

Order for Enforcement of the Administrative Complaint Review Act

(Cabinet Order No. 391 of November 26, 2015)

The Cabinet hereby enacts this Cabinet Order pursuant to the provisions of Article 19, paragraph (1) of the Administrative Complaint Review Act (Act No. 68 of 2014) (including as applied mutatis mutandis pursuant to Article 61, Article 66, paragraph (1), and Article 83, paragraph (2) of that Act), and the provisions of Article 37, paragraph (2), Article 38, paragraphs (4) and (5), Article 41, paragraph (3) (including as applied mutatis mutandis pursuant to Article 66, paragraph (1) of that Act), Article 43, paragraph (1), items (i) and (ii), Article 78, paragraphs (4) and (5), Article 80, and Article 86 of that Act.

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Chapter I Requests for Review

(Review Officers)

Article 1 (1) When a reviewing agency nominates two or more review officers pursuant to the provisions of Article 9, paragraph (1) of the Administrative Complaint Review Act (referred to as "the Act" below), the reviewing agency is to designate one of them as the person who supervises the administrative affairs conducted by those two or more review officers.

(2) When a review officer has come to fall under any of the persons stated in the items of Article 9, paragraph (2) of the Act, the reviewing agency must cancel the review officer's nomination under the provisions of paragraph (1) of that Article.

(Deemed Replacement of Terms in the Case Prescribed in Article 9, Paragraph (3) of the Act)

Article 2 In the case prescribed in Article 9, paragraph (3) of the Act, concerning the application of the provisions stated in the left-hand column of the Appended Table 1, the terms stated in the middle column of that Table for

those provisions are to be replaced with the terms stated in the right-hand column of that Table, and the provisions of the preceding Article, Article 15, and Article 16 do not apply.

(Certification of the Representative's Qualifications)

- Article 3 (1) The qualification as the representative or administrator, the representative member, or the agent of a requestor for review must be certified in writing excluding the cases in which the provisions of paragraph (2) of the following Article apply. The same applies to the special entrustment prescribed in the proviso to Article 12, paragraph (2) of the Act.
- (2) When the representative or administrator, the representative member, or the agent loses their qualification, the requestor for review must notify the reviewing agency (when a review officer has been nominated, the review officer until the procedures for proceedings are concluded) of that fact in writing.
- (3) The provisions of the preceding two paragraphs apply mutatis mutandis to the qualification as the representative or administrator, or the agent of an intervenor. In such a case, the phrases "in writing excluding the cases in which the provisions of paragraph (2) of the following Article apply" and "the proviso to Article 12, paragraph (2)" in paragraph (1) are deemed to be replaced with "in writing" and "the proviso to Article 13, paragraph (4)", respectively, and the terms "a requestor for review" and "the representative member, or" in the preceding paragraph are deemed to be replaced with "an intervenor" and "or", respectively.

(Submission of Written Requests for Review)

- Article 4 (1) When the administrative agency with which a request for review should be filed is not the administrative agency, etc. reaching the disposition, the original copy and a duplicate of the written request for review must be submitted.
- (2) The original copy of the written request for review must be attached with a document certifying the qualification as the representative or administrator when the requestor for review is a corporation, or other associations or foundations, a document certifying the qualification as the representative member when the requestors for review have selected the representative member from among the members, or a document certifying the qualification as the agent when the requestor for review is to file a request for review through an agent.

(Sending of Written Requests for Review)

- Article 5 The sending of a written request for review under the provisions of the main clause of Article 29, paragraph (1) of the Act is to be made by sending a

duplicate of the written request for review (when the provisions of Article 22, paragraph (3) or (4), or Article 83, paragraph (3) of the Act apply, a copy of the written request for review).

(Submission of Written Explanations)

- Article 6 (1) The original copy and the number of duplicates of the written explanation corresponding to the number of requestors for review and intervenors to which the statement should be sent, must be submitted.
- (2) The sending of a written explanation under the provisions of Article 29, paragraph (5) of the Act is to be made by sending a duplicate of the written explanation.

(Submission of Written Counterarguments)

- Article 7 (1) Concerning a written counterargument, the original copy and the number of duplicates that corresponds to the number of the intervenors and the administrative agency, etc. reaching the disposition to which the written counterargument should be sent must be submitted, and concerning a written opinion prescribed in Article 30, paragraph (2) of the Act (referred to as a "written opinion" in the following paragraph and Article 15), the original copy and the number of duplicates that corresponds to the number of the requestors for review and the administrative agency, etc. reaching the disposition to which the written opinion should be sent must be submitted.
- (2) The sending of a written counterargument or a written opinion under the provisions of Article 30, paragraph (3) of the Act is to be made by sending a duplicate of a written counterargument or a written opinion.

