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This English translation of the Administrative Procedure Act has been translated (through the revisions of Act No. 73 of 2005 (Effective April 1, 2006)) in compliance with the Standard Bilingual Dictionary (March 2006 edition).

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## **Administrative Procedure Act (Act No. 88 of 1993)**

### **Chapter 1 General Provisions**

#### **Article 1 (Purpose, etc.)**

- (1) The purpose of this Act is, by providing for common rules concerning procedures for dispositions, administrative guidance and notifications, and procedure for establishing "Administrative Orders, etc", to seek to advance a guarantee of fairness and progress towards transparency (here meaning, that there be clarity in the public understanding of the contents and processes of administrative determinations; the same shall apply in Article 46.) in administrative operations, and thereby to promote the protection of the rights and interests of citizens.
- (2) When special provisions exist in other Acts on the matters otherwise governed by this Act concerning procedures for dispositions, administrative guidance and notifications, and procedure for making the Administrative Orders, etc., these procedures shall be governed by such special provisions.

#### **Article 2 (Definitions)**

In this Act, the meanings of the terms listed in the following items shall be as prescribed respectively in those items.

- (i) Laws and regulations: Acts, Orders established pursuant to Acts (including public notices), Prefectural/Municipal Ordinances, and Rules (including regulations. Hereinafter referred to as "rules.") promulgated by the executive organ of local public entities.
- (ii) Dispositions: dispositions and other acts involving the exercise of public

authority by administrative agencies.

- (iii) Applications: requests, made pursuant to laws and regulations, for permission, approval, license, or some other Disposition by an administrative agency granting some benefit to the applicant (collectively hereinafter referred to as "permission, etc.") and to which requests the administrative agencies should respond in the affirmative or negative.
- (iv) Adverse Dispositions: Dispositions in which administrative agencies, acting pursuant to laws and regulations, designate specified persons as subject parties to the Disposition and directly impose duties upon them or limit their rights; excluding however, those fall under any of the following specified provisions:
  - (a) De facto acts and Dispositions in the nature of procedures that may be required by laws and regulations to clarify the scope, timing, etc. pertaining to de facto acts;
  - (b) Dispositions which refuse the permission, etc. requested by Applications and other Dispositions that are rendered based upon Applications and which specifically designate those who made the Applications as the subject of the Disposition;
  - (c) Dispositions rendered with the consent of the persons who are to be the subject parties to the disposition;
  - (d) Dispositions which nullify the effect of any permission, etc. and which are rendered because there has been a Notification as hereinafter defined that the facts on which the applicable permission, etc. had been based have ceased to exist.
- (v) Administrative Organs: the organs specifically listed as follows:
  - (a) organs within the Cabinet or organs under the jurisdiction of the Cabinet which were established pursuant to Acts, the Imperial Household Agency, organs provided for in Article 49, paragraph 1 or 2 of the Act for Establishment of the Cabinet Office (Act No. 89 of 1999), organs provided for in Article 3, paragraph 2 of the National Government Organization Act (Act No. 120 of 1948), the Board of Audit or organs established by one of these organs, or the personnel of the above mentioned organs who are authorized by Acts to independently exercise such authority; and,
  - (b) Organs (excluding assemblies) of local public entities.
- (vi) Administrative Guidance: guidance, recommendations, advice, or other acts by which an Administrative Organ may seek, within the scope of its duties or affairs under its jurisdiction, certain action or inaction on the part of specified persons in order to realize administrative aims, where such acts are not Dispositions.
- (vii) Notifications: acts taken to notify administrative agencies of given matters (excluding Applications) as may be expressly obligated by laws and regulations

(including those notices which become necessary by virtue of being prerequisite for bringing about some hoped-for legal effect).

(viii) "Administrative Orders, etc.": the followings established by the Cabinet or administrative organs:

(a) Orders established pursuant to Acts (including public notices which include the requirements of the disposition. Referred to in the second paragraph of the next article as the "Orders") and rules.

(b) Review Standards (here meaning, the standards necessary for judging, in accordance with the provisions of relevant laws and regulations, whether an Application requesting permission, etc. will be granted; the same shall apply hereinafter.)

(c) Disposition Standards (here meaning, the standards necessary for judging, in accordance with the provisions of relevant laws and regulations, whether Adverse Dispositions shall be rendered, and as the case may be, what kind of Adverse Dispositions shall be rendered; the same shall apply hereinafter).

(d) Administrative Guidance guidelines (here meaning, standardized contents of Administrative Guidance which, in order to achieve a common administrative aim, an Administrative Organ intendsto render to more than one person who meets certain conditions; the same shall apply hereinafter.

### **Article 3 (Exclusion from Application)**

(1) The provisions of Chapters 2 to 4 inclusive shall not apply to the Dispositions and the Administrative Guidance specifically listed as follows:

(i) Dispositions rendered in the nature of any resolution of both or either Houses of the Diet, or by the assemblies of local public entities;

(ii) Dispositions rendered by the judgment of any court or judge, or made in the nature of the execution of any such judgment;

(iii) Dispositions directed i.e., in the nature of an express instruction by a resolution of both or either houses of the Diet, or assemblies of local public entities, or Dispositions rendered based upon the consent or approval of the said houses or assemblies, where such consent or approval is necessary;

(iv) Dispositions decided by the Audit Commission and Administrative Guidance during audit of the Board of Audit;

(v) Dispositions and Administrative Guidance rendered by public prosecutors, public prosecutor's assistant officer, or judicial police official pursuant to laws and regulations relating to criminal cases;

(vi) Dispositions and Administrative Guidance rendered by the Commissioner of the National Tax Agency, directors of the Regional Taxation Bureaus, the chiefs of tax offices, tax collectors, the superintendents of custom houses, customs officers, or local tax officials (including those who perform the duties of these

offices pursuant to the provisions of other laws and regulations) pursuant to laws and regulations relating to national or local tax law violations (including cases where such laws and regulations are applied mutatis mutandis pursuant to other laws and regulations ), and Dispositions and Administrative Guidance rendered by the Securities and Exchange Surveillance Commission, personnel of that Commission (including those persons deemed as its personnel pursuant to applicable laws and regulations), directors of Local Finance Bureaus, and directors of the Local Finance Branch Bureaus pursuant to laws and regulations relating to violations of securities and exchange and financial futures trading regulations;

