

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

(Act No. 161 of December 13, 2002)

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## **Chapter I General Provisions**

### (Purpose)

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

### (Definitions)

- Article 2 (1) The term "space and astronautical science" as used in this Act means the scientific theory and the application of space science and space engineering.
- (2) The term "fundamental research and development" as used in this Act means research and development (referred to below as "research and development") that falls under any of the following:
- (i) common research and development on science and technology;
  - (ii) research and development on science and technology which requires a facility or equipment, that is not appropriate for multiple installation in a national experimental research institute, or incorporated administrative agency (meaning the incorporated administrative agency as prescribed in Article 2, paragraph (1) of the Act on General Rules for Incorporated Administrative Agencies (Act No. 103 of 1999; referred to below as the "Act on General Rules"); the same applies below) which conduct research and development, due to the considerable amount of expenses involved; and
  - (iii) comprehensive research and development on science and technology which requires cooperation from a number of sectors.
- (3) The term "spacecraft and launch vehicle" as used in this Act means a spacecraft (including a flying object launched beyond Earth's orbit and an

artificial object placed on a celestial body) and a vehicle for launching the spacecraft.

(Name)

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

(Purpose of the Agency)

Article 4 The purpose of the Japan Aerospace Exploration Agency, National Research and Development Agency (referred to below as the "Agency") is to promote the development of academic research at universities and other institutions, the improvement of the level of space and astronautical science and technology and aeronautical science and technology, and the development and use of space by providing subsidies for advanced research and development conducted by private business operators, and other operators, for implementing academic research on space and astronautical science, basic research on space and astronautical science and technology (meaning science and technology concerning space; the same applies below), fundamental research and development concerning space, development, launch, tracking, and operation of a spacecraft and launch vehicle, and related operations, as well as operations using space, in a comprehensive and systematic manner, in accordance with the basic principles on the peaceful use of space stated in Article 2 of the Basic Space Act (Act No. 43 of 2008), and by comprehensively conducting basic research on aeronautical science and technology, fundamental research and development concerning aeronautics, and related services.

(National Research and Development Agency)

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

(Office)

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

(Stated Capital)

Article 6 (1) The stated capital of the Agency is to be the total amount of the contributions made by the government and persons other than the government pursuant to the provisions of Article 11, paragraph (1) and paragraphs (3) through (5) of the Supplementary Provisions.

(2) When necessary, the Agency may increase its stated capital with the

authorization of the competent minister.

- (3) The government may make contributions to the Agency up to an amount specified in the budget if the Agency increases its stated capital, pursuant to the provisions of the preceding paragraph.
- (4) When the government makes contributions to the Agency, it may contribute the land, buildings, and any other fixtures (referred to below as "land, and associated fixtures." in the following paragraph).
- (5) The value of the land and associated fixtures, contributed pursuant to the provisions of the preceding paragraph is to be the value calculated by the evaluation committee members, on the basis of the market value as of the date of that contribution.
- (6) The evaluation committee members referred to in the preceding paragraph and other necessary matters concerning evaluation are to be specified by Cabinet Order.

#### (Investment Securities)

Article 7 (1) The Agency is to issue investment securities in return for contributions received.

- (2) Investment securities are to be in registered form.
- (3) Beyond what is provided for in the preceding paragraph, necessary matters concerning investment securities are to be specified by Cabinet Order.

#### (Prohibition of Refunding Equity Interests)

Article 8 (1) The Agency may not refund equity interests to contributors, except when it makes payment to the national treasury pursuant to the provisions of Article 46-2, paragraph (1) or (2) of the Act on General Rules or refunds equity interests pursuant to the provisions of Article 46-3, paragraph (3) of the Act on General Rules.

- (2) The Agency may not acquire contributor equity interests, or receive them as the subject of a pledge.

## **Chapter II Officers and Employees**

#### (Officers)

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

#### (Duties and Powers of the Vice President and Directors)

Article 10 (1) The vice president is to, as determined by the president, represent

the Agency and assist the president in administering the operations of the Agency.

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

Article 11 Deleted.

(Term of Office for Vice Presidents and Directors)

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

(Special Provisions for the Disqualification of Officers)

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

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

- (i) any person engaging in the manufacture or sale of goods or undertaking contract work, and who has close business connections with the Agency, or when that person is a corporation, any of their officers (including any person who has equal or greater authority or controlling power, irrespective of their title); or
- (ii) an officer of an association formed by the business operators stated in the preceding item (including any person who has equal or greater authority or controlling power, irrespective of their title).