(Oral Opinion Statements Through Communication by Transmission of Images and Sound)

- Article 8 When conducting proceedings on the date of an oral opinion statement, if there is a person concerned with proceedings who resides in a remote area or in other cases found to be appropriate, a review officer may conduct proceedings by a means that enables the review officer and the person concerned with proceedings to communicate with each other while mutually recognizing the condition of the other person by transmission of images and sound, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communication.

(Confirmation of the Called Person's Identity)

- Article 9 When conducting hearing of opinions under the provisions of Article 37, paragraph (2) of the Act, a review officer must confirm the called person's identity and the location of the call.

(Requests for Delivery)

Article 10 A request for delivery under the provisions of Article 38, paragraph (1) of the Act must be made by submitting a document stating the following matters:

- (i) the matters sufficient to identify the documents prescribed in Article 38, paragraph (1) of the Act whose delivery is requested (referred to as the "subject document, etc." below) or the electronic or magnetic record prescribed in that paragraph whose delivery is requested (referred to as the "subject electronic or magnetic record" below);
- (ii) the method of requesting delivery (meaning any of the methods of delivery stated in the items of the following Article) of the subject document, etc. or the subject electronic or magnetic record; and
- (iii) when requesting the subject document, etc. or the subject electronic or magnetic record to be delivered by the method of sending prescribed in Article 14, that fact.

(Delivery Methods)

Article 11 The delivery under the provisions of Article 38, paragraph (1) of the Act is to be made by any of the methods referred to in the following items:

- (i) for the delivery of a copy of the subject document, etc., the delivery of a sheet of paper on which the subject document, etc. is copied in black and white or in color on one side or both sides by a copying machine;
- (ii) for the delivery of a document stating the matters recorded in the subject electronic or magnetic record, the delivery of a sheet of paper on which those matters are output in black and white or in color on one side or both sides; or
- (iii) the method of using an electronic data processing system prescribed in Article 6, paragraph (1) of the Act on the Advancement of Government Administration Processes That Use Information and Communications Technology (Act No. 151 of 2002) pursuant to the provisions of Article 7, paragraph (1) of that Act.

(Amount of Fees)

Article 12 (1) The amount of fees that must be paid pursuant to the provisions of Article 38, paragraph (4) of the Act (excluding the cases in which the provisions are applied pursuant to paragraph (6) of that Article following the deemed replacement of terms) (referred to as "fees" below in this Article and the following Article) is to be the amount specified in the following items in accordance with the category of the delivery method stated in each of those items:

- (i) the delivery method stated in item (i) or (ii) of the preceding Article: 10 yen

- per sheet of paper (20 yen for a sheet of paper on which the matters are copied or output in color); in such a case, for a sheet of paper on which the matters are copied or output on both sides, the fees are calculated by deeming one side of the form as one sheet; and
- (ii) the delivery method stated in item (iii) of the preceding Article: when using the delivery method stated in item (i) or (ii) of that Article (limited to the method of copying or outputting the matters on one side of a sheet of paper), 10 yen per sheet of a paper on which the matters are copied or output.
- (2) The fees must be paid by affixing a revenue stamp to the document specified by the reviewing agency; provided, however, that this does not apply in the following cases:
- (i) when the reviewing agency has publicized the scope of the request for review and the method of paying the fees in an Official Gazette concerning a request for review for which the use of a revenue stamp is not appropriate for the payment of fees, and a person pays the fees by the publicized method; and
 - (ii) when the reviewing agency has publicized the fact that it is possible to pay the fees in cash at its office and the location of the office in an Official Gazette, and a person pays the fees in cash at that office.

(Reduction or Exemption of Fees)

- Article 13 (1) When a review officer finds that a requestor for review or an intervenor who is to receive the delivery under the provisions of Article 38, paragraph (1) of the Act (referred to as "requestor for review or an intervenor" below in this Article and the following Article) is unable to pay the fees due to financial difficulties, the review officer may reduce the fees by up to a limit of 2,000 yen for each request of the delivery under the provisions of that paragraph, or exempt the payment of the fees.
- (2) A requestor for review or an intervenor who seeks to have the amount of fees reduced or the payment of the fees exempted must submit a document stating that fact and the reason for that to a review officer when requesting the delivery under the provisions of Article 38, paragraph (1) of the Act.
 - (3) When the reason for seeking reduction or exemption is the fact that the requestor for review or the intervenor is receiving the assistance stated in the items of Article 11, paragraph (1) of the Public Assistance Act (Act No. 144 of 1950), a document certifying the fact that the requestor for review or the intervenor is receiving the assistance, and when another fact is the reason, a document certifying that fact must be attached to the document referred to in the preceding paragraph.

