

貿易関係貿易外取引等に関する省令（暫定版） Ministerial Order on Invisible Trade Connected with Visible Trade (Tentative translation)

（平成十年三月四日通商産業省令第八号）

（Order of the Ministry of International Trade and Industry No. 8 of March 4,
1998）

外国為替及び外国貿易管理法の一部を改正する法律（平成九年法律第五十九号）及び外国為替管理令の一部を改正する政令（平成九年政令第三百八十三号）の施行に伴い、並びに外国為替及び外国貿易法（昭和二十四年法律第二百二十八号）第六十九条の五並びに外国為替令（昭和五十五年政令第二百六十号）第六条、第六条の二、第十五条から第十八条まで、第十八条の三、第十八条の四、第十八条の六及び第十八条の八の規定に基づき、並びに同令の規定を実施するため、貿易関係貿易外取引等の管理に関する省令の全部を次のように改正する。

With the Act Partially Amending the Foreign Exchange and Foreign Trade Control Act (Act No. 59 of 1997) and the Cabinet Order Partially Amending the Foreign Exchange Control Order (Cabinet Order No. 383 of 1997) coming into effect, and for the purpose of implementing the provisions of that Order, the Ministerial Order on Invisible Trade Connected with Visible Trade is hereby amended in its entirety as follows, pursuant to the provisions of Article 69-5 of the Foreign Exchange and Foreign Trade Act (Act No. 228 of 1949) and the provisions of Articles 6, 6-2, 15 through 18, 18-3, 18-4, 18-6, and 18-8 of the Foreign Exchange Order (Cabinet Order No. 260 of 1980).

（許可の手続等）

（Procedures for Applying for Permission）

第一条 経済産業大臣の許可を受けようとする次の各号に掲げる者は、当該各号に掲げる様式による許可申請書二通を、経済産業大臣に提出しなければならない。

Article 1 (1) A person, as stated in one of the following items, that seeks the permission of the Minister of Economy, Trade and Industry must submit two copies of a written application for permission in the format prescribed in each of those items to the Minister of Economy, Trade and Industry:

一 次のイからハまでに掲げる支払等（支払又は支払の受領をいう。以下同じ。）について許可の申請をする者 別紙様式第一による支払等許可申請書

(i) a person applying for permission to make or receive a payment, etc. as stated in (a) through (c) below: a written application for permission to make or receive a payment, etc. using Appended Form 1:

イ 外国為替令（以下「令」という。）第六条第二項の規定による経済産業大臣の許可を受けようとする居住者又は非居住者

- (a) a resident or non-resident seeking the permission of the Minister of Economy, Trade and Industry under Article 6, paragraph (2) of the Foreign Exchange Order (referred to as the "Order" below);
- ロ 令第六条第二項の規定による経済産業大臣の許可を受けるに際し、同条第三項の規定により二以上の規定による許可の申請を併せて行おうとする居住者又は非居住者
- (b) a resident or non-resident seeking to file a combined application for permissions under two or more of the provisions pursuant to Article 6, paragraph (3) of the Order on the occasion of receiving the permission of the Minister of Economy, Trade and Industry under paragraph (2) of that Article; or
- ハ 令第六条の二第四項の規定による経済産業大臣の許可を受けようとする同条第三項の規定により支払等について許可を受ける義務を課された者
- (c) a person who, pursuant to the provisions of Article 6-2, paragraph (3) of the Order, has been placed under the obligation to receive permission to make or receive a payment, etc., and that is seeking the permission of the Minister of Economy, Trade and Industry under paragraph (4) of that Article;
- 二 次のイからハまでに掲げる特定資本取引を行うことについて許可の申請をする者
別紙様式第二による特定資本取引許可申請書
- (ii) a person applying for permission to conduct a specified capital transaction as stated in (a) through (c) below: a written application for permission for the specified capital transaction using Appended Form 2:
 - イ 令第十五条第二項の規定による経済産業大臣の許可を受けようとする居住者
 - (a) a resident seeking the permission of the Minister of Economy, Trade and Industry under Article 15, paragraph (2) of the Order;
 - ロ 令第十五条第二項の規定による経済産業大臣の許可を受けるに際し、同条第三項の規定により外国為替及び外国貿易法（昭和二十四年法律第二百二十八号。以下「法」という。）第二十四条第一項及び第二項の規定による許可の申請を併せて行おうとする居住者
 - (b) a resident seeking to file a combined application for the permission under Article 24, paragraph (1) and (2) of the Foreign Exchange and Foreign Trade Act (Act No. 228 of 1949; referred to as "the Act" below) pursuant to the provisions of Article 15, paragraph (3) of the Order, on the occasion of receiving the permission of the Minister of Economy, Trade and Industry under paragraph (2) of that Article; or
 - ハ 令第十六条第二項の規定による経済産業大臣の許可を受けようとする同条第一項の規定により特定資本取引について許可を受ける義務を課された者
 - (c) a person who, pursuant to the provisions of Article 16, paragraph (1) of the Order, has been placed under the obligation to receive permission for a specified capital transaction, and that is seeking the permission of the

Minister of Economy, Trade and Industry under the provisions of paragraph (2) of that Article;

三 次のイ及びロに掲げる役務取引を行うことについて許可の申請をする者 別紙様式第三による役務取引許可申請書

(iii)-1 a person applying for permission to conduct a service transaction as stated in (a) or (b) below: a written application for permission for a service transaction using Appended Form 3:

イ 法第二十五条第一項若しくは第五項又は令第十七条第二項若しくは令第十八条第四項（役務取引に係るものに限る。）の規定による経済産業大臣の許可を受けようとする居住者又は非居住者

(a) a resident or non-resident seeking the permission of the Minister of Economy, Trade and Industry under the provisions of Article 25, paragraph (1) or (5) of the Act, or Article 17, paragraph (2) of the Order, or Article 18, paragraph (4) of the Order (limited to the parts that pertain to service transactions); or

ロ 令第十八条の三第二項の規定による経済産業大臣の許可を受けようとする同条第一項の規定により役務取引について許可を受ける義務を課された者

(b) a person who, pursuant to the provisions of Article 18-3, paragraph (1) of the Order, has been placed under the obligation to receive permission for a service transaction, and that is seeking the permission of the Minister of Economy, Trade and Industry under paragraph (2) of that Article;

三の二 令第十七条第三項又は第四項の規定により法第二十五条第三項第一号又は第二号に定める行為をすることについて許可の申請をする者 別紙様式第三の二による特定記録媒体等輸出等許可申請書

(iii)-2 a person applying for permission to take an act prescribed in Article 25, paragraph (3), item (i) or (ii) of the Act pursuant to the provisions of Article 17, paragraph (3) or (4) of the Order: a written application for permission for an export or similar transaction involving a specified data storage medium or other means using Appended Form 3-2;

四 次のイ及びロに掲げる外国相互間の貨物の移動を伴う貨物の売買、貸借又は贈与に関する取引（この号において「仲介貿易取引」という。）を行うことについて許可の申請をする者 別紙様式第四による仲介貿易取引許可申請書

(iv) a person applying for permission to conduct a transaction that is connected with the buying and selling, leasing, or donation of goods, and that involves the transfer of goods between foreign states (referred to as a "brokerage transaction" in this item) as stated in (a) and (b) below: a written application for permission for brokerage transaction using Appended Form 4:

イ 法第二十五条第四項又は令第十八条第四項（仲介貿易取引に係るものに限る。）の規定による経済産業大臣の許可を受けようとする居住者

(a) a resident seeking the permission of the Minister of Economy, Trade and Industry under Article 25, paragraph (4) of the Act or Article 18,

paragraph (4) of the Order (limited to the part that pertains to brokerage transactions); or

ロ 令第十八条の三第二項の規定による経済産業大臣の許可を受けようとする同条第一項の規定により仲介貿易取引について許可を受ける義務を課された者

(b) a person who, pursuant to the provisions of Article 18-3, paragraph (1) of the Order, has been placed under the obligation to receive permission for a brokerage transaction, and that is seeking the permission of the Minister of Economy, Trade and Industry under paragraph (2) of that Article.

2 前項の申請書には、申請の理由を記載した書類一通及び事実を証する書類一通を添付しなければならない。

(2) The applicant must attach one copy of a document stating the reason for the application and one copy of a document proving the relevant facts to the written application as referred to in the preceding paragraph.

3 経済産業大臣は、第一項の申請（第三条の手続による場合を除く。）を許可したときは、当該申請書にその旨を記入し、許可証としてそのうち一通を申請者に交付するものとする。

(3) If a person who has applied for permission referred to in paragraph (1) (unless the person has applied through the procedures referred to in Article 3) is granted permission, the Minister of Economy, Trade and Industry is to indicate this on the copies of the written application and deliver one copy to the applicant as permit.

