

檔 號：

保存年限：

司法院秘書長 函

地址：10048台北市中正區重慶南路1段
124號

承辦人
電話：(

受文者：本院大法官書記處第一科

發文日期：中華民國98年4月9日

發文字號：秘台大一字第0980008351號

速別：速件

密等及解密條件或保密期限：普通

附件：無

主旨：本院大法官為審理管理外匯條例第24條第3項有無違憲疑義，
聲請解釋案，有瞭解說明欄二所列事項之必要，請查明並檢
附相關資料於2星期內惠復，俾供審理之參考。

說明：

- 一、依司法院大法官審理案件法第13條第1項規定辦理。
- 二、管理外匯條例第24條第3項規定：「攜帶外幣出入國境，不依第十一條規定報明登記者，沒入之；申報不實者，其超過申報部分沒入之」，有無相當之外國立法例可資比較參照？請檢附相關資料惠復。



正本：中央銀行、行政院金融監督管理委員會

副本：本院大法官書記處第一科

秘書長 謝文定



檔 號：

保存年限：

中央銀行 函

地址：10066 台北市中正區羅斯福路1段2號

電話：(02)2357-1216

傳真：(02)2357-1265

受文者：司法院秘書長

發文日期：中華民國 98 年 4 月 29 日

發文字號：台央外柒字第 0980021513 號

速別：速件

密等及解密條件或保密期限：

附件：如文

主旨：有關 大院大法官為審理管理外匯條例第 24 條第 3 項聲請
解釋案，函請提供相當外國立法例乙節，茲檢附蒐集之美
國、日本、韓國及新加坡相關資料及重點摘要如附件，請
卓參。

說明：復 大院秘書長 98 年 4 月 9 日秘台大一字第 0980008351
號函。

正本：司法院秘書長

副本：本行外匯局調度科、本行法務室（均無附件）

總裁 彭淮南



與管理外匯條例第 24 條第 3 項規定相當之外國立法例

國家	申報規定	罰則規定
美國	<p>美國法典 (United States Code) 第三十一篇 第五十三章 第五三一六條</p> <p>(a) 個人或其代理人或其受託人，於知悉下列情況時，應依規定申報：</p> <p>(1) 一次運送、將運送或已運送一萬美元以上支付工具：</p> <p>(A) 由美國境內運送至美國以外地區或過境各該地區。</p> <p>(B) 由美國以外地區或過境各該地區運送至美國境內。</p>	<p>美國法典 (United States Code) 第三十一篇 第五十三章 第五三一七條</p> <p>(a) 財政部長合理相信支付工具正被運送，且未依規定申報，或申報內容有重大遺漏或不實，得向法院申請搜索票。</p> <p>(b) 海關得無搜索票於邊境搜索任何交通工具、任何人、信封及容器。</p> <p>(c) 沒入-- (2) Civil forfeiture: 未依規定申報或申報內容有重大遺漏或不實，美國政府得扣押並沒收該支付工具及其衍生之孳息。</p>
日本	<p>外匯及對外貿易法 (外國為替及び外國貿易法) 第 19 條第 1 項規定，財務大臣於必要時，得對從事支付工具輸出入之居民或非居民課以取得許可之義務。</p>	<p>外匯及對外貿易法 (外國為替及び外國貿易法) 第 70 條第 6 款規定，任何人未取得主管大臣依前述第 19 條規定所為之許可而輸出或輸入支付工具者，處三年以下有期徒刑或科或併科一百萬日圓以下罰金，惟罰金額度不得超過價金之三倍。</p>
韓國	<p>外匯交易法 (Foreign Exchange Transactions Act) 第 17 條規定，財政經濟部於必要時，得規定居民或非居民於輸出或輸入支付工具時，應經許可或向海關申報。</p>	<p>外匯交易法 (Foreign Exchange Transactions Act) 第 27 條第 1 項第 9 款規定，未經許可輸出或輸入支付工具者，或經許可後有虛偽或不法行為者，處三年以下有期徒刑，或科二億韓元以下罰金，惟罰金額度不得超過價金之三倍。</p>

新加坡	<p>貪污、販毒及其他重大犯罪所得利益沒收法 (CORRUPTION, DRUG TRAFFICKING AND OTHER SERIOUS CRIMES (CONFISCATION OF BENEFITS) ACT)</p> <p>CHAPTER 65A, PART VIA, 48C (1) 規定，任何 人攜帶一定限額之外幣入出新加坡國境者， 應依規定申報。</p>	<p>貪污、販毒及其他重大犯罪所得利益沒收法 (CORRUPTION, DRUG TRAFFICKING AND OTHER SERIOUS CRIMES (CONFISCATION OF BENEFITS) ACT)</p> <p>CHAPTER 65A, PART VIA, 48C (2) 規定，違 反上開規定者，處3年以下有期徒刑或科或併 科5萬美金以下罰金。</p>
-----	---	--



Resources by Topic

Site Search:

LEGISLATIVE EXECUTIVE JUDICIAL **HELP ABOUT**

A-Z RESOURCE LIST FIND A FEDERAL DEPOSITORY LIBRARY BUY PUBLICATIONS

DATABASE FEATURES

- [U.S. Code Main Page](#)
- [Search](#)
- [Browse](#)
- [Search Tips](#)
- [About the U.S. Code](#)

[Home Page](#) > [Legislative Branch](#) > United States Code

From the U.S. Code Online via GPO Access
 [www.gpoaccess.gov]
 [Laws in effect as of January 3, 2007]
 [CITE: 31USC5316]

RELATED RESOURCES

- [Congressional Bills](#)
- [Congressional Record](#)
- [History of Bills](#)
- [Public and Private Laws](#)
- [Statutes at Large](#)

TITLE 31--MONEY AND FINANCE

SUBTITLE IV--MONEY

CHAPTER 53--MONETARY TRANSACTIONS

SUBCHAPTER II--RECORDS AND REPORTS ON MONETARY INSTRUMENTS TRANSACTIONS

Sec. 5316. Reports on exporting and importing monetary instruments

(a) Except as provided in subsection (c) of this section, a person or an agent or bailee of the person shall file a report under subsection (b) of this section when the person, agent, or bailee knowingly--

(1) transports, is about to transport, or has transported, monetary instruments of more than \$10,000 at one time--

- (A) from a place in the United States to or through a place outside the United States; or
- (B) to a place in the United States from or through a place outside the United States; or

(2) receives monetary instruments of more than \$10,000 at one time transported into the United States from or through a place outside the United States.

(b) A report under this section shall be filed at the time and place the Secretary of the Treasury prescribes. The report shall contain the following information to the extent the Secretary prescribes:

- (1) the legal capacity in which the person filing the report is acting.
- (2) the origin, destination, and route of the monetary instruments.
- (3) when the monetary instruments are not legally and beneficially owned by the person transporting the instruments, or if the person transporting the instruments personally is not going to use them, the identity of the person that gave the instruments to the person transporting them, the identity of the person who is to receive them, or both.
- (4) the amount and kind of monetary instruments transported.
- (5) additional information.

(c) This section or a regulation under this section does not apply to a common carrier of passengers when a passenger possesses a monetary instrument, or to a common carrier of goods if the shipper does not declare the instrument.

(d) Cumulation of Closely Related Events.--The Secretary of the Treasury may prescribe regulations under this section defining the term "at one time" for purposes of subsection (a). Such regulations may permit the cumulation of closely related events in order that such events may collectively be considered to occur at one time for the purposes of subsection (a).

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 998; Pub. L. 98-473, title II, Sec. 901(c), Oct. 12, 1984, 98 Stat. 2135; Pub. L. 99-570, title I, Sec. 1358, title III, Sec. 3153, Oct. 27, 1986, 100 Stat. 3207-26, 3207-94.)

Historical and Revision Notes

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5316(a)	31:1101(a).	Oct. 26, 1970, Pub. L. 91-508, Sec. 231, 84 Stat. 1122.
5316(b)	31:1101(b).	
5316(c)	31:1101(c).	

In subsection (a), before clause (1), the words "a person or an agent or bailee of the person shall" are substituted for "whoever, whether as principal, agent, or bailee, or by an agent or bailee" for consistency. The words "or reports" are omitted as unnecessary because of 1:1. In clause (2), the words "transported into the United States" are substituted for "at the termination of their transportation to the United States" for consistency and to eliminate unnecessary words.

In subsection (b), before clause (1), the word "required" is omitted as surplus. The word "prescribes" is substituted for "require" for consistency in the revised title and with other titles of the United States Code. The words "to the extent" are substituted for "in such detail" for clarity. In clause (1), the words "with respect to the monetary instruments transported" are omitted as surplus. In clause (3), the words "or if the person transporting the instruments personally is not going to use them" are substituted for

or are transported for any purpose other than the use in his own behalf of the person transporting the same'' for clarity.

In subsection (c), the words ``or a regulation under this section'' are added because of the restatement.

Amendments

1986--Subsec. (a)(1). Pub. L. 99-570, Sec. 1358(b), substituted ``transports, is about to transport, or has transported'' for ``transports or has transported, or attempts to transport or have transported''.

Subsec. (a)(2). Pub. L. 99-570, Secs. 1358(c), 3153, made identical amendments substituting ``\$10,000'' for ``\$5,000''.

Subsec. (d). Pub. L. 99-570, Sec. 1358(a), added subsec. (d).

1984--Subsec. (a)(1). Pub. L. 98-473 inserted `` or attempts to transport or have transported,'' after ``transports or has transported'' and substituted ``\$10,000'' for ``\$5,000''.

Effective Date of Regulations Prescribed Under 1986 Amendment

Section 1364(d) of Pub. L. 99-570 provided that: ``Any regulation prescribed under the amendments made by section 1358 [amending this section] shall apply with respect to transactions completed after the effective date of such regulation.''

A service of the U.S. Government Printing Office.

Last updated: >December 23, 2008
Page Name: <http://www.gpoaccess.gov/uscode/browse.html>



Resources by Topic

Site Search: advanced

LEGISLATIVE / EXECUTIVE / JUDICIAL / HELP / ABOUT

A-Z RESOURCE LIST / FIND A FEDERAL DEPOSITORY LIBRARY / BUY PUBLICATIONS

DATABASE FEATURES

- [U.S. Code Main Page](#)
- [Search](#)
- [Browse](#)
- [Search Tips](#)
- [About the U.S. Code](#)

Home Page > [Legislative Branch](#) > United States Code

From the U.S. Code Online via GPO Access
 [www.gpoaccess.gov]
 [Laws in effect as of January 3, 2007]
 [CITE: 31USC5317]

RELATED RESOURCES

- [Congressional Bills](#)
- [Congressional Record](#)
- [History of Bills](#)
- [Public and Private Laws](#)
- [Statutes at Large](#)

TITLE 31--MONEY AND FINANCE

SUBTITLE IV--MONEY

CHAPTER 53--MONETARY TRANSACTIONS

SUBCHAPTER II--RECORDS AND REPORTS ON MONETARY INSTRUMENTS TRANSACTIONS

Sec. 5317. Search and forfeiture of monetary instruments

(a) The Secretary of the Treasury may apply to a court of competent jurisdiction for a search warrant when the Secretary reasonably believes a monetary instrument is being transported and a report on the instrument under section 5316 of this title has not been filed or contains a material omission or misstatement. The Secretary shall include a statement of information in support of the warrant. On a showing of probable cause, the court may issue a search warrant for a designated person or a designated or described place or physical object. This subsection does not affect the authority of the Secretary under another law.

(b) Searches at Border.--For purposes of ensuring compliance with the requirements of section 5316, a customs officer may stop and search, at the border and without a search warrant, any vehicle, vessel, aircraft, or other conveyance, any envelope or other container, and any person entering or departing from the United States.

(c) Forfeiture.--

(1) Criminal forfeiture.--

(A) In general.--The court in imposing sentence for any violation of section 5313, 5316, or 5324 of this title, or any conspiracy to commit such violation, shall order the defendant to forfeit all property, real or personal, involved in the offense and any property traceable thereto.

(B) Procedure.--Forfeitures under this paragraph shall be governed by the procedures established in section 413 of the Controlled Substances Act.

(2) Civil forfeiture.--Any property involved in a violation of section 5313, 5316, or 5324 of this title, or any conspiracy to commit any such violation, and any property traceable to any such violation or conspiracy, may be seized and forfeited to the United States in accordance with the procedures governing civil forfeitures in money laundering cases pursuant to section 981(a)(1)(A) of title 18, United States Code.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 998; Pub. L. 98-473, title II, Sec. 901(d), Oct. 12, 1984, 98 Stat. 2135; Pub. L. 99-570, title I, Sec. 1355, Oct. 27, 1986, 100 Stat. 3207-22; Pub. L. 102-550, title XV, Sec. 1525(c)(2), Oct. 28, 1992, 106 Stat. 4065; Pub. L. 107-56, title III, Secs. 365(b)(2)(B), 372(a), Oct. 26, 2001, 115 Stat. 335, 338.)

Historical and Revision Notes

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5317(a)	31:1105.	Oct. 26, 1970, Pub. L. 91-508, Secs. 232, 235, 84 Stat. 1123.
5317(b)	31:1102.	

In subsection (a), the words "The Secretary shall include a statement of information in support of the warrant" are substituted for 31:1105(a) (last sentence) to eliminate unnecessary words and for consistency. The word "for" is substituted for "authorizing the search of . . . all of the following" to eliminate unnecessary words. The words "or more" are omitted as unnecessary because the singular includes the plural under 1:1. The words "or premises", "letters, parcels, packages, or other", and "vehicles" are omitted as surplus.

In subsection (b), the words "either" and "the possession of" are omitted as surplus. The words "United States Postal Service" are substituted for "postal service" for consistency with title 39. The words "or retained in" are omitted as surplus.

References in Text

Section 413 of the Controlled Substances Act, referred to in subsec. (c)(1)(B), is classified to section 853 of Title 21, Food and Drugs.

Amendments

2001--Subsec. (c). Pub. L. 107-56, Sec. 372(a), inserted heading and amended text of subsec. (c) generally. Prior to amendment, text read as

follows: ``If a report required under section 5316 with respect to any monetary instrument is not filed (or if filed, contains a material omission or misstatement of fact), the instrument and any interest in property, including a deposit in a financial institution, traceable to such instrument may be seized and forfeited to the United States Government. Any property, real or personal, involved in a transaction or attempted transaction in violation of section 5324(c), or any property traceable to such property, may be seized and forfeited to the United States Government. A monetary instrument transported by mail or a common carrier, messenger, or bailee is being transported under this subsection from the time the instrument is delivered to the United States Postal Service, common carrier, messenger, or bailee through the time it is delivered to the addressee, intended recipient, or agent of the addressee or intended recipient without being transported further in, or taken out of, the United States.''

Pub. L. 107-56, Sec. 365(b)(2)(B), substituted ``section 5324(c)'' for ``section 5324(b)''.

1992--Subsec. (c). Pub. L. 102-550 inserted after first sentence ``Any property, real or personal, involved in a transaction or attempted transaction in violation of section 5324(b), or any property traceable to such property, may be seized and forfeited to the United States Government.''

1986--Subsec. (b). Pub. L. 99-570, Sec. 1355(a), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: ``A customs officer may stop and search, without a search warrant, a vehicle, vessel, aircraft, or other conveyance, envelope or other container, or person entering or departing from the United States with respect to which or whom the officer has reasonable cause to believe there is a monetary instrument being transported in violation of section 5316 of this title.''

Subsec. (c). Pub. L. 99-570, Sec. 1355(b), amended first sentence generally. Prior to amendment, first sentence read as follows: ``A monetary instrument being transported may be seized and forfeited to the United States Government when a report on the instrument under section 5316 of this title has not been filed or contains a material omission or misstatement.''

1984--Subsecs. (b), (c). Pub. L. 98-473, Sec. 901, added subsec. (b) and redesignated former subsec. (b) as (c).

Effective Date of 1986 Amendment

Section 1364(b) of Pub. L. 99-570 provided that: ``The amendments made by sections 1355(b) and 1357(a) [amending this section and section 5321 of this title] shall apply with respect to violations committed after the end of the 3-month period beginning on the date of the enactment of this Act [Oct. 27, 1986].''

A service of the U.S. Government Printing Office.

Last updated: >December 23, 2008

Page Name: <http://www.gpoaccess.gov/uscode/browse.html>



Resources by Topic

Go

Site Search:
advanced

Go

LEGISLATIVE / EXECUTIVE / JUDICIAL

HELP

ABOUT

A-Z RESOURCE LIST

FIND A FEDERAL DEPOSITORY LIBRARY

BUY PUBLICATIONS

DATABASE FEATURES

- [U.S. Code Main Page](#)
- [Search](#)
- [Browse](#)
- [Search Tips](#)
- [About the U.S. Code](#)

[Home Page](#) > [Legislative Branch](#) > United States Code

From the U.S. Code Online via GPO Access
[www.gpoaccess.gov]
[Laws in effect as of January 3, 2007]
[CITE: 18USC981]

RELATED RESOURCES

- [Congressional Bills](#)
- [Congressional Record](#)
- [History of Bills](#)
- [Public and Private Laws](#)
- [Statutes at Large](#)

ABOUT GOVERNMENT



Ben's Guide
to U.S.
Government



TITLE 18--CRIMES AND CRIMINAL PROCEDURE

PART I--CRIMES

CHAPTER 46--FORFEITURE

Sec. 981. Civil forfeiture

(a) (1) The following property is subject to forfeiture to the United States:

(A) Any property, real or personal, involved in a transaction or attempted transaction in violation of section 1956, 1957 or 1960 of this title, or any property traceable to such property.

(B) Any property, real or personal, within the jurisdiction of the United States, constituting, derived from, or traceable to, any proceeds obtained directly or indirectly from an offense against a foreign nation, or any property used to facilitate such an offense, if the offense--

(i) involves trafficking in nuclear, chemical, biological, or radiological weapons technology or material, or the manufacture, importation, sale, or distribution of a controlled substance (as that term is defined for purposes of the Controlled Substances Act), or any other conduct described in section 1956(c) (7) (B);

(ii) would be punishable within the jurisdiction of the foreign nation by death or imprisonment for a term exceeding 1 year; and

(iii) would be punishable under the laws of the United States by imprisonment for a term exceeding 1 year, if the act or activity constituting the offense had occurred within the jurisdiction of the United States.

(C) Any property, real or personal, which constitutes or is derived from proceeds traceable to a violation of section 215, 471, 472, 473, 474, 476, 477, 478, 479, 480, 481, 485, 486, 487, 488, 501, 502, 510, 542, 545, 656, 657, 842, 844, 1005, 1006, 1007, 1014, 1028, 1029, 1030, 1032, or 1344 of this title or any offense constituting "specified unlawful activity" (as defined in section 1956(c) (7) of this title), or a conspiracy to commit such offense.

(D) Any property, real or personal, which represents or is traceable to the gross receipts obtained, directly or indirectly, from a violation of--

(i) section 666(a) (1) (relating to Federal program fraud);

(ii) section 1001 (relating to fraud and false statements);

(iii) section 1031 (relating to major fraud against the United States);

(iv) section 1032 (relating to concealment of assets from conservator or receiver of insured financial institution);

(v) section 1341 (relating to mail fraud); or

(vi) section 1343 (relating to wire fraud),

if such violation relates to the sale of assets acquired or held by the Resolution Trust Corporation, the Federal Deposit Insurance Corporation, as conservator or receiver for a financial institution, or any other conservator for a financial institution appointed by the Office of the Comptroller of the Currency or the Office of Thrift Supervision or the National Credit Union Administration, as conservator or liquidating agent for a financial institution.

(E) With respect to an offense listed in subsection (a) (1) (D)



Resources by Topic

Go

Site Search:
advanced

Go

LEGISLATIVE

EXECUTIVE

JUDICIAL

HELP

ABOUT

A-Z RESOURCE LIST

FIND A FEDERAL DEPOSITORY LIBRARY

BUY PUBLICATIONS

DATABASE FEATURES

- [U.S. Code Main Page](#)
- [Search](#)
- [Browse](#)
- [Search Tips](#)
- [About the U.S. Code](#)

[Home Page](#) > [Legislative Branch](#) > United States Code

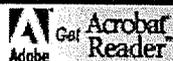
From the U.S. Code Online via GPO Access
[www.gpoaccess.gov]
[Laws in effect as of January 3, 2007]
[CITE: 18USC1956]

RELATED RESOURCES

- [Congressional Bills](#)
- [Congressional Record](#)
- [History of Bills](#)
- [Public and Private Laws](#)
- [Statutes at Large](#)

ABOUT GOVERNMENT

 Ben's Guide
to U.S.
Government



TITLE 18--CRIMES AND CRIMINAL PROCEDURE

PART I--CRIMES

CHAPTER 95--RACKETEERING

Sec. 1956. Laundering of monetary instruments

(a) (1) Whoever, knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity, conducts or attempts to conduct such a financial transaction which in fact involves the proceeds of specified unlawful activity--

(A) (i) with the intent to promote the carrying on of specified unlawful activity; or

(ii) with intent to engage in conduct constituting a violation of section 7201 or 7206 of the Internal Revenue Code of 1986; or

(B) knowing that the transaction is designed in whole or in part--

(i) to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity; or

(ii) to avoid a transaction reporting requirement under State or Federal law,

shall be sentenced to a fine of not more than \$500,000 or twice the value of the property involved in the transaction, whichever is greater, or imprisonment for not more than twenty years, or both. For purposes of this paragraph, a financial transaction shall be considered to be one involving the proceeds of specified unlawful activity if it is part of a set of parallel or dependent transactions, any one of which involves the proceeds of specified unlawful activity, and all of which are part of a single plan or arrangement.

(2) Whoever transports, transmits, or transfers, or attempts to transport, transmit, or transfer a monetary instrument or funds from a place in the United States to or through a place outside the United States or to a place in the United States from or through a place outside the United States--

(A) with the intent to promote the carrying on of specified unlawful activity; or

(B) knowing that the monetary instrument or funds involved in the transportation, transmission, or transfer represent the proceeds of some form of unlawful activity and knowing that such transportation, transmission, or transfer is designed in whole or in part--

(i) to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity; or

(ii) to avoid a transaction reporting requirement under State or Federal law,

shall be sentenced to a fine of not more than \$500,000 or twice the value of the monetary instrument or funds involved in the transportation, transmission, or transfer, whichever is greater, or imprisonment for not more than twenty years, or both. For the purpose of the offense described in subparagraph (B), the defendant's knowledge may be established by proof that a law enforcement officer represented the matter specified in subparagraph (B) as true, and the defendant's subsequent statements or actions indicate that the defendant believed such representations to be true.