(Delivery Through Sending)

Article 14 (1) A requestor for review or an intervenor who is to receive the delivery under the provisions of Article 38, paragraph (1) of the Act may request a copy of the subject document, etc. or a document stating the matters recorded in the subject electronic or magnetic record to be sent by paying the expenses required for the sending in addition to the fees that must be paid pursuant to the provisions of paragraph (4) of that Article. In such a case, the expenses required for sending the documents must be paid by a method specified by Order of the Ministry of Internal Affairs and Communications.

(2) Concerning the application of the provisions of the preceding paragraph, if an administrative agency that does not belong to the national government is the reviewing agency, the term "Order of the Ministry of Internal Affairs and Communications" in that paragraph is deemed to be replaced with "the reviewing agency".

(Case Records)

Article 15 (1) The documents and objects specified by Cabinet Order referred to in Article 41, paragraph (3) of the Act are as follows:

- (i) a written statement concerning the request for review;
- (ii) a document stated in the items of Article 29, paragraph (4) of the Act;
- (iii) a written counterargument;
- (iv) a written opinion;
- (v) a record of an oral opinion statement or a specified opinion hearing, a witness's statements or expert opinions referred to in Article 34 of the Act, a verification referred to in Article 35, paragraph (1) of the Act, questions under the provisions Article 36 of the Act, or hearing of opinions under the provisions of Article 37, paragraph (1) or (2) of the Act;
- (vi) evidence documents or articles of evidence, or documents or other objects submitted pursuant to the provisions of Article 32, paragraph (1) or (2) of the Act; and
- (vii) documents or other objects submitted in response to a request for submission under the provisions of Article 33 of the Act.

(2) The term "specified opinion hearing" as used in item (v) of the preceding paragraph means the hearing of opinions when a review officer conducts hearing of opinions under the following provisions during the procedures for proceedings:

- (i) the provisions of Article 56, paragraph (1) of the Foreign Exchange and Foreign Trade Act (Act No. 228 of 1949);
- (ii) the provisions of Article 34, paragraph (2) of the Act on the Quality Control of Fertilizer (Act No. 127 of 1950) (including as applied mutatis mutandis pursuant to Article 33-5, paragraph (4) of that Act);
- (iii) the provisions of Article 55, paragraph (1) of the Explosives Control Act

- (Act No. 149 of 1950);
- (iv) the provisions of Article 48, paragraph (1) of the Fishing Boat Act (Act No. 178 of 1950);
 - (v) the provisions of Article 156, paragraph (1) of the Act on Protection of Cultural Properties (Act No. 214 of 1950);
 - (vi) the provisions of Article 126 of the Mining Act (Act No. 289 of 1950) (including as applied *mutatis mutandis* pursuant to Article 38 of the Quarrying Act (Act No. 291 of 1950), Article 30, paragraph (3) of the Gravel Gathering Act (Act No. 74 of 1968), and Article 35 of the Act on Special Measures for Pollution Caused by the Metal Mining Industry (Act No. 26 of 1973));
 - (vii) the provisions of Article 34-5, paragraph (1) of the Quarrying Act;
 - (viii) the provisions of Article 78, paragraph (1) of the High Pressure Gas Safety Act (Act No. 204 of 1951);
 - (ix) the provisions of Article 35, paragraph (3) of the Certified Public Tax Accountant Act (Act No. 237 of 1951);
 - (x) the provisions of Article 20, paragraph (1) of the Aircraft Manufacturing Industry Act (Act No. 237 of 1952);
 - (xi) the provisions of Article 39-2, paragraph (1) of the Export and Import Transactions Act (Act No. 299 of 1952);
 - (xii) the provisions of Article 63, paragraph (1) of the Act on Safety Assurance and Quality Improvement of Feed (Act No. 35 of 1953);
 - (xiii) the provisions of Article 10, paragraph (1) of the Wire Telecommunications Act (Act No. 96 of 1953) (including as applied *mutatis mutandis* pursuant to Article 11 of that Act following the deemed replacement of terms);
 - (xiv) the provisions of Article 83, paragraph (1) of the Chambers of Commerce and Industry Act (Act No. 143 of 1953);
 - (xv) the provisions of Article 30, paragraph (1) of the Ordnance Manufacturing Act (Act No. 145 of 1953);
 - (xvi) the provisions of Article 6, paragraph (1) of the Act on Temporary Adjustment of Shipbuilding (Act No. 149 of 1953);
 - (xvii) the provisions of Article 184, paragraph (1) of the Gas Business Act (Act No. 51 of 1954);
 - (xviii) the provisions of Article 31, paragraph (1) of the Livestock Transaction Act (Act No. 123 of 1956);
 - (xix) the provisions of Article 27, paragraph (1) of the Industrial Water Act (Act No. 146 of 1956);
 - (xx) the provisions of Article 26, paragraph (1) of the Industrial Water Supply Business Act (Act No. 84 of 1958);
 - (xxi) the provisions of Article 20, paragraph (1) of the Act on Special Measures