（電子情報処理組織を使用した許可の手続等）

(Procedures for Applying for Permission Using an Electronic Data Processing System)

第一条の二 情報通信技術を活用した行政の推進等に関する法律（平成十四年法律第百五十一号）第六条第一項の規定により電子情報処理組織（電子情報処理組織による輸出入等関連業務の処理等に関する法律（昭和五十二年法律第五十四号）第三条第一項の規定により当該電子情報処理組織とみなされる同法第二条第一号に規定する電子情報処理組織をいう。以下同じ。）を使用して法第二十五条第一項の規定により経済産業大臣の許可を申請しようとする者は、前条第一項の規定にかかわらず、輸出入・港湾関連情報処理センター株式会社の使用に係る電子計算機（入出力装置を含む。以下「専用電子計算機」という。）に備えられたファイルから入手可能な役務取引許可申請様式に記載すべき事項を当該申請をする者の使用に係る入出力装置（経済産業大臣が告示で定める基準に適合するものに限る。以下「特定入出力装置」という。）から入力しなければならない。

Article 1-2 (1) Notwithstanding the provisions of paragraph (1) of the preceding Article, a person seeking to apply for the permission of the Minister of Economy, Trade and Industry pursuant to the provisions of Article 25, paragraph (1) of the Act using an electronic data processing system as 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) (meaning an electronic data processing system as prescribed in Article 2, item (i) of the Act on the Utilization of Electronic Data Processing Systems for Processing of Import and Export Business (Act No. 54 of 1977), which, pursuant to the provisions of Article 3, paragraph (1) of that Act, is deemed to be the electronic data processing system as prescribed in Article 6, paragraph (1) of the Act on the Advancement of Government Administration Processes That Use Information and Communications Technology; the same applies below), must enter the particulars that are required to be included in an application form for permission for service transactions that can be accessed through a file stored on a computer meant for the use of the Nippon Automated Cargo and Port Consolidated System, Inc. (including its input and output devices; referred to as a "special-purpose computer" below), through an input and output device meant for the use of the person filing that application (limited to one that conforms to the standards specified by the Minister of Economy, Trade and Industry by public notice; referred to as a "specified input and output device" below).

- 2 前項の申請をする場合には、事実を確認できる情報を特定入出力装置から入力し、及び専用電子計算機に備えられたファイルに記録し、又は事実を証する書類を経済産業大臣に提出しなければならない。

(2) If filing an application as referred to in the preceding paragraph, a person must enter information that allows the relevant facts to be confirmed through a specified input and output device and record it in a file stored on a special-purpose computer, or must submit a document proving the relevant facts to the Minister of Economy, Trade and Industry.

- 3 経済産業大臣は、第一項の申請をする者が前項の入力をしたときは、当該申請者が当該申請を行った日から当該申請に対する諾否の応答としての通知を受ける日までの期間、必要な限度において当該入力に係る事実を証する書類を提出させることができる。

(3) If a person applying as prescribed in paragraph (1) has entered information as referred to in the preceding paragraph, the Minister of Economy, Trade and Industry may have the person submit documents proving the information which the person has entered as necessary, during the period from the date on which the applicant has filed the application to the date on which the applicant is notified of whether their application has been accepted or denied.

- 4 経済産業大臣は、第一項の申請を許可したときは、別紙様式第六の二による役務取引許可証に記載すべき事項を専用電子計算機に備えられたファイルに記録するものとする。

(4) Having granted the permission referred to in paragraph (1), the Minister of Economy, Trade and Industry is to record the particulars required to be

specified in the service transaction permit using Appended Form 6-2 into a file stored on a special-purpose computer.

- 5 経済産業大臣は、第一項の申請を許可した場合において、申請者の求めがあったときは、前項の規定にかかわらず、別紙様式第六の二による役務取引許可証にその旨を記入し、申請者に交付するものとする。

- (5) Notwithstanding the provisions of the preceding paragraph, if the Minister of Economy, Trade and Industry grants permission as referred to in paragraph (1) and the applicant so requests, the Minister is to indicate that on the service transaction permit using Appended Form 6-2 and deliver it to the applicant.

(申請者の届出)

(Applicant's Notification)

- 第一条の三 前条第一項に規定する入力は、氏名及び住所（法人その他の団体にあっては、その名称、代表者の氏名及び主たる事務所の所在地）その他参考となるべき事項を、専用電子計算機に備えられたファイルに記録し、及び事実を証する書類を経済産業大臣に提出することによりあらかじめ届け出た者が行わなければならない。

Article 1-3 (1) The entry prescribed in paragraph (1) of the preceding Article must be made by a person who has made a notification in advance by recording the person's name and address (in the case of a corporation or any other organization, its name, the name of its representative, and the location of its principal office) and any other matters to be used as a reference in a file stored on a Special-Purpose Computer and submitting a document proving the relevant facts to the Minister of Economy, Trade and Industry.

- 2 前項の届出をした者は、届け出た事項に変更があったとき又は電子情報処理組織の使用を廃止しようとするときは、速やかにその旨を経済産業大臣に届け出なければならない。

- (2) A person who has made the notification set forth in the preceding paragraph must, when there has been any change to the matters notified or when the person intends to discontinue the use of the electronic data processing system, promptly notify the Minister of Economy, Trade and Industry to that effect.

- 3 経済産業大臣は、第一項の届出をした者が電子情報処理組織の使用を継続することが適当でないと認めるときは、電子情報処理組織の使用を停止することができる。

- (3) On finding that it is not appropriate for a person who has filed a notification as referred to in paragraph (1) to continue to use an electronic data processing system, the Minister of Economy, Trade and Industry may suspend that person's use of electronic data processing systems.

- 4 輸出貿易管理規則（昭和二十四年通商産業省令第六十四号）第一条の三第一項の届出又は輸入貿易管理規則（昭和二十四年通商産業省令第七十七号）第二条の三第一項の届出は、第一項の届出とみなす。

- (4) A notification referred to in Article 1-3, paragraph (1) of the Regulation on Export Trade Control (Order of the Ministry of International Trade and

Industry No. 64 of 1949) or a notification referred to in Article 2-3, paragraph (1) of the Regulation on Import Trade Control (Order of the Ministry of International Trade and Industry No. 77 of 1949) is deemed to be a notification referred to in paragraph (1).

(有効期間の延長の手續等)

(Procedures for Extending the Validity Period)

第二条 法第二十五条第一項、第四項若しくは第五項又は令第六条第二項、第六条の二第四項、第十五条第二項、第十六条第二項、第十七条第二項から第四項まで、第十八条第四項若しくは第十八条の三第二項の規定による経済産業大臣の許可の有効期間は、その許可をした日から六月とする。

Article 2 (1) The permission of the Minister of Economy, Trade and Industry under Article 25, paragraph (1), (4), or (5) of the Act, or Article 6, paragraph (2), Article 6-2, paragraph (4), Article 15, paragraph (2), Article 16, paragraph (2), Article 17, paragraph (2) through (4), Article 18, paragraph (4) or Article 18-3, paragraph (2) of the Order is valid for six months from the date on which the Minister granted that permission.

2 経済産業大臣は、特に必要があると認めるときは、前項に規定する許可について、同項の期間と異なる有効期間を定め、又はその有効期間を延長することができる。

(2) On finding that it is particularly necessary to do so with respect to the permission prescribed in the preceding paragraph, the Minister of Economy, Trade and Industry may set a validity period that differs from the period referred to in that paragraph or may extend that period.

3 次の各号に掲げる者は、当該各号に掲げる場合に該当するときは、別紙様式第五による申請書二通を経済産業大臣に提出しなければならない。

(3) A person in one of the following items must submit two copies of a written application using Appended Form 5 to the Minister of Economy, Trade and Industry when it is stated in that item:

一 第一項に規定する許可を受けた者が前項の規定による有効期間の延長を申請しようとする場合

(i) if a person who received permission as prescribed in paragraph (1) seeks to apply for an extension of the validity period under the preceding paragraph;
or

二 第一項に規定する許可を受けた者が当該許可に係る取引又は支払等の内容（当該許可証に記載された事項に限る。）の変更を申請しようとする場合

(ii) if a person who received permission as prescribed in paragraph (1) seeks to file an application for a change to the content of the permitted transaction or payment, etc. (limited to the particulars specified in the permit).

4 前項の申請書には、第一条第三項若しくは第四項、第一条の二第五項又は次条第四項の規定により交付された許可証一通、申請の理由を記載した書類一通及び事実を証する書類一通を添付しなければならない。

(4) A person must attach one copy of the permit issued pursuant to the provisions of Article 1, paragraph (3) or (4), Article 1-2, paragraph (5), or paragraph (4) of the following Article; one copy of a document presenting the reason for the application; and one copy of a document proving the relevant facts to the written application referred to in the preceding paragraph.

5 経済産業大臣は、第三項の申請（次条の手続による場合を除く。）を許可したときは、当該申請書にその旨を記入し、延長許可証又は変更許可証としてそのうち一通に前項の規定により提出された許可証を添付して申請者に交付するものとする。

(5) Having granted the permission referred to in paragraph (3) (unless the applicant has applied through the procedures referred to in the following Article), the Minister of Economy, Trade and Industry is to indicate that on the copies of the written application and deliver one copy to the applicant, accompanied by the permit submitted pursuant to the provisions of the preceding paragraph, as the extended permit or the revised permit.