- (vii) Dispositions and Administrative Guidance rendered, towards the achievement of educational or training-oriented goals, to students, pupils, elementary school children or pre-school children or to their guardians, or to trainees in schools, short-course training schools, training schools and professional training institutes;
- (viii) Dispositions and Administrative Guidance rendered to effectuate accommodation in prisons, juvenile prisons, jail, lockup (here meaning, facilities for detention established by the Tokyo Metropolitan Police Agency, prefectural police headquarters (including district headquarters) and police stations), detention rooms of Japan Coast Guard (here meaning, facilities for detention established at the Regional Coast Guard Headquarters, its other offices and organizations or on the vessels of Japan Coast Guard), juvenile training schools, juvenile classification homes, and women's guidance homes;
- (ix) Dispositions or Administrative Guidance concerning the duties or status rendered to public officials (here meaning, the national public officers described in Article 2, paragraph 1 of the National Public Officer Act (Act No. 120 of 1947) and the local public officers described in Article 3, paragraph 1 of the Local Public Officer Act (Act No. 261 of 1950. ) The same shall apply hereinafter) or rendered to former public officials;
- (x) Dispositions and Administrative Guidance concerning departure and immigration of foreign nationals, recognition of refugees, and naturalization;
- (xi) Dispositions exclusively based upon results of examinations or tests for certifications regarding a person's expertise;
- (xii) Awards or other Dispositions (limited to cases where both sides are made parties to the proceedings) and Administrative Guidance rendered pursuant to the provisions of those laws and regulations that have been enacted for the purpose of adjusting the interests between persons having a conflict of interests;
- (xiii) Dispositions and Administrative Guidance rendered on the scene by police officials, coast guard officers, or other personnel invested expressly by Acts with the authority to safeguard the public interest, where situations implicating a

- risk to public health, environmental protection, the prevention of epidemics, public safety, and other public interests arise or are likely to arise;
- (xiv) Dispositions ordering submission of reports or articles, and any other Dispositions and Administrative Guidance rendered with the express purpose of collecting information necessary for the performance of administrative duties;
  - (xv) Determinations, decisions, and other Dispositions rendered by administrative agencies relating to requests for review, objection, and other administrative appeals; and,
  - (xvi) Dispositions or Administrative Guidance rendered pursuant to laws and regulations concerning procedures for the Dispositions prescribed in the preceding item, procedures for hearings or for grants of opportunity for explanation prescribed in Chapter 3, and other procedures for statements of opinions.
- (2) The provisions of Chapter 6 shall not apply to the acts to establish the Administrative Orders, etc. listed as follows:
- (i) Cabinet Orders which provide for the effective date of Acts
  - (ii) Orders about pardon
  - (iii) Orders or rules which provide for the content of the disposition
  - (iv) Orders or rules which provide for, pursuant to the provisions of Acts, the designation of facility, section, area and other similar matters.
  - (v) Administrative Orders, etc. about the salaries, working hours and other working conditions of public officers
  - (vi) Review Standards, Disposition Standards or Administrative Guidance Guidelines, other than those available to the public, by the provisions of laws and regulations, by custom, or by the decision of the organs which have authority to establish Administrative Orders, etc.
- (3) In addition to what is listed in the items of paragraph 1 and the preceding paragraph, the provisions of Chapters 2 to 6 inclusive shall not apply to Dispositions (limited to Dispositions made pursuant to underlying provisions contained in Prefectural/Municipal ordinances and rules of local public entities) and Administrative Guidance rendered by the organs of local public entities, Notifications (limited to where notice set forth in item 7 of the preceding Article is given pursuant to underlying provisions contained in Prefectural/Municipal ordinances and rules) to the organs of local public entities, and the acts of the organs of local public entities to establish Administrative Orders, etc.

**Article 4** (Exclusion from Application; Dispositions, etc. Rendered to State Organs, etc.)

- (1) The provisions of this Act shall not apply to Dispositions (limited to where the organs and entities referenced infra. that are made the subject parties of the

applicable Dispositions are made so with regard to their distinct status as governmental entities) and Administrative Guidance rendered to state organs or to local public entities or its organs, nor shall they apply to Notifications made by the said organs or entities (limited to where the obligation to make the Notification of the involved organs and entities arises with regard to their distinct status as governmental entities).

(2) The provisions of Chapters 2 and 3 shall not apply to Dispositions concerning the juridical persons which fall under any of the following items and which are rendered pursuant to the specific provisions of Acts relating to the supervision of those juridical persons (excluding however, Dispositions to order the dissolution of those juridical persons or rescinding the approval for their establishment or ordering the dismissal of either the officers of those juridical persons or of the persons carrying out their business):

(i) juridical persons established expressly by Acts or established by a special act of establishment pursuant to the provisions of special Acts; and,

(ii) juridical persons established pursuant to special Acts and which, the approval of administrative agencies being required for their establishment, are designated by a Cabinet Order for having affairs closely related to the administrative operations of the national government or the local public entities.

(3) When administrative agencies designate, pursuant to the provisions of Acts, all or some part of the performance of examinations, inspections, certifications, registrations, or other affairs of administration, to specific persons charged with the performance of those affairs, and when those designated persons (or, in the case of juridical persons, their officers), their employees or others, as concerns their involvement in those affairs, are deemed to be engaged in public duties, then the provisions of Chapters 2 and 3 shall not apply to Dispositions (excluding however, Dispositions rescinding the designation, Dispositions ordering the dismissal of officers of designated juridical persons, or otherwise with regards to the designated persons, Dispositions ordering the dismissal of the individuals engaged in the concerned affairs) rendered to those designated persons for the purpose of supervising the assigned matters pursuant to the said Acts.