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

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

(Confidentiality Obligations of Officers and Employees)

Article 16 An officer and employee of the Agency must not divulge any confidential information learned in the course of duties. The same applies even after they have left their positions.

(Status of Officers and Employees)

Article 17 An officer and employee of the Agency are deemed to be officials engaged in public service pursuant to laws and regulations, regarding the application of the Penal Code (Act No. 45 of 1907) and other penal provisions.

### **Chapter III Operations**

(Scope of Operations)

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

- (i) conducting academic research concerning space and astronomical science by collaborating with universities, or through other means;
- (ii) conducting basic research concerning space and astronomical science and technology and aeronautical science and technology, and fundamental research and development concerning space and aeronautics;
- (iii) conducting the development of a spacecraft and launch vehicle, and the development of facilities and equipment that are required for this;
- (iv) conducting the launch, tracking, and operation of a spacecraft and launch vehicle, and the development of methods, facilities, and equipment required for this;
- (v) disseminating the results obtained by conducting the operations stated in the preceding items and promoting their utilization;
- (vi) providing assistance and advice concerning the operations stated in items

- (iii) and (iv) in response to requests from a private business operator;
- (vii) providing persons selected through public tender as the following persons with subsidies to be allocated to the funds necessary for the relevant research and development:
  - (a) a private business operator that conducts advanced research and development concerning space and astronautical science and technology and intends to conduct business utilizing outer space by using the research results;
  - (b) a university or other research institution that carries out or intends to carry out the relevant research and development jointly with the person stated in (a);
- (viii) providing facilities and equipment of the Agency for use by a person who engages in academic research, research and development concerning science and technology, and the development and use of space;
- (ix) training a researcher and technician in space and astronautical science, space and astronautical science and technology, and aeronautical science and technology, and enhancing their level of expertise;
- (x) cooperating in education at a graduate school or other education at the university, in response to a request from a university;
- (xi) making contributions under the provisions of Article 34-6, paragraph (1) of the Act on Vitalizing the Creation of Science, Technology, and Innovation (Act No. 63 of 2008), and providing personnel and technical assistance as specified by Cabinet Order;
- (xii) performing operations incidental to the operations referred to in the preceding items.

(The Acquisition and Holding of Shares)

Article 18-2 The Agency may acquire and hold shares or share options under the provisions of Article 34-5, paragraphs (1) and (2) of the Act on Vitalizing the Creation of Science, Technology, and Innovation.

(Basic Plan for Space Development and Use)

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

(2) A competent minister must consult with the Prime Minister in advance, when

they intend to establish or revise the medium to long-term objectives concerning the operations listed in Article 18, items (ii) and (ix) (excluding the operations listed in item (ii) of the same Article that relate to basic research on aeronautical science and technology and fundamental research and development concerning aeronautics, and the operations listed in item (ix) of the same Article that relate to space and astronautical science and aeronautical science and technology) and the services incidental to them.

(Accounting for the Characteristics of Academic Research)

Article 20 If the Minister of Education, Culture, Sports, Science and Technology establishes or revises medium to long-term objectives (limited to the portion relating to academic research concerning space and astronautical science, and operations related to them), the minister must take into account other characteristics of academic research, including respecting the autonomy of a researcher.

(Establishment of a Fund)

Article 21 (1) The Agency is to establish a fund to cover the expenses required for the following operations (limited to operations that cover multiple fiscal years, for which it is difficult to estimate the required amount for each fiscal year in advance, and for which it is found that securing financial resources in advance for the relevant multiple fiscal years, is necessary for the stable and efficient implementation of the operations due to the necessity of flexible expenditures and other special circumstances) and operations incidental to them, and appropriate the subsidies that have been granted pursuant to the provisions of paragraph (4) for that fund:

(i) the operations stated in Article 18, item (ii) (limited to the operations that are carried out by entrusting the basic research and fundamental research and development stated in the same item, to a person selected through public tender, whose results are expected to be utilized for private projects using outer space,);

(ii) the operations stated in Article 18, item (vii).

(2) Interest and any other income arising from the investment of the fund stated in the preceding paragraph (referred to below as the "fund" in this Article through Article 23 and Article 31, item (iii)) is to be allocated to that fund.

(3) The provisions of Article 47 and Article 67 (limited to the part relating to item (vii)) of the Act on General Rules apply mutatis mutandis to the investment of a fund. In this case, the term "money trust" in Article 47, item (iii) of the Act on General Rules is deemed to be replaced with "money trust with a contract for compensation of principals".