- (3) Whoever, with the intent--
- (A) to promote the carrying on of specified unlawful activity;
 - (B) to conceal or disguise the nature, location, source, ownership, or control of property believed to be the proceeds of specified unlawful activity; or
 - (C) to avoid a transaction reporting requirement under State or Federal law,

conducts or attempts to conduct a financial transaction involving property represented to be the proceeds of specified unlawful activity, or property used to conduct or facilitate specified unlawful activity, shall be fined under this title or imprisoned for not more than 20 years, or both. For purposes of this paragraph and paragraph (2), the term ``represented'' means any representation made by a law enforcement officer or by another person at the direction of, or with the approval of, a Federal official authorized to investigate or prosecute violations of this section.

(b) Penalties.--

(1) In general.--Whoever conducts or attempts to conduct a transaction described in subsection (a)(1) or (a)(3), or section 1957, or a transportation, transmission, or transfer described in subsection (a)(2), is liable to the United States for a civil penalty of not more than the greater of--

- (A) the value of the property, funds, or monetary instruments involved in the transaction; or
- (B) \$10,000.

(2) Jurisdiction over foreign persons.--For purposes of adjudicating an action filed or enforcing a penalty ordered under this section, the district courts shall have jurisdiction over any foreign person, including any financial institution authorized under the laws of a foreign country, against whom the action is brought, if service of process upon the foreign person is made under the Federal Rules of Civil Procedure or the laws of the country in which the foreign person is found, and--

- (A) the foreign person commits an offense under subsection (a) involving a financial transaction that occurs in whole or in part in the United States;
- (B) the foreign person converts, to his or her own use, property in which the United States has an ownership interest by virtue of the entry of an order of forfeiture by a court of the United States; or
- (C) the foreign person is a financial institution that maintains a bank account at a financial institution in the United States.

(3) Court authority over assets.--A court may issue a pretrial restraining order or take any other action necessary to ensure that any bank account or other property held by the defendant in the United States is available to satisfy a judgment under this section.

(4) Federal receiver.--

(A) In general.--A court may appoint a Federal Receiver, in accordance with subparagraph (B) of this paragraph, to collect, marshal, and take custody, control, and possession of all assets of the defendant, wherever located, to satisfy a civil judgment under this subsection, a forfeiture judgment under section 981 or 982, or a criminal sentence under section 1957 or subsection (a) of this section, including an order of restitution to any victim of a specified unlawful activity.

(B) Appointment and authority.--A Federal Receiver described in subparagraph (A)--

- (i) may be appointed upon application of a Federal prosecutor or a Federal or State regulator, by the court having jurisdiction over the defendant in the case;
- (ii) shall be an officer of the court, and the powers of the Federal Receiver shall include the powers set out in section 754 of title 28, United States Code; and
- (iii) shall have standing equivalent to that of a Federal prosecutor for the purpose of submitting requests to obtain information regarding the assets of the defendant--
 - (I) from the Financial Crimes Enforcement Network of the Department of the Treasury; or
 - (II) from a foreign country pursuant to a mutual legal assistance treaty, multilateral agreement, or

外国為替及び外国貿易法（各章目録及第六條、第九條、第七十條；出處-<http://law.e-gov.go.jp/cgi-bin/idxsearch.cgi>）

（昭和二十四年十二月一日法律第二百二十八号）

最終改正：平成一九年三月三十一日法律第二二号

第一章 総則（第一条—第九条）

第二章 我が国の平和及び安全の維持のための措置（第十条—第十五条）

第三章 支払等（第十六条—第十九条）

第四章 資本取引等（第二十条—第二十五条の二）

第五章 対内直接投資等（第二十六条—第四十六条）

第六章 外国貿易（第四十七条—第五十四条）

第六章の二 報告等（第五十五条—第五十五条の九）

第六章の三 削除

第七章 行政手続法との関係（第五十五条の十二）

第七章の二 不服申立て（第五十六条—第六十四条）

第八章 雑則（第六十五条—第六十九条の五）

第九章 罰則（第六十九条の六—第七十三条）

附則

（定義）

第六条 この法律又はこの法律に基づく命令において、次の各号に掲げる用語の意義は、当該各号に定めるところによる。

- 一 「本邦」とは、本州、北海道、四国、九州及び財務省令・経済産業省令で定めるその附属の島をいう。
- 二 「外国」とは、本邦以外の地域をいう。
- 三 「本邦通貨」とは、日本円を単位とする通貨をいう。
- 四 「外国通貨」とは、本邦通貨以外の通貨をいう。
- 五 「居住者」とは、本邦内に住所又は居所を有する自然人及び本邦内に主たる事務所を有する法人をいう。非居住者の本邦内の支店、出張所その

他の事務所は、法律上代理権があると否とにかかわらず、その主たる事務所が外国にある場合においても居住者とみなす。

六 「非居住者」とは、居住者以外の自然人及び法人をいう。

七 「支払手段」とは、次に掲げるものをいう。

イ 銀行券、政府紙幣、小額紙幣及び硬貨

ロ 小切手（旅行小切手を含む。）、爲替手形、郵便爲替及び信用状

ハ 証票、電子機器その他の物（第十九条第一項において「証票等」という。）に電磁的方法（電子的方法、磁気的方法その他の人の知覚によつて認識することができない方法をいう。）により入力されている財産的価値であつて、不特定又は多数の者相互間での支払のために使用することができるもの（その使用の状況が通貨のそれと近似しているものとして政令で定めるものに限る。）

ニ イ又はロに掲げるものに準ずるものとして政令で定めるもの

八 「対外支払手段」とは、外国通貨その他通貨の単位のいかににかかわらず、外国通貨をもつて表示され、又は外国において支払のために使用することのできる支払手段（本邦通貨を除く。）をいう。

九 削除

十 「貴金属」とは、金の地金、金の合金の地金、流通していない金貨その他金を主たる材料とする物をいう。

十一 「証券」とは、券面が発行されていると否とを問わず、公債、社債、株式、出資の持分、公債又は株式に関する権利を与える証書、債券、国庫証券、抵当証券、利潤証券、利札、配当金受領証、利札引換券その他これらに類する証券又は証書として政令で定めるものをいう。

十二 「外貨証券」とは、外国において支払を受けることができる証券又は外国通貨をもつて表示される証券をいう。

十三 「債権」とは、定期預金、当座預金、特別当座預金、通知預金、保

險証券及び当座勘定残高並びに貸借、入札その他に因り生ずる金銭債権で前各号に掲げられていないものをいう。

十四 「金融指標等先物契約」とは、金融商品取引法（昭和二十三年法律第二十五号）第二条第二十一項に規定する市場デリバティブ取引（政令で定めるものを除く。以下この号において同じ。）、同条第二十二項に規定する店頭デリバティブ取引（政令で定めるものを除く。）及び同条第八項第三号ロに規定する外国金融商品市場において行われる同条第二十一項に規定する市場デリバティブ取引に類する取引その他これらに類する取引として政令で定める取引に係る契約をいう。

十五 「貨物」とは、貴金属、支払手段及び証券その他債権を化体する証書以外の動産をいう。

十六 「財産」とは、第七号、第十号、第十一号、第十三号及び前号に規定するものを含む財産をいう。

2 居住者又は非居住者の区別が明白でない場合については、財務大臣の定めるところによる。

（支払手段等の輸出入）

第十九条 財務大臣は、この法律又はこの法律に基づく命令の規定の確実な実施を図るため必要があると認めるときは、支払手段（第六条第一項第七号ハに掲げる支払手段が入力されている証票等を含む。）又は証券を輸出し、又は輸入しようとする居住者又は非居住者に対し、政令で定めるところにより、許可を受ける義務を課することができる。

2 財務大臣は、この法律若しくはこの法律に基づく命令の規定の確実な実施を図るため必要があると認めるとき又は国際収支の均衡若しくは通貨の安定を維持するため特に必要があると認めるときは、貴金属を輸出し又は輸入しようとする居住者又は非居住者に対し、政令で定めるところにより、許

可を受ける義務を課することができる。

- 3 居住者又は非居住者は、第一項に規定する支払手段又は証券若しくは貴金属を輸出し、又は輸入しようとするときは、当該支払手段又は当該証券若しくは貴金属の輸出又は輸入が前二項の規定に基づく命令の規定により財務大臣の許可を受けたものである場合その他政令で定める場合を除き、政令で定めるところにより、あらかじめ、当該輸出又は輸入の内容、実行の時期その他の政令で定める事項を財務大臣に届け出なければならない。

第七十条 次の各号の一に該当する者は、三年以下の懲役若しくは百万円以下の罰金に処し、又はこれを併科する。ただし、当該違反行為の目的物の価格の三倍が百万円を超えるときは、罰金は、当該価格の三倍以下とする。

- 一 第八条の規定に違反して支払等をした者
- 二 第九条第一項の規定に基づく命令の規定に違反して取引、行為又は支払等をした者
- 三 第十六条第一項から第三項までの規定に基づく命令の規定による許可を受けないで、又は同条第五項の規定に違反して支払等をした者
- 四 第十六条の二の規定による支払等の禁止に違反して、又は同条の規定に基づく命令の規定による許可を受けないで支払等をした者
- 五 第十七条の二第二項の規定による停止又は制限に違反して、外国為替取引に係る業務を行つた者
- 六 第十九条第一項又は第二項の規定に基づく命令の規定による許可を受けないで、同条第一項に規定する支払手段又は証券若しくは貴金属を輸出し、又は輸入した者
- 七 第二十一条第一項又は第二項の規定に基づく命令の規定による許可を受けないで資本取引をした者
- 八 第二十二条第一項の規定による資本取引の禁止に違反して、又は同項

- の規定に基づく命令の規定による許可を受けないで資本取引をした者
- 九 第二十二條第二項の規定に違反して經理した者
- 十 第二十三條第一項による届出をせず、又は虚偽の届出をして、対外直接投資を行つた者
- 十一 第二十三條第三項又は第五項の規定に違反してこれらの規定に規定する期間中に対外直接投資を行つた者
- 十二 第二十三條第七項の規定に違反して対外直接投資を行つた者
- 十三 第二十三條第九項の規定による変更又は中止の命令に違反して対外直接投資を行つた者
- 十四 第二十四條第一項又は第二項の規定に基づく命令の規定による許可を受けないで特定資本取引をした者
- 十五 第二十四條の二の規定による特定資本取引の禁止に違反して、又は同條の規定に基づく命令の規定による許可を受けないで特定資本取引をした者
- 十六 第二十五條第二項の規定に基づく命令の規定による許可を受けないで特定技術の提供を目的とする取引をした者
- 十七 第二十五條第三項の規定による許可を受けないで同項の規定に基づく命令の規定で定める役務取引をした者
- 十八 第二十五條第四項の規定に基づく命令の規定による許可を受けないで役務取引等を行つた者
- 十九 第二十五條の二第一項又は第三項の規定による技術の提供を目的とする取引又は貨物の輸出の禁止に違反して取引又は輸出をした者
- 二十 第二十五條の二第二項の規定による貨物の売買に関する取引又は貨物の輸出の禁止に違反して取引又は輸出をした者
- 二十一 第二十五條の二第四項の規定による役務取引等の禁止に違反して、又は同項の規定に基づく命令の規定による許可を受けないで役務取引等

をした者

二十二 第二十七条第一項の規定による届出をせず、又は虚偽の届出をして、対内直接投資等をした者（同条第十三項の規定により外国投資家とみなされる者を含む。）

二十三 第二十七条第二項の規定に違反して、同項に規定する期間（同条第三項若しくは第六項の規定により延長され、又は同条第四項の規定により短縮された場合には、当該延長され、又は短縮された期間）中に対内直接投資等をした者（同条第十三項の規定により外国投資家とみなされる者を含む。）

二十四 第二十七条第八項の規定に違反して対内直接投資等をした者（同条第十三項の規定により外国投資家とみなされる者を含む。）

二十五 第二十七条第十項の規定による変更又は中止の命令に違反して対内直接投資等をした者（同条第十三項の規定により外国投資家とみなされる者を含む。）

二十六 第三十条第一項の規定による届出をせず、又は虚偽の届出をして、技術導入契約の締結等をした者

二十七 第三十条第二項の規定に違反して、同項に規定する期間（同条第三項若しくは第六項の規定により延長され、又は同条第四項の規定により短縮された場合には、当該延長され、又は短縮された期間）中に技術導入契約の締結等をした者

二十八 第三十条第七項において準用する第二十七条第八項の規定に違反して技術導入契約の締結等をした者

二十九 第三十条第七項において準用する第二十七条第十項の規定による変更又は中止の命令に違反して技術導入契約の締結等をした者

三十 第四十八条第二項の規定に基づく命令の規定による許可を受けずに貨物の輸出をした者

三十一 第四十八条第三項の規定に基づく命令の規定による承認を受けな
いで貨物の輸出をした者

三十二 第五十一条の規定に基づく命令の規定に違反して貨物の船積をし
た者

三十三 第五十二条の規定に基づく命令の規定による承認を受けないで貨
物の輸入をした者

三十四 第五十三条第一項の規定による貨物の輸出又は特定技術の提供を
目的とする取引の禁止に違反して輸出又は取引をした者

三十五 第五十三条第二項の規定による貨物の輸出又は輸入の禁止に違反
して輸出又は輸入をした者

FOREIGN EXCHANGE TRANSACTIONS ACT

(各章目錄及第 17 條、第 27 條；出處
-<http://english.mofe.go.kr/media/laws/1122422.xml>)

Amended by Act No. 5550, Sep. 16, 1998

Amended by Act No. 6277, Oct. 23, 2000.

Amended by Act No. 7716, Dec. 14, 2005.

Amended by Act No. 8050, Oct. 4, 2006

Amended by Act No. 8266, Jan. 26, 2007

CHAPTER I GENERAL PROVISIONS

CHAPTER II FOREIGN EXCHANGE AGENCY, ETC.

CHAPTER III FOREIGN EXCHANGE EQUALIZATION FUND

CHAPTER IV PAYMENT AND TRANSACTIONS

CHAPTER V SUPPLEMENTARY PROVISIONS

CHAPTER VI PENAL PROVISIONS

ADDENDA

ADDENDA <Act No. 6277, Oct. 23, 2000>

ADDENDUM <Act No. 7716, Dec. 14, 2005>

ADDENDA <Act No. 8050, Oct. 4, 2006>

ADDENDUM <Act No. 8266, Jan. 26, 2007>

Article 17 (Permission, etc. of Export and Import of Means of Payment, etc.)

The Minister of Finance and Economy may, pursuant to the Presidential Decree, have any resident or nonresident who intends to export or import means of payment, precious metals or securities obtain permission to export or import such means of payment, precious metals or securities, or report such export or import to a customhouse, if such permission or report is deemed necessary for ensuring the effectiveness of this Act and is prescribed by the Presidential Decree.

Article 27 (Penal Provisions)

(1) A person who falls under any of the following subparagraphs, shall be punished by imprisonment for not more than three years or by a fine not exceeding two hundred million won: Provided, That if the triple of value of objects that are related to the violation, exceeds two hundred million won, a fine shall not exceed the triple of value of such objects: <Amended by Act No. 8266, Jan. 26, 2007>

1. A person who performs transactions out of accordance with the basic exchange rate, etc. in violation of the provisions of Article 5 (2);

2. A person who makes payment, etc. or transactions in violation of such measures as provided in Article 6 (1) 1;

3. A person who violates an obligation of safekeeping, deposit or sale according to such measures as provided in Article 6 (1) 2;
 4. A person who performs capital transactions without obtaining permission according to such measures as provided in the main sentence of Article 6 (2) or after obtaining such permission by fraudulent or other illegal means, or who violates an obligation of deposit;
 5. A person who conducts foreign exchange businesses without making such registration as provided in the main sentence of Article 8 (1) or after making such registration by fraudulent or other illegal means (including any person who conducts foreign exchange businesses after making such report of closure as provided in Article 8 (4) with any falsity and any person who conducts foreign exchange businesses in violation of the disposition taken pursuant to the provisions of Article 12 (1) or (2));
 6. A person who conducts a money change business without making such registration as provided in Article 8 (3) or after making such registration by fraudulent or other illegal means (including any person who conducts a money change business after making such report of closure as provided in Article 8 (4) with any falsity and any person who conducts a money change business in violation of the disposition taken pursuant to the provisions of Article 12 (1) or (2));
 7. A person who conducts a brokerage business of foreign exchange without obtaining such authorization as provided in Article 9 (1), (2) or (4) or after obtaining such authorization by fraudulent or other illegal means (including any person who conducts a brokerage business of foreign exchange after making such report on merger, dissolution, transfer, taking over or closure as provided in Article 9 (2) with any falsity and any person who conducts a brokerage business of foreign exchange in violation of the disposition taken pursuant to the provisions of Article 12 (1) or (2));
 8. A person who makes payment, etc. without obtaining such permission as provided in Article 15 (1) or after obtaining such permission by fraudulent or other illegal means, or who makes payment, etc. in violation of the provisions of paragraph (3) of the same Article;
 9. A person who exports or imports the means of payment, precious metals or securities without obtaining such permission as provided in Article 17 or after obtaining such permission by fraudulent or other illegal means; and
 10. A person who performs capital transactions without obtaining such permission as provided in Article 18 (2) or after obtaining such permission by fraudulent or other illegal means.
- (2) Attempts to commit a violation of the provisions of paragraph (1) 9, shall be punished.
- (3) Such punishments as provided in paragraph (1), may be imposed concurrently.

**CORRUPTION, DRUG TRAFFICKING AND OTHER SERIOUS
CRIMES (CONFISCATION OF BENEFITS) ACT (CHAPTER 65A PART
VA ; 出處 : http://statutes.agc.gov.sg/non_version/html/homepage.html)**

**CROSS BORDER MOVEMENTS OF PHYSICAL CURRENCY AND
BEARER NEGOTIABLE INSTRUMENTS**

Object of this Part

48A. The object of this Part is to impose measures for the disclosure of information regarding movements of physical currency and bearer negotiable instruments into and out of Singapore for the purpose of detecting, investigating and prosecuting drug trafficking offences and serious offences.

Interpretation of this Part

48B. —(1) In this Part —

"bearer negotiable instrument" means —

(a) a traveller's cheque; or

(b) any negotiable instrument that is in bearer form, indorsed without any restriction, made out to a fictitious payee or otherwise in such form that title thereto passes upon delivery,

and includes a negotiable instrument that has been signed but with the payee's name omitted;

"business day" means a day other than a Saturday, Sunday or public holiday;

"cash" means physical currency or a bearer negotiable instrument;

"commercial goods carrier" means a person who, in the normal course of a business, carries goods or mail for reward, and includes his employee;

"commercial passenger carrier" means a person who, in the normal course of a business, carries passengers for reward, and includes his employee;

"eligible place" means any islet, landing place, wharf, dock, railway or quay or premises of a provider of port services or facilities licensed or exempted under the Maritime and Port Authority of Singapore Act (Cap. 170A) or the Civil Aviation Authority of Singapore Act (Cap. 41);

"embarkation location" means an immigration control post, place of embarkation, authorised airport, authorised point of departure, authorised train checkpoint or authorised departing place declared under section 5(3) of the Immigration Act (Cap. 133);

"immigration officer" means the Controller of Immigration or any immigration officer

appointed under section 3 of the Immigration Act, and includes an officer of customs;
"physical currency" means the coin and printed money (whether of Singapore or of a foreign country) that —

- (a) is designated as legal tender; and
- (b) circulates as, and is customarily used and accepted as, a medium of exchange in the country of issue;

"printed money" means money comprising a note printed, written or otherwise made on polymer, paper or any other material;

"railway" has the same meaning as in the Railways Act (Cap. 263) but does not include any rapid transit system set up under the Rapid Transit Systems Act (Cap. 263A);

"send" includes send through the post or by means of another person.

(2) In determining whether an amount of foreign currency (including an amount in which a document is denominated) is equivalent to a Singapore dollar amount under this Part, the amount of foreign currency is to be translated to Singapore currency at the exchange rate applicable at the relevant time.

(3) For the purposes of this Part —

- (a) a person moves cash out of Singapore if the person takes or sends the cash (whether in a receptacle or otherwise) out of Singapore; and
- (b) a person moves cash into Singapore if the person brings or sends the cash (whether in a receptacle or otherwise) into Singapore.

Reports about cross border movements of cash

48C. —(1) A person shall not move or attempt to move into or out of Singapore cash the total value of which exceeds the prescribed amount, without giving a report in respect of the movement in accordance with this section.

(2) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 3 years or to both.

(3) It shall be a defence for a person charged with an offence under subsection (2) to prove that he did not know and had no reasonable ground to believe that the receptacle within which the cash was moved or attempted to be moved contained cash.

(4) For the purposes of subsection (1), the prescribed amount is \$30,000 (or its equivalent in a foreign currency) or such other amount as the Minister may, by notification in the *Gazette*, specify.

(5) A report under this section shall —

- (a) be in the prescribed form;
- (b) contain full and accurate information relating to the matter being reported as is

specified in the form;

(c) be given —

(i) to an immigration officer if the movement of the cash is to be effected by a person bringing or taking the cash into or out of Singapore with the person; or

(ii) in any other case, to a Suspicious Transaction Reporting Officer or, if regulations permit, to an immigration officer; and

(d) be given at the prescribed time.

(6) The Minister may make regulations for the matters referred to in subsection (5) (a), (c) and (d); and may, for the purposes of subsection (5) (a) and (d), prescribe different forms and different times —

(a) for different manners of moving cash into and out of Singapore; and

(b) for different classes of persons.

(7) Subsection (1) shall not apply if —

(a) the person is a commercial passenger carrier; and

(b) the cash is in the possession of any of the carrier's passengers.

(8) Subsection (1) shall not apply if —

(a) the person is a commercial goods carrier;

(b) the cash is carried on behalf of another person;

(c) the other person has not disclosed to the carrier that the goods carried on behalf of the other person include cash; and

(d) the carrier does not know and has no reasonable ground to believe that the goods carried on behalf of the other person include cash.

(9) The burden of proving the matters referred to in subsection (7) or (8) lies with the person who wishes to rely on that subsection.

Obligation of immigration officers

48D. If a report under section 48C is given to an immigration officer, he must, on request, within a reasonable time forward it to a Suspicious Transaction Reporting Officer.

Reports about receipts of cash from outside Singapore

48E. —(1) A person who receives cash the total value of which exceeds the prescribed amount, which is moved to the person from outside Singapore, shall make a report in respect of the receipt in accordance with this section before the end of the period of 5 business days beginning on the day of the receipt.

(2) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 3 years or to both.

(3) It shall be a defence for a person charged with an offence under subsection (2) to prove that he did not know and had no reasonable ground to believe that the cash was

moved from outside Singapore.

(4) For the purposes of subsection (1), the prescribed amount is \$30,000 (or its equivalent in a foreign currency) or such other amount as the Minister may, by notification in the *Gazette*, specify.

(5) A report under this section shall —

(a) be in the prescribed form;

(b) contain full and accurate information relating to the receipt being reported as is specified in the form; and

(c) be given to a Suspicious Transaction Reporting Officer.