(4) The provisions of Chapter 6 shall not apply to the acts to establish the Administrative Orders, etc. listed as follows:

(i) Administrative Orders, etc. to provide for the establishment, the scope of affairs under jurisdiction and other matters concerning the organization of the national government or the local public entities

(ii) Administrative Orders, etc. concerning the Record of Imperial Lineage under Article 27 of the Imperial House Act (Act No. 26 of 1947)

(iii) Administrative Orders, etc. to provide for manners, uniform, training, discipline, commendation and recognition for public officers, and competitive

examination among the public officers

- (iv) Administrative Orders, etc. to provide for the budget, settlement of accounts and account of the national government or local public entities (except for Administrative Orders, etc. to provide for the qualification of the bidders, deposit for bid participation and other matters concerning the contractors or those who would like to contract with the national government or the local public entities), and Administrative Orders, etc. to provide for the management of the properties and the materials of the national government or local public entities (except for Administrative Orders, etc. providing for the matters pertaining to the parties or those who would like to be when the national government or local public entities loan, exchange, sell, transfer, entrust or contribute the properties and the materials, or establish private rights on them)
- (v) Administrative Orders, etc. to provide for the audit of the final accounts of the State
- (vi) Administrative Orders, etc. to provide for the relationship between State organs, and Administrative Orders, etc. to provide the relationship between the national government and Ordinary Local Public entities, or between Ordinary Local Public entities as provided for in Part 2, Chapter 11 of the Local Autonomy Act (Act No. 67 of 1947), and other relationships between the national government and Local Public entities, or between Local Public entities (including the Administrative Orders, etc. concerning the Dispositions which the provisions of this Act do not apply to pursuant to the provision of paragraph 1 of this Article)
- (vii) Administrative Orders, etc. to provide for the officers and employees, scope of business, finance and accounts, and other matters concerning organization, operation and management of the juridical persons as provided for in each item of paragraph 2 of this Article (excluding Administrative Orders, etc. pertaining to the Disposition to order the dissolution or to rescind the approval for the establishment of the juridical persons, or to dismiss the officers or employees of the juridical persons)

## **Chapter 2 Dispositions upon Applications**

### **Article 5 (Review Standards)**

- (1) Administrative agencies shall establish review standards.
- (2) Administrative agencies, in establishing review standards, shall make them as concrete as possible in light of the nature of the particular permission, etc. in question.
- (3) Except in cases of extraordinary administrative inconvenience, administrative agencies shall make review standards available to the public by means of posting

them at the office which is, pursuant to laws and regulations, in charge of receiving the subject Applications or by some other appropriate method.

**Article 6 (Standard Period of Time for Process)**

Administrative agencies shall endeavor to establish standard periods of time to be typically needed between an Application's arrival at their offices and the rendering of a Disposition regarding that Application (provided that where laws and regulations designate for receipt of Applications an organ which is not the competent administrative agency to decide upon such Applications, then also the competent agency shall endeavor to establish standard periods of time to be typically needed between the Application's arrival at the office of the organ designated to receive the Application and its subsequent arrival at the administrative offices of the competent agency); and upon establishing such standard periods of time, shall make them available to the public by means of posting them at the office which is designated to receive the subject Applications or by some other appropriate method.

**Article 7 (Review and Response to Applications)**

Upon the arrival of an Application at the offices of an administrative agency, the agency shall commence its review of the Application without delay, and unless an Application conforms to requirements that the entries of the written application be completed, that the written application be attached by necessary documents, that the Application be filed within a specified period of time, or to other pro forma requirements provided by laws and regulations, the agency shall promptly either request the persons who filed the Application (hereinafter referred to as "applicants") to amend the Application, specifying considerable period of time to make such amendment, or refuse the permission, etc. sought by the Application.

**Article 8 (Showing of Grounds)**

- (1) Administrative agencies shall, in cases where they render Dispositions refusing the permission, etc. sought by Applications, concurrently show the grounds for the subject Disposition. However, where either the requirements provided by laws and regulations for the permission, etc. or the review standards that have been made available to the public are clearly specified in terms of quantitative indices or other objective indices, and where the fact that an Application does not conform to these requirements or standards can easily be seen from the contents of the written application or from its attached documents, it would be sufficient to show the grounds for the refusal only upon request of the applications.
- (2) When Dispositions prescribed in the main clause of the preceding paragraph are rendered in writing, then the grounds set forth in the preceding paragraph shall also be shown in writing.

**Article 9 (Provision of Information)**

- (1) Upon the request of applicants, administrative agencies shall endeavor to indicate the progress of the review of an Application and the prognosis when a Disposition upon that Application may be expected.
- (2) Upon the request of applicants or of persons planning to file Applications, administrative agencies shall endeavor to provide information concerning the contents of written application, documents to be attached to them, and other information necessary with regards to filing Applications.

**Article 10 (Holding of Public Hearings, etc.)**

Administrative agencies, when rendering Dispositions upon Applications, and where applicable laws and regulations provide that the interests of persons other than the applicants be considered in granting the relevant permission, etc., shall, where circumstances make it necessary, endeavor to provide opportunities for the opinions of such persons other than the applicants to be heard, by holding public hearings or by other appropriate methods.

**Article 11 (Dispositions Involving More Than One Administrative Agency)**

- (1) The fact that related Applications filed by applicants may be simultaneously under review by other administrative agencies shall not excuse the administrative agencies handling the Applications for acting to intentionally delay their appointed review or decision whether to grant a permission, etc.
- (2) Where more than one administrative agency is concerned with either a Disposition upon a single Application or to several related Applications from a single applicant, the agencies concerned shall endeavor to accelerate their review by maintaining contact with one another and by jointly hearing explanations from the applicant, etc., where circumstances make it necessary.

**Chapter 3 Adverse Dispositions**

**Section 1 General Rules**

**Article 12 (Disposition Standards)**

- (1) Administrative agencies shall endeavor to establish disposition standards, and to make such standards available to the public.
- (2) Administrative agencies, in establishing disposition standards, shall make them as concrete as possible in light of the nature of the particular Adverse Disposition in question.