(4) The government may provide the Agency with subsidies for funds to be

allocated to the fund each fiscal year, within the scope of the budget.

(Separate Accounting)

Article 22 The Agency must separate the accounting for the operations relating to the fund from other accounting, and prepare a special account to organize that accounting.

(Reporting to the Diet)

Article 23 (1) Every business year, the Agency must prepare a report on the operations relating to the fund and submit it to the competent minister, within six months after the end of the relevant business year.  
(2) When the competent minister receives the report stated in the preceding paragraph, they must report this to the National Diet, with their opinion attached.

(Mutatis Mutandis Application of the Act on Regulation of Execution of the Budget Relating to Subsidies)

Article 24 The provisions of the Act on Regulation of Execution of the Budget Relating to Subsidies (Act No. 179 of 1955) (including penal provisions) apply mutatis mutandis to subsidies granted by the Agency pursuant to the provisions of Article 18, item (vii). In this case, the term "each ministry and agency" in the same Act (excluding Article 2, paragraph (7)) is deemed to be replaced with "the Japan Aerospace Exploration Agency, National Research and Development Agency", the term "the head of each ministry and agency" in the same Act is deemed to be replaced with "the president of the Japan Aerospace Exploration Agency, National Research and Development Agency", the term "the national government" in Article 2, paragraph (1) (excluding item (ii)) and paragraph (4), item (i), Article 7, paragraph (2), Article 19, paragraphs (1) and (2), Article 24, and Article 33 of the same Act is deemed to be replaced with "the Japan Aerospace Exploration Agency, National Research and Development Agency", and the term "accounting year of the national government" in Article 14 of the same Act is deemed to be replaced with "business year of the Japan Aerospace Exploration Agency, National Research and Development Agency".

(Disposition of Accumulated Funds)

Article 25 (1) When the Agency has organized accounts under Article 44, paragraph (1) or (2) of the Act on General Rules for the final business year of the period for the medium to long-term objectives prescribed in Article 35-4, paragraph (2), item (i) of the Act on General Rules (referred to below as the "period for the medium to long-term objectives" in this paragraph), and there



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

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

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

(Requests by the Competent Minister)

Article 26 (1) In any of the following cases, the competent minister may request the Agency to take necessary measures:

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

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

Article 27 If the Agency dissolves and has any residual assets after repaying all of its debts, it is to distribute those residual assets to each contributor, up to the amount of their capital contribution.

(Competent Ministers)

Article 28 (1) The competent ministers relating to the Agency under this Act,

and the Act on General Rules, are as follows:

- (i) regarding matters concerning officers and employees, and finance, accounting, and other management operations (excluding those prescribed in the following item), the Minister of Education, Culture, Sports, Science and Technology;
- (ii) regarding matters concerning the management operations prescribed in Article 6 and 25 of this Act and Articles 38, 44, 46-2 (limited to the portion concerning unnecessary property relating to government contributions, and other associated property, relating to the operations prescribed in items (iv) through (viii)), 46-3 (limited to the portion concerning unnecessary property relating to contributions from the private sector and other associated sectors, relating to the operations prescribed in items (iv) through (viii)), and 48 (limited to the portion concerning important property to be provided for use in the operations prescribed in items (iv) through (viii)) of the Act on General Rules, the Minister of Education, Culture, Sports, Science and Technology and the Minister for Internal Affairs and Communications;
- (iii) regarding matters concerning the operations prescribed in Article 18 (excluding those prescribed in the following item through item (viii)), the Minister of Education, Culture, Sports, Science and Technology;
- (iv) regarding matters concerning the operations prescribed in Article 18 which are stated in items (iii) and (iv) of that Article (excluding those for academic research concerning space and astronautical science) and those stated in items (v) and (viii) of that Article that are related to those operations (excluding those prescribed in the following item through item (vii) and including operations incidental to those operations), the Minister of Education, Culture, Sports, Science and Technology, and the Minister for Internal Affairs and Communications;
- (v) regarding matters concerning the operations prescribed in Article 18 which are stated in items (iii) and (iv) of that Article (excluding those for academic research concerning space and astronautical science) and which are related to promotion of use of space, and those prescribed in items (v) and (viii) of that Article that are related to those operations (excluding those prescribed in item (vii) and including operations incidental to those operations), the Minister of Education, Culture, Sports, Science and Technology, the Prime Minister and the Minister for Internal Affairs and Communications;
- (vi) regarding matters concerning the operations prescribed in Article 18 which are stated in items (iii) and (iv) of that Article (excluding those for academic research concerning space and astronautical science) and which are related to a spacecraft and launch vehicle, facilities, or equipment specified by Cabinet Order, and those prescribed in items (v) and (viii) of that Article that are related to those operations (excluding those prescribed in the following