（電子情報処理組織を使用した有効期間の延長の手続等）

(Procedures for Extending the Validity Period Using an Electronic Data Processing System)

第二条の二 第一条の二第四項の規定により経済産業大臣の許可（第三項の規定による許可を含む。）を受けた者（当該許可に関し第一条の二第五項の規定により役務取引許可証の交付を受けた者を除く。）は、次に掲げる場合に該当するときは、専用電子計算機に備えられたファイルに記録された当該許可に関する事項のうち延長又は変更しようとするものを特定入出力装置から入力しなければならない。

Article 2-2 (1) When a person who has received permission from the Minister of Economy, Trade and Industry pursuant to the provisions of Article 1-2, paragraph (4) (including permission under paragraph (3)) (excluding a person who has received a service transaction permit pursuant to the provisions of Article 1-2, paragraph (5) in connection with that permission) falls under any of the following items, that person must enter, via a specified input and output device, into a file stored on a special-purpose computer, the particulars related to that permission which the person seeks to extend or change:

一 前条第二項の規定による有効期間の延長を申請しようとする場合

(i) if the person seeks to file an application for an extension of the validity period under paragraph (2) of the preceding Article; or

二 当該許可に係る取引又は支払等の内容（当該許可に関し専用電子計算機に備えられたファイルに記録された事項に限る。）の変更を申請しようとする場合

(ii) if the person seeks to file an application for a change to the content of the permitted transaction or payment, etc. (limited to particulars recorded in a file stored on a special-purpose computer with respect to the permission).

2 前項の申請をする場合には、事実を証する情報を特定入出力装置から入力し、及び専用電子計算機に備えられたファイルに記録し、又は事実を証する書類を経済産業

大臣に提出しなければならない。

(2) When filing an application as referred to in the preceding paragraph, the applicant must either enter information proving the relevant facts through a specified input and output device and record it in a file stored on a special-purpose computer, or submit a document proving the relevant facts to the Minister of Economy, Trade and Industry.

3 経済産業大臣は、第一項の申請を許可したときは、別紙様式第六の二による役務取引許可証に記載すべき事項を専用電子計算機に備えられたファイルに記録するものとする。

(3) Having granted the permission referred to in paragraph (1), the Minister of Economy, Trade and Industry is to record, in a file stored on a special-purpose computer, the particulars to be specified in the service transaction permit using Appended Form 6-2.

4 経済産業大臣は、第一項の申請を許可した場合において、申請者の求めがあったときは、前項の規定にかかわらず、別紙様式第六の二による役務取引許可証にその旨を記入し、申請者に交付するものとする。

(4) Notwithstanding the provisions of the preceding paragraph, if the Minister of Economy, Trade and Industry grants the permission referred to in paragraph (1) and the applicant so requests, the Minister is to indicate that in a service transaction permit using Appended Form 6-2 and deliver it to the applicant.

第三条から第六条まで 削除

Articles 3 through 6 Deleted

(特別の許可の申請手続等)

(Procedures for Applying for Special Permission)

第七条 経済産業大臣は、必要があるときは、次の各号に掲げる手続について、この省令の規定にかかわらず、特別な手続を定めることができる。

Article 7 Notwithstanding the provisions of this Ministerial Order, the Minister of Economy, Trade and Industry may provide special procedures for those stated in the following items, if necessary:

一 法第二十五条第一項、第四項若しくは第五項又は令第六条第二項、第六条の二第四項、第十五条第二項、第十六条第二項、第十七条第二項から第四項まで、第十八条第四項若しくは第十八条の三第二項の規定による経済産業大臣の許可を受ける手続

(i) a procedure for obtaining permission from the Minister of Economy, Trade and Industry pursuant to Article 25, paragraph (1), (4), or (5) of the Act; or Article 6, paragraph (2), Article 6-2, paragraph (4), Article 15, paragraph (2), Article 16, paragraph (2), Article 17, paragraph (2) through (4), Article 18, paragraph (4) or Article 18-3, paragraph (2) of the Order;

二 第一条の三の規定による経済産業大臣への届出の手続

(ii) a procedure for making a notification to the Minister of Economy, Trade and Industry pursuant to Article 1-3;

三 第二条の規定による経済産業大臣の許可を受ける手続

(iii) a procedure for obtaining permission from the Minister of Economy, Trade and Industry pursuant to Article 2.

(銀行等、資金移動業者又は電子決済手段等取引業者等の確認事務の実施手続)

(Procedures for the Implementation of Confirmation Duties by Banks, Funds Transfer Service Providers, or Electronic Payment Instruments Service Providers)

第八条 銀行等（法第十六条の二に規定する銀行等をいう。以下同じ。） 、資金移動業者（資金決済に関する法律（平成二十一年法律第五十九号）第二条第三項に規定する資金移動業者をいう。以下同じ。） 又は電子決済手段等取引業者（法第十六条の二に規定する電子決済手段等取引業者等をいう。以下同じ。） は、その顧客の支払等が法第十七条第一号に掲げる支払等又は同条第三号の規定に基づく令第七条第一号若しくは第二号に規定する取引に係る支払等に該当すると認められる場合には、当該顧客から当該取引又は支払等に係る許可証又は延長許可証若しくは変更許可証（第三項において「許可証等」という。） の提示を求め、経済産業大臣の許可を受けていることを確認の上、当該顧客と当該支払等に係る為替取引又は当該顧客の当該支払等に係る電子決済手段等の移転等（法第十六条の二に規定する電子決済手段等の移転等をいう。以下同じ。） を行うものとする。

Article 8 (1) If it is recognized that a payment, etc. made or received by a customer of a bank, etc. (meaning a bank, etc. as prescribed in Article 16-2 of the Act; the same applies below), a funds transfer service provider (meaning a funds transfer service provider as prescribed in Article 2, paragraph (3) of the Payment Services Act (Act No. 59 of 2009); the same applies below), or an electronic payment instruments service provider (meaning an electronic payment instruments service provider, etc. as prescribed in Article 16-2 of the Act; the same applies below) constitutes a payment, etc. listed in Article 17, item (i) of the Act or a payment, etc. related to a transaction prescribed in Article 7, item (i) or (ii) of the Order based on item (iii) of the same Article, the bank, etc., funds transfer service provider, or electronic payment instruments service provider is to request the customer to present a permit, an extended permit, or a revised permit related to the relevant transaction or payment, etc. (referred to as "permit, etc." in paragraph (3)). They are then to confirm that the customer has received permission from the Minister of Economy, Trade and Industry before conducting an exchange transaction with the customer involving that payment, etc., or the transfer of electronic payment instruments, etc. (meaning a transfer of electronic payment instruments, etc. as prescribed in Article 16-2 of the Act; the same applies below).

2 銀行等、資金移動業者又は電子決済手段等取引業者等は、その顧客の支払等が法第十七条第三号の規定に基づく令第七条第四号に規定する貨物の輸入に係る支払等に該当すると認められる場合には、当該顧客から当該貨物の輸入に係る輸入承認証の提示を求め、経済産業大臣の輸入の承認を受けていることを確認の上、当該顧客と当該支払等に係る為替取引又は当該顧客の当該支払等に係る電子決済手段等の移転等を行うものとする。

(2) If it is recognized that a payment, etc. made by a customer constitutes a payment, etc. related to the import of goods prescribed in Article 7, item (iv) of the Order based on Article 17, item (iii) of the Act, a bank, etc., a funds transfer service provider, or an electronic payment instruments service provider, etc. is to request the customer to present a certificate of import approval for the import of those goods, and, after confirming that the customer has received import approval from the Minister of Economy, Trade and Industry, is to conduct the exchange transaction involving that payment, etc., or the transfer, etc. of electronic payment instruments, etc. related to that payment, etc. with the customer.

3 銀行等、資金移動業者又は電子決済手段等取引業者等は、前二項の規定による確認の上その顧客と支払等に係る為替取引又はその顧客の支払等に係る電子決済手段等の移転等を行ったときは、当該顧客から提示を受けた許可証等又は輸入承認証の裏面の「銀行等、資金移動業者又は電子決済手段等取引業者等の記載欄」に当該支払等に係る為替取引又は当該支払等に係る電子決済手段等の移転等を行った年月日、金額及び確認を行った者を記入の上、当該許可証等又は輸入承認証を当該顧客に返還するものとする。

(3) When, following the confirmation under the preceding two paragraphs, a bank, etc., a funds transfer service provider, or an electronic payment instruments service provider, etc. has conducted an exchange transaction with its customer involving the payment, etc. or the transfer, etc. of electronic payment instruments, etc. related to the payment, etc., that entity is to enter the date and amount of the exchange transaction or the transfer of electronic payment instruments, etc., and the name of the person who carried out the confirmation, in the section marked "Bank, etc., Funds Transfer Service Provider, or Electronic Payment Instruments, etc." on the reverse side of the permit or the certificate of import approval presented by the customer, and return the permit or certificate to the customer.

(許可を要しない役務取引等)

(Service Transactions Not Requiring Permission)

第九条 令第十七条第三項及び第四項に規定する経済産業大臣が指定する行為は、次の各号のいずれかに該当する行為とする。

Article 9 (1) The acts designated by the Minister of Economy, Trade and Industry provided for in Article 17, paragraph (3) and (4) of the Order are to be acts

falling under any of the following items:

一 次項各号に掲げる取引に関する行為

(i) an act connected with a transaction as stated in the items of the following paragraph; or

二 法第二十五条第一項又は令第十七条第二項の許可を受けた居住者からその許可された取引により技術の提供を受けた者が行う当該許可に係る取引に関する行為

(ii) an act by a person who has been provided with the technology through a transaction based on the permission from a resident who has received that permission referred to in Article 25, paragraph (1) of the Act or Article 17, paragraph (2).