**Article 13 (Procedures Prerequisite for Adverse Dispositions)**

- (1) Administrative agencies shall, with regard to rendering Adverse Dispositions and pursuant to terms of the following items, establish procedures for hearing statements of opinion of persons who will become the subject parties of such Adverse Dispositions, in accordance with the categories specified respectively in those items and generally in the manner set forth in this Chapter.
  - (i) Hearings: when any of the following applies:
    - (a) when rendering Adverse Dispositions that will rescind some permission, etc.;
    - (b) in addition to the circumstances provided for in (a) of this item, when rendering any other Adverse Dispositions which will directly deprive the subject parties of some conferred qualification or status;
    - (c) when rendering Adverse Dispositions that are rendered to juridical persons and order the dismissal of the officers of the subject juridical persons, that order the dismissal of the persons engaged in the affairs of the subject parties, or that order the expulsion of persons who are members of the subject parties; or
    - (d) other than cases as described in (a) through (c) of this item, when cases occur which administrative agencies recognize as appropriate.
  - (ii) Grant of opportunity for explanation: when none of the circumstances described in (a) through (d) of the preceding items applies.
- (2) The provisions of the preceding paragraph shall not apply to the cases which fall under any of the following items:
  - (i) when, for the public interest, it is necessary to render Adverse Dispositions urgently, and procedures for statements of opinion prescribed in the preceding paragraph cannot therefore be timely implemented;
  - (ii) when rendering Adverse Dispositions which must be rendered when it is ascertained that some person's qualifications required by laws and regulations are lacking or have been lost, and when the fact of the non-existence of the qualifications or their loss has been expressly established by a written judgment or decision of court, by the document of the appointer which corroborates that person's assuming the specific position, or by some other objective documents;
  - (iii) where laws and regulations clearly provide for, with technical standards, the matters to be complied with concerning the establishment, maintenance or management of facilities or equipment, or concerning the manufacturing, sale or other handling of goods and when rendering Adverse Dispositions ordering to comply with such standards, solely based upon the fact of non-compliance with such standards, which fact has been confirmed by measurement, experimentation, or some other objective method for the determination;
  - (iv) when rendering Adverse Dispositions which fix an amount of money to be

paid, which order the payment of a specific amount of money, or which rescind a decision of cash benefit or otherwise restrict the cash benefit; or,

- (v) when rendering Adverse Dispositions, which are specified by a Cabinet Order as being not subject to the requirement to hear the opinion of those who will become the subject parties owing to the fact that, in light of the nature of such Dispositions, the contents of the duties imposed by such Dispositions are extremely slight.

**Article 14 (Showing of Grounds for Adverse Dispositions)**

- (1) Administrative agencies, in cases where they render Adverse Dispositions, shall concurrently show the ground for the Adverse Disposition to the subject parties. However, this shall not apply when there are pressing needs for rendering Adverse Dispositions without showing their grounds.
- (2) In the case referred to in the proviso of the preceding paragraph, but excepting cases where the locations of the subject parties have become unknown and other cases where circumstances make it difficult to show the grounds after the rendering of the Disposition, administrative agencies shall show the grounds for the Disposition concerned within the considerable period of time after its rendering.
- (3) When Adverse Dispositions are rendered in writing, the grounds set forth in the preceding two paragraphs shall also be shown in writing.

**Section 2 Hearings**

**Article 15 (Manner of Notice of Formal Hearings)**

- (1) In conducting hearings, administrative agencies shall provide to the anticipated subject parties of Adverse Dispositions written notice of the following matters, which notice shall be provided with a considerable period of time before the date of the hearing:
  - (i) the contents of the anticipated Adverse Disposition and the specific provisions of laws and regulations which will be the grounds for the anticipated Adverse Disposition;
  - (ii) the facts which will be the cause of the anticipated Adverse Disposition;
  - (iii) the date and place of the hearing; and,
  - (iv) the name and location of the organization which has jurisdiction over affairs relating to the hearing.
- (2) The following matters shall be included in the written notice set forth in the preceding paragraph:
  - (i) that the addressee may appear and state his or her opinion on the date of the hearing, may produce documentary evidence or articles of evidence

(hereinafter referred to as "documentary evidence, etc.") at that time, or may, in lieu of appearing on the date of the hearing, submit written statements and documentary evidence, etc.; and,

- (ii) that the addressee, until the conclusion of the hearing, may demand inspection of materials which prove the facts upon which the anticipated Adverse Disposition will be based.
- (3) Administrative agencies may, in cases where the location of an anticipated subject party of an Adverse Disposition is unknown, accomplish the notice pursuant to the provision of paragraph 1 of this Article by posting, on the notice board of their offices, the name of the addressee, the matters listed in items 3 and 4 of paragraph 1, and a statement that the administrative agency will deliver to the addressee in question at any time a document addressing each of the matters listed in the said items of the said paragraph. Accordingly, notice shall be deemed to have attained the addressee two weeks after its posting.

#### **Article 16 (Agents)**

- (1) Persons who have received the notice set forth in paragraph 1 of the preceding Article (including persons to whom notice is deemed to have attained pursuant to the second sentence of paragraph 3 of the same Article. Hereinafter referred to as "parties") may appoint agents.
- (2) Agents may perform any act relating to hearings individually on behalf of parties.
- (3) The status of agents shall be certified in writing.
- (4) When an agent becomes divested of his or her status, the parties who appointed that agent shall give written notice thereof to the administrative agencies concerned.

#### **Article 17 (Intervenors)**

- (1) Persons who preside over hearings pursuant to the provisions of Article 19 (hereinafter referred to as "presiding officials") may, when they find necessary, request persons who are not parties, but who are recognized, in light of laws and regulations on which anticipated Adverse Disposition is pursuant to, as having an interest in the anticipated Adverse Disposition (referred to in paragraph 2, item 6 of the same Article as "interested parties") to intervene in the hearing process or may permit such interested parties' intervention in the hearing process.
- (2) Persons who intervene in the hearing process pursuant to the provision of the preceding paragraph (hereinafter referred to as "intervenors") may appoint an agent.
- (3) The provisions of paragraphs 2 to 4 of the preceding Article 16 inclusive shall apply mutatis mutandis to the agents set forth in the preceding paragraph. In this

case, the term "parties" in paragraphs 2 and 4 of the same Article shall be deemed to be replaced with "intervenors."