Questioning and search powers in relation to cash

48F. —(1) A person who —

(a) is about to leave Singapore;

(b) is in an embarkation location for the purpose of leaving Singapore; or

(c) arrives in Singapore,

must, if required to do so by an authorised officer or immigration officer —

(i) declare whether or not the person has with him any cash;

(ii) declare the total value of any cash that the person has with him;

(iii) declare whether or not, to the best of the person's knowledge and belief, a report under section 48C has been given in respect of any cash that the person has with him;

(iv) produce to the officer any cash that the person has with him; and

(v) answer any question the officer may have with respect to the cash.

(2) An authorised officer or immigration officer may, with such assistance as is reasonable and necessary, examine any article or baggage which a person has with him if the person —

(a) is about to leave Singapore;

(b) is in an embarkation location for the purpose of leaving Singapore; or

(c) has arrived in Singapore,

for the purpose of finding out whether the person has with him any cash in respect of which a report under section 48C is required.

(3) An authorised officer or immigration officer may, with such assistance as is reasonable and necessary, search a person for the purpose of finding out whether the person has with him any cash in respect of which a report under section 48C is required, so long as —

(a) the person —

(i) is about to leave Singapore;

(ii) is in an embarkation location for the purpose of leaving Singapore; or

(iii) has arrived in Singapore; and

(b) the officer has reasonable grounds to suspect that there is on the person or in

clothing being worn by the person, cash in respect of which a report under section 48C is required.

(4) If an authorised officer or immigration officer has reasonable grounds to suspect that any cash found in the course of an examination or search under subsection (2) or (3) may afford evidence as to the commission of an offence under section 48C, the officer may seize the cash.

(5) A person must not be searched under subsection (3) except by a person of the same sex.

(6) An authorised officer or immigration officer, and any person assisting the officer, may board any motor vehicle, train, vessel or aircraft or enter any premises for the purpose of exercising the powers conferred by subsection (1), (2), (3) or (4).

(7) An authorised officer or immigration officer may, with such assistance as is reasonable and necessary —

(a) board a motor vehicle, train, vessel or aircraft; and

(b) examine or search the motor vehicle, train, vessel or aircraft, and any thing found on the motor vehicle, train, vessel or aircraft,

for the purpose of ascertaining whether there is on board the motor vehicle, train, vessel or aircraft any cash in respect of which a report under section 48C is required.

(8) Where an authorised officer or immigration officer has reasonable grounds to suspect that an offence under section 48C may have been committed, the officer may, with such assistance as is reasonable and necessary —

(a) enter any eligible place; and

(b) search the place, and any thing found at or in it,

for the purpose of ascertaining whether there is at or in the place, or in the thing, any cash in respect of which a report under section 48C is required.

(9) If an authorised officer or immigration officer has reasonable grounds to suspect that cash found in the course of a search under subsection (7) or (8) may afford evidence as to the commission of an offence under section 48C, the officer may seize the cash.

(10) A person who, without reasonable excuse, fails to comply with a requirement under subsection (1), or pursuant to any such requirement knowingly or recklessly makes a declaration or gives an answer that is false in a material particular, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 3 years or to both.

Power to exempt

48G. —(1) The Minister may, by order published in the *Gazette*, with or without conditions, exempt any person or class of persons from section 48C or 48E, or both.

(2) If any exemption is granted under subsection (1) with conditions, the exemption

operates only if the conditions are complied with.

行政院金融監督管理委員會 函

機關地址：臺北縣板橋市縣民大道2段7號1
8樓

電 話：(02)89689999
傳 真：(02)89691366

受文者：司法院秘書長

發文日期：中華民國98年5月22日

發文字號：金管銀(五)字第09800171290號

速別：普通件

密等及解密條件或保密期限：普通

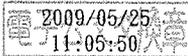
附件：如主旨 (098B502596_1_25103908561.pdf、098B502596_2_25103908561.pdf、098B502596_3_25103908561.pdf、098B502596_4_25103908561.doc、098B502596_5_25103908561.pdf、098B502596_6_25103908561.pdf、098B502596_7_25103908561.doc、098B502596_8_25103908561.pdf、098B502596_9_25103908561.pdf、098B502596_10_25103908561.pdf)

主旨：承囑提供與「管理外匯條例」第24條第3項相當之外國立法例一案，檢送美國、歐盟、英國及日本對攜帶外幣出入境未依法申報之相關規定彙總表及資料一份，敬請 卓參。

說明：復 大院98年4月9日秘台大一字第0980008351號函。

正本：司法院秘書長

副本：本會銀行局



裝

訂

線



美國、歐盟及日本對攜帶外幣出入境未依法申報之規定

國別	規定名稱	內容摘要
美國	<p>1. 美國法典第 31 篇第 53 章 (31 USC 5316 及 5317)</p> <p>2. 美國財政部授權規定 (Treasury Directive 15-23)</p>	<p><u>美國法典</u> <u>第 5316 條</u> 任何人運送支付工具入出(美國)國境金額達 10,000 美元以上者，應向海關申報。</p> <p><u>第 5317 條</u> 未依規定申報，或申報內容有重大遺漏或不實，海關得向法院申請搜索票。 海關亦得於無搜索票之情況下於邊境搜索任何交通工具、任何人、信封及容器。 未依規定申報，或申報內容有重大遺漏或不實，美國政府得扣押並沒收該支付工具。 <u>美國財政部授權規定</u> <u>美國財政部</u>依<u>美國法典</u>第 31 篇第 5311 至第 5326 條規定<u>授權美國海關</u>，得按<u>財政部核准之作業程序</u>，依<u>美國法典</u>第 5317(c)條規定沒入不超過 50 萬美元之現金或其 他支付工具。</p>
歐盟	<p>1. Regulation (EC) No.1889/2005 第 3 條及第 4 條</p> <p>2. 歐盟宣導資料</p>	<p><u>EC 規定</u> <u>第 3 條</u> 自 2007 年 6 月 15 日起，旅客進入歐盟國家，如隨身攜帶超過(含)10,000 歐元現金或其等值貨幣者，須向海關申報。 <u>第 4 條第 2 項</u> 未依第 3 條規定申報或申報不實者，該現金得依各會員國行政規定予以留置。 <u>第 9 條</u> 各會員國對於未依第 3 條規定申報者，應訂定罰則。</p>

英國	英國稅收暨關務總署(HM Revenue and Customs)訂定之「The Control of Cash (Penalties) Regulations 2007」	<p>The Control of Cash (Penalties) Regulations 2007</p> <p>罰鍰為 <u>5 千英鎊</u></p> <p>網站資料及申報表格</p> <p>英國海關僅於有合理依據認為攜帶之現金為犯罪收益或作為犯罪目的之情況下，始得沒入。惟依該署公布之申報表格，如攜帶之現金涉及犯罪，則無論有無申報，海關均得先予扣押。</p>
日本	<p>1.外匯及對外貿易法(2005 年 10 月 21 日)</p> <p>2.外匯令(Foreign Exchange Order) (2006 年 3 月 17 日)</p>	<p>外匯及對外貿易法</p> <p>第 70 條</p> <p>未依第 19 條第 1 項規定取得許可而輸出或輸入支付工具者，處 <u>3 年以下有期徒刑或科 100 萬日圓以下罰金或併科之</u>。但該違反行為之標的物價格之 3 倍超過 100 萬日圓時，罰金調整為價格之 3 倍以下。</p> <p>第 71 條</p> <p>未依第 19 條第 3 項規定申報輸出或輸入支付工具者，處 <u>6 個月以下有期徒刑或科 20 萬日圓以下罰金</u>。</p> <p>外匯令</p> <p>第 8-2 條(申報門檻)</p> <p>支付工具：現金、有價證券等合計總額 100 萬日圓以上。</p> <p>貴金屬：黃金(90%以上純度)超過 1 公斤以上。</p>

【註 1】資料來源：上開各國官方網站。

【註 2】相關規定及資料請詳原文，本彙整表中文摘譯僅供參考。



You must read the notes on the reverse before completing this form. Complete all boxes using black ink and capital letters.

A Transport details

1. Are you entering EU? (see note A1)

Or exiting EU? (see note A1)

2. By air?

Or by sea?

3. Date of EU entry/EU exit

4. Port or airport where journey starts (see note A4)

5. Port or airport where journey ends (see note A5)

6. via (see note A6)

a. Port or airport

b. Port or airport

7. Port or airport where this declaration is made

B Details of cash

a. Type of cash (see note B)

b. Currency

c. Amount

1

2

3

C Origin and intended use of cash

1. Do you own the cash?

Yes If 'Yes' go to box 3

No If 'No' go to box 2

2. Details of owner (see note C2)

3. Origins of cash, where and how obtained (see note C3)

4. Details of intended use of cash

5. Details of intended recipient of cash (see note C5)

D Declaration and your personal details

1. Surname

Surname input boxes

2. First name(s)

First name(s) input box

3. Date of birth

4. Passport number and nationality

a. Passport number

b. Nationality

5. Place of birth (city and country)

6. Full address (including house number)

Country

7. Postcode

8. Occupation

I have read the notes and warning (note 5) on the reverse of this form and declare that all the details entered above are complete and correct to the best of my knowledge and belief. Sign this (Copy 1) and post in HM Revenue & Customs drop box provided. Keep carbon copy (Copy 2) for your own use and in case it is requested by HMRC officers.

Signature

9. Date

Date input boxes

For official use only

PID

Penalty

POCA

Notes on completing this form

You do not need to complete this form if you are travelling to or arriving from another EU country or are carrying less than 10,000 Euros.

General information

- 1 You must complete this form if you are entering or leaving the European Union (EU) (see 3. below) and are carrying cash of a value of 10,000 Euros or more or the equivalent in other currencies. This law is to help combat money laundering and it applies in all EU countries.
- 2 Cash not only means currency notes and coins but also bankers' drafts and cheques of any kind (including travellers' cheques).
- 3 For the purposes of this declaration, the countries of the EU are Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Gibraltar, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain (including the Canary Islands), Sweden and the United Kingdom (not including the Isle of Man and the Channel Islands).
- 4 The declaration must be signed and dated.
- 5 You will be liable to financial penalties if you fail to comply with the obligation to declare, or provide incomplete or incorrect information. You must answer any questions HM Revenue & Customs officers may ask you about the cash, and they may seize it (whether declared or not) if they have reasonable grounds to suspect that it is associated with criminal activity.

Notes on completion of individual boxes

- A1 **Entering** the EU means arriving directly from a non-EU country and includes journeys where your final destination is a port, airport or train station elsewhere in the EU.
Exiting the EU means travelling directly to a non-EU country and includes journeys where your original place of departure was a port, airport or train station elsewhere in the EU.
- A4 Enter name of first port or airport on your journey and the country in which it is located.
- A5 Enter name of final port or airport on your journey and the country in which it is located.
- A6 Enter names of intermediate ports and airports on your journey and the country in which each is located.
- B Enter the type of cash carried (for example currency notes, currency coins, travellers' cheques). See also note 2. opposite.
- C2 Enter name, address and business of person or company. If there is more than one owner, enter details of the one who owns the greatest amount of the cash.
- C3 Enter what the cash represents (for example proceeds of sale of house or car, business takings, personal savings) and the country in which it was obtained.
- C5 Enter name, address and business of intended recipient. If there is more than one intended recipient, enter details of the one most likely to receive the greatest amount of cash.

**EXPLANATORY MEMORANDUM TO
THE CONTROL OF CASH (PENALTIES) REGULATIONS 2007**

2007 No. 1509

1. This explanatory memorandum has been prepared by HM Revenue and Customs on behalf of HM Treasury and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Description**

These Regulations provide for penalties for failing to declare movements of cash into and out of the European Community, and an appeal mechanism.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

None

4. **Legislative Background**

These Regulations are made under section 2(2) of the European Communities Act 1972 to give effect to Community Regulation 1889/2005. This introduces a harmonised control and information procedure for large-scale movements of cash (which is widely defined to include freely-negotiable financial instruments) in or out of the Community, and empowers the national authorities to take appropriate administrative actions, including an obligation to pronounce penalties. Member State enforcement procedures must be in place at the time when the Regulation comes into force on 15th June 2007.

5. **Territorial Extent and Application**

This instrument applies to all of the United Kingdom. It does not apply to the Channel Islands and the Isle of Man.

6. **European Convention on Human Rights**

Dawn Primarolo MP, the Paymaster General, has made the following statement regarding Human Rights:

In my view the provisions of the Control of Cash (Penalties) Regulations 2007 are compatible with the Convention rights.

7. **Policy background**

Under Article 3 of Community Regulation 1889/2005, any person entering or leaving the Community and carrying cash amounting to 10,000 euros or more will be under an obligation to declare that amount. Article 9 thereof requires Member States to introduce

effective, proportionate and dissuasive penalties for failure to comply with this obligation.

In determining the penalties to be applied, it is UK policy to devise a system which both meets the criteria of Article 9 and is in line with HMRC's approach to dealing with other contraventions of customs law.

The UK has largely dispensed with criminal sanctions for contraventions of customs law as they have proved cumbersome to operate and can result in those involved getting a criminal record for relatively minor offences. It is considered that civil penalties provide an appropriate sanction in most such cases.

In the present case, the Commissioners for HMRC are being given the option of imposing a penalty not exceeding £5000 for non-compliance with the obligation to declare. This gives them the opportunity to exercise discretion to impose a lesser amount or to limit action to issuing a warning letter. Factors which would influence the action taken may include the amount of the undeclared cash in any particular case and the number of previous occasions that the person concerned has been identified as failing to comply with the obligation to declare. It is considered that such an approach both meets the requirements of the Community Regulation and accords with existing sanctions policy on contraventions of customs law.

In addition, in order to be consistent with Community and national legislation on appeals mechanisms in respect of other penalty regimes operated by HMRC, the Regulations include provision for the person upon whom the penalty has been imposed to apply to the Commissioners for HMRC to review that decision, and for appeals to be made to the VAT and Duties Tribunal.

As the Regulation does not apply to the Channel Islands or the Isle of Man declarations will be required from persons travelling to and from those places.

8. Impact

A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

Dave Cognet at HM Revenue and Customs Tel: 020 7147 0190 or e-mail:

david.cognet@hmrc.gsi.gov.uk

can answer any queries regarding the instrument.

Declaring cash when entering or leaving the UK

From 15 June 2007, if you are travelling to or from a country outside the European Union (EU), you will need to declare any sums of cash of 10,000 Euro or more (or the equivalent in another currency) to HM Revenue & Customs (HMRC).

You do not need to declare cash if you are travelling to or from another EU country.

[Leaflet - Declaring cash](#)

For the purposes of this requirement, the countries of the EU are:

Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Gibraltar, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain (including the Canary Islands), Sweden, and the United Kingdom (not including the Isle of Man and the Channel Islands).

Declaring cash to HMRC

You must declare cash on duplicate [Form C9011](#), and post the completed top copy 1 in the drop box provided at the port or airport.

You can either pick up the form when you get to the port or airport and complete it there, or you can print it down from this website, which gives you the opportunity to complete it before you start your journey.

HMRC officers may ask to see evidence of your having made a declaration. Therefore it is important to keep a copy of the completed form. This is automatically generated on carbon copy 2 if you make your declaration on a form provided at the port or airport. If you use the printed down form, you will need to photocopy the completed copy 1. (You do not need to complete copy 2 of the printed down form.)

Definition of the term 'cash'

The term 'cash' covers:

- currency notes and coins
- bankers' drafts
- cheques of any kind, including travellers' cheques.

Your rights if your cash is seized

HMRC officers will only seize cash if they have reasonable grounds to suspect it is the proceeds of, or is intended for use in, unlawful conduct.

Seized cash cannot be kept for more than 48 hours without a court order (not including public holidays and weekends).

A court may order seized cash to be:

- detained while investigations are carried out
- forfeited permanently if the investigation shows it is associated with criminal activity.

If your cash is seized, you will be given information on how to appeal against the decision.

[EU website](#)

Download '[Regulation 1889/2005 of the European Parliament and of the Council](#)'.

7305: Export/Import of Means of Payment, etc.

When entering or departing Japan with means of payment exceeding ¥1,000,000 or its equivalent, you are required to submit to Customs declaration prior to your entry or departure.

1. Declaration must be submitted in the following cases:

(1) When the total amount of the following exceeds ¥1,000,000 or its equivalent:

- ••Cash • Japanese or foreign currencies• •
- ••Checks (including traveler's checks)
- ••Promissory notes
- ••Securities• stock certificates, government bonds, etc. • •

(2) When precious metal (gold with over 90% purity) exceeds 1kg in total weight.

(Reference) As for the conversion rate of foreign currencies into Japanese yen, refer to Code# 1407, "Weekly Conversion Rate between Foreign Currencies and Yen Used for Conversion of Duty Assessment Value".

For stock certificates, you must declare either its current price, book value, or trade value, whichever is higher.

2. Fill out the address, name, and type and amount of means of payment on a • Declaration on Physical Transportation of Means of Payment" and declare it to Customs at the airport, etc.

The form is available at Customs inspection areas in airports and seaports.

(Article 67 of the Customs Law, Article 58 and 59 of the Customs Law Enforcement Ordinance, Article 19 Paragraph 3 of the Foreign Exchange and Foreign Trade Control Law, Article 8-2 of Cabinet Order of the Foreign Exchange Order, and Article 10 of Ministerial Ordinance of the Foreign Exchange Order)

REGULATION (EC) No 1889/2005 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 26 October 2005
on controls of cash entering or leaving the Community

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

with the existing provisions of the Treaty, national controls on movements of cash within the Community.

Having regard to the Treaty establishing the European Community, and in particular Articles 95 and 135 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

After consulting the European Economic and Social Committee,

Acting in accordance with the procedure referred to in Article 251 of the Treaty ⁽²⁾,

Whereas:

- (1) One of the Community's tasks is to promote harmonious, balanced and sustainable development of economic activities throughout the Community by establishing a common market and an economic and monetary union. To that end the internal market comprises an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured.
- (2) The introduction of the proceeds of illegal activities into the financial system and their investment after laundering are detrimental to sound and sustainable economic development. Accordingly, Council Directive 91/308/EEC of 10 June 1991 on prevention of the use of the financial system for the purpose of money laundering ⁽³⁾ introduced a Community mechanism to prevent money laundering by monitoring transactions through credit and financial institutions and certain types of professions. As there is a risk that the application of that mechanism will lead to an increase in cash movements for illicit purposes, Directive 91/308/EEC should be supplemented by a control system on cash entering or leaving the Community.
- (3) At present such control systems are applied by only a few Member States, acting under national legislation. The disparities in legislation are detrimental to the proper functioning of the internal market. The basic elements should therefore be harmonised at Community level to ensure an equivalent level of control on movements of cash crossing the borders of the Community. Such harmonisation should not, however, affect the possibility for Member States to apply, in accordance

- (4) Account should also be taken of complementary activities carried out in other international fora, in particular those of the Financial Action Task Force on Money Laundering (FATF), which was established by the G7 Summit held in Paris in 1989. Special Recommendation IX of 22 October 2004 of the FATF calls on governments to take measures to detect physical cash movements, including a declaration system or other disclosure obligation.

- (5) Accordingly, cash carried by any natural person entering or leaving the Community should be subject to the principle of obligatory declaration. This principle would enable the customs authorities to gather information on such cash movements and, where appropriate, transmit that information to other authorities. Customs authorities are present at the borders of the Community, where controls are most effective, and some have already built up practical experience in the matter. Use should be made of Council Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters ⁽⁴⁾. This mutual assistance should ensure both the correct application of cash controls and the transmission of information that might help to achieve the objectives of Directive 91/308/EEC.

- (6) In view of its preventive purpose and deterrent character, the obligation to declare should be fulfilled upon entering or leaving the Community. However, in order to focus the authorities' action on significant movements of cash, only those movements of EUR 10 000 or more should be subject to such an obligation. Also, it should be specified that the obligation to declare applies to the natural person carrying the cash, regardless of whether that person is the owner.

⁽¹⁾ OJ C 227 E, 24.9.2002, p. 574.

⁽²⁾ Opinion of the European Parliament of 15 May 2003 (OJ C 67 E, 17.3.2004, p. 259), Council Common Position of 17 February 2005 (OJ C 144 E, 14.6.2005, p. 1), Position of the European Parliament of 8 June 2005 and Council Decision of 12 July 2005.

⁽³⁾ OJ L 166, 28.6.1991, p. 77. Directive as amended by Directive 2001/97/EC of the European Parliament and of the Council (OJ L 344, 28.12.2001, p. 76).

- (7) Use should be made of a common standard for the information to be provided. This will enable competent authorities to exchange information more easily.

⁽⁴⁾ OJ L 82, 22.3.1997, p. 1. Regulation as amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

- (8) It is desirable to establish the definitions needed for a uniform interpretation of this Regulation.
- (9) Information gathered under this Regulation by the competent authorities should be passed on to the authorities referred to in Article 6(1) of Directive 91/308/EEC.
- (10) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ⁽¹⁾ and Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽²⁾ apply to the processing of personal data by the competent authorities of the Member States pursuant to this Regulation.
- (11) Where there are indications that the sums of cash are related to any illegal activity, associated with the movement of cash, as referred to in Directive 91/308/EEC, information gathered under this Regulation by the competent authorities may be passed on to competent authorities in other Member States and/or to the Commission. Similarly, provision should be made for certain information to be transmitted whenever there are indications of cash movements involving sums lower than the threshold laid down in this Regulation.
- (12) Competent authorities should be vested with the powers needed to exercise effective control on movements of cash.
- (13) The powers of the competent authorities should be supplemented by an obligation on the Member States to lay down penalties. However, penalties should be imposed only for failure to make a declaration in accordance with this Regulation.
- (14) Since the objective of this Regulation cannot be sufficiently achieved by the Member States and can therefore, by reason of the transnational scale of money laundering in the internal market, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.
- (15) This Regulation respects the fundamental rights and observes the principles recognised in Article 6(2) of the Treaty on European Union and reflected in the Charter

of Fundamental Rights of the European Union, in particular in Article 8 thereof,

HAVE ADOPTED THIS REGULATION:

Article 1

Objective

1. This Regulation complements the provisions of Directive 91/308/EEC concerning transactions through financial and credit institutions and certain professions by laying down harmonised rules for the control, by the competent authorities, of cash entering or leaving the Community.

2. This Regulation shall be without prejudice to national measures to control cash movements within the Community, where such measures are taken in accordance with Article 58 of the Treaty.

Article 2

Definitions

For the purposes of this Regulation:

1. 'competent authorities' means the customs authorities of the Member States or any other authorities empowered by Member States to apply this Regulation;

2. 'cash' means:

- (a) bearer-negotiable instruments including monetary instruments in bearer form such as travellers cheques, negotiable instruments (including cheques, promissory notes and money orders) that are either in bearer form, endorsed without restriction, made out to a fictitious payee, or otherwise in such form that title thereto passes upon delivery and incomplete instruments (including cheques, promissory notes and money orders) signed, but with the payee's name omitted;
- (b) currency (banknotes and coins that are in circulation as a medium of exchange).