2 令第十七条第八項に規定する経済産業大臣が指定する取引は、次の各号のいずれかに該当する取引とする。

(2) The transactions designated by the Minister of Economy, Trade and Industry provided for in Article 17, paragraph (8) of the Order are to be transactions falling under any of the following items:

一 経済産業大臣が行う取引

(i) a transaction conducted by the Minister of Economy, Trade and Industry;

二 令別表中欄に掲げる技術（宇宙開発に関する日本国とアメリカ合衆国との間の協力に関する交換公文に基づき我が国に移転された技術を除く。）を本邦又は外国（輸出貿易管理令（昭和二十四年政令第三百七十八号。以下「輸出令」という。）別表第三に掲げる地域に該当する外国をいう。以下この号において同じ。）において居住者又は外国の非居住者に提供することを目的とする取引であって、防衛大臣が行うもの

(ii) a transaction conducted by the Minister of Defense for the purpose of providing the technology stated in the middle column of the Appended Table of the Order (excluding technology which has been transferred to Japan based on the exchange of notes concerning cooperation in space exploration between Japan and the United States) to a resident or to a non-resident of a foreign state (meaning a foreign state that falls under the regions stated in Appended Table 3 of the Cabinet Order on Export Trade Control (Cabinet Order No. 378 of 1949; referred to as the "Export Order" below) the same applies in this item) in Japan or in a foreign state;

二の二 令別表中欄に掲げる技術を外国において防衛大臣に提供することを目的とする取引であって、居住者が行うもの

(ii)-2 a transaction conducted by a resident for the purpose of providing the technology stated in the middle column of the Appended Table of the Order to the Minister of Defense in a foreign state;

三 日本国政府が外国政府に対して行う賠償又は無償の経済協力若しくは技術協力に関する協定に基づいて居住者又は非居住者が行う役務取引

(iii) a service transaction conducted by a resident or a non-resident based on an agreement concerning compensation or uncompensated economic cooperation

or technical cooperation to be granted by the Japanese Government to a foreign government;

三の二 核兵器の不拡散に関する条約第三条 1 及び 4 の規定の実施に関する日本国政府と国際原子力機関との間の協定又は核兵器の不拡散に関する条約第三条 1 及び 4 の規定の実施に関する日本国政府と国際原子力機関との間の協定の追加議定書の実施のために国際原子力機関に対して行う技術を提供することを目的とする取引

(iii)-2 a transaction conducted for the purpose of providing technology to the International Atomic Energy Agency in order to implement the Agreements between the Government of Japan and the International Atomic Energy Agency in Implementation of Paragraphs 1 and 4 of Article III of the Treaty on the Non-Proliferation of Nuclear Weapons and the Protocol Additional to the Agreements between the Government of Japan and the International Atomic Energy Agency in Implementation of Paragraphs 1 and 4 of Article III of the Treaty on the Non-Proliferation of Nuclear Weapons;

三の三 化学兵器の禁止及び特定物質の規制等に関する法律（平成七年法律第六十五号）第三十条で規定する国際機関の指定する者が、化学兵器の開発、生産、貯蔵及び使用の禁止並びに廃棄に関する条約で定める範囲内で、毒性物質若しくはこれと同等の毒性を有する物質又はこれらの物質の原料となる物質を取り扱う場所その他の場所であって国際機関が指定するものに立ち入り、帳簿、書類その他の物件を検査し、若しくは撮影し、関係者に質問し、又は試験のために必要な最小限度の分量に限り試料を無償で収去するときの当該国際機関が指定する者に対して行う技術を提供することを目的とする取引

(iii)-3 a transaction conducted for the purpose of providing technology to a person designated by an international organization as prescribed in Article 30 of the Act on the Prohibition of Chemical Weapons and the Regulation of Specified Chemicals (Act No. 65 of 1995), when that person enters a place where toxic substances or substances with equivalent levels of toxicity, or raw materials for those substances are handled, or other places designated by an international organization, within the scope specified by the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, and that person inspects or photographs account books, documents, and other articles, asks the person concerned questions, or removes chemical substance samples in the smallest quantities necessary for testing, without compensation;

四 法第二十五条第一項に規定する取引を行おうとする者が当該取引に係る申請の際にあらかじめ当該申請に係る取引により技術の提供を受けた者が当該技術を利用する者に当該技術を提供することを目的とする取引を行うことを明らかにして許可を受けた場合における、当該許可された取引により技術の提供を受けた者が行う当該利用する者に当該技術を提供することを目的とする取引

(iv) a transaction that takes place after a person seeking to conduct that transaction as prescribed in Article 25, paragraph (1) of the Act has clarified

in advance, when filing the application associated with the transaction, that the person to be provided with the technology through the transaction to which the application pertains would conduct a transaction for the purpose of providing the technology to a person who would use that technology; and that is conducted by the person who has been provided with the technology through the permitted transaction, for the purpose of providing the technology to that person who will use that technology;

五 外国において提供を受けた令別表の一の項の中欄に掲げる技術（当該技術を内容とする情報が記載され、若しくは記録された文書、図画若しくは記録媒体の輸出、本邦内にある電気通信設備からの当該技術を内容とする情報の電気通信による送信又は当該技術を保有する本邦に存する者の出国により提供を受けたものを除く。）に係る取引であって、当該取引に際して、当該技術を内容とする情報が記載され、若しくは記録された文書、図画若しくは記録媒体の輸出、本邦内にある電気通信設備からの当該技術を内容とする情報の電気通信による送信又は当該技術を保有する本邦に存する者の当該取引のための出国を伴わないもの（以下「外国間等技術取引」という。）。ただし、当該技術を内容とする情報が記載され、若しくは記録された文書、図画若しくは記録媒体の外国相互間の移動又は外国において受信されることを目的として当該外国以外の外国にある電気通信設備から行う当該技術を内容とする情報の送信を伴う取引であって、居住者が行うものを除く。

(v) a transaction involving the technology stated in the middle column of row 1 of the Appended Table of the Order with which a person has been provided in a foreign state (excluding technology provided through the export of documents, pictures, or media in which information containing that technology has been stated or recorded; through the use of telecommunications to transmit information containing that technology from a telecommunications facility in Japan; or through the departure from Japan of a person who has the technology), and which does not involve, at the time of the transaction, the export of documents, pictures, or media in which information containing that technology has been stated or recorded; the use of telecommunications to transmit information containing that technology from a telecommunications facility in Japan; or the departure from Japan, for the purpose of that transaction, of a person who has that technology (that transaction is referred to as a "transaction involving technology conducted between persons in foreign states" below). However, this excludes transactions conducted by a resident that involves the movement between foreign states of documents, pictures, or media in which information containing that technology has been stated or recorded, or that involves the transmission of information containing that technology and that is meant to be received in a foreign state but that is sent from a telecommunications facility in another foreign state;

六 外国において提供を受けた令別表の二から一六までの項の中欄に掲げる技術（当

該技術を内容とする情報が記載され、若しくは記録された文書、図画若しくは記録媒体の輸出、本邦内にある電気通信設備からの当該技術を内容とする情報の電気通信による送信又は当該技術を保有する本邦に存する者の出国により提供を受けたものを除く。)に係る外国間等技術取引。ただし、当該技術を内容とする情報が記載され、若しくは記録された文書、図画若しくは記録媒体の外国（輸出令別表第三に掲げる地域以外の外国をいう。以下この号において同じ。）相互間の移動又は外国において受信されることを目的として当該外国以外の外国にある電気通信設備から行う当該技術を内容とする情報の送信を伴う取引であって居住者が行うもののうち、次のいずれかに該当するものを除く。

- (vi) a transaction involving technology conducted between persons in foreign states in connection with the technology stated in the middle column of rows 2 through 16 of the Appended Table of the Order that has been provided in foreign states (excluding the technology provided through the exporting of documents, pictures, or media in which information containing that technology has been stated or recorded; through the use of telecommunications to transmit information containing that technology from a telecommunications facility in Japan; or through the departure from Japan of a person who has that technology). However, this excludes a transaction conducted by a resident and falling under either (a) or (b) below, that involves the movement between foreign states (meaning foreign states other than the regions stated in Appended Table 3 of the Export Order; the same applies in this item, below) of documents, pictures, or media in which information containing that technology has been stated or recorded, or that involves the transmission of information containing that technology that is meant to be received in a foreign state but that is sent from a telecommunications facility in another foreign state:

イ 当該技術が核兵器、軍用の化学製剤若しくは細菌製剤若しくはこれらの散布のための装置又はこれらを運搬することができるロケット若しくは無人航空機であってその射程若しくは航続距離が三百キロメートル以上のもの（以下「核兵器等」という。）の開発、製造、使用又は貯蔵（以下「開発等」という。）のために利用されるおそれがある場合として経済産業大臣が告示で定めるとき

- (a) if it has been specified by public notice of the Minister of Economy, Trade and Industry as a case in which the technology poses a risk of being used for the development, manufacture, use, or storage (referred to as "development, manufacture, use, or storage" below) of a nuclear weapon; a military chemical or biological agent; a device for dispersing such an agent; or a rocket or unmanned aerial vehicle capable of transporting any of these and having a range or flight distance of at least 300 kilometers (referred to as an "NBC or associated device" below); or