**Article 18** (Inspection of Records, etc.)

- (1) Parties and intervenors whose interests would be harmed by a particular Adverse Disposition (referred to in this Article and in Article 24, paragraph 3 as "parties, etc.") may, between the time when notice of a hearing is given and the time when the hearing is concluded, request from the administrative agency concerned the inspection of records indicating the results of investigations on the matter in question and other materials which prove the facts upon which the anticipated Adverse Disposition will be based. In this case, administrative agencies may not reject inspection requests unless there is a risk that the interests of third parties would be harmed or unless there is some other justifiable grounds.
- (2) The provisions of the preceding paragraph shall not preclude the parties, etc. from making additional requests for the inspection of materials, the need for which arises during the course of proceedings on the date of hearings.
- (3) Administrative agencies may designate the date, time and place for inspections set forth in the preceding two paragraphs.

**Article 19** (Presidency of the Hearing)

- (1) Hearings shall be presided over by an official designated by the administrative agencies or such other persons as may be provided for by a Cabinet Order.
- (2) No person who falls under any of the following items may preside over a hearing:
  - (i) parties to or intervenors in the hearing concerned;
  - (ii) spouses, relatives within the fourth degree of kinship, or other relatives living together with the persons prescribed in the preceding paragraph;
  - (iii) agents of the persons prescribed in item 1 of this paragraph or the assistants prescribed in paragraph 3 of the next Article;
  - (iv) persons who were the persons prescribed by any of the preceding three items;
  - (v) guardians, supervisors of guardians, curators, supervisors of curators, assistants or supervisors of assistants of the persons prescribed in item 1 of this paragraph; and,
  - (vi) interested parties other than intervenors.

**Article 20** (Method of Proceedings on the Date of the Hearing)

- (1) The presiding official shall, at the outset of the first date of the hearing, direct officials of the administrative agency concerned to explain to the persons who have appeared there: the contents of the anticipated Adverse Disposition, and the

underlying provisions of laws and regulations, and the facts upon which the Adverse Disposition will be based.

- (2) Parties and intervenors may, by appearing on the date of the hearing, state their opinions, produce documentary evidence, etc., and, with the approval of the presiding official, address questions to the officials of the administrative agency concerned.
- (3) In the case referred to in the preceding paragraph, parties or intervenors may, with the permission of the presiding official, appear together with assistants.
- (4) The presiding official may, when he or she finds necessary, address questions to parties or intervenors, call upon them to state their opinions or produce documentary evidence, etc., or require officials of the administrative agency concerned to provide explanations.
- (5) Notwithstanding the fact that some parties or intervenors may be absent, the presiding official may conduct the proceedings on the assigned date of the hearing.
- (6) Except when administrative agencies perceive suitable to open to the public, proceedings on the date of hearings shall be closed to the public.

**Article 21** (Submission of Written Statements, etc.)

- (1) Parties or intervenors may, in lieu of appearing on the date of hearing, submit written statements and produce documentary evidence, etc. to the presiding official on or before the date of the hearing.
- (2) If so requested by persons appearing on the date of the hearing, the presiding official may exhibit to persons in appearance there the written statements and documentary evidence, etc. set forth in the preceding paragraph.

**Article 22** (Designation of Continuation Date)

- (1) When the results of the proceedings on the date of hearing suggest that continuation of the hearing is necessary, the presiding official may assign a date for continuation.
- (2) In the case referred to in the preceding paragraph, the parties and intervenors shall be given, in advance, notice in writing of the date and the location of the next hearing. However, it would be sufficient to notify parties and intervenors who appeared on the date of hearing of the above matters which is made on the date of the hearing.
- (3) The provision of Article 15, paragraph 3 shall apply mutatis mutandis to the means of giving notice in the case referred to in the main clause of the preceding paragraph when the locations of parties or intervenors are unknown. In this case, the terms "an anticipated subject party of an Adverse Disposition" and "two weeks after its posting" in paragraph 3 of the same Article shall be deemed to be replaced respectively with the "parties or intervenors" and "two weeks after its posting (but

in the case of the second notice being made to the same parties or intervenors, then the day following its posting)."

**Article 23** (Conclusion of the Hearing with Nonappearance, etc. of Parties)

- (1) The presiding official may, where some or all of the parties fail to appear on the date of a hearing without justifiable grounds therefore and such parties do not submit written statements or produce documentary evidence, etc. prescribed in Article 21, paragraph 1, or, where some or all of the intervenors fail to appear on the date of the hearing, conclude the hearing without granting such persons any further opportunity to state their opinions and produce documentary evidence, etc.
- (2) In addition to the case prescribed in the preceding paragraph, in cases where some or all of the parties fail to appear on the date of the hearing and do not submit written statements or produce documentary evidence, etc. prescribed in Article 21, paragraph 1, and when such persons are not expected to appear on an date for the hearing for a considerable period of time, the presiding official may ask submission of written statements and production of documentary evidence, etc. of them with the due date, and conclude the hearing when the due date falls.

**Article 24** (Record of the Hearing and written report)

- (1) The presiding official shall prepare a record of the proceedings of the hearing, and the record shall clearly indicate the gist of the statements raised by parties and intervenors with regard to the facts upon which the anticipated Adverse Disposition will be based.
- (2) The record set forth in the preceding paragraph shall be prepared on each date of the hearing when hearing sessions are conducted, and, where hearing sessions are not conducted, then promptly after the hearing is concluded.
- (3) The presiding official shall, promptly after the hearing is concluded, prepare a written report containing his or her opinion as to whether the assertion of the parties, etc. concerning the facts which will be the cause of the anticipated Adverse Disposition are justified, which report shall be submitted to the administrative agency concerned together with the record set forth in paragraph 1 of this Article.
- (4) Parties and intervenors may demand inspection of the records set forth in paragraph 1 of this Article and the written report set forth in the preceding paragraph.

**Article 25** (Reopening of the Hearing)

Administrative agencies may, when they find necessary in light of the circumstances arising after the conclusion of the hearing, order the presiding official to reopen a hearing by returning to the presiding official the written report submitted pursuant to the provision of paragraph 3 of the preceding Article. The

provisions of the main clause of Article 22, paragraph 2 and of paragraph 3 of the same Article shall apply mutatis mutandis to this case.