for the Adjustment of Retail Business (Act No. 155 of 1959);

(xxii) the provisions of Article 59, paragraph (1) of the Commercial and Industry Associations Act (Act No. 89 of 1960);

(xxiii) the provisions of Article 44, paragraph (1) of the Installment Sales Act (Act No. 159 of 1961);

(xxiv) the provisions of Article 51, paragraph (1) of the Electrical Appliances and Materials Safety Act (Act No. 234 of 1961);

(xxv) the provisions of Article 110, paragraph (1) of the Electricity Business Act (Act No. 170 of 1964);

(xxvi) the provisions of Article 92, paragraph (1) of the Act on the Securing of Safety and the Optimization of Transaction of Liquefied Petroleum Gas (Act No. 149 of 1967);

(xxvii) the provisions of Article 39, paragraph (1) of the Gravel Gathering Act (Act No. 74 of 1968);

(xxviii) the provisions of Article 31, paragraph (1) of the Act on Ensuring Fair Electric Business Practices (Act No. 96 of 1970);

(xxix) the provisions of Article 30, paragraph (1) of the Heat Supply Business Act (Act No. 88 of 1972);

(xxx) the provisions of Article 38, paragraph (1) of the Petroleum Pipeline Business Act (Act No. 105 of 1972);

(xxxi) the provisions of Article 50, paragraph (1) of the Consumer Product Safety Act (Act No. 31 of 1973);

(xxxii) the provisions of Article 51, paragraph (1) of the Act on the Regulation of Manufacture and Evaluation of Chemical Substances (Act No. 117 of 1973);

(xxxiii) the provisions of Article 22, paragraph (1) of the Act on the Quality Control of Gasoline and Other Fuels (Act No. 88 of 1976);

(xxxiv) the provisions of Article 46, paragraph (1) of the Act on Special Measures Concerning the Development of Petroleum and Combustible Natural Gas in Connection with the Implementation of the Agreement between Japan and the Republic of Korea Concerning Joint Development of the Southern Part of the Continental Shelf Adjacent to the Two Countries (Act No. 81 of 1978);

(xxxv) the provisions of Article 38, paragraph (1) of the Act on Interim Measures for Deep Seabed Mining (Act No. 64 of 1982);

(xxxvi) the provisions of Article 71, paragraph (1) of the Telecommunications Business Act (Act No. 86 of 1984);

(xxxvii) the provisions of Article 28, paragraph (1) of the Act on the Protection of the Ozone Layer Through the Control of Specified Substances and Other Measures (Act No. 53 of 1988);

(xxxviii) the provisions of Article 38, paragraph (1) of the Act on the Promotion

- of Effective Utilization of Resources (Act No. 48 of 1991);
 - (xxxix) the provisions of Article 164, paragraph (1) of the Measurement Act (Act No. 51 of 1992);
 - (xl) the provisions of Article 21, paragraph (1) of the Act on Control of Export, Import of Specified Hazardous Wastes and Other Wastes (Act No. 108 of 1992); and
 - (xli) the provisions of Article 40, paragraph (1) of the Act on Correspondence Delivery by Private Business Operators (Act No. 99 of 2002).
- (3) The submission of case records (limited to a written request for review, a written explanation, a written counterargument, and a written opinion) under the provisions of Article 42, paragraph (2) of the Act is to be made by the original copy of the written request for review, the written explanation, the written counterargument, or the written opinion.