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

(Consultation with the Minister of Finance)

Article 29 The competent minister must consult with the Minister of Finance in advance, in any of the following cases:

- (i) if the minister intends to give authorization under Article 6, paragraph (2);
- or
- (ii) if the minister intends to give approval under Article 25, paragraph (1).

## **Chapter V Penal Provisions**

Article 30 A person who divulges confidential information in violation of the provisions of Article 16 is subject to imprisonment for not more than one year or a fine of not more than five hundred thousand yen.

Article 31 If the Agency falls under any of the following items, the officer of the Agency who has committed the relevant violation, is subject to a civil fine of not more than two hundred thousand yen:

- (i) if the Agency fails to obtain the authorization or approval of the Minister of Education, Culture, Sports, Science and Technology or the competent minister when an authorization or approval is required pursuant to the provisions of this Act;
- (ii) if the Agency performs operations other than those operations prescribed in Article 18; or
- (iii) if the Agency operates a fund in violation of the provisions of Article 47 of the Act on General Rules as applied mutatis mutandis pursuant to Article 21, paragraph (3) following the deemed replacement of terms.

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

(Effective Date)

Article 1 This Act comes into effect on the date of promulgation; provided, however, that the provisions stated in the following items come into effect, on the dates specified in each item:

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

(Succession of Employees)

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

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

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

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

- (2) When the Agency intends to pay severance pay to an employee of the Agency to whom the provisions of the preceding paragraph have been applied upon that employee's retirement, the Agency is to handle that severance pay by deeming the employee's continuous period of holding office as an employee as prescribed in Article 2, paragraph (1) of the Act on National Public Officers' Retirement Allowance (including a person who is deemed to be an employee pursuant to paragraph (2) of that Article) as their period of service as an employee of the Agency.
- (3) If an employee who holds office as an employee of an inter-university research institute or NAL on the date preceding the day of establishment of the Agency becomes an employee of the Agency without interruption pursuant to Article 2 of the Supplementary Provisions, and after holding office as an employee of the Agency without interruption, becomes an employee as prescribed in Article 2, paragraph (1) of the Act on National Public Officers' Retirement Allowance without interruption, regarding calculation of the length of service that serves as the basis for calculation of severance pay to be paid to that employee based on that Act, that employee's period of holding office as an employee of the Agency is deemed to be the continuous period of holding office as prescribed in that paragraph; provided, however, that this does not apply if that employee has received severance pay (including an equivalent payment) due to retirement from the Agency.
- (4) If an employee who holds office as an employee of an inter-university research institute or NAL on the date preceding the day of establishment of the Agency becomes an employee of the Agency without interruption pursuant to Article 2 of the Supplementary Provisions, and retires from the Agency during the period from the day of establishment of the Agency until the time of obtaining

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

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

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

- (referred to below as the "mutual aid association of MEXT" in this Article) on the day preceding the day of establishment of the Agency (limited to an employee who belongs to an inter-university research institute or NAL on that day), and the employee becomes an officer or employee (limited to an employee who is as prescribed in that item; referred to below as an "officer or employee" in this Article) of the Agency on the day of establishment of the Agency and continues to be an officer or employee of the Agency on and after the day of establishment, and the employee makes a request to the mutual aid association of MEXT by the date on which twenty days have elapsed from the day of establishment (if the mutual aid association of MEXT finds that there are reasonable grounds, by the date of recognition of those grounds), that officer or employee is an employee as prescribed in that item constituting a member of the mutual aid association of MEXT during the period in which the employee continues to be officer or employee after the day of establishment of the Agency.
- (2) If the officer or employee prescribed in the preceding paragraph dies without making the request by the time limit prescribed in that paragraph, that request may be made by a surviving family member (limited to a person who corresponds to the surviving family member prescribed in Article 2, paragraph (1), item (iii) of the National Public Officers Mutual Aid Association Act; the same applies in the following paragraph) of that officer or employee within that time limit.
- (3) If the employee prescribed in Article 2, paragraph (1), item (i) of the National Public Officers Mutual Aid Association Act, who is a member of the mutual aid association of MEXT on the day preceding the day of establishment of the Agency (limited to an employee who belongs to an inter-university research institute or NAL on that day) becomes an officer or employee of the Agency on the day of establishment of the Agency, and if the officer or employee or a surviving family member fails to make a request under paragraph (1), that officer or employee is deemed to have retired (meaning the retirement as prescribed in paragraph (1), item (iv) of that Article) on the day preceding the day of establishment of the Agency.