Article 3

Obligation to declare

1. Any natural person entering or leaving the Community and carrying cash of a value of EUR 10 000 or more shall declare that sum to the competent authorities of the Member State through which he is entering or leaving the Community in accordance with this Regulation. The obligation to declare shall not have been fulfilled if the information provided is incorrect or incomplete.

⁽¹⁾ OJ L 281, 23.11.1995, p. 31. Directive as amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

⁽²⁾ OJ L 8, 12.1.2001, p. 1.

2. The declaration referred to in paragraph 1 shall contain details of:

- (a) the declarant, including full name, date and place of birth and nationality;
- (b) the owner of the cash;
- (c) the intended recipient of the cash;
- (d) the amount and nature of the cash;
- (e) the provenance and intended use of the cash;
- (f) the transport route;
- (g) the means of transport.

3. Information shall be provided in writing, orally or electronically, to be determined by the Member State referred to in paragraph 1. However, where the declarant so requests, he shall be entitled to provide the information in writing. Where a written declaration has been lodged, an endorsed copy shall be delivered to the declarant upon request.

Article 4

Powers of the competent authorities

1. In order to check compliance with the obligation to declare laid down in Article 3, officials of the competent authorities shall be empowered, in accordance with the conditions laid down under national legislation, to carry out controls on natural persons, their baggage and their means of transport.

2. In the event of failure to comply with the obligation to declare laid down in Article 3, cash may be detained by administrative decision in accordance with the conditions laid down under national legislation.

Article 5

Recording and processing of information

1. The information obtained under Article 3 and/or Article 4 shall be recorded and processed by the competent authorities of the Member State referred to in Article 3(1) and shall be made available to the authorities referred to in Article 6(1) of Directive 91/308/EEC of that Member State.

2. Where it appears from the controls provided for in Article 4 that a natural person is entering or leaving the Community with sums of cash lower than the threshold fixed in Article 3 and where there are indications of illegal activities associated with the movement of cash, as referred to in Directive 91/308/EEC, that information, the full name, date and place of birth and nationality of that person and details of the means of transport used may also be recorded and processed

by the competent authorities of the Member State referred to in Article 3(1) and be made available to the authorities referred to in Article 6(1) of Directive 91/308/EEC of that Member State.

Article 6

Exchange of information

1. Where there are indications that the sums of cash are related to any illegal activity associated with the movement of cash, as referred to in Directive 91/308/EEC, the information obtained through the declaration provided for in Article 3 or the controls provided for in Article 4 may be transmitted to competent authorities in other Member States.

Regulation (EC) No 515/97 shall apply *mutatis mutandis*.

2. Where there are indications that the sums of cash involve the proceeds of fraud or any other illegal activity adversely affecting the financial interests of the Community, the information shall also be transmitted to the Commission.

Article 7

Exchange of information with third countries

In the framework of mutual administrative assistance, the information obtained under this Regulation may be communicated by Member States or by the Commission to a third country, subject to the consent of the competent authorities which obtained the information pursuant to Article 3 and/or Article 4 and to compliance with the relevant national and Community provisions on the transfer of personal data to third countries. Member States shall notify the Commission of such exchanges of information where particularly relevant for the implementation of this Regulation.

Article 8

Duty of professional secrecy

All information which is by nature confidential or which is provided on a confidential basis shall be covered by the duty of professional secrecy. It shall not be disclosed by the competent authorities without the express permission of the person or authority providing it. The communication of information shall, however, be permitted where the competent authorities are obliged to do so pursuant to the provisions in force, particularly in connection with legal proceedings. Any disclosure or communication of information shall fully comply with prevailing data protection provisions, in particular Directive 95/46/EC and Regulation (EC) No 45/2001.

*Article 9***Penalties**

1. Each Member State shall introduce penalties to apply in the event of failure to comply with the obligation to declare laid down in Article 3. Such penalties shall be effective, proportionate and dissuasive.
2. By 15 June 2007, Member States shall notify the Commission of the penalties applicable in the event of failure to comply with the obligation to declare laid down in Article 3.

*Article 10***Evaluation**

The Commission shall submit to the European Parliament and the Council a report on the application of this Regulation four years after its entry into force.

*Article 11***Entry into force**

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 15 June 2007.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Strasbourg, 26 October 2005.

For the European Parliament

The President

J. BORRELL FONTELLES

For the Council

The President

D. ALEXANDER

US Code

TITLE 31—MONEY AND FINANCE

Subtitle IV—Money

Chapter 53—Monetary Transactions

SUBCHAPTER II—RECORDS AND REPORTS ON MONETARY INSTRUMENTS TRANSACTIONS

5316. Reports on exporting and importing monetary instruments.

5317. Search and forfeiture of monetary instruments.

§ 5316. Reports on exporting and importing monetary instruments

(a) Except as provided in subsection (c) of this section, a person or an agent or bailee of the person shall file a report under subsection (b) of this section when the person, agent, or bailee knowingly—

(1) transports, is about to transport or has transported, monetary instruments of more than \$10,000 at one time--

(A) from a place in the United States to or through a place outside the United States; or

(B) to a place in the United States from or through a place outside the United States; or

(2) receives monetary instruments of more than \$10,000 at one time transported into the United States from or through a place outside the United States.

(b) A report under this section shall be filed at the time and place the Secretary of the Treasury prescribes. The report shall contain the following information to the extent the Secretary prescribes:

(1) the legal capacity in which the person filing the report is acting.

(2) the origin, destination, and route of the monetary instruments.

(3) when the monetary instruments are not legally and beneficially owned by the person transporting the instruments, or if the person transporting the instruments personally is not going to use them, the identity of the person that gave the instruments to the person transporting them, the identity of the person who is to receive them, or both.

(4) the amount and kind of monetary instruments transported.

(5) additional information.

(c) This section or a regulation under this section does not apply to a common carrier of passengers when a passenger possesses a monetary instrument, or to a common carrier of goods if the shipper does not declare the instrument.

(d) CUMULATION OF CLOSELY RELATED EVENTS.--The Secretary of the Treasury may prescribe regulations under this section defining the term "at one time" for purposes of subsection (a). Such regulations may permit the cumulation of closely related events in order that such events may collectively be considered to occur at one time for the purposes of subsection (a).

[Codified to 31 U.S.C. 5316]

[Source: Section 231 of title II of the Act of October 26, 1970 (Pub. L. No. 91--508; 84 Stat. 1122), effective November 1, 1971; recodified by the Act of September 13, 1982 (Pub. L. No. 97--258; 96 Stat. 998), effective September 13, 1982; amended by section 901(c) of chapter IX of the Act of October 12, 1984 (Pub. L. No. 98--473; 98 Stat. 2135), effective October 12, 1984; section 1358 of subtitle H of title I and section 3153 of subtitle B of title III of the Act of October 27, 1986 (Pub. L. No. 99--570; 100 Stat 3207-26 and 3207--94, respectively), effective October 27, 1986]

§ 5317. Search and forfeiture of monetary instruments

(a) The Secretary of the Treasury may apply to a court of competent jurisdiction for a search warrant when the Secretary reasonably believes a monetary instrument is being transported and a report on the instrument under section 5316 of this title has not been filed or contains a material omission or misstatement. The Secretary shall include a statement of information in support of the warrant. On a showing of probable cause, the court may issue a search warrant for a designated person or a designated or described place or physical object. This subsection does not affect the authority

(b) SEARCHES AT BORDER.--For purposes of ensuring compliance with the requirements of section 5316, a customs officer may stop and search, at the border and without a search warrant, any vehicle, vessel, aircraft, or other conveyance, any envelope or other container, and any person entering or departing from the United States.

(c) FORFEITURE.--

(1) CRIMINAL FORFEITURE.--

(A) IN GENERAL.--The court in imposing sentence for any violation of section 5313, 5316, or 5324 of this title, or any conspiracy to commit such violation, shall order the defendant to forfeit all property, real or personal, involved in the offense and any property traceable thereto.

(B) PROCEDURE.--Forfeitures under this paragraph shall be governed by the procedures established in section 413 of the Controlled Substances Act.

(2) CIVIL FORFEITURE.--Any property involved in a violation of section 5313, 5316, or 5324 of this title, or any conspiracy to commit any such violation, and any property traceable to any

such violation or conspiracy, may be seized and forfeited to the United States in accordance with the procedures governing civil forfeitures in money laundering cases pursuant to section 981(a)(1)(A) of title 18, United States Code.

[Codified to 31 U.S.C. 5317]

[Source: Sections 232 and 235 of title II of the Act of October 26, 1970 (Pub. L. No. 91--508; 84 Stat. 1123), effective November 1, 1971; recodified by the Act of September 13, 1982 (Pub. L. No. 97--258; 96 Stat 998), effective September 13, 1982; amended by section 901(d) of chapter IX of the Act of October 12, 1984 (Pub. L. No. 98--473; 98 Stat. 2135), effective October 12, 1984; section 1355(a) and (b) of subtitle H of title I of the Act of October 27, 1986 (Pub. L. No. 99--570; 100 Stat. 3207--22 and 3207--23 respectively), with section 1355(a) effective October 27, 1986 and section 1355(b) effective with respect to violations committed after the end of the 3-month period beginning on the date of the enactment (January 27, 1987); section 1525(c)(2) of title XV of the Act of October 28, 1992 (Pub. L. No. 102--550; 106 Stat. 4065), effective October 28, 1992; sections 365(b)(2)(B) and 372(a) of title III of the Act of October 26, 2001 (Pub. L. No. 107--56; 115 Stat. 335 and 338, respectively), effective October 26, 2001]

TREASURY DIRECTIVE 15-23

Date: December 1, 1992

Sunset Review: TBD

Expiration Date: TBD

SUBJECT: Bank Secrecy Act -- U.S. Customs Service

1. DELEGATION. This directive delegates to the Commissioner of Customs the functions, rights, privileges, powers, and duties of the Secretary of the Treasury under the Bank Secrecy Act (31 U.S.C. 5311-5326) to:

a. disseminate copies of the reports required under the provisions of the Department of the Treasury regulations subject to the guidelines and procedures which have been approved by the Assistant Secretary (Enforcement);

b. remit any part of a forfeiture of currency or other monetary instruments not in excess of \$500,000 seized under 31 U.S.C. Section 5317(c), subject to the guidelines and procedures which have been approved by the Assistant Secretary (Enforcement);

c. investigate possible violations of 31 CFR 103.24 and 103.32, regarding reporting and recordkeeping on foreign accounts;

d. assure compliance with the requirements of 31 CFR 103.23;

e. issue summons with respect to 31 CFR 103.23 as authorized by 31 CFR 103.61 and 103.62(c).

2. REDELEGATION. This authority may be redelegated.

3. CANCELLATION. Treasury Directive 15-23, "Currency and Foreign Transactions Reporting Act - Customs," dated August 20, 1987, is superseded.

4. OFFICE OF PRIMARY INTEREST. Office of the Assistant Secretary (Enforcement).

Peter K. Nunez

Assistant Secretary (Enforcement)

This English translation of the Foreign Exchange and Foreign Trade Act has been prepared up to the revisions of Act No. 102 of 2005 Yet to enter into force in compliance with the Standard Bilingual Dictionary March 2006 edition.

This is an unofficial translation. Only the original Japanese texts of laws and regulations have legal effect, and the translations are to be used solely as reference material to aid in the understanding of Japanese laws and regulations.

The Government of Japan shall not be responsible for the accuracy, reliability or currency of the legislative material provided in this Website, or for any consequence resulting from use of the information in this Website. For all purposes of interpreting and applying law to any legal issue or dispute, users should consult the original Japanese texts published in the Official Gazette.

Foreign Exchange and Foreign Trade Act Act No. 228 of December 1, 1949

Final revision: Act No. 102 of October 21, 2005

Chapter 1 General Provisions Articles 1 to 9

Chapter 2 Measures to Maintain Peace and Security in Japan Articles 10 to 15

Chapter 3 Payment, etc. Articles 16 to 19

Chapter 4 Capital Transactions, etc. Articles 20 to 25-2

Chapter 5 Inward Direct Investment, etc. Articles 26 to 46

Chapter 6 Foreign Trade Articles 47 to 54

Chapter 6-2 Report, etc. Articles 55 to 55-9

Chapter 6-3 Deleted

Chapter 7 Relationship with the Administrative Procedure Act Article 55-12

Chapter 7-2 Appeal Articles 56 to 64

Chapter 8 Miscellaneous Provisions Articles 65 to 69-5

Chapter 9 Penal Provisions Article 69-6 to 73

Supplementary Provisions

Chapter 1 General Provisions

Article 1 Purpose

The purpose of this Act is, on the basis of the freedom of foreign exchange, foreign trade and other foreign transactions, to enable proper expansion of foreign transactions and the maintenance of peace and security in Japan and in the international community through the minimum necessary control or coordination of foreign transactions, and thereby to ensure equilibrium of the international balance of trade and stability of currency as well as to contribute to the sound development of the Japanese economy.

Article 2 Deleted.

Article 3 Deleted.

Article 4 Deleted.

Article 5 • Scope of Application•

This Act shall also apply to acts committed in a foreign state by a representative, agent, employee or other worker of a juridical person having its principal office in Japan in regard to the property or business of the juridical person. The same shall apply to acts committed in a foreign state by a person having his/her domicile in Japan, or an agent, employee or other worker of that person in regard to the property or business of the person.

Article 6 • Definitions•

- 1. In this Act or orders based on this Act, the meanings of the terms listed in the following items shall be as prescribed respectively in those items.
 - i. The term "Japan" shall mean Honshu, Hokkaido, Shikoku, Kyushu, and other dependent islands thereof specified by the Ordinance of the Ministry of Finance and the Ordinance of the Ministry of Economy, Trade and Industry.
 - ii. The term "foreign state" shall mean the area outside Japan.
 - iii. The term "Japanese currency" shall mean the currency denominated in Japanese yen.
 - iv. The term "foreign currency" shall mean any currency other than Japanese currency.
 - v. The term "residents" shall mean natural persons having their domicile or residence in Japan and juridical persons having their principal office in Japan. The branch offices, local offices or other offices in Japan of non-residents, irrespective of whether they have legal authority of representation, shall be deemed to be residents even if their principal office is located in a foreign state.
 - vi. The term "non-residents" shall mean natural persons and juridical persons other than residents.

- vii• The term "means of payment" shall mean the following.
 - a• Banknotes, government money bills, small money bills, and coins
 - b• Checks including traveler's checks, bills of exchange, postal money orders, and letters of credit
 - c• Proprietary nature inputted in vouchers, electronic equipment, or other objects referred to as "Vouchers, etc." in Article 19, paragraph 1 by electromagnetic devices meaning electronic means, magnetic means or other means that are imperceptible by humans; which may be used for mutual payment among unspecified or many persons limited to those of which the status of use is specified by Cabinet Order as approximate to that of a currency
 - d• Those specified by Cabinet Order as equivalent to those listed in •a• or •b•
- viii• The term "foreign means of payment" shall mean a foreign currency or other means of payment excluding Japanese currency which is denominated in a foreign currency, irrespective of the unit of the currency, or may be used for payment in a foreign state.
- ix• Deleted.
- x• The term "precious metal" shall mean gold bullion, gold alloy bullion, gold coins out of circulation, or other objects principally made of gold.
- xi• The term "securities" shall mean public bonds, corporate bonds, shares, equity in investment, certificates granting rights to public bonds or shares, bonds, treasury securities, mortgage securities, profit certificates, coupons, dividend certificates, renewal coupons or other securities or certificates specified by Cabinet Order as similar thereto, irrespective of whether they have been materialized or not.
- xii• The term "foreign securities" shall mean securities receivable in a foreign state or securities denominated in a foreign currency.
- xiii• The term "claims" shall mean time deposit, current deposit, special current deposit, deposit at notice, insurance policies and current account balance, and monetary claims arising from loans, bids or other reasons, which are not listed in any of the preceding items.
- xiv• The term "futures contract on a financial index, etc." shall mean a contract pertaining to securities index futures trading, etc. prescribed in Article 2, paragraph 21 of the Securities and Exchange Act, securities options trading prescribed in paragraph 22 of the said article limited to those pertaining to transactions listed in item 2 of the said paragraph, which are specified by Cabinet Order; hereinafter the same shall apply in this item; securities futures trading in the foreign market prescribed in paragraph 23 of the said article limited to trading similar to securities index futures trading, etc. prescribed in paragraph 21 of the said article and securities options trading prescribed in

- paragraph 22 of the said article; forward trading in an over-the-counter securities index, etc. prescribed in paragraph 25 of the said article, over-the-counter securities options trading prescribed in paragraph 26 of the said article limited to transactions listed in item 2 of the said paragraph and transactions similar thereto and over-the-counter securities index swap trading, etc. prescribed in paragraph 27 of the said article, and exchange financial futures trading prescribed in Article 2, paragraph 2 of the Financial Futures Trading Act Act No. 77 of 1988 limited to those falling under transactions listed in item 2 of the said paragraph or transactions listed in item 3 of the said paragraph limited to those pertaining to transactions listed in b of the said item, which are specified by Cabinet Order; hereinafter the same shall apply in this item, over-the-counter financial futures trading prescribed in paragraph 4 of the said article limited to transactions similar to those listed in item 2 of the said paragraph or those listed in item 3 of the said paragraph limited to those specified by Cabinet Order; transactions similar to exchange financial futures trading prescribed in paragraph 2 of the said article, which are conducted in the overseas financial futures market prescribed in paragraph 3 of the said article, or other transactions specified by Cabinet Order as transactions similar thereto.
- xv • The term "goods" shall mean movables other than precious metal, means of payment, securities or other certificates embodying claims.
 - xvi • The term "property" shall mean property including those prescribed in items 7, 10, 11, 13 and 15.
 - 2 • In the case where it is not clear whether a person is a resident or non-resident, the Minister of Finance shall decide it.

Article 7 • Exchange Rate

- 1 • The Minister of Finance shall determine and publicly notify the basic exchange rate of Japanese currency and the arbitrated exchange rate of a foreign currency to Japanese currency.
- 2 • The Minister of Finance shall, when he/she intends to determine a basic exchange rate of Japanese currency pursuant to the provision of the preceding paragraph, obtain approval of the Cabinet.
- 3 • The Minister of Finance shall endeavor to stabilize the exchange rate of Japanese currency by taking necessary measures such as the buying and selling of foreign means of payment.

Article 8 • Designation of Currency

Payment, etc. meaning payment or receipt of payment; the same shall apply hereafter in currency pertaining to transactions or acts governed by this Act shall be made in a currency designated by the Minister of Finance.

Article 9 •Suspension of Transactions, etc. in Case of Emergency•

- 1• Where a drastic change has taken place in international economic conditions, the competent minister may, when he/she finds it urgently necessary, order, pursuant to the provisions of Cabinet Order, the suspension of transactions, acts or payment, etc. governed by this Act within the period specified by Cabinet Order.
- 2• Suspension ordered pursuant to the provision of the preceding paragraph shall not make payment that has been authorized by this Act up to the suspension impossible, and the delay of the payment due to the suspension shall be limited to the period specified by Cabinet Order.

Chapter 2 Measures to Maintain Peace and Security in Japan

Article 10

- 1• The cabinet meeting may decide to take countermeasures •meaning measures pursuant to the provisions of Article 16, paragraph 1, Article 21, paragraph 1, Article 23, paragraph 4, Article 24, paragraph 1, Article 25, paragraph 4, Article 48, paragraph 3, and Article 52, which are taken by the competent minister based on a cabinet decision pursuant to the provision of this paragraph••when it is particularly necessary in order to maintain peace and security in Japan.
- 2• Where the government has taken countermeasures set forth in the preceding paragraph based on a cabinet decision set forth in the said paragraph, it shall submit the implementation of the countermeasures to the Diet within 20 days from the day when it took the countermeasures in order to seek approval of the Diet; provided, however, that where the Diet is in adjournment or the House of Representatives is in dissolution, the government shall promptly seek such approval in the Diet first convened thereafter.
- 3• When a resolution of disapproval has been made in the case referred to in the preceding paragraph, the government shall promptly terminate the countermeasures.

Article 11 Deleted.

Article 12 Deleted.

Article 13 Deleted.

Article 14 Deleted.

Article 15 Deleted.

Chapter 3 Payment, etc.

Article 16 •Payment, etc. •

- 1• When the competent minister finds it necessary for sincerely fulfilling obligations under the treaties and other international agreements which Japan has signed or when he/she finds it particularly necessary for making Japan's contribution to international efforts for achieving international peace, or when a cabinet decision set forth in Article 10, paragraph 1 has been made, he/she may impose, pursuant to the provisions of Cabinet Order, on a resident or non-resident who intends to make payment from Japan to a foreign state or a resident who intends to make payment, etc. to a non-resident, the obligation to obtain permission for the payment or payment, etc., except where the payment, etc. is payment, etc. pertaining to a transaction or act for which the obligation to obtain permission or approval is imposed from the same standpoint as the above.
- 2• In addition to the cases prescribed in the preceding paragraph, when the competent minister finds it particularly necessary for maintaining the equilibrium of the international balance of trade of Japan, he/she may impose, pursuant to the provisions of Cabinet Order, on a resident or non-resident who intends to make payment from Japan to a foreign state or a resident who intends to make payment to a non-resident, the obligation to obtain permission for such payment, except where the payment is payment pertaining to a transaction or act for which the obligation to obtain permission or to give notification is imposed or the obligation to obtain permission may be imposed pursuant to the provisions of Chapters 4 to 6 inclusive.
- 3• In addition to the cases prescribed in the preceding two paragraphs, when the competent minister finds it necessary for assured enforcement of the provisions of this Act or orders based on this Act, he/she may impose, pursuant to the provisions of Cabinet Order, on a resident or non-resident who intends to make payment from Japan to a foreign state or a resident who intends to make payment, etc. to a non-resident, the obligation to obtain permission for the payment or payment, etc., except where the payment, etc. is payment, etc. pertaining to a transaction or act for which the obligation to obtain permission or to give notification is imposed or the obligation to obtain permission or approval may be imposed pursuant to the provisions of Chapters 4 to 6 inclusive.
- 4• Where the obligation to obtain permission has been imposed in regard to payment, etc. for which the obligation to obtain permission may be imposed pursuant to the provisions of the preceding three paragraphs, pursuant to two or more of these paragraphs, a person who intends to make payment, etc. may also, pursuant to the provisions of Cabinet Order, apply for permission pursuant to the

said two or more paragraphs. In this case, the competent minister shall decide whether to give permission by taking into consideration the circumstances that have led to imposing the obligation to obtain permission for the payment, etc. pertaining to the application.

