手続の業務に関する苦情の取扱い
(xii) the system for handling complaints on the private dispute resolution services carried out by the certified dispute resolution business operator.
- 2 法第十一条第二項の規定による掲示は、認証紛争解決事業者である旨及び前項各号に規定する事項を認証紛争解決手続の業務を行う事務所に備え置く電子計算機の映像面に表示する方法により行うことができる。
- (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.

(変更の認証を要しない軽微な変更)

(Minor Changes That Require No Certification of Changes)

第十条 法第十二条第一項の法務省令で定める軽微な変更は、次に掲げる変更とする。

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:

一 法第八条第一項第二号の事務所の名称、所在地、電話番号又は電子メールアドレスの変更

(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;

二 認証紛争解決手続の業務を行う日又は時間の変更

(ii) changes in the days or hours during which certified dispute resolution services are to be carried out;

三 前二号に掲げるもののほか、法第六条各号に掲げる基準に適合するかどうかにつ

いての判断の基礎となる事項に係る変更であって、認証紛争解決手続の業務を行う知識又は能力の減少を伴わず、かつ、紛争の当事者に負担の増加その他の不利益を及ぼすことがないもの

(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.

(変更の認証の申請)

(Application for Certification of Changes)

第十一条 認証紛争解決事業者は、法第十二条第一項の規定による法務大臣の変更の認証を受けようとするときは、別紙様式第三号により作成した同条第二項の申請書に同条第三項に規定する書面を添付して、これを法務大臣に提出しなければならない。

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 法第十二条第三項の法務省令で定める書類は、法第八条第二項各号（第二号を除く。）に掲げる書類のうち変更に係るものとする。

(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.

(変更等の届出)

(Notification of Changes)

第十二条 法第十三条第一項第四号の法務省令で定める事項は、次に掲げる事項とする。

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:

一 認証紛争解決事業者の電話番号又は電子メールアドレス

(i) the telephone number or the e-mail address of the certified dispute resolution business operator;

二 認証紛争解決事業者（個人に限る。）の本籍

(ii) the registered domicile of the certified dispute resolution business operator (limited to individuals);

三 認証紛争解決事業者（個人を除く。）の役員の氏名、生年月日、本籍又は住所

(iii) the names, dates of birth and the registered domiciles or addresses of the officers of the certified dispute resolution business operator (excluding individuals);

四 認証紛争解決事業者（個人を除く。）の主要議決権所有者の氏名若しくは名称、住所又は所有する議決権の割合

(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);

五 認証紛争解決事業者が他の事業を営んでいる場合のその事業の種類又は内容

(v) if the certified dispute resolution business operator engages in any other business, the type and details of the business;

六 重要な使用人の氏名、生年月日、本籍、住所又は職名若しくは呼称

(vi) the name, date of birth, registered domicile, the address or the job title or position of any important employees.

2 認証紛争解決事業者は、法第十三条第一項に規定する届出をしようとするときは、別紙様式第四号により作成した変更届出書に法第八条第二項第一号、第二号及び第五号に掲げる書類のうち変更に係るものを添付して、これを法務大臣に提出しなければならない。

(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 法第十三条第二項の法務省令で定める場合は、精神の機能の障害を有する状態となり認証紛争解決手続の業務の継続が著しく困難となった場合とする。

(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 法第十三条第二項に規定する届出をしようとする者は、同項に規定する事由を記載した書類に、前項に規定する精神の機能の障害を有する状態について、その病名、障害の程度、病因、病後の経過、治癒の見込みその他参考となる所見を記載した医師の診断書を添えて、これを法務大臣に提出しなければならない。

(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.

(紛争の当事者に対する説明)

(Explanation to the Parties to a Dispute)

第十三条 法第十四条第四号の法務省令で定める事項は、次に掲げる事項とする。

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:

一 認証紛争解決手続において陳述される意見若しくは提出され若しくは提示される資料に含まれ、又は法第十六条に規定する手続実施記録（以下「手続実施記録」という。）に記載されている紛争の当事者又は第三者の秘密の取扱いの方法

(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");

二 紛争の当事者が認証紛争解決手続を終了させるための要件及び方式

(ii) the requirements and methods of operation for the parties to a dispute to terminate the certified dispute resolution procedures;

三 手続実施者が認証紛争解決手続によっては紛争の当事者間に和解が成立する見込みがないと判断したときは、速やかに当該認証紛争解決手続を終了し、その旨を紛争の当事者に通知すること

(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;

四 紛争の当事者間に和解が成立した場合に作成される書面の有無及び書面が作成される場合には作成者、通数その他当該書面の作成に係る概要

(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.

五 特定和解の成立により認証紛争解決手続が終了した場合における当該手続に係る手続実施記録の保存期間並びに当該手続実施記録の閲覧及び謄写又は複写に関する手続の有無及びその概要

(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 認証紛争解決事業者は、法第十四条に規定する説明をするに当たり紛争の当事者から書面の交付を求められたときは、書面を交付して説明をしなければならない。

(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.

(手続実施記録の作成及び保存)

(Preparation and Preservation of Procedure Operation Records)

第十四条 法第十六条第六号に規定する法務省令で定める事項は、次に掲げる事項とする。

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:

一 認証紛争解決手続において請求がされた年月日及び当該請求の内容

(i) the date on which a claim was made in a certified dispute resolution procedure and the contents of the relevant claim;

二 認証紛争解決手続の結果が和解の成立である場合にあっては、その和解の内容

(ii) if the certified dispute resolution procedures result in settlement, the contents of the settlement.

2 認証紛争解決事業者は、手続実施記録を、その実施した認証紛争解決手続が終了した日から少なくとも十年間保存しなければならない。

(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.