(Transitional Measures for Employee Organizations of Employees Joining the Agency)

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

union which is a corporation.

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

(Transitional Measures Regarding Petitions for Unfair Labor Practices)

- Article 8 (1) Prior laws and regulations continue to govern the period for filing a petition with the Central Labor Relations Commission against dismissal by NAL, based on Article 18 of the Act on Labor Relationship of Specified Independent Administrative Agency, etc. (Act No. 257 of 1948; referred to below as the "Specified Labor Act" in this Article) before the establishment of the Agency, and the period for an order by the Central Labor Relations Commission.
- (2) Prior laws and regulations continue to govern the matters prescribed in Chapter III (excluding the provisions of Articles 12 through 16) and Chapter VI of the Specified Labor Act concerning the cases related to mediation, conciliation, or arbitration, which the NAL and the labour union of its employees, to which the Specified Labour Act applies are the parties actually pending with the Central Labour Relations Commission, at the time of establishment of the Agency.

(Succession of Rights and Obligations Held by the National Government)

- Article 9 (1) Rights and obligations which are held by the national government regarding the operations prescribed in Article 18, paragraph (1) at the time of establishment of the Agency and which are specified by Cabinet Order are succeeded to by the Agency at the time of its establishment.
- (2) If any amount of money which the Minister of Education, Culture, Sports, Science and Technology has granted to the head of an inter-university research institute and had that head manage the accounting for that based on Article 17 of the National School Special Account Act (Act No. 55 of 1964) remains at the time of establishment of the Agency, the amount equivalent to that remainder is deemed to have been contributed to the Agency for scholarship on the day of establishment of the Agency. In such a case, necessary matters concerning the



accounting of that contribution are prescribed by Order of the Ministry of Education, Culture, Sports, Science and Technology.

(Dissolution of NAL and NASDA)

- Article 10 (1) NAL and NASDA are to dissolve at the time of establishment of the Agency, and all of their rights and obligations, excluding the assets to be succeeded to by the national government pursuant to the provisions of the following paragraph, are to be succeeded to by the Agency at that time.
- (2) Of the rights actually held by NAL and NASDA at the time of establishment of the Agency, assets other than those necessary for the Agency to securely implement its operations are to be succeeded by the national government at the time of establishment of the Agency.
- (3) The scope of assets to be succeeded to by the national government pursuant to the provisions of the preceding paragraph and other necessary matters concerning the succession of the assets to the national government are specified by Cabinet Order.
- (4) The business years of NAL and NASDA starting on April 1, 2003 are to end on the day preceding the day of the dissolution of NAL and NASDA, respectively.
- (5) For a business year starting on April 1, 2003, the settlement of accounts of NAL and NASDA and preparation and other activities, of NAL's financial statements and business reports prescribed in Article 38 of the Act on General Rules and NASDA's financial statements, a detailed statement annexed to them, and business reports prescribed in Article 28 of the Act on the National Space Development Agency of Japan (Act No. 50 of 1969; referred to below as the "former NASDA Act") before the repeal under the provisions of Article 16 of the Supplementary Provisions are to be carried out by the Agency, as governed by prior laws and regulations. In this case, the time limit for the completion of that settlement of accounts of NASDA is to be the day when two months have passed since the date of dissolution.
- (6) Regarding the performance of the operations of NAL for a business year starting on April 1, 2003, the Agency is to receive an evaluation of them. In this case, any recommendation under Article 32, paragraph (3) of the Act on General Rules is to be made to the Agency.
- (7) The processing of any profit or loss of NAL for the business year starting on April 1, 2003 is to be carried out by the Agency, continuing to be governed by prior laws and regulations.
- (8) The disposal of accumulated funds of NAL is to be carried out by the Agency, continuing to be governed by prior laws and regulations, by deeming that the period for the medium-term objectives has terminated on the day preceding the day of dissolution of NAL. In this case, the term "the preceding Article for the

next period for the medium-term objectives" in Article 15, paragraph (1) of the Act on the National Aerospace Laboratory of Japan (Act No. 175 of 1999; referred to below as the "former NAL Act") before the repeal under Article 16 of the Supplementary Provisions is to be replaced with "Article 18, paragraph (1) of the Act on the Japan Aerospace Exploration Agency, Independent Administrative Agency during the first period for the medium-term objectives of the Agency."