(Submission of Review Officer's Written Opinions)

Article 16 When submitting a review officer's written opinion pursuant to the provisions of Article 42, paragraph (2) of the Act, a review officer must submit a document concerning the permission referred to in Article 13, paragraph (1) of the Act and other documents specified by Order of the Ministry of Internal Affairs and Communications to the reviewing agency, in addition to submitting case records.

(The Council and Other Authorities)

Article 17 (1) The authorities specified by Cabinet Order referred to in Article 43, paragraph (1), item (i) of the Act are as follows:

- (i) qualifications screening board prescribed in Article 46-11 of the Certified Public Accountants Act (Act No. 103 of 1948);
- (ii) a local social insurance medical council;
- (iii) registration screening board prescribed in Article 67 of the Judicial Scriveners Act (Act No. 197 of 1950);
- (iv) local port and harbor councils prescribed in Article 24-2 of the Port and Harbor Act (Act No. 218 of 1950);
- (v) registration screening board prescribed in Article 62 of the Land and Building Investigator Act (Act No. 228 of 1950);
- (vi) qualifications screening board prescribed in Article 18-4 of the Certified Administrative Procedures Legal Specialist Act (Act No. 4 of 1951);
- (vii) qualifications screening board prescribed in Article 49-16 of the Certified Public Tax Accountant Act;
- (viii) land readjustment council prescribed in Article 71-4 of the Land Readjustment Act (Act No. 119 of 1954);
- (ix) qualifications screening board prescribed in Article 25-37 of the Public

- Consultant on Social and Labor Insurance Act (Act No. 89 of 1968);
 - (x) assessment board members prescribed in Article 7-19, Article 43, and Article 50-14 of the Urban Redevelopment Act (Act no. 38 of 1969), and urban redevelopment assessment boards prescribed in Article 59 of that Act;
 - (xi) residential area development council prescribed in Article 60 of the Act on Special Measures Concerning Promotion of Supply of Houses and Housing Lands in Urban Districts (Act No. 67 of 1975);
 - (xii) assessment board members prescribed in Article 131, Article 161, and Article 177 of the Act on Promotion of Improvement of Disaster Control Districts in Populated Urban Districts (Act No. 49 of 1997) and the disaster prevention district improvement assessment board prescribed in Article 190 of that Act;
 - (xiii) registration screening board prescribed in Article 70 of the Patent Attorneys Act (Act No. 49 of 2000);
 - (xiv) assessment board members prescribed in Article 37, Article 53, Article 136, and Article 185 of the Act on Facilitation of Reconstruction of Condominiums (Act No. 78 of 2002);
 - (xv) certification audit counselors prescribed in Article 10 of the Act on Promotion of Use of Alternative Dispute Resolution (Act No. 151 of 2004);
 - (xvi) the Postal Service Privatization Committee; and
 - (xvii) local pension record correction deliberative councils.
- (2) The authority specified by Cabinet Order referred to in Article 43, paragraph (1), item (ii) of the Act is the certification audit counselors prescribed in Article 10 of the Act on Promotion of Use of Alternative Dispute Resolution.

Chapter II Requests for Re-Investigation

Article 18 The provisions of Article 3, Article 4, paragraph (2), and Article 8 apply mutatis mutandis to a request for re-investigation. In such a case, the terms stated in the middle column of the Appended Table 2 provided in the provisions stated in the left-hand column of that Table are deemed to be replaced with the terms stated in the right-hand column of that Table.

Chapter III Requests for Re-Examination

Article 19 (1) The provisions of Chapter I (excluding Article 2, Article 6, Article 15, paragraph (1), items (ii) and (iii), and paragraph (2), and Article 17) apply mutatis mutandis to a request for re-examination. In such a case, the terms stated in the middle column of the Appended Table 3 provided in the provisions stated in the left-hand column of that Table are deemed to be replaced with the terms stated in the right-hand column of that Table.

- (2) When the re-examining agency is any of the agencies stated in the items of Article 9, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 66, paragraph (1) of the Act, the provisions of Article 1, Article 15 (excluding paragraph (1), items (ii) and (iii), and paragraph (2)), and Article 16 as applied mutatis mutandis pursuant to the preceding paragraph following the deemed replacement of terms do not apply.

