About the Act to Advance Reforms of Digital Regulations

The Act Partially Amending the Basic Act on the Formation of a Digital Society and Related Acts in Order to Advance Regulatory Reforms That Are Meant to Help Form a Digital Society (Promulgated in June 2023)

Purpose

The Act amends (1) the Basic Act on the Formation of a Digital Society, (2) the Digital Procedures Act, and (3) individual Acts that have established regulations on paper-based and in-person processes, in order to **move forward with the revision of regulations based on advances in digital technology to enable that technology to be used effectively**, in keeping with the Plan for Mass Overhaul of Regulations in line with Digital Principles*.

- * The Plan for Mass Overhaul of Regulations in line with Digital Principles (decided by the Special commission on Digital Administrative Reform in June 2022)
- Revises regulations on paper-based and in-person processes in seven commonly seen areas (processes involving: (1) visual inspection, (2) regular inspection, (3) field audit, (4) residencies/full-time, (5) written-notice, (6) courses in-person, (7) on-site viewing)
- > Enables online filing for applications, notifications, and other filings currently requiring the filer to use a floppy disk or other such recording media.

Points of These Amendments

- I The amendments provide for <u>a basic policy on revisions and for specific measures</u>, to <u>ensure that regulatory revisions based on advances in digital technology will be carried out independently and continuously into the future</u>.
- I The Act amends (1) regulations on written-notice*, and (2) regulations on floppy disks and other such recording media, in order to actualize revisions of regulations on paper-based and in-person processes based on the Plan for Mass Overhaul of Regulations in line with Digital Principles.
 - * Most of the seven areas of regulations can be revised by amending things like Cabinet Orders and Ministerial Ordinances, so that it will not be necessary to amend the relevant Acts for these. The main area for amending Acts will be the regulations on written-notice.

Amendments to advance independent and continuous regulatory revisions based on advances in digital technology

Amendment of the Basic Act on the Formation of a Digital Society

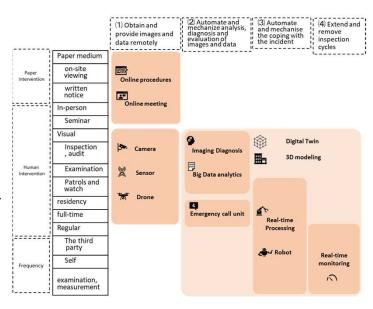
Amendment s to the Digital Procedures Act These amendments enshrine digital regulation reforms in the law as a matter of basic policy at the national level, and take measures for provisions related to the processes of the Digital Legislation Bureau*.

* Processes to check the conformity of drafts for the Bills and regulations to digital principles
It is established as a matter of basic policy at the national level that the necessary measures
must be taken to ensure that regulations do not prevent digital technology from being used
effectively based on advances in that technology, and this revision is positioned as a matter
for inclusion in Priority Policy Program for Realizing Digital Society. (Through these amendments,
the direction of the regulatory review will be clearly established and the processes of the Digital
Legislation Bureau will be explicitly included in Priority Policy Program for Realizing Digital Society.)

These amendments take measures for provisions related to the effective use of digital technology and to the publication and use of Regtech Map**

- **The map showing the correspondence between digital technology and items to be reviewed in the regulations
 - These amendments establish that the national government is required to take the necessary measures, in light of advances in digital technology, to enable the effective use of digital technology (local governments will be under an obligation to make efforts that is equivalent to an obligation of the national government).
 - The Prime Minister (through the Digital Agency) will be required to publicize information on technologies (such as Regtech Map) that contributes to the revision of regulations, and administrative agencies and other organizations at the national level will be required to endeavor to utilize that information.

(Depiction of Regtech Map)



Amendments to enable online filing for applications and other filings currently requiring the submission of recording media

These amendments will **expand the scope of application of the** Digital Procedures Act, an Act on general rules that enables online filing, in order to enable online filing for applications and other **filings** with administrative agencies that currently require the submission of floppy disks and other recording media.

The scope of

application of

the Digital

Procedures

Act will be

expanded.