ロ 当該技術が核兵器等の開発等のために利用されるおそれがある場合として経済産業大臣から許可の申請をすべき旨の通知を受けたとき

(b) if the person has been notified by the Minister of Economy, Trade and Industry that the person is to file an application for permission on the grounds that the technology poses a risk of being used for the development, manufacture, use, or storage of an NBC or associated device;

七 前号に掲げるもののほか、令別表の一六の項に掲げる技術であつて、輸出令別表第一の一六の項（一）に掲げる貨物の設計、製造又は使用に係るものを提供することを目的とする取引のうち、当該技術を内容とする情報が記載され、若しくは記録された文書、図画若しくは記録媒体の提供若しくは電気通信による当該技術を内容とする情報の送信を伴わないもの又は次に掲げるいずれの場合にも（輸出令別表第三に掲げる地域に該当する外国において居住者又は輸出令別表第三に掲げる地域に該当する外国の非居住者に提供することを目的とする取引にあつては、ロ及びニのいずれの場合にも）該当しないもの

(vii) beyond what is set forth in the preceding item, a transaction that is set forth in row 16 of the Appended Table of the Order and that is meant to provide a person with technology that is linked to the design, manufacture, or use of goods set forth in row 16, (I) of Appended Table 1 of the Export Order, but that does not involve the provision of a document, picture, or recording medium that gives information about that technology or that does not involve the transmission of information about that technology via telecommunications; or a transaction that does not fall under either of the following cases (or under either of (b) or (d), for a transaction that is meant to provide a person with technology to a resident in a foreign state falling under the regions set forth in Appended Table 3 of the Export Order or to a non-resident in a foreign state falling under the regions set forth in Appended Table 3 of the Export Order):

イ その技術が核兵器等の開発等のために利用されるおそれがある場合として経済産業大臣が告示で定めるとき。

(a) if it has been specified by public notice of the Minister of Economy, Trade and Industry as a case in which the technology poses a risk of being used for the development, manufacture, use, or storage of an NBC or associated device;

ロ その技術が核兵器等の開発等のために利用されるおそれ（その技術を提供した後、その技術の提供を受けた者がその技術を内容とする情報を適切に管理しない場合において生ずる当該おそれを含む。）があるものとして経済産業大臣から許可の申請をすべき旨の通知を受けたとき。

(b) if the person has been notified by the Minister of Economy, Trade and Industry that the person is to file an application for permission on the grounds that the technology poses a risk of being used for the development, manufacture, use, or storage of an NBC or associated device (including a risk that arises if a person to whom the technology has been provided does not properly manage the data containing the technology after the provision

of the technology);

ハ その技術が輸出令別表第一の一の項の中欄に掲げる貨物（核兵器等に該当するものを除く。ニ並びに次号ハ及びニにおいて同じ。）の開発、製造又は使用のために利用されるおそれがある場合として経済産業大臣が告示で定めるとき。

(c) if it has been specified by public notice of the Minister of Economy, Trade and Industry as a case in which the technology poses a risk of being used for the development, manufacture, or use of the goods listed in the middle column of row 1 of Appended Table 1 of the Export Order (excluding those falling under the category of an NBC or associated device; the same applies in (d) of this item and (c) and (d) of the following item); and

ニ その技術が輸出令別表第一の一の項の中欄に掲げる貨物の開発、製造又は使用のために利用されるおそれ（その技術を提供した後にその技術の提供を受けた者がその技術の内容とする情報を適切に管理しない場合において生ずる当該おそれを含む。）があるものとして経済産業大臣から許可の申請をすべき旨の通知を受けたとき。

(d) if the person has been notified by the Minister of Economy, Trade and Industry that an application for permission should be filed because the technology is likely to be used for the development, manufacture, or use of the goods stated in the middle column of row 1 of Appended Table 1 of the Export Order (including a risk that arises if a person to whom the technology has been provided does not properly manage the data containing the technology after the provision of the technology);

八 第六号に掲げるもののほか、令別表の一六の項に掲げる技術であつて、輸出令別表第一の一六の項（二）に掲げる貨物の設計、製造又は使用に係るものを提供することを目的とする取引のうち、当該技術を内容とする情報が記載され、若しくは記録された文書、図画若しくは記録媒体の提供若しくは電気通信による当該技術を内容とする情報の送信を伴わないもの又は次に掲げるいずれの場合にも（輸出令別表第三に掲げる地域に該当する外国において居住者若しくは輸出令別表第三に掲げる地域に該当する外国の非居住者に提供することを目的とする取引にあつては、ロ及びニのいずれの場合にも、又は輸出令別表第三の二に掲げる地域以外の地域（輸出令別表第三に掲げる地域を除く。）に該当する外国において居住者若しくは輸出令別表第三の二に掲げる地域以外の地域（輸出令別表第三に掲げる地域を除く。）に該当する外国の非居住者に提供することを目的とする取引にあつては、イ、ロ及びニのいずれの場合にも）該当しないもの

(viii) beyond what is set forth in item (vi), a transaction as set forth in row (16) of the Appended Table of the Order that is meant to provide a person with technology that is linked to the design, manufacture, or use of goods as set forth in row (16), (2) of Appended Table 1 of the Export Order, but that does not involve the provision of a document, picture, or recording medium that gives information about that technology or that does not involve the transmission of information about that technology via telecommunications;

or a transaction that does not fall under either of the following cases (or in either of (b) or (d), for a transaction that is meant to provide a person with technology to a resident in a foreign country that falls under the non-resident set forth in Appended Table 3 of the Export Order or to a non-resident in a foreign country that falls under the area set forth in Appended Table 3 of the Export Order; or in either of (a), (b), or (d), for a transaction that is meant to provide a person with technology to a resident in a foreign country that falls under the area other than the area set forth in Appended Table 3-2 of the Export Order (other than the area set forth in Appended Table 3 of the Export Order) or to a region in a foreign country that falls under the area other than the area set forth in Appended Table 3-2 of the Export Order:

イ その技術が核兵器等の開発等のために利用されるおそれがある場合として経済産業大臣が告示で定めるとき。

(a) if it has been specified by public notice of the Minister of Economy, Trade and Industry as a case in which the technology poses a risk of being used for the development, manufacture, use, or storage of an NBC or associated device;

ロ その技術が核兵器等の開発等のために利用されるおそれ（その技術を提供した後にその技術の提供を受けた者がその技術の内容とする情報を適切に管理しない場合において生ずる当該おそれを含む。）があるものとして経済産業大臣から許可の申請をすべき旨の通知を受けたとき。

(b) if the person has been notified by the Minister of Economy, Trade and Industry that the person is to file an application for permission on the grounds that the technology poses a risk of being used for the development, manufacture, use, or storage of an NBC or associated device; (including a risk that arises if a person to whom the technology has been provided does not properly manage the data containing the technology after the technology has been provided);

ハ その技術が輸出令別表第一の一の項の中欄に掲げる貨物の開発、製造又は使用のために利用されるおそれがある場合として経済産業大臣が告示で定めるとき。

(c) if it has been specified by public notice of the Minister of Economy, Trade and Industry as a case in which the technology poses a risk of being used for the development, manufacture, or use of the goods listed in the middle column of row 1 of Appended Table 1 of the Export Order;

ニ その技術が輸出令別表第一の一の項の中欄に掲げる貨物の開発、製造又は使用のために利用されるおそれ（その技術を提供した後にその技術の提供を受けた者がその技術の内容とする情報を適切に管理しない場合において生ずる当該おそれを含む。）があるものとして経済産業大臣から許可の申請をすべき旨の通知を受けたとき。

(d) if the person has been notified by the Minister of Economy, Trade and

Industry that an application for permission should be filed because there is a risk that the technology will be used for the development, manufacture, or use of the goods set forth in the middle column of row 1 of Appended Table 1 of the Export Order (including a risk that will arise if the person to whom the technology has been provided does not properly manage the data containing the technology after the technology has been provided);

九 公知の技術を提供する取引又は技術を公知とするために当該技術を提供する取引（特定の者に提供することを目的として公知とする取引を除く。）であって、以下のいずれかに該当するもの

(ix) a transaction through which a person provides technology that is in the public domain, or through which a person provides technology in order to put it in the public domain (excluding a transaction through which the person puts the technology into the public domain for the purpose of providing it to any specific person); and that falls under any of (a) to (e) below:

イ 新聞、書籍、雑誌、カタログ、電気通信ネットワーク上のファイル等により、既に不特定多数の者に対して公開されている技術を提供する取引

(a) a transaction through which a person provides technology that has already been disclosed to a large number of unspecified persons through, for example, newspapers, books, magazines, catalogues, or files on a telecommunications network;

ロ 学会誌、公開特許情報、公開シンポジウムの議事録等不特定多数の者が入手可能な技術を提供する取引

(b) a transaction through which a person provides technology that is available to a large number of unspecified persons, contained, for example, in an academic journal, public patent information, or the minutes of a public symposium;

ハ 工場の見学コース、講演会、展示会等において不特定多数の者が入手又は聴講可能な技術を提供する取引

(c) a transaction through which a person provides technology that is available to or can be audited by a large number of unspecified persons through, for example, factory tour courses, lectures, or exhibitions;