**Article 26** (Decisions to Render Adverse Dispositions Following Hearings)

In deciding to render an Adverse Disposition, administrative agencies shall do so only after careful consideration of the contents of the record set forth in Article 24, paragraph 1 and of the opinion of the presiding official entered in the written report set forth in paragraph 3 of the same Article/

**Article 27** (Limitations upon Administrative Appeals)

- (1) No administrative appeal under the Administrative Complaint Review Act (Act No. 160 of 1962) may be entered against Dispositions rendered by administrative agencies or presiding officials pursuant to the provisions of this Section.
- (2) No administrative appeal by parties or intervenors under the Administrative Complaint Review Act (Act No. 160 of 1962) may be entered against Adverse Dispositions that have been rendered subsequent to a hearing. However, this shall not apply to persons who became parties as a consequence of the applicable notice being deemed to have attained them pursuant to the provision of the second sentence of Article 15, paragraph 3 and who did not appear on any date for the hearing listed in paragraph 1, item 3 of the same Article (including cases where it is applied mutatis mutandis pursuant to Article 22, paragraph 3) prescribed in Article 15, paragraph 3.

**Article 28** (Special Provisions concerning Hearings prerequisite for Adverse Dispositions ordering the Dismissal of Officers, etc.)

- (1) For the purpose of applying the provisions of this Section, when, in the hearings pertaining to an Adverse Disposition which falls under Article 13, paragraph 1, item 1 (c), the notice set forth in Article 15, paragraph 1 is given, the officers of the juridical person which is the subject party, the persons engaged in the affairs of the subject party, or the members of the subject party (limited to those persons being ordered in the Disposition to be dismissed or expelled) shall be deemed to be the persons who have received the said notice.
- (2) In cases where hearings have been conducted pertaining to Adverse Dispositions set forth in the preceding paragraph that order to dismiss the officers of the juridical person which is the subject party or the persons engaged in the affairs of the subject party (hereinafter in this paragraph referred to as the "officers, etc."), then, notwithstanding the provisions of Article 13, paragraph 1, administrative agencies shall not be required to conduct hearings for the officers, etc., with regard to Adverse Dispositions which are rendered pursuant to the provisions of laws and regulations to dismiss the officers, etc. because the original subject party did not

follow the initial Adverse Disposition in question.

### **Section 3 Grant of Opportunity for Explanation**

#### **Article 29 (Method of Granting an Opportunity for Explanation)**

- (1) Except when administrative agencies authorize presentation to be made orally, explanation shall be made by submitting a written statement of explanation (hereinafter referred to as an "written explanation").
- (2) When offering explanation, documentary evidence, etc. may be produced.

#### **Article 30 (Method of Notice of Grant of Opportunity for Explanation)**

- (1) Administrative agencies shall provide written notice of the following matters to the anticipated subject parties of Adverse Dispositions, which notice shall be provided with considerable period of time before the deadline of the submission of written explanation (or in the case of oral presentation, before the date and time of that presentation) :
  - (i) the contents of the anticipated Adverse Disposition and the specific provisions of laws and regulations which will be the grounds for the anticipated Adverse Disposition;
  - (ii) the facts which will be the cause of the anticipated Adverse Disposition;
  - (iii) the place and deadline for submitting a written explanation (or in the case of oral presentation, the time, date, and place of that presentation).

#### **Article 31 (Application Mutatis Mutandis of Procedures pertaining to Hearings)**

The provisions of Article 15, paragraph 3 and Article 16 shall apply mutatis mutandis to the grant of opportunities for explanation. In this case, the terms "paragraph 1" and "items 3 and 4 of the same paragraph" in Article 15, paragraph 3, and "paragraph 1 of the preceding Article" and "the second sentence of paragraph 3 of the same Article" in Article 16, paragraph 1 shall be deemed to be replaced respectively with "Article 30," "item 3 of the same Article," "Article 30" and "the second sentence of paragraph 3, Article 15 as applied mutatis mutandis pursuant to Article 31."

### **Chapter 4 Administrative Guidance**

#### **Article 32 (General Principles of Administrative Guidance)**

- (1) In rendering Administrative Guidance, persons imposing Administrative Guidance shall take care that their actions must not exceed, in the slightest degree, the scope of the duties or affairs under the jurisdiction of the Administrative Organ concerned and that the substance of the Administrative

Guidance is, to the utmost degree, realized based solely upon the voluntary cooperation of the subject party.

- (2) Persons imposing Administrative Guidance shall not treat the subject party of Administrative Guidance disadvantageously owing to the subject party's non-compliance with the Administrative Guidance in question.

**Article 33** (Administrative Guidance related to Applications)

With regard to Administrative Guidance seeking either withdrawal or modification of the contents of an Application, persons imposing Administrative Guidance shall not act in disregard of an applicant's manifestation that he or she has no intent to comply with the Administrative Guidance in question to obstruct the applicant's exercise of rights by conduct such as continuing the Administrative Guidance in question.

**Article 34** (Administrative Guidance related to Authority over Permissions, etc.)

With regard to Administrative Guidance rendered by an Administrative Organ with the authority to grant some permission, etc. or to render Dispositions pertaining to some permission, etc., where the Administrative Organ is either unable to or has no intent to exercise its authority, a person imposing Administrative Guidance shall not engage in conduct in the nature of compelling a subject party to comply with the Administrative Guidance in question by deliberately suggesting that he or she is capable of exercising the said authority.

**Article 35** (Method of Administrative Guidance)

- (1) Persons imposing Administrative Guidance shall make clear to the subject party the purpose and content of, and the persons responsible for, the Administrative Guidance in question.
- (2) Where Administrative Guidance is rendered orally, the person imposing the Administrative Guidance in question shall, if so requested by the subject party, provide the matters prescribed in the preceding paragraph in writing, so long as no extraordinary administrative inconvenience arises thereby.
- (3) The provisions of the preceding paragraph shall not apply to the following instances of Administrative Guidance;
  - (i) Administrative Guidance that seeks the subject party to carry out acts on the spot: and,
  - (ii) Administrative Guidance that seeks, in content, matters that the subject party has already been notified of in writing (including documents set forth in the preceding paragraph) or electromagnetic record (a record made by an electronic method, a magnetic method, or any other method not recognizable to human senses, which is used in information processing by computers).