[Before Amendment]

The Digital Procedures Act does **not apply** to procedures for which it is established that the filer is to submit a recording medium **such** as a floppy disk.

⇒ Procedures cannot be done online, so filers are obligated to **use** a floppy disk or other specific recording medium.

The filer needs to submit a floppy disk or other recording medium.





Submissions subject to application of the Digital Procedures Act = Things that can be submitted online

> Written documents, other materials

pursuant to that Act

Electronic or magnetic recording media (floppy disks, other media)

Online submission is not possible under law

[After Amendment]

The scope of application of the Digital Procedures Act will be expanded to make it possible for procedures currently requiring submission of a floppy disk or other recording medium to also be done online.

The filer can complete the procedures using a computer, smartphone, or other such device.



Submissions subject to application of the Digital Procedures Act = Things that can be submitted online

pursuant to that Act Written documents, other

materials

Electronic or magnetic recording media (floppy disks, other media)

Amendments to revise the regulations on written-notice

These amendments will make it possible to use the Internet to view written materials that were previously posted in specific locations, making things more convenient by enabling people to verify the information they need at any time and from any place.

[Before Amendment]

Posting of signs, usage

fees,

Service of documents

ş

publication

other information

Information is posted at the place of business or other location



[After Amendment]

It will become possible to **view the** convenience, and relevant information over the Internet



From the perspective of user protection, consideration for the digital divide, the system of physically posting the relevant information will be maintained.



* Exemptions will be provided for some small businesses and others that have difficulty complying. (It is clearly stated on the progress schedule that digitalization efforts will be encouraged in the future.)

[Before Amendment]

Posting of written materials at a posting station or other location



A system that allows a government agency to put up a posting (a public notice) for a certain period of time in order to issue a notice or otherwise communicate with a private individual if that individual's whereabouts are unknown or in similar circumstances.

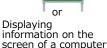
[After Amendment] For the convenience of users and in consideration of the digital divide, the The competent system of posting in a ministry or agency physical location will be will establish how máintained. this is done (it is



assumed that it will

be done by

Posting of written materials at a posting station or other location







* The 2022 ordinary session of the Diet amended the Code of Civil Procedure to enable service of documents by public notice to be done digitally, and this Act is based on that amendment.

Upcoming Schedule

Timing of entry into effect In principle, amending provisions will enter into effect within one year after promulgation (June 16, 2023) (provisions concerning digitalization of the service of documents by publication will enter into effect within three years after promulgation, based on the timing at which the revisions to the system for service by public notice under the Code of Civil Procedure enter into effect).

デジタル規制改革推進の一括法について

デジタル社会の形成を図るための規制改革を推進するための デジタル社会形成基本法等の一部を改正する法律(2023年6月公布)

趣旨

「デジタル原則に照らした規制の一括見直しプラン」(※)を踏まえ、デジタル技術の進展を踏まえたその効果的な活用のための規制の見直しを推進するため、①デジタル社会形成基本法、②デジタル手続法、③アナログ規制を定める個別法の改正を行う。

- (※)「デジタル原則に照らした規制の一括見直しプラン」(2022年6月 デジタル臨時行政調査会決定)
- ▶ 代表的なアナログ規制 7 項目の見直し(①目視、②定期検査・点検、③実地監査、④常駐・専任、⑤書面掲示、⑥対面講習、⑦往訪閲覧・縦覧)
- ▶ フロッピーディスク等の記録媒体を用いる申請・届出等のオンライン化

改正のポイント

- I **将来にわたってデジタル技術の進展等を踏まえた規制の見直しが自律的かつ継続的に行われることを担保**するため、 **見直しの基本方針や具体的な施策**について定める。
- 一括見直しプランに基づくアナログ規制の見直しを実現するため、①書面掲示規制 (※) 及び②フロッピーディスク等の記録媒体に係る規制について改正を行う。
 - (※) 7項目の規制の大部分は、政省令改正等により、法改正を要することなく見直しの実現が可能。法改正を行うものは、書面掲示規制が中心。