Chapter IV Administrative Complaint Review Board

(Proceedings)

- Article 20 (1) The panel referred to in Article 72, paragraph (1) of the Act may not hold a meeting and adopt a resolution unless all members comprising the panel attend the meeting, and the panel referred to in paragraph (2) of that Article may not hold a meeting and adopt a resolution unless a majority of the members attend the meeting.
- (2) The decision of the panel referred to in Article 72, paragraph (1) of the Act is to be made by the majority of the members comprising the panel.
- (3) The decision of the panel referred to in Article 72, paragraph (2) of the Act is to be made by the majority of the members attending the meeting, and in the case of a tie, the decision is to be made by the chairperson.
- (4) Board members or expert advisors may not participate in the proceedings related to their own interests.

(Consolidation or Separation of Procedures for Investigation and Deliberation)

- Article 21 (1) When finding it necessary, the Administrative Complaint Review Board (referred to as "the board" below) may consolidate the procedures for investigation and deliberation for two or more cases or separate the procedures for investigation and deliberation consolidated for two or more cases.
- (2) When the board has consolidated or separated the procedures for investigation and deliberation for a case pursuant to the provisions of the preceding paragraph, the board must give a notice to that effect to the persons concerned with the review.

(Statement of Opinions Through Communication by Transmission of Images and Sound)

- Article 22 The provisions of Article 8 apply mutatis mutandis to statement of opinions under the provisions of Article 75, paragraph (1) of the Act. In such a case, the terms "a review officer", "conduct proceedings", "person concerned with proceedings", and ", the review officer" in Article 8 are deemed to be replaced with "the board", "investigation and deliberation", "person concerned with the review", and ", board member", respectively.

(Delivery of Submitted Materials)

Article 23 The provisions of Articles 10 through 14 (excluding Article 12, paragraph (2), item (i), and Article 14, paragraph (2)) apply mutatis mutandis to the delivery under the provisions of Article 78, paragraph (1) of the Act. In such a case, the terms "Article 38, paragraph (1)", "documents", and "subject documents, etc." in Article 10, item (i) are deemed to be replaced with "Article 78, paragraph (1)", "written allegation or materials", and "subject written allegation, etc.", respectively; the term "subject document, etc." in items (ii) and (iii) of that Article and Article 11, item (i) is deemed to be replaced with "subject written allegation, etc."; the terms "Article 38, paragraph (4) of the Act (excluding the cases in which the provisions are applied pursuant to paragraph (6) of that Article following the deemed replacement of terms)" and "below in this Article and the following Article" in Article 12, paragraph (1) are deemed to be replaced with "Article 78, paragraph (4)" and "below", respectively; the term "the reviewing agency" in paragraph (2) of that Article and the term "a review officer" in Article 13, paragraphs (1) and (2) are deemed to be replaced with "the board"; and the terms "the fees that must be paid pursuant to the provisions of paragraph (4) of that Article" and "subject documents, etc." in Article 14, paragraph (1) are deemed to be replaced with "the fees" and "subject written allegation, etc.", respectively.

(Secretary General of the Board)

Article 24 (1) The secretary general of the board is to be appointed from among the persons who hold other related positions.
(2) The secretariat of the board is to have a department.
(3) Beyond what is prescribed in the preceding paragraph, the particulars of the internal organization of the secretariat of the board are prescribed by Order of the Ministry of Internal Affairs and Communications.

(Procedures for Investigation and Deliberation by the Board)

Article 25 Beyond what is provided for in this Cabinet Order, necessary matters for procedures for investigation and deliberation by the board are decided by the chairperson in consultation with the board.

Chapter V Auxiliary Provisions

(Written Complaint)

Article 26 (1) When applying mutatis mutandis the provisions of Article 19 of the Act (excluding paragraph (5), items (i) and (ii)) pursuant to Article 83, paragraph (2) of the Act, the phrase "Unless other laws (for a disposition based

on Prefectural or Municipal Ordinance, that Ordinance) provide that a request may be filed orally, a request for review" in Article 19, paragraph (1) is deemed to be replaced with "A complaint (meaning the complaint prescribed in Article 82, paragraph (1); the same applies below)"; the term "requestor for review" in paragraph (2), item (i) of that Article is deemed to be replaced with "complainant"; the term "request for review" in item (ii) of that paragraph is deemed to be replaced with "complaint"; the term "the disposition related to the request for review has been rendered (when a decision was made for a request for re-investigation for the disposition, that decision)" in item (iii) of that paragraph is deemed to be replaced with "the disposition related to the complaint has been rendered"; the term "request for review" in items (iv) and (vi) of that paragraph is deemed to be replaced with "complaint"; the terms "requestor for review", "request for review", and "the items of paragraph (2) or the items of the preceding paragraph" in paragraph (4) of that Article are deemed to be replaced with "complainant", "complaint" and "the items of paragraph (2)", respectively; and the terms "period for filing a request for review", "request for review", and "prescribed in the proviso to paragraph (1) or paragraph (2) of the preceding Article" in paragraph (5), item (iii) of that Article are deemed to be replaced with "the period during which a complaint may be filed", and "for not having filed a complaint within that period", respectively.