**Article 36 (Administrative Guidance Directed to More Than One Person)**

When an Administrative Organ intends to render Administrative Guidance to more than one person who meet certain conditions in order to achieve a common administrative aim, then, the Administrative Organ shall, in advance and in accordance with the circumstances of the particular case, establish the Administrative Guidance Guidelines, and so long as no extraordinary administrative inconvenience arises thereby, shall make such Guideline known to the public.

**Chapter 5 Notifications**

**Article 37 (Notifications)**

Where Notifications conform to requirements that the entries of written notification be completed and the written notification be attached by necessary documents, and to other pro forma requirements provided by laws and regulations, procedural obligations for filing the Notification in question shall be performed upon its arrival at the office of the organ designated by laws and regulations to receive the Notification in question.

**Chapter 6 Public Comment Procedure, etc.**

**Article 38 (General Principles relating to Establishment of Administrative Orders, etc.)**

- (1) The Organ which is in charge of establishing Administrative Orders, etc. (in the case that Administrative Orders, etc. are established by the Cabinet Decision, the Minister in charge of drafting Administrative Orders, etc. Hereinafter referred to as "Organs Establishing Administrative Orders, etc.") shall establish the Administrative Orders, etc. accommodating them to the purpose of the laws and regulations which will be the grounds for the Administrative Orders, etc.
- (2) After the establishment of Administrative Orders, etc., Organs Establishing Administrative Orders, etc. shall endeavor to maintain the rightness of the Administrative Orders, etc. by considering the implementation of the Administrative Orders, etc., and the development of the social and economic situation, and, where circumstances make it necessary, by examining the content of the Administrative Orders, etc.

**Article 39 (Public Comment Procedure)**

- (1) Organs Establishing Administrative Orders, etc., when establishing Administrative Orders, etc., shall publicly notify in advance the proposed Administrative Orders, etc., (meaning the draft showing the contents of the

anticipated Administrative Orders. The same shall apply hereinafter.) and any materials relating to the proposed Administrative Orders, etc., and shall seek Comments (including information. The same shall apply hereinafter.) from the public, showing the address to which the Comments shall be submitted and the period of time for the submission (hereinafter referred to as "period for submission of Comments").

- (2) Proposed Administrative Orders, etc., publicly notified pursuant to the provision of the preceding paragraph shall have concrete and clear contents, and shall show the title and the specific provisions of the laws and regulations which will be the grounds for the anticipated Administrative Orders, etc.
- (3) The period for submission of Comments set pursuant to the provision of paragraph 1 shall be 30 days or more from the date of public notice set forth in the same paragraph.
- (4) The provision of paragraph 1 shall not apply in cases fall under any of the followings:
  - (i) when it would be difficult to follow the procedure provided for in paragraph 1 (hereinafter referred to as "public comment procedure") because the urgent establishment of the Administrative Orders, etc. is necessary for the public interest;
  - (ii) when establishing Administrative Orders, etc. which provide for the amount and the rate to be the basis of the calculation of the amount, and the means to calculate the amount which are needed because of the establishment or revision of Acts providing for the money to be paid, and other Orders providing for necessary matters concerning the implementation of the Act;
  - (iii) when establishing Administrative Orders, etc. which provide for the amount and the rate to be the basis of the calculation of the amount, the means to calculate the amount, and other matters which are needed to implement the budget;
  - (iv) when establishing Administrative Orders, etc. which are, pursuant to the provisions of an Act, to be established following deliberation in committees prescribed in Article 49, paragraph 1 or 2 of the Act for Establishment of the Cabinet Office or in Article 3, paragraph 2 of the National Government Organization Act, or Organs prescribed in Article 37 or Article 54 of the Act for Establishment of the Cabinet Office or in Article 8 of the National Government Organization Act (hereinafter referred to as "Committees, etc."), and which are specified by a Cabinet Order as having been deliberated in the Committees, etc. for the purpose of adjusting the interests of persons having a conflict of interests, organized by, pursuant to the provisions of Acts or Cabinet Orders, members representing the persons and the public interest respectively;
  - (v) when establishing the Administrative Orders, etc., the content of which is

- practically the same as that of Administrative Orders, etc. which another Administrative Organ has established following the Public Comment Procedure;
- (vi) when establishing Administrative Orders, etc. which provide, pursuant to the provisions of Acts, the technical replacement of terms necessary for application or mutatis mutandis application of the provisions of laws and regulations;
  - (vii) when abolishing Administrative Orders, etc. which should be abolished following the deletion of the provisions of laws and regulations which are the grounds for the Administrative Orders, etc.;
  - (viii) when establishing the Administrative Orders, etc. which has content specified by a Cabinet Order as being slight change not requiring the implementation of Public Comment Procedure, such as the arrangement of the provisions necessary in accordance with establishment, revision or abolition of other laws and regulations .

**Article 40** (Special Provisions concerning Public Comment Procedure)

- (1) In cases that, when establishing Administrative Orders, etc., there is some compelling grounds for not setting the 30 days minimum period for submission of Comments, Organs Establishing Administrative Orders, etc. may, notwithstanding the provisions of paragraph 3 of the preceding Article, set the period for submission of comments at less than 30 days. In this case, the Organs Establishing Administrative Orders, etc. shall show the grounds at the same time as the public notice of the proposed Orders.
- (2) When establishing Administrative Orders, etc. following deliberation in committees, etc. (except for cases fall under paragraph 4, item 4 of the preceding Article), in the case that the committee has implemented a procedure equivalent to the Public Comment Procedure, notwithstanding the provisions of paragraph 1 of the same Article, Organs Establishing Administrative Orders, etc. shall not be required to implement the Public Comment Procedure.

**Article 41** (Making Public the Public Comment Procedure)

In establishing Administrative Orders, etc, implementing Public Comment Procedure, Organs Establishing Administrative Orders, etc. shall, where circumstances make it necessary, endeavor to make public the implementation of the Public Comment Procedure, and endeavor to provide the public with information relating to the implementation of the Public Comment Procedure.

**Article 42** (Consideration of Submitted Comments)

In establishing Administrative Orders, etc. implementing the Public Comment Procedure, Organs Establishing Administrative Orders, etc. shall adequately

consider all comments submitted to it (hereinafter referred to as "submitted comments") within the period for submission of Comments.