ニ ソースコードが公開されているプログラムを提供する取引

(d) a transaction through which a person provides a program whose source code is open to the public; or

ホ 学会発表用の原稿又は展示会等での配布資料の送付、雑誌への投稿等、当該技術を不特定多数の者が入手又は閲覧可能とすることを目的とする取引

(e) a transaction that a person conducts for the purpose of making the technology available, or available for inspection, to a large number of unspecified persons, by, for example, sending copies of a presentation at an academic conference or of material handed out at an exhibition or on another such occasion, or by contributing an article to a magazine;

十 基礎科学分野の研究活動において技術を提供する取引

(x) a transaction through which a person provides technology for basic scientific research;

十一 工業所有権の出願又は登録を行うために、当該出願又は登録に必要な最小限の技術を提供する取引

(xi) a transaction that a person conducts for the purpose of filing an application for or registering an industrial property right, through which the person provides the minimum technology necessary for that application or registration;

十二 貨物の輸出に付随して提供される使用に係る技術（プログラム及び経済産業大臣が告示で定めるものを除く。）であって、当該貨物の据付、操作、保守又は修理のための必要最小限のものを当該貨物の買主、荷受人又は需要者に対して提供する取引（輸出の許可を受けた日又は貨物の輸出契約の発効した日のいずれか遅い日以降に提供されるものに限る。）。ただし、当該技術のうち、保守又は修理に係る技術の提供については、次のいずれかに該当するものを除く。

(xii) a transaction through which, incidental to the export of goods, a person provides the buyer, consignee, or user with technology for use with those goods (excluding programs or other technology that the Minister of Economy, Trade and Industry specifies by public notice) within the scope of what is minimally necessary for their installation, operation, maintenance, or repair (limited to transactions through which the person provides that technology on or after either the date on which the permission for export was granted or the date on which the contract for the export of the goods came into effect, whichever date comes later). However, the provisions of any such technology for maintenance or repair is excluded if the technology falls under any of (a) to (c) below:

イ 当該貨物の性能、特性が当初提供したものよりも向上するもの

(a) technology that improves the operational performance or characteristics of the goods to exceed those they had when they were initially provided;

ロ 修理技術であって、その内容が当該貨物の設計、製造技術と同等のもの

(b) technology that is for the repair of goods but whose content is equivalent to technology for the design or production of those goods; or

ハ 令別表中欄に掲げる技術であって、貨物の設計、製造に必要な技術が含まれるもの

(c) technology as stated in the middle column of the Appended Table of the Order that includes the technology necessary for the design or production of goods;

十三 プログラムの提供に付随して提供される使用に係る技術（プログラム及び経済産業大臣が告示で定めるものを除く。）であって、当該プログラムのインストール、操作、保守又は修理のための必要最小限のものを当該プログラムの取引の相手方又は利用する者に対して提供する取引（役務取引の許可を受けた日又はプログラ

ムの提供契約の発効した日のいずれか遅い日以降に提供されるものに限る。）。ただし、当該技術のうち、保守又は修理に係る技術の提供については、次のいずれかに該当するものを除く。

- (xiii) a transaction through which, incidental to the provisions of a program, a person provides the other party to the transaction involving that program or the persons using that program with technology for use with that program (excluding programs or other technology that the Minister of Economy, Trade and Industry specifies by public notice) within the scope of what is minimally necessary for the installation, operation, maintenance, or repair of the program (limited to a transaction through which the person provides that technology on or after either the date on which the permission for service transactions was granted or the date on which the contract for the provisions of the program came into effect, whichever date comes later). However, the provisions of any such technology for maintenance or repair is excluded if the technology falls under any of (a) to (c) below:

イ プログラムの機能、特性が当初提供したものよりも向上するもの

- (a) technology that improves the functions or characteristics of the program to exceed those it had when it was provided initially;

ロ 修理技術であって、その内容がプログラムの設計、製造技術と同等のもの

- (b) technology that is for the repair of the program but whose content is equivalent to the technology for the design or production of the program; or

ハ 令別表中欄に掲げる技術であって、プログラムの設計、製造に必要な技術が含まれるもの

- (c) technology as stated in the middle column of the Appended Table of the Order that includes the technology necessary for the design or production of a program;

十四 プログラムを提供する取引であって、次のいずれかに該当するもの

- (xiv) a transaction through which a person provides a program that falls under any of (a) to (d) below:

イ 令別表中欄に掲げるプログラム（経済産業大臣が告示で定めるものを除く。）であって、次の（一）及び（二）に該当するものを提供する取引のうち、第七号イからニまでのいずれにも（輸出令別表第三に掲げる地域に該当する外国において提供する取引（販売されるものに限る。）若しくは輸出令別表第三に掲げる地域に該当する外国の非居住者に提供する取引にあつては、第七号ロ若しくはニのいずれにも、又は輸出令別表第三の二に掲げる地域以外の地域（輸出令別表第三に掲げる地域を除く。）に該当する外国において提供する取引（販売されるものに限る。）若しくは輸出令別表第三の二に掲げる地域以外の地域（輸出令別表第三に掲げる地域を除く。）に該当する外国の非居住者に提供する取引にあつては、第七号イ、ロ若しくはニのいずれにも）該当しないもの

- (a) transactions to provide a program listed in the middle column of the Attached Table of the Order (excluding those specified by the Minister of

Economy, Trade and Industry in a public notice) that falls under 1. and 2. below, which do not fall under any of item (vii), (a) through (d) (or under any of item (vii), (b) or (d), in the case of a transaction to provide a program in a foreign state that falls under the regions listed in Attached Table 3 of the Export Order (limited to a program to be sold) or in a non-resident of a foreign state that falls under the regions listed in Attached Table 3 of the Export Order; or under any of item (vii), (a), (b), or (d), in the case of a transaction to provide a program in a foreign state that falls under a non-resident other than those listed in Attached Table 3-2 of the Export Order (excluding the regions listed in Attached Table 3 of the Export Order) (limited to a program to be sold) or in a region of a foreign state that falls under a region other than those listed in Attached Table 3-2 of the Export Order (excluding the regions listed in Attached Table 3 of the Export Order), in which case they do not fall under any of items (a), (b), or (d) of item 7.

(一) 購入に関して何らの制限を受けず、店頭において又は郵便、信書便事業者（民間事業者による信書の送達に関する法律（平成十四年法律第九十九号。以下「信書便法」という。）第二条第六項に規定する一般信書便事業者又は同条第九項に規定する特定信書便事業者をいう。以下同じ。）による同条第二項に規定する信書便（以下「信書便」という。）若しくは電気通信の送信による注文により、販売店の在庫から販売されるもの又は使用者に対し何らの制限なく無償で提供されるもの

1. a program that, without any restrictions on purchase, is sold from stock at a retail outlet and ordered in-store, by postal mail, through a correspondence delivery service as prescribed in Article 2, paragraph (2) of the Act on Correspondence Delivery by Private Business Operators (Act No. 99 of 2002; referred to as the "Correspondence Delivery Act" below) by a correspondence delivery company (meaning a general correspondence delivery company as prescribed in paragraph (6) of that Article or a specified correspondence delivery company as prescribed in paragraph (9) of that Article; the same applies below) (referred to as "correspondence delivery" below), or through telecommunications transmissions; or a program provided free of charge users without any restrictions; and

(二) 当該プログラムの使用に際して当該プログラムの供給者又は販売店の技術支援が不要であるように設計されているもの

2. a program that is designed to be used without requiring any further technical support from the supplier or retailer;

ロ 削除

(b) deleted;

ハ 輸出令別表第一の中欄に掲げる貨物（経済産業大臣が告示で定めるものを除

- く。)と同時に提供される当該貨物を使用するために特別に設計されたプログラムであって、いかなる形でもソースコードが提供されないものを提供する取引
- (c) a transaction through which a person provides a program that has been specially designed for use with goods stated in the middle column of Appended Table 1 of the Export Order (excluding goods that the Minister of Economy, Trade and Industry specifies by public notice), at the same time as those goods are provided, if the source code is not provided in any form;
- ニ 役務取引許可を受けて提供したプログラムについて、次の(一)又は(二)に該当するプログラムを当初役務取引許可を受けた取引の相手方又は利用する者に対して提供する取引
- (d) a transaction through which, after having received permission for a service transaction and provided a program, a person provides a program falling under either of 1. or 2. below to the other party to the permitted transaction or to a person using that program:
- (一) 許可を受けた範囲を超えない機能修正を行ったもの又は機能修正を行うためのもの
1. a program whose functions have been modified or which is designed for the purpose of modifying its functions, within the scope of the permission; or
- (二) 本邦から輸出された貨物を本邦において修理した後再輸出される貨物と同時に提供されるプログラムであって、役務取引許可を受けて提供したものと同一のもの
2. a program being provided at the same time as goods that have been exported from Japan and that will be exported again after having been repaired in Japan, which is the same as a program that the person has provided after receiving permission for a service transaction; or
- ホ 令別表の二又は四から一五までの項の中欄に掲げるプログラム(オブジェクトコードのものに限り、経済産業大臣が告示で定めるものを除く。)の取引であって、貨物(輸出令別表第一の二又は四から一五までの項の中欄に掲げるものに限る。)の輸出に付随する据付、操作、保守若しくは修理のための必要最小限のもののうち、当該貨物の買主、荷受人又は需要者に対して提供する取引(輸出の許可を受けた日又は貨物の輸出契約の発効した日のいずれか遅い日以降に提供するものに限り、当該貨物の性能若しくは特性が当初提供したものより向上するもの又は当該貨物に対して新たな機能若しくは特性を提供するものを除く。)
- (e) a transaction through which a person, incidental to the export of goods, provides the buyer, consignee, or user of those goods with a program stated in the middle columns of rows 2 or 4 through 15 of the Appended Table of the Order (limited to those of object codes and excluding those that the Minister of Economy, Trade and Industry specifies by public notice) that represents what is minimally necessary for their installation, operation,

maintenance, or repair (limited to those stated in the middle columns of rows 2 or 4 to 15 of Appended Table 1 of the Export Order) (limited to transactions through which the person provides that program on and after either the date on which the permission for export was granted or the date on which the contract of export of the goods came into effect, whichever date comes later; and excluding transactions involving a program which improves the operational performance or characteristics of the goods to exceed those they had when they were provided initially or transactions concerning a program which provides new functions or characteristics to the goods); and