- (2) The provisions of Article 4, paragraph (2) apply *mutatis mutandis* to the written complaint referred to in Article 83, paragraph (1) of the Act. In such a case, the terms "requestor for review" and "request for review" in Article 4, paragraph (2) are deemed to be replaced with "complainant" and "complaint", respectively.

(Delegation to Order of the Ministry of Internal Affairs and Communications)
Article 27 Beyond what is provided for in this Cabinet Order, procedures and other necessary matters for the enforcement of the Act and this Cabinet Order are prescribed by Order of the Ministry of Internal Affairs and Communications.

Supplementary Provisions

This Cabinet Order comes into effect on the day on which the Act comes into effect (April 1, 2016).

Appended Table 1 (Re.: Article 2)

Article 3, paragraph (2)	the reviewing agency (when a review officer has been nominated, the review officer until the procedures for proceedings are concluded)	the reviewing agency
Article 6, paragraph (1) Article 7, paragraph (1)	must be submitted	must be submitted or prepared
	the intervenors and the administrative agency, etc. reaching the disposition	the intervenors and the administrative agency, etc. reaching the disposition (when the administrative agency, etc. reaching the disposition is the reviewing agency, the intervenors)
	the requestors for review and the administrative agency, etc. reaching the disposition	the requestors for review and the administrative agency, etc. reaching the disposition (when the administrative agency, etc. reaching the disposition is the reviewing agency, the requestors for review)
Article 8	a review officer	the reviewing agency
	there is a person concerned with proceedings	there is a person concerned with proceedings (when the administrative agency, etc. reaching the disposition is the reviewing agency, the requestor for review or the intervenors; the same applies below in this Article)
Article 9 and Article 13, paragraphs (1) and (2)	a review officer	the reviewing agency

Appended Table 2 (Re.: Article 18)

Article 3, paragraph (1)	the Act	the Act as applied mutatis mutandis pursuant to Article 61 of the Act
Article 3, paragraph (2)	the reviewing agency (when a review officer has been nominated, the review officer until the procedures for proceedings are concluded)	the administrative agency reaching the disposition
Article 4, paragraph (2)	The original copy of the written request for review	The written request for re-investigation

Article 8	a review officer	the administrative agency reaching the disposition
	there is a person concerned with proceedings	there is a requestor for re-investigation or an intervenor
	the review officer and the person concerned with proceedings	the administrative agency reaching the disposition, and a requestor for re-investigation and an intervenor

Appended Table 3 (Re.: Article 19)

Article 1, paragraph (1)	Article 9, paragraph (1) of the Administrative Complaint Review Act (referred to as "the Act" below)	Article 9, paragraph (1) of the Administrative Complaint Review Act (referred to as "the Act" below) as applied mutatis mutandis pursuant to Article 66, paragraph (1) of the Act following the deemed replacement of terms
Article 1, paragraph (2)	the Act	the Act as applied mutatis mutandis pursuant to Article 66, paragraph (1) of the Act following the deemed replacement of terms
Article 3, paragraph (1)	the Act	the Act as applied mutatis mutandis pursuant to Article 66, paragraph (1) of the Act following the deemed replacement of terms
The heading of Article 4	Written Requests for Review	Written Requests for Re-Examination
Article 4, paragraph (1)	When the administrative agency with which a request for review should be filed is not the administrative agency, etc. reaching the disposition, the original copy and a duplicate of the written request for review	The original copy and a duplicate of the written request for re-examination
Article 4, paragraph (2)	the written request for review	the written request for re-examination
The heading of Article 5	Written Requests for Review	Written Requests for Re-Examination