- 5• When a person is obliged to obtain permission for or approval of a transaction or act or to give notification of a transaction or act pursuant to the provisions of this Act or orders based on this Act, he/she shall not make payment, etc. pertaining to the transaction or act without obtaining the permission or approval or without giving notification, except for cases specified by Cabinet Order.

Article 16-2 • Restrictions on Payment, etc. •

Where the competent minister has imposed the obligation to obtain permission pursuant to the provision of paragraph 1 of the preceding article, when he/she finds a risk that a person who has made payment, etc., for which the obligation to obtain the permission is imposed, without obtaining the permission will make payment, for which the obligation to obtain permission is imposed pursuant to the provision of the said paragraph, again without obtaining the permission, he/she may, for a period of not more than one year, prohibit the person from making, in whole or in part, payment from Japan to a foreign state •excluding payment through exchange transactions conducted by banks •meaning banks prescribed in Article 2, paragraph 1 of the Banking Act •Act No. 59 of 1981•; the same shall apply hereinafter• or other financial institutions specified by Cabinet Order •hereinafter referred to as the "Banks, etc."••and payment, etc. made between a resident and a non-resident •excluding payment, etc. resulting from exchange transactions conducted by the Banks, etc. or other payment, etc. specified by Cabinet Order•; or may impose, pursuant to the provisions of Cabinet Order, on the person, the obligation to obtain permission for such payment and payment, etc.

Article 17 • Confirmation Obligation, etc. of the Banks, etc. •

- 1• The Banks, etc. shall not commit exchange transactions pertaining to payment with a customer unless they confirm that the customer• s payment, etc. does not fall under any of the payment, etc. listed in the following items or that the customer• s payment meets requirements prescribed respectively in the following items where it is found to fall under payment, etc. listed in those items.
 - i• Payment, etc. for which the obligation to obtain permission is imposed pursuant to the provisions of paragraphs 1 to 3 inclusive of Article 16: Obtainment of the permission
 - ii• Payment, etc. pertaining to capital transactions prescribed in Article 20, for which the obligation to obtain permission is imposed pursuant to the provision of paragraph 1 or 2 of Article 21: Obtainment of the permission

- iii • Other payment, etc. pertaining to transactions or acts for which the obligation to obtain permission or approval or to give notification is imposed pursuant to the provisions of this Act or orders based on this Act, which is stipulated by Cabinet Order: Obtainment of the permission or approval, or completion of necessary procedures after the notification

Article 17-2 • Rectification Measures, etc. for Confirmation •

- 1 • The Minister of Finance may, when he/she finds that the Banks, etc. conduct or are likely to conduct exchange transactions pertaining to their customers' payment, etc. in violation of the preceding article, order the Banks, etc. to take measures to ensure that confirmation set forth in the said paragraph be properly obtained.
- 2 • When the Minister of Finance finds it necessary in giving Banks, etc. an order pursuant to the preceding paragraph, he/she may order the Banks, etc. to suspend, in whole or in part, business pertaining to foreign exchange transactions or may restrict the content of the business of the Banks, etc. until measures set forth in the said paragraph are taken.

Article 18 • Obligation to Identify Customers, etc. of the Banks, etc. •

- 1 • In committing exchange transactions •excluding those pertaining to small payment or payment, etc. specified by Cabinet Order: hereinafter referred to as the "Specified Exchange Transactions"••pertaining to payment from Japan to a foreign state or payment, etc. to a non-resident •excluding cases where the customer is a non-resident••with customers listed in the following items, the Banks, etc. shall confirm matters prescribed respectively in those items •hereinafter referred to as the "Identifying Matters"••in regard to the customers by means of receiving presentation of their driver's license or by other means specified by the Ordinance of the Ministry of Finance •hereinafter referred to as the "Identity Confirmation"•.
 - i • A natural person: Name, domicile or residence, and date of birth
 - ii • A juridical person: Name, and location of its principal office
- 2 • In obtaining the Identity Confirmation of customers, in the cases where a representative of a corporation commits the Specified Exchange Transactions on behalf of the corporation or where a natural person who actually takes charge of Specified Exchange Transactions with the Banks, etc. is not the customer itself •excluding cases prescribed in the following paragraph•, the Banks, etc. shall also obtain the Identity Confirmation of such natural persons who take charge of the Specified Exchange Transactions •hereinafter referred to as the "Representatives, etc." in this and the next article••in addition to the Identity Confirmation of the customers.
- 3 • Where a customer is a state, a local government, an association or foundation without juridical personality or other specified by Cabinet Order, the provision of

paragraph 1 shall apply, deeming a natural person who actually takes charge of Specified Exchange Transactions with the Banks, etc. on behalf of the state, local government, association or foundation without juridical personality or other specified by Cabinet Order to be a customer.

- 4• Where the Banks, etc. obtain Identity Confirmation, customers •including natural persons who are deemed to be a customer pursuant to the provision of the preceding paragraph; the same shall apply hereinafter••and Representatives, etc. shall not disguise their Identifying Matters to the Banks, etc.

Article 18-2 •Discharge of the Banks, etc. •

When customers or Representatives, etc. refuse to provide Identifying Matters in conducting the Specified Exchange Transactions, the Banks, etc. may refuse to fulfill the obligations pertaining to the Specified Exchange Transactions until the customers or the Representatives, etc. provides such matters.

Article 18-3 •Obligation to Prepare a Record of Identity Confirmation•

- 1• The Banks, etc. shall, when they have obtained Identity Confirmation, immediately prepare a record of the Identifying Matters and other matters specified by the Ordinance of the Ministry of Finance as matters related to the Identity Confirmation •hereinafter referred to as the "Record of Identity Confirmation"••by means specified by the Ordinance of the Ministry of Finance.
- 2• The Banks, etc. shall preserve the Record of Identity Confirmation for seven years from the end of the Specified Exchange Transactions or other date specified by the Ordinance of the Ministry of Finance.

Article 18-4 •Rectification Measures for Identity Confirmation and Preparation of a Record of Identity Confirmation••

When the Ministry of Finance finds that the Banks, etc. violate the provisions of paragraphs 1 to 3 inclusive of Article 18 or paragraph 1 or 2 of the preceding article in regard to Specified Exchange Transactions, he/she may order the Banks, etc. to take measures necessary to rectify the violation.

Article 18-5 •Application, Mutatis Mutandis to Postal Service Offices•

The provisions of Articles 18 to 18-3 inclusive shall apply mutatis mutandis to cases where a postal service office commits the Specified Exchange Transactions in money order service or postal transfer service.

Article 19 •Import and Export of Means of Payment, etc. •

- 1• When the Minister of Finance finds it necessary for assured enforcement of provisions of this Act or orders based on this Act, he/she may impose, pursuant to

the provisions of Cabinet Order, on a resident or non-resident who intends to import or export means of payment including vouchers, etc. in which means of payment is inputted, which is listed in Article 6, paragraph 1, item 7 •c• or securities the obligation to obtain permission.

- 2• When the Minister of Finance finds it necessary for assured enforcement of provisions of this Act or orders based on this Act or when he/she finds it particularly necessary for maintaining equilibrium of the international balance of trade or stability of currency, he/she may impose, pursuant to the provisions of Cabinet Order, on a resident or a non-resident who intends to import or export precious metal, the obligation to obtain permission.
- 3• When a resident or a non-resident intends to import or export the means of payment or securities prescribed in paragraph 1 or precious metal, he/she shall notify in advance the Minister of Finance of the content of the import or export, time of the import or export, and other matters specified by Cabinet Order pursuant to the provisions of Cabinet Order, except cases where the import or export of the means of payment or securities, or precious metal has been permitted by the Minister of Finance pursuant to the provisions of an order made pursuant to the provisions of the preceding two paragraphs and other cases specified by Cabinet Order.

Chapter 4 Capital Transactions, etc.

Article 20 •Definition of Capital Transactions•

- 1• The term "capital transactions" shall mean the following transactions or acts excluding acts that fall under inward direct investment, etc. prescribed in Article 26, paragraph 2, which are committed by those listed in the items of paragraph 1 of the said article:
 - i• Transactions pertaining to the occurrence, alteration or extinction of claims based on a deposit contract including installment savings contracts, installment deposit contracts, deposit contracts and other contracts specified by Cabinet Order as similar thereto; the same shall apply in item 4 of this article, paragraph 3 of the next article, and Article 55-3, paragraph 1••or a trust contract hereinafter referred to as the "Transactions Pertaining to the Occurrence, etc. of Claims" in this article, paragraph 3 of the next article, and Article 55-3, paragraph 1••between a resident and a non-resident
 - ii• Transactions Pertaining to the Occurrence, etc. of Claims based on a money loan contract or an obligation guarantee contract between a resident and a non-resident
 - iii• Transactions Pertaining to the Occurrence, etc. of Claims based on a sales contract for the foreign means of payment or claims between a resident and a

non-resident

- iv• Transactions Pertaining to the Occurrence, etc. of Claims receivable in foreign currency based on a deposit contract, trust contract, money loan contract, obligation guarantee contract, sales contract for the foreign means of payment or claims, or other sales contract between a resident and another resident
- v• Acquisition of securities by a resident from a non-resident •including acquisition by relevant resident or non-resident of the right to enable the resident to acquire securities from the non-resident upon the manifestation of intention by the resident or non-resident•; or negotiation of securities to a non-resident by a resident •including acquisition by relevant resident or non-resident of the right to enable the resident to negotiate securities to the non-resident upon the manifestation of intention by the resident or non-resident••
- vi• Issue or offer for subscription of securities in a foreign state or issue or offer for subscription of foreign securities in Japan by a resident, or issue or offer for subscription of securities in Japan by a non-resident
- vii• Issue or offer for subscription of securities denominated or payable in Japanese currency in a foreign state by a non-resident
- viii• Transactions Pertaining to the Occurrence, etc. of Claims based on a futures contract on a financial index, etc. between a resident and a non-resident
- ix• Transactions Pertaining to the Occurrence of Claims receivable in foreign currency based on a futures contract on a financial index, etc. between a resident and another resident, or Transactions Pertaining to the Occurrence, etc. of Claims receivable in Japanese currency based on a futures contract on a financial index, etc. •limited to contracts pertaining to financial indicators for foreign currencies •meaning financial indicators prescribed in Article 2, paragraph 9 of the Financial Futures Trading Act••••
- x• Acquisition of real estate or rights related thereto existing in a foreign state by a resident, or acquisition of real estate existing in Japan or rights related thereto by a non-resident
- xi• In addition to what is listed in items 1 and 2, transfer of funds between an office in Japan of a juridical person and an office in a foreign state of the juridical person •excluding the transfer of funds specified by Cabinet Order as transfer of current expenses necessary for the operation of the office and funds pertaining to current transactions••
- xii• Those specified by Cabinet Order as transactions or acts equivalent to any of those set forth in the preceding items

Article 21 •Capital Transactions, etc. for which the Obligation to Obtain Permission from the Minister of Finance Is Imposed••

- 1• When the Minister of Finance finds that if capital transactions •excluding those

falling under specified capital transactions prescribed in Article 24, paragraph 1 by a resident or non-resident are conducted without any restrictions, it will cause a situation that prevents Japan from sincerely fulfilling obligations under treaties and other international agreements Japan has signed or from making its contribution to international efforts for achieving international peace, which will make it difficult to achieve the purpose of this Act, or when a cabinet decision set forth in Article 10, paragraph 1 has been made, he/she may impose, pursuant to the provisions of Cabinet Order, on a resident or non-resident who intends to commit the capital transactions, the obligation to obtain permission for implementation of the capital transactions.

- 2• In addition to the cases prescribed in the preceding paragraph, when the Minister of Finance finds that if capital transactions prescribed in the said paragraph •excluding those whose accounting is settled in the Special International Financial Transactions Account• by a resident or a non-resident are conducted without any restrictions, any of the following situations will arise, which will make it difficult to achieve the purpose of this Act, he/she may impose, pursuant to the provisions of Cabinet Order, on a resident or non-resident who intends to commit the capital transactions, the obligation to obtain permission for implementation of the capital transactions.
 - i• The maintenance of equilibrium of the international balance of trade of Japan becomes difficult.
 - ii• Drastic fluctuation is brought to the exchange rate of Japanese currency.
 - iii• The Japanese financial market or capital market is adversely affected by transfer of massive funds between Japan and a foreign state.
- 3• The "Special International Financial Transactions Account" set forth in the preceding paragraph shall mean the account set by banks or other financial institutions specified by Cabinet Order with the approval of the Minister of Finance in order to adjust accounting related to the operation or procurement of funds pertaining to the following transactions or acts, which are committed to allocate deposits received from a non-resident •limited to juridical persons established pursuant to foreign laws and regulations and those specified by Cabinet Order; hereinafter the same shall apply in this and the next paragraph• or other funds procured from a non-resident to money loan to a non-resident, acquisition of securities from a non-resident or other operations with a non-resident, in distinction from the accounting related to the operation or procurement of funds pertaining to other transactions or acts.
 - i• Among capital transactions listed in item 1 of the preceding article, the Transactions Pertaining to the Occurrence, etc. of Claims based on a deposit contract with a non-resident which is specified by Cabinet Order
 - ii• Among capital transactions listed in item 2 of the preceding article, the

Transactions Pertaining to the Occurrence, etc. of Claims based on a money loan contract with a non-resident

- iii• Among capital transactions listed in item 5 of the preceding article, acquisition from a non-resident or transfer to a non-resident of securities
 - limited to those specified by Cabinet Order• issued by a non-resident
- iv• Other transactions or acts specified by Cabinet Order
- 4• The transfer of funds between the Special International Financial Transactions Account prescribed in the preceding paragraph •hereinafter referred to as the "Special International Financial Transactions Account" in this paragraph and paragraph 2 of the net article••and other accounts, or other matters related to the accounting of the Special International Financial Transactions Account, and confirmation that the other party of transactions or acts whose accounting is settled in the Special International Financial Transactions Account is a non-resident and other necessary matters shall be specified by Cabinet Order.
- 5• Where the obligation to obtain permission has been imposed, pursuant to the provisions of paragraphs 1 and 2, for capital transactions prescribed in paragraph 2, a person who intends to conduct the capital transactions may apply, pursuant to the provisions of Cabinet Order, for permission pursuant to these provisions at the same time. In this case, the Minister of Finance shall decide whether to grant permission by taking into consideration whether or not any of the situations which have served as grounds for imposing the obligation to obtain permission for capital transactions pertaining to the application will arise.
- 6• When the Minister of Finance has imposed, pursuant to the provision of paragraph 1 or 2, the obligation to obtain permission for outward direct investment prescribed in Article 23, paragraph 1, which shall be notified pursuant to the provision of the said paragraph, he/she shall decide whether to grant permission for outward direct investment pertaining to the application for permission by taking into consideration whether or not any of the situations listed in the items of paragraph 4 of the said article in addition to the situations prescribed in paragraph 1, which have served as grounds for imposing the obligation to obtain permission, or the situations listed in the items of paragraph 2.

Article 22 •Restrictions on Capital Transactions, etc. •

- 1• Where the Minister of Finance has imposed pursuant to the provision of paragraph 1 of the preceding article, the obligation to obtain permission, when he/she finds a risk that a person who has conducted capital transactions prescribed in the said paragraph, for which the obligation to obtain the permission is imposed, without obtaining the permission will conduct capital transactions prescribed in the said paragraph, for which the obligation to obtain permission is imposed pursuant to the provision of the said paragraph, again without obtaining the

permission, he/she may prohibit the person from committing, in whole or in part, capital transactions prescribed in the said paragraph for a period of not more than one year, or may impose, pursuant to the provisions of Cabinet Order, on the person, the obligation to obtain permission.

- 2• When the Minister of Finance finds a risk that a person who has settled the accounting of transactions or acts other than those listed in the items of paragraph 3 of the preceding article •hereinafter referred to as the "Transactions not under Coverage, etc." in this paragraph••in the Special International Financial Transactions Account, or who has violated the provisions of an order made pursuant to paragraph 4 of the said article, will settle again the accounting of Transactions not under Coverage, etc. in the Special International Financial Transactions Account or will violate again the provisions of the order, he/she may prohibit the person from settling, in whole or in part, the accounting of transactions or acts listed in the items of paragraph 3 of the said article for a period of not more than one year.

Article 22-2 •Obligation to Identify Customers, etc. of Financial Institutions, etc. •

- 1• In committing the act of conclusion of a contract pertaining to capital transactions or other acts specified by Cabinet Order •hereinafter referred to as "Acts such as Conclusion of a Contract Pertaining to Capital Transactions" in this paragraph••with customers or those specified by Cabinet Order as equivalent thereto •hereinafter referred to as "Customers, etc." in this paragraph•, the Banks, etc, trust corporations •meaning trust corporations prescribed in Article 2, paragraph 2 of the Trust Business Act •Act No. 154 of 2004• and foreign trust corporations prescribed in paragraph 6 of the said article; the same shall apply hereinafter•, securities corporations •securities corporations prescribed in Article 2, paragraph 9 of the Securities and Exchange Act and foreign securities corporations prescribed in Article 2, item 2 of the Act on Foreign Securities Dealers •Act No. 5 of 1971•; the same shall apply hereinafter•, and financial futures traders •meaning financial futures traders prescribed in Article 2, paragraph 12 of the Financial Futures Trading Act; the same shall apply hereinafter• •hereinafter referred to as "Financial Institutions, etc."••shall obtain the Identity Confirmation of the Customers, etc.
- 2• The provisions of paragraphs 2 to 4 inclusive of Article 18 and Articles 18-2 to 18-4 inclusive shall apply mutatis mutandis to cases where Financial Institutions, etc. commit the Acts such as Conclusion of a Contract pertaining to Capital Transactions. In this case, the term "Specified Exchange Transactions" in Article 18-3, paragraph 2 shall be deemed to be replaced with "contract pertaining to capital transactions prescribed in Article 22-2, paragraph 1."

Article 22-3 •Application, Mutatis Mutandis to Those Engaged in Money Exchange Business••

The provisions of paragraphs 2 to 4 inclusive of Article 18, Articles 18-2 to 18-4 inclusive, and paragraph 1 of the preceding article shall apply mutatis mutandis to cases where those engaged in money exchange business •meaning buying and selling foreign currencies or traveler's checks in the course of trade••in Japan exchange money •excluding small money exchange specified by Cabinet Order••with customers.

Article 23 •Outward Direct Investment•

- 1• When a resident intends to make an outward direct investment specified by Cabinet Order as being likely to cause any of the situations listed in the items of paragraph 4, he/she shall notify in advance the Minister of Finance of the content of the outward direct investment, the time of making the outward direct investment and other matters specified by Cabinet Order pursuant to the provisions of Cabinet Order.
- 2• The "outward direct investment" set forth in the preceding paragraph shall mean acquisition of securities issued by a juridical person established pursuant to foreign laws and regulations or loan of money to the juridical person, which is specified by Cabinet Order as an act committed to establish a permanent economic relationship with the juridical person, or payment of funds pertaining to the establishment or expansion of branch offices, factories or other offices •hereinafter referred to as the "Branch Offices, etc."••in a foreign state, which is conducted by a resident.
- 3• A resident who has given notification pursuant to the provision of paragraph 1 shall not make an outward direct investment pertaining to the notification until the expiration of 20 days from the day of acceptance of the notification by the Minister of Finance; provided, however, that the Minister of Finance may, when he/she finds no special problems in consideration of the content of outward direct investment pertaining to the notification or other matters, shorten that period.
- 4• Where outward direct investment pertaining to a notification set forth in the preceding paragraph has been made, the Minister of Finance may, only when he/she finds that the outward direct investment will cause any of the following situations, which will make it difficult to achieve the purpose of this Act or when a cabinet decision set forth in Article 10, paragraph 1 has been made, recommend the person who has given notification of the outward direct investment to change the content of the outward direct investment or discontinue the outward direct investment pursuant to the provisions of Cabinet Order; provided, however, that the period for making a recommendation of the change or discontinuance shall be within 20 days from the day of acceptance of the notification.

- i• Significant adverse effect is brought to the smooth management of the Japanese economy.
- ii• International peace and security are impaired, or the maintenance of public order is disturbed.
- 5• Any person who has received a recommendation pursuant to the provision of the preceding paragraph shall not make an outward direct investment pertaining to a notification set forth in paragraph 3 until the expiration of 20 days from the date of receipt of the recommendation, notwithstanding the provision of the said paragraph.
- 6• Any person who has received a recommendation pursuant to the provision of paragraph 4 shall notify the Minister of Finance of whether or not he/she accepts the recommendation, within 10 days from the day of receipt of the recommendation.
- 7• Any person who has notified the Minister of Finance of his/her acceptance of a recommendation pursuant to the provision of the preceding paragraph shall make an outward direct investment pertaining to the recommendation in conformity with the recommendation.
- 8• Any person who has notified the Minister of Finance of his/her acceptance of a recommendation pursuant to the provision of paragraph 6 may make an outward direct investment pertaining to the recommendation before the expiration of 20 days from the receipt of the recommendation, notwithstanding the provision of paragraph 3 or 5.
- 9• Where a person who has received a recommendation pursuant to the provision of paragraph 4 has failed to give a notice pursuant to the provision of paragraph 6 or has given a notice of refusal of the recommendation, the Minister of Finance may order the person who has received the recommendation to change the content of the outward direct investment or discontinue the outward direct investment; provided, however, the period for ordering the change or discontinuance shall be within 20 days from the date of the recommendation pursuant to the provision of paragraph 4.
- 10• In addition to what is prescribed in the preceding respective paragraphs, the procedures of recommendation to change the content of outward direct investment •meaning outward direct investment prescribed in paragraph 2; the same shall apply hereinafter••or to discontinue outward direct investment and other necessary matters concerning such recommendation shall be specified by Cabinet Order.
- 11• Where the obligation to obtain permission from the Minister of Finance has been imposed pursuant to the provision of paragraph 1 or 2 of Article 21 in regard to outward direct investment that shall be notified pursuant to the provision of paragraph 1, a resident who makes the outward direct investment shall not be

required to give notification, notwithstanding the provision of paragraph 1. In this case, when a notification pursuant to the said paragraph has already been given in regard to the outward direct investment, the notification •limited to those pertaining to outward direct investment •excluding those for which a notice of acceptance of the recommendation of discontinuance has been given pursuant to the provision of paragraph 6 and those of which discontinuation has been ordered pursuant to the provision of paragraph 9••which has not been actually made at the time of imposition of the obligation to obtain permission pursuant to the provision of paragraph 1 or 2 of the said article••shall be deemed to be an application pertaining to permission that the resident was obliged to obtain pursuant to the provision of paragraph 1 or 2 of the said article, which was filed on the day of the notification, and when a recommendation pursuant to the provision of paragraph 4, a notice pursuant to the provision of paragraph 6 •limited to those accepting the change of the content• or an order pursuant to paragraph 9 •limited to those pertaining to the change of the content••has been made in regard to outward direct investment pertaining to the notification, the recommendation, notice or order shall be deemed to have not been made.