(合併の届出等)

(Notification of Merger)

第十五条 認証紛争解決事業者は、法第十七条第一項に規定する届出をしようとするときは、別紙様式第五号により作成した合併等届出書に次の各号に掲げる区分に応じそれぞれ当該各号に定める書類を添付して、これを法務大臣に提出しなければならない。

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:

一 法第十七条第一項第一号に規定する合併（法人でない団体に代表者又は管理人の定めのあるものが行う合併に相当する行為を含む。以下この条において同じ。）合併の経緯を説明した書面、合併に係る契約書の写し及び合併後存続する法人（法人でない団体に代表者又は管理人の定めのあるものを含む。以下この条において同じ。）又は合併により設立される法人の定款その他の基本約款（以下「基本約款」という。）を記載した書面及び登記事項証明書

- (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;
- 二 同項第二号に規定する営業又は事業の全部又は一部の譲渡 営業又は事業の全部又は一部の譲渡の経緯を説明した書面、営業又は事業の全部又は一部の譲渡に係る契約書の写し及び営業又は事業の全部又は一部の譲渡の相手方が法人である場合にあってはその基本約款を記載した書面及び登記事項証明書
- (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;
- 三 同項第三号に規定する分割 分割の経緯を説明した書面、分割計画書又は分割契約書の写し及び分割により認証紛争解決手続の業務に係る営業又は事業の全部又は一部を承継する法人の基本約款を記載した書面及び登記事項証明書
- (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;
- 四 同項第四号に規定する業務の廃止 業務の廃止の経緯を説明した書面
- (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 法第十七条第一項各号に掲げる行為をした者（同項第一号に掲げる行為にあっては、合併後存続する法人又は合併により設立される法人）は、遅滞なく、その旨を記載した書類に当該行為をしたことを証する書類を添えて、その旨を法務大臣に届け出なければならない。
- (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.

(解散の届出)

(Notification of Dissolution)

第十六条 法第十八条第一項に規定する届出をする者は、別紙様式第六号により作成した解散届出書に清算人を記載した登記事項証明書（法人でない団体で代表者又は管理人の定めのあるものである認証紛争解決事業者が解散に相当する行為をした場合にあっては、当該行為をしたことを証する書類）を添付して、これを法務大臣に提出しなければならない。

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).

(事業報告書)

(Business Report)

第十七条 法第二十条の事業報告書は、別紙様式第七号により作成しなければならない。

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

(報告)

(Report)

第十八条 認証紛争解決事業者は、法務大臣から法第二十一条第一項の規定により報告を求められたときは、報告書を提出しなければならない。

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 法務大臣は、前項の報告を求めるときは、報告書の様式及び提出期限その他必要な事項を明示するものとする。

(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.

(職員の身分証明書の様式)

(Form of Identification Cards of Officials)

第十九条 法第二十一条第二項の証明書は、別紙様式第八号によるものとする。

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

(認証紛争解決手続の業務に関する情報の公表)

(Publication of Information on Certified Dispute Resolution Services)

第二十条 法第三十一条に規定する法務省令で定める事項は、次に掲げる事項とする。

Article 20 The matters specified by Ministry of Justice Order as prescribed in Article 31 of the Act are the following matters:

一 認証紛争解決事業者の電話番号、電子メールアドレス及びホームページアドレス
(i) the telephone number, e-mail address and the website URL of the certified dispute resolution business operator;

二 認証紛争解決手続の業務を行う事務所の名称、電話番号及び電子メールアドレス
(ii) the name, telephone number and the e-mail address of the offices where the certified dispute resolution services are to be carried out;

三 認証紛争解決手続の業務を行う日及び時間
(iii) the days and hours during which the certified dispute resolution services are to be carried out;

四 第九条第一項各号に掲げる事項
(iv) the matters listed in the respective items of Article 9, paragraph (1);

五 認証紛争解決事業者及び認証紛争解決手続に関する統計
(v) statistics concerning the certified dispute resolution business operator and the certified dispute resolution procedures.

附 則

Supplementary Provisions

この省令は、法の施行の日（平成十九年四月一日）から施行する。

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

附 則 〔平成二十三年十二月二十一日法務省令第三十九号〕 〔抄〕

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

(施行期日)

(Effective Date)

第一条 この省令は、平成二十四年一月七日から施行する。

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

附 則 〔平成二十七年一月六日法務省令第一号〕

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

この省令は、公布の日から施行する。

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

附 則 〔平成三十一年三月二十二日法務省令第十号〕

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

この省令は、公布の日から施行する。

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

附 則 〔令和元年六月二十八日法務省令第六号〕

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

この省令は、令和元年七月一日から施行する。

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

附 則 〔令和元年九月十三日法務省令第三十二号〕

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

この省令は、令和元年九月十四日から施行する。

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

附 則 〔令和三年三月十五日法務省令第八号〕

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

この省令は、令和三年三月三十一日から施行する。

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

附 則 〔令和四年三月十五日法務省令第十号〕

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

(施行期日)

(Effective Date)

第一条 この省令は、令和四年四月一日から施行する。

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

(裁判外紛争解決手続の利用の促進に関する法律施行規則の一部改正に伴う経過措置)

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

第二条 この省令による改正後の裁判外紛争解決手続の利用の促進に関する法律施行規則別紙様式第七号の規定は、この省令の施行の日以後に開始する事業年度に係る事業報告書について適用し、同日前に開始した事業年度に係る事業報告書については、なお従前の例によることができる。

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.

附 則 [令和五年十一月十四日法務省令第四十五号]

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

この省令は、裁判外紛争解決手続の利用の促進に関する法律の一部を改正する法律(令和五年法律第十七号)附則第一条本文に規定する日から施行する。

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).