デジタル技術の進展等を踏まえた自律的・継続的な規制の見直しの推進に係る改正

デジタル社会 形成基本法 の改正

デジタル規制改革を国の基本方針として法定し、デジタル法制局のプロセス (※ 1)

に関連する規定を措置 ※1 新規法令等のデジタル原則適合性を確認するプロセス

国の基本方針として、デジタル技術の進展等を踏まえたデジタル技術の効果的な活用が 規制により妨げられないようにするため必要な措置が講じられなければならないことを定める とともに、当該見直しを重点計画の記載事項に位置付け。

(本改正により、規制見直しの方向性を明確に定め、デジタル法制局のプロセス等を重点計画に明記)

デジタル技術の効果的な活用、テクノロジーマップ (※2) の公表・活用に関連する 規定を措置 ※2 デジタル技術と規制の見直し事項の対応関係を示したマップ

- ・国は、デジタル技術の進展等を踏まえ、デジタル技術を効果的に活用することができるように するため必要な施策を講じなければならないこととする(地方公共団体は国に準じた努力義務)。
- ・内閣総理大臣 (デジタル庁) は、規制の見直しに資する技術に関する情報 (テクノロジーマップ 等) について公表することとするとともに、国の行政機関等は当該情報を活用するよう努めなければならないこととする。

書面 閲覧·縦覧 ■オンライン手続 揭示 ■ ウェブ会議 対面 講習 目視 カメラ 一 デジタルツイン 検査·点検·監査 調査 田子3Dモデリング 愛 センサー 巡視·見張 常駐 4 緊急通報装置 ★ ドローン 専任 リアルタイム ● 対処 定期 第三者 リアルタイム 自主 モニタリング

調査·測定

(テクノロジーマップのイメージ)

デジタル 手続法の 改正

記録媒体による申請等のオンライン化に係る改正

フロッピーディスク等の記録媒体による行政機関への申請等についてオンラインによる申請等を可能とするため、オンライン化を可能とする通則法であるデジタル手続法の適用範囲を拡大。

【改正前】

フロッピーディスク等の記録媒体を 提出することとされている手続には デジタル手続法が適用されない

⇒ オンラインで行うことができず、フ□ッピーディスク等の特定の記録媒体の使用義務

フロッピーディスク等の記録媒体の提出が必要



デジタル手続法の適用対象 =同法によりオンライン可能

書面等

電磁的記録媒体

法令トオンライン不可

【改正後】

デジタル手続法の適用範囲を拡大し、フロッピーディスク等の記録 媒体による手続についてもオンライン可能に

パソコン、スマートフォン等で手続が可能に



デジタル手続法の適用対象 = 同法によりオンライン可能

書面等

電磁的記録媒体

書面掲示規制の見直しに係る改正

特定の場所において書面で掲示されていたものについて、**インターネットによる閲覧等を可能**とし、**いつでもどこでも、必要な情報を確認**できるようにすることで、利便性の向上を図る。

【改正前】

標

識

用

料金等

の掲

示

公

示

送

事業所等での書面の掲示



(改正後)利用者保護や利便性、
デジタルデバイドへの配慮
の観点から、書面による
掲示も維持



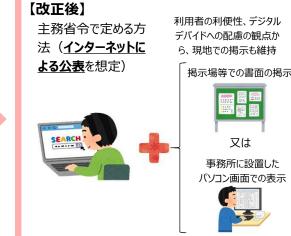
※ 対応困難な一部の零細事業者等については、適用除外を措置 (工程表において、将来に向けてデジタル化の取組を促していくことを明記)

【改正前】

掲示場等での書面の掲示



行政機関が私人に通知等を 行うに当たり、その者の所在が 不明である場合等に、一定期 間、掲示(公示)をする制度



※ 2022年常会で民事訴訟法の公示送達についてデジタル化のための改正が行われており、本改正はこれを参考にしたもの

今後のスケジュール等

施行時期 原則として公布 (=2023年6月16日) 後1年以内

デジタル

手続法の

適用範囲

を拡大

(公示送達のデジタル化は、民事訴訟法の公示送達制度の見直しの施行時期を踏まえ、公布後3年以内)