Article 24 •Specified Capital Transactions for which the Obligation to Obtain Permission from the Minister of Economy, Trade and Industry Is Imposed••

- 1• When the Minister of Economy, Trade and Industry finds that if specified capital transactions by a resident •meaning capital transactions listed in Article 20, item 2 •including those specified by Cabinet Order as transactions equivalent to item 2 of the said article pursuant to the provision of item 12 of the said article•; which are specified by Cabinet Order as transactions or acts committed by a person who imports or exports goods directly accompanying the import or export of the goods, or which are specified by Cabinet Order as transactions or acts pertaining to the transfer of the mining right, industrial property right or other right equivalent thereto or establishment of the right to use these rights •excluding those specified by Cabinet Order as capital transactions to settle short-term international commercial transactions••; are conducted without any restrictions, it will cause a situation that prevents Japan from sincerely fulfilling obligations under the treaties and other international agreements it has signed or from making its contribution to international efforts for achieving international peace, which will make it difficult to achieve the purpose of this Act, or when a cabinet decision set forth in Article 10, paragraph 1 has been made, he/she may impose, pursuant to the provisions of Cabinet Order, on a person who intends to commit the specified capital transactions, the obligation to obtain permission for the implementation of the specified capital transactions.
- 2• In• addition to the cases prescribed in the preceding paragraph, when the

Ministry of Economy, Trade and Industry finds that if the specified capital transactions by a resident are conducted without any restrictions, it will cause any of the situations listed in the items of Article 21, paragraph 2, which will make it difficult to achieve the purpose of this Act, he/she may impose, pursuant to the provisions of Cabinet Order, on a resident who intends to conduct the specified capital transactions, the obligation to obtain permission for the implementation of the specified capital transactions.

- 3• Where the obligation to obtain permission has been imposed pursuant to the provision of paragraph 1 and the preceding paragraph in regard to specified capital transactions, a person who intends to conduct the specified capital transactions may, pursuant to the provisions of Cabinet Order, also apply for permission pursuant to the provision of these paragraphs. In this case, the Minister of Economy, Trade and Industry shall decide whether to grant permission by taking into consideration whether or not the specified capital transactions pertaining to the application will cause any of the situations which have served as grounds for imposing the obligation to obtain permission.

Article 24-2 • Restrictions on Specified Capital Transactions•

Where the Minister of Economy, Trade and Industry has imposed the obligation to obtain permission pursuant to the provision of paragraph 1 of the preceding article, when he/she finds a risk that a person who has conducted the specified capital transactions for which the obligation to obtain the permission is imposed without obtaining the permission will conduct the specified capital transactions, for which the obligation to obtain the permission is imposed pursuant to the provision of the said paragraph, again without obtaining the permission, he/she may prohibit the person from conducting, in whole or in part, specified capital transactions for a period of not more than one year, or may impose, pursuant to the provisions of Cabinet Order, on the person, the obligation to obtain permission.

Article 25 • Service Transactions, etc. •

- 1• When a resident intends to conduct transactions listed in the following items with a non-resident, he/she shall obtain, pursuant to the provisions of Cabinet Order, permission from the Minister of Economy, Trade and Industry in regard to the transactions.
 - i• Transactions designed to provide technology pertaining to the design, manufacture or use of specific kinds of goods specified by Cabinet Order as those considered to undermine the maintenance of international peace and security hereinafter referred to as the "Specified Technology" in the specified region
 - ii• Transactions related to the buying and selling of goods involving the movement of goods between foreign states, which are specified by Cabinet Order

as those considered to undermine the maintenance of international peace and security

- 2• When the Minister of Economy, Trade and Industry finds it necessary for assured enforcement of the provision of the preceding paragraph, he/she may impose, pursuant to the provisions of Cabinet Order, on a resident who intends to conduct transactions, which are designed to provide Specified Technology in a region other than the specified region set forth in item 1 of the said paragraph, with a non-resident, the obligation to obtain permission.
- 3• When a resident intends to conduct, with a non-resident, service transactions •meaning transactions designed to provide labor or benefit; the same shall apply hereinafter• which are specified by Cabinet Order as the processing of minerals or other transactions similar thereto •excluding those which fall under the conclusion of a technology introduction contract prescribed in Article 30, paragraph 1•; he/she shall obtain, pursuant to the provisions of Cabinet Order, permission for the service transactions from the competent minister; provided, however, that this shall not apply to those which fall under service transactions for which the obligation to obtain permission from the competent minister is imposed pursuant to the provision of the next paragraph.
- 4• When the competent minister finds that if service transactions between a resident and a non-resident •excluding those pertaining to Specified Technology prescribed in paragraph 1, item 1 and those which fall under the conclusion of a technology introduction contract, etc. prescribed in Article 30, paragraph 1• or transactions related to the buying and selling of goods involving the movement of goods between foreign states •excluding those prescribed in paragraph 1, item 2• hereinafter referred to as the "Service Transactions, etc." are conducted without any restrictions, it will cause a situation that prevents Japan from sincerely fulfilling obligations under the treaties and other international agreements it has signed or from making its contribution to international efforts for achieving international peace, which will make it difficult to achieve the purpose of this Act, or when a cabinet decision set forth in Article 10, paragraph 1 has been made, he/she may impose, pursuant to the provisions of Cabinet Order, on a resident who intends to conduct the Service Transactions, etc., the obligation to obtain permission for the implementation of the Service Transactions, etc.

Article 25-2 •Sanctions, etc. •

- 1• The Ministry of Economy, Trade and Industry may prohibit a person who has conducted transactions prescribed in paragraph 1, item 1 of the preceding article without obtaining permission pursuant to the provision of paragraph 1 of the said article from conducting transactions designed to provide technology pertaining to the design, manufacture or use of goods with a non-resident or from exporting

specific kinds of goods pertaining to Specified Technology, for a period of not more than three years.

- 2• The Ministry of Economy, Trade and Industry may prohibit a person who has conducted transactions prescribed in paragraph 1, item 2 of the preceding article without obtaining permission pursuant to the provision of paragraph 1 of the said article from conducting transactions related to the buying and selling of goods involving the movement of goods between foreign states with a non-resident, or from exporting goods, for a period of not more than three years.
- 3• The Minister of Economy, Trade and Industry may prohibit a person who has conducted transactions prescribed in paragraph 2 of the preceding article without obtaining permission from the Minister of Economy, Trade and Industry where the obligation to obtain such permission has been imposed pursuant to the provision of the said paragraph from conducting transactions designed to provide technology pertaining to the design, manufacture or use of goods with a non-resident, or from exporting specific kinds of goods pertaining to Specified Technology, for a period of not more than one year.
- 4• Where the competent minister has imposed the obligation to obtain permission for implementation of Service Transactions, etc. pursuant to the provision of paragraph 4 of the preceding article, when he/she finds a risk that a person who has conducted the Service Transactions, etc. for which the obligation to obtain permission is imposed without obtaining the permission will conduct the Service Transactions, etc., for which the obligation to obtain permission is imposed pursuant to the provision of the said paragraph, again without obtaining the permission, he/she may prohibit the person from conducting, in whole or in part, the Service Transactions, etc. for a period of not more than one year, or may impose, pursuant to the provisions of Cabinet Order, on the person, the obligation to obtain permission.

Chapter 5 Inward Direct Investment, etc.

Article 26 • Definition of Inward Direct Investment, etc. •

- 1• The term "foreign investor" shall mean any one of the following persons who makes inward direct investment, etc. listed in the items of the next paragraph.
 - i• An individual who is a non-resident
 - ii• A juridical person or other organization established pursuant to foreign laws and regulations, or a juridical person or other organization having its principal office in a foreign state
 - iii• A corporation of which the ratio of the sum of the number of voting rights directly held by those listed in item 1 or 2 •excluding voting rights relating to shares which do not allow exercising voting rights for all the matters which may

be resolved at a shareholders' meeting, but including voting rights relating to shares of which holders are deemed to have voting rights pursuant to the provision of Article 879, paragraph 3 of the Corporation Act •Act No. 86 of 2005• ; hereinafter the same shall apply in this item and item 4 of the next paragraph•• and the number of voting rights specified by Cabinet Order as those indirectly held through other corporations in the number of voting rights of all shareholders or members of the corporation is 50% or higher

- iv• In addition to what is listed in the preceding two items, a juridical person or other organization in which persons as listed in item 1 occupy the majority of either the officers •meaning directors or other persons equivalent thereto; hereinafter the same shall apply in this item••or the officers having the power of representation
- 2• The term "inward direct investment, etc." shall mean an act that falls under any of the following items.
 - i• Acquisition of the shares or equity of a corporation •excluding acquisition through transfer from those listed in the items of the preceding paragraph and acquisition of the shares of a corporation which issues shares listed in a securities exchange prescribed in Article 2, paragraph 16 of the Securities and Exchange Act or shares specified by Cabinet Order as those equivalent thereto •referred to as "Listed Corporations, etc." in items 2 and 3•
 - ii• Transfer of the shares or equity of a corporation other than Listed Corporations, etc., which have been held by a person prior to his/her becoming a non-resident •limited to transfer from an individual who is a non-resident to any of those listed in the items of the preceding paragraph••
 - iii• Acquisition of the shares of a Listed Corporation, etc. •limited to cases where the ratio of the number of shares of the Listed Corporation, etc. pertaining to the acquisition in the total number of issued shares of the Listed Corporation, etc., or the ratio of the sum of the number of shares of the Listed Corporation, etc. which will be held by a person who conducts the acquisition after the acquisition and the number of shares of the Listed Corporation, etc. held by non-resident individuals, corporations or other organizations •limited to those which fall under those listed in items 2 to 4 inclusive of the preceding paragraph•; which are specified by Cabinet Order as being in a permanent economic relationship, kinship or other special relationship equivalent thereto with a person who conducted the acquisition in the total number of issued shares of the Listed Corporation, etc. is not less than the ratio specified by Cabinet Order which is not less than 10%••
 - iv• Consent given in regard to the substantial change of the business purpose of a corporation •for a business corporation, limited to consent given by those holding one-third or more of the voting rights of all shareholders of the business

corporation••

- v• Establishment of the Branch Offices, etc. in Japan or substantial change of the kind or business purpose of the Branch Offices, etc. in Japan •limited to establishment or change specified by Cabinet Order, which is conducted by those listed in item 1 or 2 of the preceding paragraph••
- vi• Loan of money exceeding the amount specified by Cabinet Order to a juridical person having its principal office in Japan •excluding loan provided by a person who operates banking business or other financial institution specified by Cabinet Order on a regular basis and loan in Japanese currency provided by those listed in item 3 or 4 of the preceding paragraph•; for which the period exceeds one year
- vii• Act specified by Cabinet Order as equivalent to any of the acts set forth in the preceding items

Article 27 •Notification of Inward Direct Investment, etc. and Recommendation of a Change, etc.••

- 1• When a foreign investor intends to make an inward direct investment, etc. •excluding those specified by Cabinet Order by taking into consideration inheritance, testamentary gift, merger of juridical persons or other circumstances; hereinafter the same shall apply in this article••specified by Cabinet Order as being likely to fall under inward direct investment, etc., which requires examination pursuant to paragraph 3, he/she shall notify in advance, pursuant to the provisions of Cabinet Order, the Minister of Finance and the minister having jurisdiction over the business of the business purpose, amount, time of making the investment, etc. and other matters specified by Cabinet Order in regard to the inward direct investment, etc.
- 2• A foreign investor who has given notification pursuant to the provision of the preceding paragraph in regard to inward direct investment, etc. shall not make an inward direct investment, etc. pertaining to the notification until the expiration of 30 days from the day of acceptance of the notification by the Minister of Finance and the minister having jurisdiction over the business; provided, however, that when the Minister of Finance and the minister having jurisdiction over the business find, before the expiration of the period, based on the business purpose or other matters, that inward direct investment, etc. pertaining to the notification does not fall under inward direct investment, etc. that requires examination pursuant to the provision of the next paragraph, he/she may shorten the period.
- 3• Where the Minister of Finance and the minister having jurisdiction over the business have received a notification pursuant to the provision of paragraph 1, when he/she finds it necessary to examine whether or not inward direct investment, etc. pertaining to the notification falls under any of the following inward direct investment, etc. •referred to as "Inward Direct Investment, etc.

Pertaining to National Security, etc." in paragraphs 4, 5, and 11; he/she may extend the period in which inward direct investment, etc. pertaining to the notification is prohibited up to four months from the acceptance of the notification.

- i• Inward direct investment, etc. which is likely to cause any of the situations listed in •a• or •b• limited to inward direct investment, etc., which is made by a foreign investor of a member state of a multilateral treaty or other international agreement on inward direct investment, etc., which is specified by Cabinet Order and to which Japan has acceded •hereinafter referred to as "Treaty, etc." in this item•; and which is free from the obligations pursuant to the Treaty, etc. in regard to removal of restrictions on inward direct investment, etc., and inward direct investment, etc. made by a foreign investor of a state other than the member states of the Treaty, etc., which would be free from the said obligations if the state was a member state of the Treaty, etc. ••
 - a• National security is impaired, the maintenance of public order is disturbed, or the protection of public safety is hindered.
 - b• Significant adverse effect is brought to the smooth management of the Japanese economy.
 - ii• Inward direct investment, etc. of which content change or discontinuance is considered to be necessary to make the treatment of the inward direct investment, etc. substantially equivalent to the treatment of direct investment, etc. •meaning those equivalent to inward direct investment, etc. listed in the items of paragraph 2 of the preceding article••made by a Japanese investor in a foreign state because the inward direct investment, etc. is made by a foreign investor of the said foreign state which has not concluded any treaty or other international agreement on inward direct investment, etc. with Japan
 - iii• Inward direct investment, etc. of which content change or discontinuance is considered to be necessary as the inward direct investment, etc. is considered, based on the use of funds or other matters, to fall, in whole or in part, under capital transactions for which the obligation to obtain permission is imposed pursuant to the provision of Article 21, paragraph 1 or 2
- 4• Where the Minister of Finance and the minister having jurisdiction over the business have extended the period in which inward direct investment, etc. is prohibited pursuant to the provision of the preceding paragraph, when he/she finds, before the expiration of the extended period, through examination pursuant to the provision of the said paragraph that inward direct investment, etc. pertaining to a notification pursuant to the provision of paragraph 1 will not fall under the Inward Direct Investment, etc. Pertaining to National Security, etc., he/she may shorten the extended period.
- 5• Where the Minister of Finance and the minister having jurisdiction over the business have extended the period in which inward direct investment, etc. is

prohibited pursuant to the provision of paragraph 3, when he/she finds through examination pursuant to the said provision that inward direct investment, etc. pertaining to a notification pursuant to the provision of paragraph 1 falls under Inward Direct Investment, etc. Pertaining to National Security, etc., he/she may recommend a person who has given notification of the inward direct investment, etc. to change the content pertaining to the inward direct investment, etc. or discontinue the inward direct investment, etc. pursuant to the provisions of Cabinet Order after hearing opinions of the Council on Customs, Tariff, Foreign Exchange and other Transactions; provided, however, the period for making the recommendation of the change or discontinuance shall be up to the expiration date of the period extended pursuant to the provision of paragraph 3 or 6, counting from the day of acceptance of the notification.

- 6• Where the Minister of Finance and the minister having jurisdiction over the business hear the opinions of the Council on Customs, Tariff, Foreign Exchange and other Transactions pursuant to the provision of the preceding paragraph, if the Council on Customs, Tariff, Foreign Exchange and other Transactions replied that it was difficult to state its opinions within a period of four months prescribed in paragraph 3 by taking into consideration the character of the case, the period in which inward direct investment is prohibited prescribed in the said paragraph shall be five months, notwithstanding the provision of the said paragraph.
- 7• Any person who has received a recommendation pursuant to the provision of paragraph 5 shall notify the Minister of Finance and the minister having jurisdiction over the business of whether to accept the recommendation within 10 days from the day of receipt of the recommendation.
- 8• Any person who has given a notice of acceptance of a recommendation pursuant to the provision of the preceding paragraph shall make an inward direct investment, etc. pertaining to the recommendation in compliance with the recommendation.
- 9• Any person who has given a notice of acceptance of a recommendation pursuant to the provision of paragraph 7 may make an inward direct investment, etc. pertaining to the recommendation before the expiration of four months •where the period was extended pursuant to the provision of the said paragraph, five months• from the day of the notification pertaining to the inward direct investment, etc., notwithstanding the provision of paragraph 3 or 6.
- 10• Where a person who has received a recommendation pursuant to the provision of paragraph 5 has not given a notice pursuant to the provision of paragraph 7 or has given a notice of refusal of the recommendation, the Minister of Finance and the minister having jurisdiction over the business may order the person to change the content pertaining to the inward direct investment, etc., or to discontinue the inward direct investment, etc.; provided, however, that the period for giving an

order of the change or discontinuance shall be up to the expiration date of the period extended pursuant to the provision of paragraph 3 or 6, counting from the day of acceptance of the notification.

- 11• When the Minister of Finance and the minister having jurisdiction over the business find that inward direct investment, etc. pertaining to a notification pursuant to the provision of paragraph 1 has ceased to fall under Inward Direct Investment, etc. Pertaining to National Security, etc. due to change in economic conditions or other reasons, he/she may rescind, in whole or in part, a relevant recommendation or order in regard to a person who has given a notice of acceptance of the recommendation of change of content pertaining to inward direct investment, etc. pursuant to the provision of paragraph 7 or a person who has been ordered to change the content pertaining to inward direct investment, etc. pursuant to the provision of the preceding paragraph.
- 12• In addition to what is prescribed in paragraphs 5 to 11 inclusive, the procedures of recommendation of change of content pertaining to inward direct investment, etc. or discontinuance of inward direct investment, etc., and other matters necessary for such recommendations shall be specified by Cabinet Order.
- 13• With regard to those equivalent to inward direct investment, etc. made by a person who is not a foreign investor including juridical persons and other organizations on behalf of a foreign investor not under the name of the foreign investor, the provisions of the preceding respective paragraphs shall apply, deeming the person who is not a foreign investor as a foreign investor.

Article 28 Deleted.

Article 29 Deleted.

Article 30 •Notification of Conclusion of a Technology Introduction Contract, etc. and Recommendation of a Change, etc. ••

- 1• When a resident intends to commit acts of concluding or renewing, with a non-resident including the Branch Offices, etc. in Japan of non-residents; hereinafter the same shall apply in this article; a contract pertaining to the transfer of industrial property rights or other rights related to technology, establishment of the right to use these rights or guidance on technology related to business management conducted by the non-resident, or acts of making changes in the provision of such a contract hereinafter referred to as "Conclusion of a Technology Introduction Contract, etc." in this article and Articles 55-6 and 70; which are specified by Cabinet Order as being likely to fall under the Conclusion of a Technology Introduction Contract, etc. that requires examination pursuant to the provision of paragraph 3, he/she shall notify in advance, pursuant to the provisions

of Cabinet Order, the Minister of Finance and the minister having jurisdiction over the business of the provisions of the contract and other matters specified by Cabinet Order in regard to the Conclusion of a Technology Introduction Contract, etc.

- 2• A resident who has given notification on Conclusion of a Technology Introduction Contract, etc. pursuant to the provision of the preceding paragraph shall not conduct the Conclusion of a Technology introduction Contract, etc. pertaining to the notification before the expiration of 30 days from the day of acceptance of the notification by the Minister of Finance and the minister having jurisdiction over the business; provided, however, that when the Minister of Finance and the minister having jurisdiction over the business find, before the expiration of the period, based on the kind of the technology or other matters, that the Conclusion of a Technology Introduction Contract, etc. pertaining to the notification does not fall under the Conclusion of a Technology Introduction Contract, etc. that requires examination pursuant to the provision of the next paragraph, he/she may shorten the period.
- 3• Where the Minister of Finance and the minister having jurisdiction over the business have received a notification pursuant to the provision of paragraph 1, when he/she finds it necessary to examine whether or not the Conclusion of a Technology Introduction Contract, etc. pertaining to the notification falls under the Conclusion of a Technology Introduction Contract, etc. that is likely to cause any of the following situations •limited to the Conclusion of a Technology Introduction Contract, etc. with a non-resident whose state is a member state of a multilateral treaty or other international agreement on the Conclusion of a Technology Introduction Contract, etc., which is specified by Cabinet Order and to which Japan has acceded •hereinafter referred to as the "Treaty, etc." in this paragraph•, and which is free from the obligations pursuant to the Treaty, etc. in regard to removal of restrictions on the Conclusion of a Technology Introduction Contract, etc., and the Conclusion of a Technology Introduction Contract, etc. with a non-resident whose state is a state other than member states to the Treaty, etc. which would be free from the obligations if the state was a member state of the Treaty, etc. •referred to as the "Conclusion of a Technology Introduction Contract, etc. pertaining to National Security, etc." in paragraphs 4 and 5••; he/she may extend the period in which the Conclusion of a Technology Introduction Contract, etc. pertaining to the notification shall not be conducted up to four months from the day of acceptance of the notification.
 - i• National security is impaired, the maintenance of public order is disturbed, or the protection of public security is hindered.
 - ii• Significant adverse effect is brought to the smooth management of the Japanese economy.

- 4• Where the Minister of Finance and the minister having jurisdiction over the business have extended the period in which the Conclusion of a Technology Introduction Contract, etc. shall not be conducted pursuant to the provision of the preceding paragraph, when he/she finds, before the expiration of the extended period, through examination pursuant to the provision of the said paragraph that the Conclusion of a Technology Introduction Contract, etc. pertaining to a notification pursuant to the provision of paragraph 1 does not fall under the Conclusion of a Technology Introduction Contract, etc. pertaining to National Security, etc., he/she may shorten the extended period.
- 5• Where the Minister of Finance and the minister having jurisdiction over the business have extended the period in which the Conclusion of a Technology Introduction Contract, etc. shall not be conducted pursuant to the provision of paragraph 3, when he/she finds through examination pursuant to the said paragraph that the Conclusion of a Technology Introduction Contract, etc. pertaining to a notification pursuant to the provision of paragraph 1 falls under the Conclusion of a Technology Introduction Contract, etc. pertaining to National Security, etc., he/she may recommend a person who has given notification of the Conclusion of a Technology Introduction Contract, etc. to change, in whole or in part, the provisions pertaining to the Conclusion of a Technology Introduction Contract, etc. or to discontinue it after hearing the opinions of the Council on Customs, Tariff, Foreign Exchange and other Transactions; provided, however, that the period for making the recommendation of the change or discontinuance shall be up to the expiration date of the period extended pursuant to the provision of paragraph 3 or 6, counting from the day of acceptance of the notification.
- 6• Where the Minister of Finance and the minister having jurisdiction over the business hear the opinions of the Council on Customs, Tariff, Foreign Exchange and other Transactions pursuant to the provision of the preceding paragraph, if the Council on Customs, Tariff, Foreign Exchange and other Transactions replied that it was difficult to state its opinions within a period of four months prescribed in paragraph 3 by taking into consideration the character of the case, the period in which the Conclusion of a Technology Introduction Contract shall not be conducted prescribed in the said paragraph shall be five months, notwithstanding the provision of the said paragraph.
- 7• The provisions of paragraphs 7 to 12 inclusive of Article 27 shall apply mutatis mutandis to cases where a recommendation pursuant to the provision of paragraph 5 has been made. In this case, necessary technical replacements shall be specified by Cabinet Order.
- 8• The provisions of the preceding respective paragraphs shall not apply to the Conclusion of a Technology Introduction Contract, etc. pertaining to technology developed independently by the Branch Offices, etc. in Japan of a non-resident and

other Conclusion of a Technology Introduction Contract, etc. specified by Cabinet Order.