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

(Contribution to the Agency)

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

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

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

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

(Refunding Equity Interests)

- Article 12 (1) Regarding the amount deemed to be contributed to the Agency by entities other than the government pursuant to the provisions of paragraph (4) of the preceding Article, those entities may request the refund of their equity interests from the Agency only within one month from the date of the establishment of the Agency.
- (2) When the Agency receives a request under the preceding paragraph, it must refund an amount equivalent to the amount of contributions related to those equity interests, notwithstanding the provisions of Article 8, paragraph (1). In this case, the Agency is to reduce its stated capital by the amount thus refunded.

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

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

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

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

Article 15 Deleted.

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

Article 16 The following Acts are to be repealed:

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

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

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

(Transitional Measures on Penal Provisions)

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

(Delegation to Cabinet Order)

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

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

(Effective Date)

Article 1 This Act comes into effect on the date on which the Agreement comes into effect; provided, however, that the provisions stated in the following items come into effect on the days respectively specified in those items:

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

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

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

(Effective Date)

Article 1 This Act comes into effect on the date on which the Agreement comes into effect; provided, however, that the provisions stated in the following items come into effect on the days respectively specified in those items:

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

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

(Effective Date)

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

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

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

(Effective Date)

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

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

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

(Effective Date)

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

(Transitional Measures on the Application of Penal Provisions)

Article 34 Prior laws and regulations continue to govern the application of penal provisions to acts committed before the date on which this Act comes into effect.

(Delegation of Other Transitional Measures to Cabinet Order)

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

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

(Effective Date)

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

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

Article 4 Prior laws and regulations continue to govern the application of penal provisions to acts committed before the date on which this Act comes into effect.

(Delegation to Cabinet Order)

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

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

(Effective Date)

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

(i) Article 14, paragraph (2), Article 18, and Article 30 of the Supplementary

Provisions: the date of promulgation.

(Special Provisions on Taxation)

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

(Effects of Dispositions)

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

(Transitional Measures on Penal Provisions)

Article 29 Prior laws and regulations continue to govern the application of penal provisions to acts conducted before the date on which this Act comes into effect, and to acts conducted after this Act comes into effect, in cases that are to remain in effect pursuant to the provisions of the Supplementary Provisions.

(Delegation of Other Transitional Measures to Cabinet Order)

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

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

(Effective Date)

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

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

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

Article 7 Prior laws and regulations continue to govern the application of penal provisions to acts that were committed before the date on which this Act comes into effect, in violation of the provisions of the Act on the Japan Aerospace Exploration Agency, National Research and Development Agency, before amendment under the preceding Article.

(Delegation to Cabinet Order)

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

### **Supplementary Provisions [Act No. 94 of December 14, 2018] [Extract]**

(Effective Date)

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

(Transitional Measures)

Article 35 Any necessary transitional measures concerning the enforcement of this Act (including transitional measures on penal provisions) are specified by Cabinet Order.

### **Supplementary Provisions [Act No. 63 of June 24, 2020] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on April 1, 2021; provided, however, that the provisions of the following Article and Article 6 of the Supplementary Provisions come into effect on the date of promulgation.

(Delegation to Cabinet Order)



Article 6 Beyond what is provided for in Article 2 through the preceding Article of the Supplementary Provisions, any necessary transitional measures concerning the enforcement of this Act are specified by Cabinet Order.

**Supplementary Provisions [Act No. 68 of June 17, 2022] [Extract]**

(Effective Date)

- (1) This Act comes into effect on the effective date of the Act Partially Amending the Penal Code, etc.; provided, however, that the provisions stated in the following items come into effect on the days respectively specified in those items:
  - (i) the provisions of Article 509: the date of promulgation.

**Supplementary Provisions [Act No. 82 of December 6, 2023] [Extract]**

(Effective Date)

- (1) This Act comes into effect on the day specified by Cabinet Order within a period not exceeding three months from the date of promulgation.

(Transitional Measures on the Application of Penal Provisions)

- (2) Prior laws and regulations continue to govern the application of penal provisions to acts that committed before the date on which this Act comes into effect.