へ 令別表の二又は四から一五までの項の中欄に掲げるプログラム（オブジェクトコードのものに限り、経済産業大臣が告示で定めるものを除く。）の取引であつて、プログラム（同表の二又は四から一五までの項の中欄に掲げるものに限る。）の提供に付随するインストール、操作、保守若しくは修理のための必要最小限のもののうち、当該提供に係るプログラムの取引の相手方又は利用する者に対して提供する取引（役務取引の許可を受けた日又は当該提供に係るプログラムの提供契約の発効した日のいずれか遅い日以降に提供するものに限る、当該提供に係るプログラムの性能若しくは特性が当初提供したものより向上するもの又は当該提供に係るプログラムに対して新たな機能若しくは特性を提供するものを除く。）

(f) a transaction through which a person, incidental to the provisions of a program (limited to one stated in the middle column of rows 2 or 4 through 15 of the Appended Table of the Order), provides the other party to the transaction involving that program or the persons using it with a program as stated in the middle column of rows 2 or 4 through 15 of the Appended Table of the Order (limited to those of object code and excluding those that the Minister of Economy, Trade and Industry specifies by public notice) that represents what is minimally necessary for the installation, operation, maintenance, or repair of the previously provided program (limited to transactions through which the person provides the program in question on or after either the date on which the permission for service transactions was granted or the date on which the contract for the provisions of that previously provided program came into effect, whichever date comes later; and excluding transactions that increase the operational performance or characteristics of the previously provided program to exceed those it had when it was provided initially or transactions that provide a previously provided program with new functions or characteristics);

十五 本邦において原子力災害対策特別措置法（平成十一年法律第百五十六号）第二条第二号に規定する原子力緊急事態又は同条第一号に規定する原子力災害等の災害が発生した場合における援助の用に供するため外国政府、国際機関等から輸入した貨物に付随して提供された使用に係る技術を、当該援助の終了後当該貨物の返送の

ための輸出に付随して提供する取引

- (xv) a transaction through which a person provides, incidental to an export of the goods in order to return them upon completion of the assistance in question, technology that is for use with, and has been provided incidental to, goods that have been imported from a foreign government, an international organization, or the like, for the purpose of providing assistance if there is a nuclear emergency in Japan as prescribed in Article 2, item (ii) of the Act on Special Measures Concerning Nuclear Emergency Preparedness (Act No. 156 of 1999) or a disaster such as the nuclear disaster prescribed in item (i) of that Article; and

十六 暗号メカニズム若しくは暗号アルゴリズム又はこれらの参照コードを提供する取引であって、国際標準の策定のための国際会議への出席又は提案若しくは意見表明において必要となるもの

- (xvi) a transaction through which a person provides a cryptographic mechanism, cryptographic algorithm, or reference code for one of these, which is necessary in order for a person to attend, make a proposal at, or present an opinion at an international conference that is aimed at developing international standards.

- 3 令第十八条第一項に規定する経済産業省令で定める役務取引は、外国為替及び外国貿易法における主務大臣を定める政令（昭和五十五年政令第二百五十九号。次条第一項において「主務大臣政令」という。）第一条第一号イに掲げる取引又は同号ロに掲げる取引に該当する役務取引で次の各号の一に該当する取引とする。

- (3) The service transactions specified by Order of the Ministry of Economy, Trade and Industry that are provided for in Article 18, paragraph (1) of the Order mean transactions as stated in Article 1, item (1), (a) of the Cabinet Order Establishing the Competent Ministers in the Foreign Exchange and Foreign Trade Act (Cabinet Order No. 259 of 1980; referred to as the "Cabinet Order Establishing the Competent Ministers" in paragraph (1) of the following Article) or a service transaction constituting a transaction stated in (b) of the same item, which falls under any of the following items:

一 令第十八条第一項に掲げる役務取引のうち、鉱産物（核原料物質及び核燃料物質を除く。）の加工又は貯蔵に係るもの及び当該役務取引の対価が一千万円相当額以内のもの

- (i) a service transaction as stated in Article 18, paragraph (1) of the Order that involves the processing or storage of minerals (excluding nuclear source materials and nuclear fuel materials), if the consideration of the service transaction is less than an amount equivalent to 10,000,000 yen; or

二 前項第一号から第三号までに掲げる取引

- (ii) a transaction as stated in items (i) through (iii) of the preceding paragraph.

（報告）

(Reports)

第十条 令第十八条の四第一項第三号に規定する経済産業省令で定める支払等は、主務大臣政令第一条第一号に掲げる取引に直接伴ってする支払等並びに同条第三号ロ及びハに掲げる行為に直接伴ってする支払等とする。

Article 10 (1) The payment, etc. specified by Order of the Ministry of Economy, Trade and Industry that is provided for in Article 18-4, paragraph (1), item (iii) of the Order means the payment, etc. directly incidental to a transaction as stated in Article 1, item (i) of the Cabinet Order Establishing the Competent Ministers or the payment, etc. directly incidental to an act as stated in item (iii), (b) and (c) of that Article.

2 令第十八条の六第一項に規定する経済産業省令で定める特定資本取引は、令第十四条第一項各号及び同条第二項の規定により読み替えて適用する同条第一項各号に掲げる契約に基づく取引とする。

(2) The specified capital transactions specified by Order of the Ministry of Economy, Trade and Industry that are provided for in Article 18-6, paragraph (1) of the Order mean transactions under a contract as stated in the items of Article 14, paragraph (1) of the Order and the items of Article 14, paragraph (1) of the Order as applied pursuant to Article 14, paragraph (2) of the Order following the deemed replacement of terms.

3 経済産業大臣は、令第十八条の八第一項の規定に基づき報告を求める場合には、同項に規定する者又は関係人に対し、告示又は通知する方法により報告を求める事項を明示して必要な報告書の提出を命ずるものとする。

(3) When requesting a report pursuant to the provisions of Article 18-8, paragraph (1) of the Order, the Minister of Economy, Trade and Industry, by means of a public notice or way of notifying a person as prescribed in that paragraph or any related person, is to clarify the particulars that the person is being requested to report and order the person to submit the necessary written report.

4 前項の命令を受けた者は、遅滞なく、報告書を提出しなければならない。

(4) A person who has been issued an order as prescribed in the preceding paragraph must submit a written report without delay.

(通知の送達等)

(Service of Notifications)

第十一条 令第六条の二第三項、第十六条第一項若しくは第十八条の三第一項又は前条第三項の規定による通知は、郵便若しくは信書便による送達又は交付送達により、その送達を受けるべき者の住所、居所又は営業所若しくは事務所に当該通知の内容を記載した文書を送達して行う。

Article 11 (1) Notification, under Article 6-2, paragraph (3), Article 16, paragraph (1) or Article 18-3, paragraph (1) of the Order, or paragraph (3) of the preceding Article, is provided to the relevant person through service of

documents that include information to be included in that notification at the domicile, residence, business office, or office of that person, by way of mail, correspondence delivery, or personal service.

- 2 通常の取扱いによる郵便又は信書便によって前項に規定する文書を発送した場合には、その郵便物又は信書便事業者が送達する信書便法第二条第三項に規定する信書便物は、通常到達すべきであった時に送達があったものと推定する。

(2) If a document as prescribed in the preceding paragraph has been sent by ordinary mail or correspondence delivery, the postal item or the correspondence item as prescribed in Article 2, paragraph (3) of the Correspondence Delivery Act that the correspondence delivery company delivers is presumed to have been served at the time it would normally reach the person in question.

- 3 経済産業大臣は、通常の取扱いによる郵便又は信書便によって第一項に規定する文書を発送する場合には、当該文書の送達を受けるべき者の氏名（法人にあっては、その名称）、あて先及び当該文書の発送の年月日を確認するに足りる記録を作成しておかなければならない。

(3) When sending a document as prescribed in paragraph (1) by ordinary mail or correspondence delivery, the Minister of Economy, Trade and Industry must prepare sufficient records to allow the verification of the first and last name of the person (or, for a corporation, its name) to be served with the document, that person's address, and the date on which the document was sent.