Article 31 Deleted.

Article 32 Deleted.

Article 33 Deleted.

Article 34 Deleted.

Article 35 Deleted.

Article 36 Deleted.

Article 37 Deleted.

Article 38 Deleted.

Article 39 Deleted.

Article 40 Deleted.

Article 41 Deleted.

Article 42 Deleted.

Article 43 Deleted.

Article 44 Deleted.

Article 45 Deleted.

Article 46 Deleted.

Chapter 6 Foreign Trade

Article 47 • Principle of Export•

Export of goods shall be permitted under the minimum restrictions insofar as it conforms to the purpose of this Act.

Article 48 • Permission, etc. for Export•

- 1• Any person who intends to conduct the export of specific kinds of goods to specified regions, which is specified by Cabinet Order as being considered to obstruct the maintenance of international peace and security, shall obtain, pursuant to the provisions of Cabinet Order, permission from the Minister of Economy, Trade and Industry.
- 2• The Minister of Economy, Trade and Industry may, when he/she finds it necessary for the assured enforcement of the provision of the preceding paragraph, impose, pursuant to the provisions of Cabinet Order, on a person who intends to export specific kinds of goods set forth in the said paragraph to a region other than the specified regions set forth in the said paragraph the obligation to obtain permission.
- 3• In addition to cases prescribed in the preceding two paragraphs, the Minister of Economy, Trade and Industry may impose, pursuant to the provisions of Cabinet Order, on a person who intends to export specific kinds of goods or to export goods to the specified regions or a person who intends to export goods through specified transaction the obligation to obtain approval, to the extent necessary to maintain equilibrium of the international balance of trade, to achieve the sound development of foreign trade and the national economy, to sincerely fulfill obligations under the treaties and other international agreements Japan has signed, to make Japan's contribution to international efforts for achieving international peace, or to implement a cabinet decision set forth in Article 10, paragraph 1.

Article 49 Deleted.

Article 50 Deleted.

Article 51 • Suspension of Shipment in Case of Emergency•

The Minister of Economy, Trade and Industry may, when he/she finds it particularly urgently necessary, suspend, pursuant to the provisions of the Ordinance of the Ministry of Economy, Trade and Industry, the shipment of goods for a period of not more than one month, designating items or destinations.

Article 52 • Import Approval•

For the purpose of achieving the sound development of foreign trade and the national economy, sincerely fulfilling obligations under the treaties and other international agreements Japan has signed, making Japan's contribution to international efforts for achieving international peace, or implementing a cabinet decision set forth in Article 10, paragraph 1, any person who intends to import goods may be obliged to obtain import approval pursuant to the provisions of Cabinet Order.

Article 53 •Sanctions• . . .

- 1• The Minister of Economy, Trade and Industry may prohibit a person who has exported goods prescribed in Article 48, paragraph 1 without obtaining permission pursuant to the provision of the said paragraph from exporting goods or conducting transactions designed to provide the Specified Technology with a non-resident, for a period of not more than three years.
- 2• The Minister of Economy, Trade and Industry may prohibit a person who has violated this Act, any order based on this Act, or any disposition based thereon •excluding those prescribed in the preceding paragraph• in regard to the import or export of goods from conducting import or export for a period of not more than one year.

Article 54 ••Direction and Supervision, etc. over the Directors-General of Custom-Houses••

- 1• The Minister of Economy, Trade and Industry may, pursuant to the provisions of Cabinet Order, direct and supervise the Directors-General of Custom-Houses in regard to the import and export of goods, which fall under his/her jurisdiction.
- 2• The Minister of Economy, Trade and Industry may delegate, pursuant to the provisions of Cabinet Order, part of the authority based on this Act to the Directors-General of Custom-Houses.

Chapter 6-2 Report, etc.

Article 55 •Report of Payment, etc.• . . .

- 1• When a resident or a non-resident has received a payment made from Japan to a foreign state or a payment made from a foreign state to Japan, or when a resident has made a payment, etc. to a non-resident in Japan or in a foreign state, the resident or non-resident, or the resident shall report to the competent minister, pursuant to the provisions of Cabinet Order, the content of the payment, etc., time of making the payment, etc. and other matters specified by Cabinet Order, except cases specified by Cabinet Order.
- 2• Where a payment, etc. set forth in the preceding paragraph pertaining to a

report is made through exchange transactions conducted by the Banks, etc., the report pursuant to the provision of the said paragraph shall be made, pursuant to the provisions of Cabinet Order, through the Banks, etc.; provided, however, that where a report set forth in the preceding paragraph is made by use of an electronic data processing system prescribed in Article 3, paragraph 1 of the Act on the Utilization of Information and Communications Technology in Administrative Procedure, etc. •Act No. 151 of 2002• pursuant to the provision of the said paragraph, it may be made without going through the Banks, etc. or postal service offices.

Article 55-2 Deleted.

Article 55-3 •Report of Capital Transactions•

- 1• When a resident or a non-resident has become a party to capital transactions listed in the following items •excluding those falling under the specified capital transactions; hereinafter the same shall apply in this article•; the resident or non-resident shall report, pursuant to the provisions of Cabinet Order, to the Minister of Finance the content of the capital transactions, the time of conducting the capital transactions and other matters specified by Cabinet Order on a case-by-case basis, according to the classifications prescribed respectively in those items, except cases specified by Cabinet Order; provided, however, that this shall not apply to capital transactions listed in item 6, which shall be notified pursuant to the provision of Article 23, paragraph 1.
 - i• Capital transactions listed in Article 20, item 1: A resident
 - ii• Capital transactions listed in Article 20, item 2 •excluding those falling under capital transactions listed in item 6• A resident
 - iii• Capital transactions listed in Article 20, item 3: A resident
 - iv• Among capital transactions listed in Article 20, item 4, the Transactions Pertaining to the Occurrence, etc. of Claims receivable in foreign currency based on a deposit contract, a trust contract, a money loan contract, an obligation guarantee contract, or a sales contract for the foreign means of payment or claims, between a resident and another resident: A resident
 - v• Capital transactions listed in Article 20, item 5 •excluding those falling under capital transactions listed in the next item• A resident
 - vi• Among capital transactions listed in Article 20, items 2, 5 and 11, those pertaining to outward direct investment by a resident: A resident
 - vii• Among capital transactions listed in Article 20, item 6, issue or offer for subscription of securities in a foreign state or issue or offer for subscription of foreign securities in Japan, by a resident: A resident
 - viii• Among capital transactions listed in Article 20, item 6, issue or offer for

- subscription of securities in Japan by a non-resident: A non-resident
- ix• Capital transactions listed in Article 20, item 7: A non-resident
 - x• Capital transactions listed in Article 20, item 8: A resident
 - xi• Capital transactions listed in Article 20, item 9: A resident
 - xii• Among capital transactions listed in Article 20, item 10, acquisition of real estate existing in Japan or rights related thereto by a non-resident: A non-resident
 - xiii• Among capital transactions listed in Article 20, item 12, those specified by Cabinet Order: A resident or a non-resident specified by Cabinet Order
- 2• When the Banks, etc., securities corporations and financial futures traders have acted as an intermediary, agency or agent for capital transactions listed in item 5, 10 or 11 of the preceding paragraph, they shall report, pursuant to the provisions of Cabinet Order, to the Minister of Finance the content of the capital transactions, the time of conducting the capital transactions and other matters specified by Cabinet Order on a case-by-case basis.
 - 3• Where a resident who is neither the Banks, etc., nor a securities corporation, nor a notifier •meaning a resident who is a party to capital transactions listed in Article 1, item 4 or 11, who has notified the Minister of Finance that he/she intends to arrange that a report pursuant to the provision of the said paragraph by a person who is the other party to these capital transactions is not required pursuant to the provisions of the Ordinance of the Ministry of Finance as well as having notified the name or denomination and address and other matters specified by the Ordinance of the Ministry of Finance; hereinafter the same shall apply in this article••has become a party to capital transactions listed in item 4 or 11 of the said paragraph, when the other party to the capital transactions is the Banks, etc., a securities corporation or a notifier, the resident shall not be required to make a report pursuant to the provision of the said paragraph pertaining to the capital transactions, notwithstanding the provision of the said paragraph.
 - 4• In addition to the cases prescribed in the preceding paragraph, where a resident has become a party to capital transactions listed in paragraph 1, item 5, 10, or 11, when the Banks, etc., a securities corporation or a financial futures trader act as an intermediary, agency or agent for the capital transactions, the resident shall not be required to make a report pursuant to the provision of the said paragraph pertaining to the capital transactions, notwithstanding the provision of the said paragraph.
 - 5• The Banks, etc., securities corporations, notifiers and financial futures traders may report in block, pursuant to the provisions of Cabinet Order, the matters specified by the Ordinance of the Ministry of Finance in regard to capital transactions, to which they have been parties or for which they have acted as an intermediary, agency or agent within a certain period of time, notwithstanding the

provision of paragraph 1 or 2 for the Banks, etc. and securities corporations, the provision of paragraph 1 for notifiers, and the provision of paragraph 2 for financial futures traders. In this case, those which have made the report shall prepare and preserve, pursuant to the provisions of Cabinet Order, books and documents in which matters specified by the Ordinance of the Ministry of Finance are described in regard to capital transactions pertaining to the report.

- 6• When there have been any changes in notified matters prescribed in paragraph 3, the notifier shall notify the Minister of Finance of that fact and the changed matters without delay.
- 7• Public notice related to the notification set forth in paragraph 3, inspection of a list of notifiers and other necessary matters concerning the notification set forth in the said paragraph shall be specified by the Ordinance of the Ministry of Finance.

Article 55-4

When a resident has become a party to the following specified capital transactions, the resident shall report, pursuant to the provisions of Cabinet Order, to the Minister of Economy, Trade and Industry the content of the specified capital transactions, the time of conducting the specified capital transactions and other matters specified by Cabinet Order, except the cases specified by Cabinet Order.

- i• Specified capital transactions pertaining to capital transactions listed in Article 20, item 2
- ii• Among specified capital transactions pertaining to capital transactions listed in Article 20, item 12, those specified by Cabinet Order

Article 55-5 • Report of Inward Direct Investment, etc. •

- 1• When a foreign investor has made an inward direct investment, etc. •excluding those specified by Cabinet Order by taking into consideration inheritance, testamentary gift, merger of juridical persons or other circumstances; hereinafter the same shall apply in this article•; he/she shall report, pursuant to the provisions of Cabinet Order, to the Minister of Finance and the minister having jurisdiction over the business the content of the inward direct investment, etc., the time of making the inward direct investment, etc. and other matters specified by Cabinet Order; provided, however, that this shall not apply to inward direct investment, etc. that shall be notified pursuant to the provision of Article 27, paragraph 1.
- 2• With regard to those equivalent to the inward direct investment, etc. made by a person who is not a foreign investor •including juridical persons and other organizations••on behalf of a foreign investor not under the name of the foreign investor, the provision of the preceding paragraph shall apply deeming the person who is not a foreign investor to be a foreign investor.

Article 55-6 • Report of Conclusion of a Technology Introduction Contract, etc. •

- 1• When a resident has conducted the Conclusion of a Technology Introduction Contract, etc. with a non-resident •including the Branch Offices, etc. in Japan of the non-resident•; he/she shall report, pursuant to the provisions of Cabinet Order, to the Minister of Finance and the minister having jurisdiction over the business the Conclusion of a Technology Introduction Contract, etc.; provided, however, that this shall not apply to the Conclusion of a Technology Introduction Contract, etc. which shall be notified pursuant to the provision of Article 30, paragraph 1.
- 2• The provision of the preceding paragraph shall not apply to the Conclusion of a Technology Introduction Contract, etc. pertaining to technology developed independently by the Branch Offices, etc. in Japan of non-residents and other kinds of Conclusion of a Technology Introduction Contract specified by Cabinet Order.

Article 55-7 • Report of Matters Related to Foreign Exchange Business •

To the extent necessary for achieving the purpose of this Act, the Minister of Finance may request, pursuant to the provisions of the Cabinet Order, those conducting foreign exchange business •meaning conducting any of foreign exchange transactions or other transactions or acts, which are specified by Cabinet Order as being closely related to the trend of the international balance of trade or foreign borrowing and lending of Japan, on a regular basis; the same shall apply in Article 69, paragraph 1•; which are specified by Cabinet Order as those conducting such business on a considerable scale, to make a report on matters related to the foreign exchange business •excluding matters subject to a report pursuant to the provision of Article 55-3•:

Article 55-8 • Other Reports •

In addition to what are separately provided for in this Act, to the extent necessary for achieving the purpose of this Act, the competent minister may request, pursuant to the provisions of Cabinet Order, those conducting or having conducted any transactions, acts or payments, etc. governed by this Act, or relevant persons to make a report on the content of the transactions, acts or payments, etc. and other matters related to the transactions, acts or payments, etc..

Article 55-9 • Statistics Related to Foreign Borrowing and Lending and International Balance of Trade •

- 1• The Minister of Finance shall prepare, pursuant to the provisions of Cabinet Order, statistics related to foreign borrowing and lending and the international balance of trade, and shall periodically report them to the Cabinet.

- 2• The Minister of Finance may, when he/she finds it necessary for preparing statistics prescribed in the preceding paragraph, request, pursuant to the provisions of Cabinet Order, relevant administrative organs or others to submit materials.

Chapter 6-3 Deleted.

Article 55-10 Deleted.

Article 55-11 Deleted.

Chapter 7 Relationship with the Administrative Procedure Act

Article 55-12 • Exclusion from Application of the Administrative Procedure Act •

The provisions of Chapters 2 and 3 of the Administrative Procedure Act • Act No. 88 of 1993 • shall apply neither to permission pursuant to the provision of Article 25, paragraph 1 or 2, or Article 48, paragraph 1 or 2, nor to rescission thereof.

Chapter 7-2 Appeal

Article 56 • Hearing of Opinions in the Appeal Procedure •

- 1• When the competent minister has accepted an objection or an application for examination in regard to a disposition pursuant to the provisions of this Act or an order based on this Act, he/she shall conduct a hearing of opinions open to the public after giving a reasonably long advance notice to the objector or the applicant.
- 2• The advance notice set forth in the preceding paragraph shall state the date, place and the content of the subject case.
- 3• In the hearing of opinions set forth in paragraph 1, the objector or applicant and other interested persons shall be given an opportunity to present evidence and state opinions in regard to the subject case.
- 4• In addition to what is prescribed in the preceding three paragraphs, necessary matters concerning the procedure of the hearing of opinions set forth in paragraph 1 shall be specified by Cabinet Order.

Article 57 • Relationship between Appeal and Lawsuit •

- 1• No action for the rescission of a disposition prescribed in paragraph 1 of the preceding article may be filed until a ruling or determination on an opposition or application for examination in regard to the disposition is made.
- 2• The provision of Article 27, paragraph 2 of the Administrative Procedure Act

shall not apply to the disposition prescribed in paragraph 1 of the preceding article.

Article 58 Deleted.

Article 59 Deleted.

Article 60 Deleted.

Article 61 Deleted.

Article 62 Deleted.

Article 63 Deleted.

Article 64 Deleted.

Chapter 8 Miscellaneous Provisions

Article 65 • Authority of the Fair Trade Commission•

No provision of this Act shall be construed as eliminating, changing or influencing the application of the Act Concerning Prohibition of Private Monopolization and Maintenance of Fair Trade •Act No. 54 of 1947• or the authority exercised by the Fair Trade Commission based on the said act in whatever position.

Article 66 • Acts of Governmental Institutions•

The provisions of this Act or orders based on this Act, which prescribe that permission, approval or other disposition from the competent minister is required, shall not apply, pursuant to the provisions of Cabinet Order, to cases where a governmental institution commits an act that requires permission, approval or other disposition.

Article 67 • Conditions Attached to Permission, etc.•

- 1• The competent minister may attach conditions to permission or approval pursuant to the provisions of this Act or an order based on this Act, and may change these conditions.
- 2• The conditions set forth in the preceding paragraph shall be those minimum necessary for ensuring assured implementation of matters pertaining to the permission or approval set forth in the preceding paragraph.

Article 68 • On-site Inspection•

- 1• To the extent necessary for enforcing this Act, the competent minister may have the official of the ministry enter the business office, office, factory, or other facility of a person who conducts foreign exchange business or other transactions or acts governed by this Act, to inspect books and documents and other objects or to question relevant persons.
- 2• When the official enters such a facility pursuant to the provision of the preceding paragraph, he/she shall carry identification and present it to the relevant persons.
- 3• The authority for on-site inspection or questions pursuant to the provision of paragraph 1 shall not be construed as being granted for a criminal investigation.

Article 68-2 • Delegation of the Authority•

The competent minister may delegate, pursuant to the provisions of Cabinet Order, part of the authority based on this Act to the heads of local branch offices.

Article 69 • Partial Delegation of Affairs•

- 1• The competent minister may, pursuant to the provisions of Cabinet Order, have the Bank of Japan deal with part of affairs related to the enforcement of this Act.
- 2• Where the competent minister has the Bank of Japan deal with part of affairs pursuant to the provision of the preceding paragraph, the provision of Article 43, paragraph 1 of the Bank of Japan Act • Act No. 89 of 1997• shall not apply to the said part of affairs.
- 3• Where the competent minister has the Bank of Japan deal with part of affairs pursuant to the provision of paragraph 1, expenses required for dealing with the affairs may be borne by the Bank of Japan.

Article 69-2 Deleted.

Article 69-3 • Competent Minister, etc. •

- 1• The competent minister referred to in this Act shall be specified by Cabinet Order.
- 2• The minister having jurisdiction over the business referred to in this Act shall be specified by Cabinet Order as the minister having jurisdiction over the business pertaining to inward direct investment, etc. or the Conclusion of a Technology Introduction Contract, etc., except as otherwise specified.

Article 69-4

- 1• The competent ministers listed in the following items may, when they find it particularly necessary, ask the Minister of Foreign Affairs or the heads of other

relevant administrative organs to provide materials or information, express opinions or offer other necessary cooperation in regard to operation of the provisions prescribed respectively in those items.

- i• The competent minister: Article 16, paragraph 1, or Article 25, paragraph 4
 - ii• Minister of Finance: Article 21, paragraph 1
 - iii• Minister of Economy, Trade and Industry: Article 24, paragraph 1, Article 25, paragraph 1 or 2, Article 48, or Article 52
- 2• The Minister of Foreign Affairs or the heads of other relevant administrative organs may, when they find it particularly necessary for fulfilling obligations under the treaties and other international agreements Japan has signed or making Japan's contribution to international efforts for achieving international peace, state their opinions to the competent ministers prescribed respectively in items 1 to 3 inclusive in regard to the operation of the provisions listed in items 1 to 3 inclusive, and may, when they find it particularly necessary for maintaining international peace and security, express their opinions to the competent minister prescribed in item 4 in regard to the operation of the provisions listed in the said item.
- i• Article 16, paragraph 1, or Article 25, paragraph 4: The competent minister
 - ii• Article 21, paragraph 1: Minister of Finance
 - iii• Article 24, paragraph 1, Article 48, paragraph 3, or Article 52: Minister of Economy, Trade and Industry
 - iv• Article 25, paragraph 1 or 2, or Article 48, paragraph 1 or 2: Minister of Economy, Trade and Industry

Article 69-5 •Transitional Measures•

In the case of enacting, or revising or abolishing an order based on this Act, necessary transitional measures including transitional measures concerning the penal provisions may be prescribed in the order, to the extent considered reasonably necessary for the enactment, or revision or abolition of the order.

Chapter 9 Penal Provisions

Article 69-6

- 1• Any person who falls under any of the following items shall be punished by imprisonment with work for not more than five years or a fine of not more than two million yen, or both; provided, however, that when five times the price of the subject matter of the violation exceeds two million yen, a fine shall be not more than five times the price.
- i• Any person who has conducted transactions prescribed by the provisions of an order pursuant to Article 25, paragraph 1 without obtaining permission pursuant

to the provision of the said paragraph

- ii• Any person who has exported goods prescribed by the provisions of an order pursuant to Article 48, paragraph 1 without obtaining permission pursuant to the provision of the said paragraph
- 2• Any person who has attempted the offense set forth in item 2 of the preceding paragraph shall be punished.