Article 5	the main clause of Article 29, paragraph (1) of the Act	the main clause of Article 29, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 66, paragraph (1) of the Act following the deemed replacement of terms
	sending of a written request for review	sending of a written request for re-examination
	a duplicate of the written request for review (when the provisions of Article 22, paragraphs (3) or (4), or Article 83, paragraph (3) of the Act apply, a copy of the written request for review)	a duplicate of the written request for re-examination
	The heading of Article 7	Written Counterarguments
Article 7, paragraph (1)	Concerning a written counterargument, the original copy and the number of duplicates that corresponds to the number of the intervenors and the administrative agency, etc. reaching the disposition to which the written counterargument should be sent must be submitted, and concerning a written opinion prescribed in Article 30, paragraph (2) of the Act	Concerning a written opinion prescribed in Article 30, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 66, paragraph (1) of the Act following the deemed replacement of terms
	the number of duplicates that corresponds to the number of the requestors for review and the administrative agency, etc. reaching the disposition	the number of duplicates that corresponds to the number of the requestors for re-examination and the administrative agency, etc. making the original administrative determination
Article 7, paragraph (2)	the Act	the Act as applied mutatis mutandis pursuant to Article 66, paragraph (1) of the Act following the deemed replacement of terms
	a written counterargument or a written opinion	a written opinion

Article 8	a review officer	a review officer (when the re-examining agency is any of the agencies stated in the items of Article 9, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 66, paragraph (1) of the Act, the re-examining agency; the same applies below)
Article 9	the Act	the Act as applied mutatis mutandis pursuant to Article 66, paragraph (1) of the Act following the deemed replacement of terms
Article 10 and Article 11	Article 38, paragraph (1) of the Act	Article 38, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 66, paragraph (1) of the Act following the deemed replacement of terms
Article 12, paragraph (1)	Article 38, paragraph (4) of the Act (excluding the cases in which the provisions are applied pursuant to paragraph (6) of that Article following the deemed replacement of terms)	Article 38, paragraph (4) of the Act as applied mutatis mutandis pursuant to Article 66, paragraph (1) of the Act (excluding the cases in which the provisions of Article 38, paragraph (6) of the Act as applied mutatis mutandis pursuant to Article 66, paragraph (1) of the Act)
Article 13, paragraphs (1) and (2)	the Act	the Act as applied mutatis mutandis pursuant to Article 66, paragraph (1) of the Act following the deemed replacement of terms
	requestor for review or an intervenor	requestor for re-examination or an intervenor
Article 13, paragraph (3)	requestor for review or an intervenor	requestor for re-examination or an intervenor

Article 14, paragraph (1)	Article 38, paragraph (1) of the Act	Article 38, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 66, paragraph (1) of the Act following the deemed replacement of terms
	requestor for review or an intervenor	requestor for re- examination or an intervenor
	paragraph (4) of that Article	Article 38, paragraph (4) of the Act as applied mutatis mutandis pursuant to Article 66, paragraph (1) of the Act
Article 15, paragraph (1)	Article 41, paragraph (3) of the Act	Article 41, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 66, paragraph (1) of the Act following the deemed replacement of terms
	a written statement concerning the request for review	a written statement concerning the request for re-examination
	or a specified opinion hearing, a witness's statements or expert opinions referred to in Article 34 of the Act	, a witness's statements or expert opinions referred to in Article 34 of the Act as applied mutatis mutandis pursuant to Article 66, paragraph (1) of the Act following the deemed replacement of terms
	Article 35, paragraph (1) of the Act	Article 35, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 66, paragraph (1) of the Act following the deemed replacement of terms
	Article 36 of the Act	Article 36 of the Act as applied mutatis mutandis pursuant to Article 66, paragraph (1) of the Act following the deemed replacement of terms

	Article 37, paragraph (1) or (2) of the Act	Article 37, paragraph (1) or (2) of the Act as applied mutatis mutandis pursuant to Article 66, paragraph (1) of the Act following the deemed replacement of terms
	Article 32, paragraph (1) or (2) of the Act	Article 32, paragraph (1) or (2) of the Act as applied mutatis mutandis pursuant to Article 66, paragraph (1) of the Act
	Article 33 of the Act	Article 33 of the Act as applied mutatis mutandis pursuant to Article 66, paragraph (1) of the Act following the deemed replacement of terms
Article 15, paragraph (3)	the Act	the Act as applied mutatis mutandis pursuant to Article 66, paragraph (1) of the Act
Article 16	the written request for review, the written explanation, the written counterargument	the written request for re-examination
	Article 42, paragraph (2) of the Act	Article 42, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 66, paragraph (1) of the Act
	Article 13, paragraph (1) of the Act	Article 13, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 66, paragraph (1) of the Act following the deemed replacement of terms