- 4 第一項の交付送達は、当該行政機関の職員が同項に規定する文書を送達すべき場所において、その送達を受けるべき者に当該文書を交付して行う。ただし、その送達を受けるべき者に異議がないときは、その他の場所において当該文書を交付することができる。

(4) Personal service as referred to in paragraph (1) will be made by an official of the relevant administrative organ, through the delivery of a document as prescribed in that paragraph to the relevant person at the place where that document is to be served. However, the document may be delivered at another place if that person has no objection to this.

- 5 次の各号に掲げる場合には、第一項の交付送達は、前項の規定による交付に代え、当該各号に定める行為により行うことができる。

(5) When, as stated in one of the following items, personal service as referred to in paragraph (1) may be made through the act prescribed in each of those items, instead of the delivery under the provisions of the preceding paragraph:

- 一 送達すべき場所において第一項に規定する文書を送達を受けるべき者に出会わない場合 その使用人その他の従業者又は同居の者で当該文書の受領について相当のわきまえのあるもの（次号において「使用人等」という。）に当該文書を交付すること。

(i) if the person to be served with a document as prescribed in paragraph (1) cannot be found at the place where the document is to be served: delivery of

that document to an employee, other worker, or a person living with that person, who has reasonable discretion concerning the receipt of the document (referred to as "employee or cohabitant" in the following item); or

二 第一項に規定する文書の送達を受けるべき者その他使用人等が送達すべき場所にいる場合又はこれらの者が正当な理由なく当該文書の受領を拒んだ場合 送達すべき場所に当該文書を差し置くこと。

(ii) if the person to be served with a document as prescribed in paragraph (1) or the employee or cohabitant is not present in the place where the document is to be served, or if any of these persons refuses to receive the document, without a legitimate reason: leaving the document at the place where the document is to be served.

6 第一項から第五項までの規定は、経済産業大臣が令第六条の二第五項、第十六条第三項又は第十八条の三第三項の規定による通知を行おうとする場合について準用する。

(6) The provisions of paragraphs (1) through (5) apply mutatis mutandis if the Minister of Economy, Trade and Industry seeks to notify a person under Article 6-2, paragraph (5), Article 16, paragraph (3) or Article 18-3, paragraph (3) of the Order.

(経済産業大臣に対する税関長の通知)

(Notification from the Director-General of Customs to the Minister of Economy, Trade and Industry)

第十二条 税関長は、令第十八条の二第二項の規定により、速やかに、令第十七条第三項又は第四項の規定により経済産業大臣の許可を要する貨物について次の各号に掲げる事項を経済産業大臣に通知するものとする。ただし、経済産業大臣が当該各号に掲げる事項の通知の必要がないと認めるときは、その必要がないと認める事項の通知を省略させることができる。

Article 12 Pursuant to the provisions of Article 18-2, paragraph (2) of the Order, the Director-General of Customs is to promptly notify the Minister of Economy, Trade and Industry of the particulars stated in the following items with respect to goods that require the permission of the Minister of Economy, Trade and Industry under Article 17, paragraph (3) or (4) of the Order.

However, if the Minister of Economy, Trade and Industry finds that it is not necessary to notify the Minister of any particulars stated in those items, the Minister may allow the Director-General not to notify the Minister of the particulars that the Minister finds unnecessary for notification:

一 特定記録媒体等の輸出者の氏名又は名称及び住所

(i) the name and address of the exporter of a specified data storage medium or other means;

二 特定記録媒体等の仕向地

(ii) the destination of a specified data storage medium or other means;

三 特定記録媒体等を積み込もうとする船舶又は航空機の名称又は登録番号

(iii) the name or registration number of the ship or aircraft on which a specified data storage medium or other means is to be loaded; and

四 前各号に掲げる事項のほか、税関申告番号、令第十七条第三項又は第四項の規定による許可に係る許可番号その他税関長への輸出の申告に係る事項

(iv) beyond the particulars stated in the preceding items, the customs declaration number, permission number for the permission pursuant to Article 17, paragraph (3) or (4) of the Order, and other particulars of the export declaration to the Director-General of Customs.

(換算の方法)

(Conversion Method)

第十三条 令第六条第一項、令第六条の二第三項若しくは令第七条の二に規定する支払等、令第十六条第一項に規定する特定資本取引に係る支払等又は令第十八条第一項に規定する役務取引のうち電子決済手段等（法第六条第一項第九号に規定する電子決済手段等をいう。以下同じ。）によりされるものについて、当該規定を適用する場合における本邦通貨と電子決済手段等との間又は異種の電子決済手段等相互間の換算は、当該規定においてその額について当該換算をすべき支払等又は取引が行われる日の属する月の前月の末日の当該支払等又は取引の対象となる電子決済手段等の相場を用いる方法その他の合理的と認められる方法により行うものとする。

Article 13 (1) In cases where payments, etc. made by means of electronic payment instruments, etc. (meaning electronic payment instruments, etc. as prescribed in Article 6, paragraph (1), item (ix) of the Act; the same applies below) fall under the provisions of Article 6, paragraph (1), Article 6-2, paragraph (3), or Article 7-2 of the Order; or where payments, etc. related to specified capital transactions as prescribed in Article 16, paragraph (1) of the Order, or service transactions as prescribed in Article 18, paragraph (1) of the Order, are made by means of electronic payment instruments, etc., the conversion between Japanese currency and electronic payment instruments, etc., or between different types of electronic payment instruments, etc., is to be conducted by a method that is deemed reasonable, such as a method using the market rate of the relevant electronic payment instruments, etc. on the last day of the month preceding the month to which the date of the payment, etc. or transaction to be converted belongs, in accordance with the relevant provision.

2 令第六条の二第二項に規定する支払等のうち電子決済手段等によりされるものについて、当該規定を適用する場合における本邦通貨と電子決済手段等との間又は異種の電子決済手段等相互間の換算は、当該規定においてその額について当該換算をすべき支払等が行われる日における当該支払等の対象となる電子決済手段等の相場を用いる方法その他の合理的と認められる方法により行うものとする。

(2) In cases where payments, etc. made by means of electronic payment instruments, etc. fall under the provisions of Article 6-2, paragraph (2) of the

Order, the conversion between Japanese currency and electronic payment instruments, etc., or between different types of electronic payment instruments, etc., is to be conducted by a method that is deemed reasonable, such as a method using the market rate of the relevant electronic payment instruments, etc. on the date on which the payment, etc. to be converted is made, in accordance with the relevant provision.

第十四条 令第六条第一項に規定する支払等又は令第十八条第一項に規定する役務取引のうち外国通貨又は電子決済手段等以外の財産的価値（動産及び不動産を含む。以下「その他の財産的価値」という。）によりされるものについて、当該規定を適用する場合における本邦通貨とその他の財産的価値との間の換算は、当該規定においてその額について当該換算をすべき支払等又は取引が行われる日の属する月の前月の末日の当該支払等又は取引の対象となるその他の財産的価値の時価等の額を用いて行うものとする。

Article 14 (1) In cases where payments, etc., as prescribed in Article 6, paragraph (1) of the Order, or service transactions as prescribed in Article 18, paragraph (1) of the Order, are made by means of foreign currency or property value other than electronic payment instruments, etc. (including movable property and immovable property; referred to as "other property value" below), the conversion between Japanese currency and the other property value is to be conducted by using the market value, etc. of the relevant other property value on the last day of the month preceding the month to which the date of the payment, etc. or transaction to be converted belongs, in accordance with the relevant provision.

2 令第六条の二第二項に規定する支払等のうちその他の財産的価値によりされるものについて、当該規定を適用する場合における本邦通貨とその他の財産的価値との間の換算は、当該規定においてその額について当該換算をすべき支払等が行われる日における当該支払等の対象となるその他の財産的価値の時価等の額を用いて行うものとする。

(2) In cases where payments, etc., as prescribed in Article 6-2, paragraph (2) of the Order are made by means of other property value, the conversion between Japanese currency and the other property value is to be conducted by using the market value, etc. of the relevant other property value on the date on which the payment, etc. to be converted is made, in accordance with the relevant provision.

附 則

Supplementary Provisions

(施行期日)

(Effective Date)

1 この省令は、平成十年四月一日から施行する。

(1) This Ministerial Order comes into effect as of April 1, 1998.

(罰則に関する経過措置)

(Transitional Measures for Penal Provisions)

2 この省令の施行前にした行為に対する罰則の適用については、なお従前の例による。

(2) Previous laws continue to govern the application of penal provisions to acts in which a person has engaged before this Ministerial Order comes into effect.

別紙様式第1 (第1条関係)

Appended Form 1 (re: Article 1)

別紙様式第2 (第1条関係)

Appended Form 2 (re: Article 1)

別紙様式第3 (第1条関係)

Appended Form 3 (re: Article 1)

別紙様式第3の2 (第1条関係)

Appended Form 3-2 (re: Article 1)

別紙様式第4 (第1条関係)

Appended Form 4 (re: Article 1)

別紙様式第5 (第2条関係)

Appended Form 5 (re: Article 2)

別紙様式第6 削除

Appended Form 6 Deleted

別紙様式第6の2 (第1条の2関係)

Appended Form 6-2 (re: Article 1-2)