**Article 43 (Public Notice of the Results)**

- (1) In establishing Administrative Orders, etc. implementing the Public Comment Procedure, Organs Establishing Administrative Orders, etc. shall publicly notify the following matters at the same time as the promulgation of the Administrative Orders, etc. (in the case of non-promulgation, meaning act to make the Order, etc. public; the same shall apply in paragraph 5);
  - (i) Title of the Administrative Orders, etc.
  - (ii) Date of the public notice of the proposed Administrative Orders, etc.
  - (iii) Submitted Comments (in cases of non-submission, the fact that there are no submitted comments),
  - (iv) Results following the consideration of the submitted comments (including any differences between the proposed Administrative Orders, etc. upon which the Public Comment Procedure was implemented and the established Administrative Orders, etc.), and the grounds for this.
- (2) Notwithstanding the provisions of the preceding paragraph, Organs Establishing Administrative Orders, etc. may, where circumstances make it necessary, publicly notify a digest of the submitted comments, in lieu of the submitted comments set forth in item 3 of the same paragraph. In this case, without delay after the public notice, the Organs Establishing Administrative Orders, etc. shall make the submitted comments public by means of posting them at the office of the Organs Establishing Administrative Orders, etc. concerned, or by some other appropriate method.
- (3) When there is a risk that the interests of a third party would be harmed by publicly notifying or making public the submitted comments pursuant to the provision of the preceding two paragraphs, or when there is some other justifiable ground, Organs Establishing Administrative Orders, etc. may exclude all or part of the submitted comments.
- (4) When Organs Establishing Administrative Orders, etc. decide not to establish Orders, despite the implementation of the Public Comment Procedure, the Organs Establishing Administrative Orders, etc. shall publicly notify the decision (and the fact that new Public Comment Procedure will be implemented upon another proposed Administrative Orders, etc., if so) and the matters listed in items 1 and 2 of paragraph 1, promptly.
- (5) Organs Establishing Administrative Orders, etc. shall publicly notify the following matters at the same time as the promulgation of the Administrative Orders, etc. concerned, in the case that the Organs Establishing Administrative Orders, etc. established Administrative Orders, etc., pursuant to the provisions of

Article 39, paragraph 4, without the implementation of the Public Comment Procedure. However, the Organs shall publish the purpose of the Administrative Orders, etc. specified in item 1, only when the Organs did not implement the Public Comment Procedure pursuant to the provisions of Article 39, paragraph 4 and the purpose of the Administrative Orders, etc. can not be understood by the provisions of the Administrative Orders, etc.

- (i) Title and purpose of the Administrative Orders, etc.
- (ii) Fact that Public Comment Procedure was not implemented and the ground for it.

**Article 44 (Application, Mutatis Mutandis)**

The provisions of Article 42 shall apply mutatis mutandis to the case that Organs Establishing Administrative Orders, etc. establish the Administrative Orders, etc. without implementing the Public Comment Procedure pursuant to the provision of Article 40, paragraph 2; the provisions of paragraph 1 to 3 inclusive of the preceding Article shall apply mutatis mutandis to the case that Organs Establishing Administrative Orders, etc. established the Administrative Orders, etc. without implementing the Public Comment Procedure pursuant to the provision of Article 40, paragraph 2; and the provisions of paragraph 4 of the preceding Article shall apply mutatis mutandis to the case that Organs Establishing Administrative Orders, etc. decided not to establish the Administrative Orders, etc. without implementing the Public Comment Procedure pursuant to the provision of Article 40, paragraph 2. In these cases, the terms "Organs Establishing Administrative Orders etc." in Article 42, "Date of the public notice of the proposed Administrative Orders, etc." in paragraph 1, item 2 of the preceding Article and "upon which the Public Comment Procedure was implemented" in item 4 of the same paragraph shall be deemed to be replaced respectively with "Committees, etc.," "Date upon which the committee has implemented a procedure equivalent to the Public Comment Procedure upon the proposed Administrative Orders, etc." and "upon which the procedure equivalent to the Public Comment Procedure."

**Article 45 (Method of Public Notice)**

- (1) The public notice pursuant to the provision of Article 39, paragraph 1, and to the provisions of Article 43, paragraphs 1 (including the case where it is applied mutatis mutandis with replacement of terms pursuant to the provisions of the preceding Article), 4 (including the case where it is applied mutatis mutandis pursuant to the provisions of the preceding Article) and 5 shall be provided by the method using electronic data processing system or other methods using information and communications technology.
- (2) The Minister for Internal Affairs and Communications shall provide the

necessary matters concerning the public notice set forth in the preceding paragraph.

## **Chapter 7 Auxiliary Provisions**

### **Article 46 (Measures by Local Public Entities)**

Local public entities shall, with regard to procedures for Dispositions, Administrative Guidance and Notifications, and the procedure for establishing Administrative Orders, etc. to which the provisions of Chapters 2 to 6 inclusive are made inapplicable by Article 3, paragraph 3, endeavor to take necessary measures in order to advance the guarantee of fairness and progress towards transparency in administrative operations, consistent with the purpose of the provisions of this Act.

### **Supplementary Provisions**

(Effective Date)

(1) This Act shall come into force as from the date specified by a Cabinet Order within a period not exceeding one year from the day of promulgation.

(Transitional Measures)

(2) Where, before this Act comes into force, acts functionally equivalent to the notice described in the Article 15, paragraph 1 or Article 30 are taken, notwithstanding the provisions of Chapter 3, with regard to the procedures for the Adverse Dispositions pertaining to such acts equivalent to the notice,, the provisions then in force shall remain applicable.

(3) When, before this act comes into force, Notifications or other acts as may be provided for by a Cabinet Order (hereinafter referred to as "Notifications, etc.") relating to Adverse Dispositions which Adverse Dispositions may be rendered only during a fixed period after the Notifications, etc. are made, notwithstanding the provisions of Chapter 3, with regard to the procedures for the Adverse Dispositions pertaining to such Notifications, etc., the provisions then in force shall remain applicable.

(4) In addition to the matters provided for in the preceding two paragraphs, necessary transitional measures concerning the enforcement of this Act shall be provided for by a Cabinet Order.