Article 70

- 1• Any person who falls under any of the following items shall be punished by imprisonment with work for not more than three years or a fine of not more than one million yen, or both; provided, however, that three times the price of the subject matter of the violation exceeds one million yen, a fine shall be not more than three times the price.
 - i• Any person who has made a payment, etc. in violation of Article 8
 - ii• Any person who has conducted transactions, acts or payments, etc. in violation of an order pursuant to Article 9, paragraph 1
 - iii• Any person who has made a payment, etc. without obtaining permission pursuant to the provisions of an order pursuant to Article 16, paragraphs 1 to 3 inclusive, or in violation of paragraph 5 of the said article
 - iv• Any person who has made a payment, etc. in violation of prohibition of payments, etc. pursuant to the provision of Article 16-2, or without obtaining permission pursuant to the provisions of an order pursuant to the said article
 - v• Any person who has conducted business pertaining to foreign exchange transactions in violation of suspension or restriction pursuant to the provision of Article 17-2, paragraph 2
 - vi• Any person who has imported or exported means of payment or securities, or precious metal prescribed in Article 19, paragraph 1 without obtaining permission pursuant to the provisions of an order pursuant to Article 19, paragraph 1 or 2
 - vii• Any person who has conducted capital transactions without obtaining permission pursuant to the provisions of an order pursuant to Article 21, paragraph 1 or 2
 - viii• Any person who has conducted capital transactions in violation of prohibition of capital transactions pursuant to the provision of Article 22, paragraph 1, or without obtaining permission pursuant to the provisions of an order pursuant to the said paragraph
 - ix• Any person who has settled accounting in violation of Article 22, paragraph 2
 - x• Any person who has made an outward direct investment failing to give notification pursuant to Article 23, paragraph 1 or giving a false notification
 - xi• Any person who has made an outward direct investment in violation of Article

- 23, paragraph 3 or 5, within a period prescribed in those paragraphs
- xii• Any person who has made an outward direct investment in violation of Article 23, paragraph 7
 - xiii• Any person who has made an outward direct investment in violation of an order of change or discontinuance pursuant to the provision of Article 23, paragraph 9
 - xiv• Any person who has conducted specified capital transactions without obtaining permission pursuant to the provisions of an order pursuant to Article 24, paragraph 1 or 2
 - xv• Any person who has conducted specified capital transactions in violation of prohibition of specified capital transactions pursuant to the provision of Article 24-2, or without obtaining permission pursuant to the provisions of an order pursuant to the said article
 - xvi• Any person who has conducted transactions designed to provide the Specified Technology without obtaining permission pursuant to the provisions of an order pursuant to Article 25, paragraph 2
 - xvii• Any person who has conducted service transactions specified by an order pursuant to Article 25, paragraph 3 without obtaining permission pursuant to the said paragraph
 - xviii• Any person who has conducted the Service Transactions, etc. without obtaining permission pursuant to the provisions of an order pursuant to Article 25, paragraph 4
 - xix• Any person who has conducted transactions or exported goods in violation of prohibition of transactions designed to provide technology or export of goods pursuant to the provision of Article 25-2, paragraph 1 or 3
 - xx• Any person who has conducted transactions or exported goods in violation of prohibition of transactions related to the buying and selling of goods or export of goods pursuant to the provision of Article 25-2, paragraph 2
 - xxi• Any person who has conducted the Service Transactions, etc. in violation of prohibition of the Service Transactions, etc. pursuant to the provision of Article 25-2, paragraph 4, or without obtaining permission pursuant to the provisions of an order pursuant to the said paragraph
 - xxii• Any person who has made an inward direct investment, etc. failing to give notification pursuant to the provision of Article 27, paragraph 1 or giving a false notification •including those deemed to be a foreign investor pursuant to the provision of paragraph 13 of the said article••
 - xxiii• Any person who has made an inward direct investment, etc. within a period prescribed in Article 27, paragraph 2 •where the period was extended pursuant to the provision of paragraph 3 or 6 of the said article or shortened pursuant to the provision of paragraph 4 of the said article, the period extended or

- shortened in violation of the said paragraph including those deemed to be a foreign investor pursuant to the provision of paragraph 13 of the said article.
- xxiv• Any person who has made an inward direct investment, etc. in violation of Article 27, paragraph 8 including those deemed to be a foreign investor pursuant to the provision of paragraph 13 of the said article.
 - xxv• Any person who has made an inward direct investment, etc. in violation of an order of change or discontinuance pursuant to the provision of Article 27, paragraph 10 including those deemed to be a foreign investor pursuant to the provision of paragraph 13 of the said article.
 - xxvi• Any person who has conducted the Conclusion of a Technology Contract, etc. failing to give notification pursuant to the provision of Article 30, paragraph 1 or giving a false notification
 - xxvii• Any person who has conducted the Conclusion of a Technology Introduction Contract, etc. within the period prescribed in Article 30, paragraph 2 where the period was extended pursuant to the provision of paragraph 3 or 6 of the said article or shortened pursuant to the provision of paragraph 4 of the said article, the period extended or shortened in violation of the said paragraph
 - xxviii• Any person who has conducted the Conclusion of a Technology Contract, etc. in violation of Article 27, paragraph 8, as applied mutatis mutandis pursuant to Article 30, paragraph 7
 - xxix• Any person who has conducted the Conclusion of a Technology Contract, etc. in violation of an order of change or discontinuance pursuant to the provision of Article 27, paragraph 10, as applied mutatis mutandis pursuant to Article 30, paragraph 7
 - xxx• Any person who has exported goods without obtaining permission pursuant to the provisions of an order pursuant to Article 48, paragraph 2
 - xxxi• Any person who has exported goods without obtaining approval pursuant to the provisions of an order pursuant to Article 48, paragraph 3
 - xxxii• Any person who has shipped goods in violation of an order pursuant to Article 51
 - xxxiii• Any person who has imported goods without obtaining approval pursuant to the provisions of an order pursuant to Article 52
 - xxxiv• Any person who has exported goods or conducted transactions in violation of prohibition of export of goods or transactions designed to provide the Specified Technology pursuant to the provision of Article 53, paragraph 1
 - xxxv• Any person who has imported or exported goods in violation of prohibition of import or export of goods pursuant to the provision of Article 53, paragraph 2

Article 70-2

Any person who has violated an order pursuant to Article 18-4 including the cases

where it is applied mutatis mutandis pursuant to Article 22-2, paragraph 2 and Article 22-3 shall be punished by imprisonment with work for not more than two years or a fine of not more than three million yen, or both.

Article 71

Any person who falls under any of the following items shall be punished by imprisonment with work for not more than six months or a fine of not more than two hundred thousand yen.

- i• Any person who has imported or exported means of payment or securities prescribed in Article 19, paragraph 1, or precious metal, failing to give notification pursuant to the provision of Article 19, paragraph 3 or giving a false notification
- ii• Any person who has failed to make a report pursuant to the provision of Article 55, paragraph 1 or has made a false report
- iii• Any person who has failed to make a report pursuant to the provision of Article 55-3, paragraph 1 or 2, or has made a false report
- iv• Any person who has failed to prepare books and documents pursuant to the provision of Article 55-3, paragraph 5, has failed to describe the matters prescribed in the said paragraph in the books and documents, or has made a false description, or has failed to preserve the books and documents
- v• Any person who has failed to make a report pursuant to the provision of Article 55-4, or has made a false report
- vi• Any person who has failed to make a report pursuant to the provision of Article 55-5, paragraph 1, or has made a false report including those deemed to be a foreign investor pursuant to the provision of paragraph 2 of the said article
- vii• Any person who has failed to make a report pursuant to the provision of Article 55-6, paragraph 1, or has made a false report
- viii• Any person who has failed to make a report in violation of an order pursuant to Article 55-7, or has made a false report
- ix• Any person who has failed to make a report in violation of an order pursuant to Article 55-8, or has made a false report
- x• Any person who has refused, obstructed or avoided inspection pursuant to the provision of Article 68, paragraph 1
- xi• Any person who has failed to answer a question pursuant to the provision of Article 68, paragraph 1, or has made a false answer

Article 71-2

Any person who has violated Article 18, paragraph 4 including the cases where it is applied mutatis mutandis pursuant to Article 22-2, paragraph 2 and Article 22-3 for the purpose of concealing the Identifying Matters shall be punished by a fine of

not more than five hundred thousand yen.

Article 72

- 1• When a representative of a juridical person •including those falling under organizations prescribed in Article 26, paragraph 1, items 2 and 4, Article 27, paragraph 13, and Article 55-5, paragraph 2; hereinafter the same shall apply in this paragraph••or an agent, employee or other worker of a juridical person or individual has committed any violation set forth in Articles 69-6 to 71-2 inclusive •excluding Article 70-2• with regard to the business or property of the said juridical person or individual, not only shall the offender be punished but also the said juridical person or individual shall be punished by the fine prescribed in the respective articles.
- 2• When a representative of a juridical person or an agent, employee or other worker of a juridical person or individual has committed a violation set forth in Article 70-2 with regard to the business of the said juridical person or individual, not only shall the offender be punished but also the said juridical person shall be punished by a fine of not more than three hundred million yen and the said individual shall be punished by a fine set forth in the said article.
- 3• In the case of punishment of any organization falling under organizations prescribed in Article 26, paragraph 1, items 2 and 4, Article 27, paragraph 13 and Article 55-5, paragraph 2, the representative or administrator thereof shall represent the organization for the procedural action, and the provisions of the act on criminal suits in cases where a juridical person is the accused shall apply mutatis mutandis.

Article 73

Any person who falls under any of the following items shall be punished by a civil fine of not more than one hundred thousand yen.

- i• Any person who has failed to give notification pursuant to the provision of Article 55-3, paragraph 6, or has given a false notification
- ii• Any person who has violated any condition attached pursuant to the provision of Article 67, paragraph 1

Supplementary Provisions

The effective date of this Act shall be specified by Cabinet Order with respect to each provision; provided, however, that the date shall not be later than June 30, 1950.

Supplementary Provisions • Act No. 52 of March 31, 1950•

This Act shall come into force as from the day of promulgation.

Supplementary Provisions • Act No. 56 of March 30, 1951 • Extract •

- 1 • This Act shall come into force as from April 1, 1951.

Supplementary Provisions • Act No. 270 of July 31, 1952 • Extract •

- 1 • This Act shall come into force as from August 1, 1952.
- 4 • A disposition imposed by the Foreign Exchange Control Commission pursuant to the provisions of the Foreign Exchange and Foreign Trade Control Act prior to the revision and orders based thereon shall be deemed to be a disposition imposed by the Minister of Finance pursuant to the corresponding provisions of the revised Foreign Exchange and Foreign Trade Control Act and orders based thereon.
- 5 • An application for a disposition to be imposed by the Foreign Exchange Control Commission pursuant to the provisions of the Foreign Exchange and Foreign Trade Control Act prior to the revision and orders based thereon, and the acceptance thereof, which has been effected prior to the enforcement of this Act, shall be deemed to be an application for a disposition to be imposed by the Minister of Finance pursuant to the corresponding provisions of the revised Foreign Exchange and Foreign Trade Control Act and orders based thereon, and the acceptance thereof.

Supplementary Provisions • Act No. 299 of August 5, 1952 • Extract •

- 1 • The effective date of this Act shall be specified by Cabinet Order within a period not exceeding two months from the day of promulgation.

Supplementary Provisions • Act No. 259 of September 1, 1953 • Extract •

- 1 • This Act shall come into force as from the day of promulgation.

Supplementary Provisions • Act No. 67 of April 10, 1954 • Extract •

- 1 • This Act shall come into force as from the day of promulgation.

Supplementary Provisions • Act No. 138 of June 1, 1954 •

This Act shall come into force as from the day of promulgation.

Supplementary Provisions • Act No. 140 of August 6, 1955 • Extract •

- 1 • The effective date of this Act shall be specified by Cabinet Order within a period not exceeding two months from the day of promulgation.

Supplementary Provisions • Act No. 156 of May 15, 1958 •

- 1 • This Act shall come into force as from the day of promulgation.
- 2 • With regard to the application of penal provisions to acts committed prior to the

enforcement of this Act, the provisions then in force shall remain applicable.

Supplementary Provisions • Act No. 140 of May 16, 1962 • Extract •

- 1• This Act shall come into force as from October 1, 1962.
- 2• The provisions revised by this Act shall apply to matters which have arisen prior to the enforcement of this Act, except as otherwise provided by the Supplementary Provisions; provided, however, that those provisions shall not obstruct the effect which has arisen pursuant to the provisions prior to the revision by this Act.
- 3• With regard to lawsuits actually pending at the time of the enforcement of this Act, the provisions then in force shall remain applicable, notwithstanding the provisions revised by this Act to the effect that the lawsuits may not be filed.
- 4• With regard to jurisdiction over lawsuits actually pending at the time of the enforcement of this Act, the provisions then in force shall remain applicable, notwithstanding the provisions revised by this Act to the effect that the jurisdiction shall be the exclusive jurisdiction.
- 5• With regard to the statute of limitations for filing a lawsuit concerning a disposition or determination, for which the statute of limitations for filing a lawsuit pursuant to the provisions prior to the revision by this Act has actually progressed at the time of the enforcement of this Act, the provisions then in force shall remain applicable; provided, however, this shall be limited to the cases where the statute of limitations for filing a lawsuit pursuant to the provisions revised by this Act is shorter than that pursuant to the provisions prior to the revision by this Act.
- 6• The statute of limitations for filing a party suit concerning a disposition imposed or a determination made prior to the enforcement of this Act, for which the statute of limitations has come to be set due to the revision by this Act, shall be counted from the date of enforcement of this Act.
- 7• With regard to actions for rescission of a disposition or determination which are actually pending at the time of the enforcement of this Act, the provisions then in force shall remain applicable, notwithstanding the provisions revised by this Act to the effect that one party to the legal relationship shall be the defendant; provided, however, that the court may, upon the plaintiff's application, change the action into a party suit by its ruling.
- 8• The provisions of the second sentence of Article 18, and Article 21, paragraphs 2 to 5 inclusive of the Administrative Case Litigation Act shall apply mutatis mutandis to the cases referred to in the proviso of the preceding paragraph.

Supplementary Provisions • Act No. 161 of September 15, 1962 • Extract •

- 1• This Act shall come into force as from October 1, 1962.
- 2• The provisions revised by this Act shall also apply to dispositions by an

administrative agency prior to the enforcement of this Act, inactions by an administrative agency pertaining to an application filed prior to the enforcement of this Act or other matters that have arisen prior to the enforcement of this Act, except as otherwise provided by the Supplementary Provisions; provided, however, that those provisions shall not obstruct the effect which has arisen pursuant to the provisions prior to the revision by this Act.

- 3• With regard to petitions, applications for examination, objections or other appeals hereinafter referred to as the "Petitions, etc." filed prior to the enforcement of this Act, the provisions then in force shall remain applicable even after the enforcement of this Act. The same shall apply to the Petitions, etc. filed in the case of dissatisfaction with determinations, rulings or other dispositions on the Petitions, etc., which have been made prior to the enforcement of this Act hereinafter referred to as the "Determinations, etc.", or the Determinations, etc. made after the enforcement of this Act in regard to the Petitions, etc. filed prior to the enforcement of this Act.
- 4• The Petitions, etc. prescribed in the preceding paragraph, which are pertaining to a disposition on which an appeal may be filed pursuant to the Administrative Appeal Act after the enforcement of this Act, shall be deemed to be appeals pursuant to the Administrative Appeal Act in regard to the application of acts other than the said act.
- 5• No appeal pursuant to the Administrative Appeal Act may be entered against the Determinations, etc. on applications for examination, oppositions or other appeals filed after the enforcement of this Act pursuant to the provision of paragraph 3.
- 6• With regard to dispositions imposed by an administrative agency prior to the enforcement of this Act, on which the Petitions, etc. may be filed pursuant to the provisions prior to the revision by this Act and for which the statute of limitations has not been set, the statute of limitations for filing an appeal pursuant to the Administrative Appeal Act shall be counted from the date of enforcement of this Act.
- 8• With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.
- 9• In addition to what is prescribed in the preceding eight paragraphs, transitional measures necessary for the enforcement of this Act shall be specified by Cabinet Order.
- 10• Where this Act and the Act on the Arrangement, etc. of Relevant Acts with the Enforcement of the Administrative Case Litigation Act Act No. 140 of 1962 contain provisions revising one and the same act, the said act shall first be revised by this Act and then be revised by the Act on the Arrangement of Relevant Acts with the Enforcement of the Administrative Case Litigation Act.

Supplementary Provisions • Act No. 33 of March 31, 1964 • Extract

- 1• This Act shall come into force as from April 1, 1964.
- 2• With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

Supplementary Provisions • Act No. 65 of December 18, 1979 • Extract

Article 1 • Effective Date

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

Article 2 • Abolition of the Act on Foreign Capital, etc.

The following laws and regulations shall be abolished.

- i• Act on Foreign Capital • Act No. 163 of 1950 • • • • •
- ii• Cabinet Order on the Acquisition of Property by Foreign Nationals • Cabinet Order No. 51 of 1949 • •

Article 3 • Transitional Measures

- 1• With regard to transactions or acts approved or permitted pursuant to Article 31, paragraph 1, Article 32, paragraph 1, Article 34 or Article 35 of the Foreign Exchange and Foreign Trade Control Act prior to the revision by this Act • hereinafter referred to as the "Old Act" •, the provisions then in force shall remain applicable.
- 2• With regard to transactions or acts pertaining to an application, which has actually been filed pursuant to the provision of Article 31, paragraph 1, Article 32, paragraph 1, Article 34 or Article 35 of the Old Act at the time of the enforcement of this Act, these provisions • including penal provisions pertaining to these provisions • • shall remain in force even after the enforcement of this Act.

Article 4

- 1• Where a person who has obtained approval set forth in Article 10, Article 11, paragraph 1, Article 12, paragraph 1 or Article 13, paragraph 1 of the Act on Foreign Capital prior to its abolition by this Act • hereinafter referred to as the "Old Foreign Capital Act" • • including approval pursuant to these provisions which are deemed to remain in force pursuant to the provision of the next paragraph • • intends to commit, after the enforcement of this Act, a transaction or act that shall be committed in compliance with the approval, which is the transaction or act listed in Article 20, item 2, 4 or 5 or the items of Article 26, paragraph 2 • excluding items 2 and 5 • of the Foreign Exchange and Foreign Trade Control Act

revised by this Act •hereinafter referred to as the "New Act"• or the transaction or act prescribed in Article 29, paragraph 1 of the New Act, the provisions of the New Act •excluding the provisions of Article 16 and Article 21, paragraph 2•shall apply, deeming that the notification prescribed in Article 22, paragraph 1, Article 26, paragraph 3 or Article 29, paragraph 1 has been given and that the period in which transactions or acts prescribed in Article 23, paragraph 1, Article 26, paragraph 4 or Article 29, paragraph 3 shall not be conducted has elapsed.

- 2• With regard to transactions or acts pertaining to an application or notification which has already been filed pursuant to the provision of Article 10, Article 11, paragraph 1, Article 12, paragraph 1, Article 13, paragraph 1, Article 13-2 or Article 13-3 of the Old Foreign Capital Act at the time of the enforcement of this Act, these provisions •including penal provisions pertaining to these provisions• shall remain in force even after the enforcement of this Act.
- 3• Where the date of acquisition of shares, etc. prescribed in Article 13-2 of the Old Foreign Capital Act or the date of acquisition of consideration, etc. or the right to consideration, etc. prescribed in Article 13-3 of the Old Foreign Capital Act is prior to the enforcement of this Act, these provisions •including penal provisions pertaining to Article 13-3 of the Old Foreign Capital Act•shall remain in force even after the enforcement of this Act.
- 4• The provision of Article 16 of the New Act shall not apply to a payment to a foreign state after the enforcement of this Act by a foreign investor, which is deemed to have been approved pursuant to the provision of Article 15, 15-2, 16 or 17 of the Old Foreign Capital Act prior to the enforcement of this Act. The same shall apply to a payment to a foreign state after the enforcement of this Act by those which have been designated or confirmed pursuant to the provision of Article 13-2 or 13-3 of the Old Foreign Capital Act, which are deemed to remain in force pursuant to the provision of the preceding paragraph.
- 5• The provision of Article 26, paragraph 3 of the New Act shall not apply to the transfer of a share or equity of a corporation, which has been legally held before the date of enforcement of this Act, among the transfers listed in paragraph 2, item 2 of the said article.

Article 5

- 1• With regard to transactions or acts approved pursuant to Article 3, paragraph 1 of the Cabinet Order on the Acquisition of Property by Foreign Nationals prior to its abolition by this Act •hereinafter referred to as the "Old Property Acquisition Order"•; the provisions then in force shall remain applicable.
- 2• With regard to transactions pertaining to an application, which has actually been filed pursuant to the provision of Article 3, paragraph 1 of the Old Property Acquisition Order at the time of the enforcement of this Act, and confirmations

and reports pertaining to the transaction, the provisions of Article 3, paragraph 1, Article 7 and Article 8 of the Old Property Acquisition Order including penal provisions pertaining to these provisions shall remain in force even after the enforcement of this Act.

Article 6

- 1• The refund of outstanding balance of a foreign investor's deposit account opened pursuant to the provision of Article 9-2, paragraph 1 of the Old Foreign Capital Act and other necessary matters shall be specified by Cabinet Order.
- 2• Necessary matters concerning the conditions attached pursuant to the provision of Article 14, paragraph 1 of the Old Foreign Capital Act and the changes thereof shall be specified by Cabinet Order.

Article 7

With regard to objections or applications for examination filed in the case of dissatisfaction with a disposition pursuant to the provisions of the Old Act, the Old Foreign Capital Act or the Old Property Acquisition Order, the provisions then in force shall remain applicable.

Article 8 • Transitional Measures concerning Penal Provisions •

With regard to the application of penal provisions to acts committed prior to the enforcement of this Act and acts committed after the enforcement of this Act pertaining to a transaction or act to which the provisions then in force shall remain applicable pursuant to the Supplementary Provisions, the provisions then in force shall remain applicable.

Supplementary Provisions • Act No. 78 of December 2, 1983 •

- 1• This Act excluding Article 1 shall come into force as from July 1, 1984.
- 2• Transitional measures necessary for an organ, etc. established pursuant to the provisions of an act as of the day before the date of enforcement of this Act, which will be established pursuant to the provisions of the National Government Organization Act or Cabinet Order pursuant to the provisions of a relevant act revised by this Act hereinafter referred to as the "Relevant Cabinet Order" on and after the date of enforcement of this Act, or other transitional measures necessary for the enactment, or revision or abolition of the Relevant Cabinet Order with the enforcement of this Act may be specified by Cabinet Order.

Supplementary Provisions • Act No. 44 of May 25, 1984 • Extract •

Article 1 • Effective Date •

This Act shall come into force as from the day of promulgation; provided, however, that the provisions of Articles 4 and 5 shall come into force as from the date specified by Cabinet Order within a period not exceeding three months from the same day.

Article 3 • Transitional Measures Accompanying Partial Revision of the Foreign Exchange and Foreign Trade Control Act •

With regard to the acquisition of a share, etc. pertaining to a notification, which has actually been given pursuant to the provision of Article 3, paragraph 1 of the Supplementary Provisions of the Foreign Exchange and Foreign Trade Control Act prior to the revision by Article 5 at the time of the enforcement of Article 5, the provisions then in force shall remain applicable.

Article 4 • Transitional Measures concerning Penal Provisions •

With regard to the application of penal provisions to acts committed prior to the enforcement of this Act and acts committed after the enforcement of this Act pertaining to an act to which the provisions then in force shall remain applicable pursuant to the provision of the preceding two articles, the provisions then in force shall remain applicable.

Supplementary Provisions • Act No. 102 of December 24, 1985 • Extract •

Article 1 • Effective Date •

This Act shall come into force as from the day of promulgation.

Article 2 • Transitional Measures Accompanying Partial Revision of the Foreign Exchange and Foreign Trade Control Act •

Any person who has actually obtained or applied for a permission to change the name or location of a business office wherein he/she operates foreign exchange business or money exchange business pursuant to the provision of Article 10, paragraph 3 of the Foreign Exchange and Foreign Trade Control Act prior to the revision by Article 5 •including the cases where it is applied mutatis mutandis pursuant to Article 14, paragraph 2 of the said act••at the time of the enforcement of the said article shall be deemed to have given a notification pursuant to the provision of Article 10, paragraph 4 of the Foreign Exchange and Foreign Trade Control Act revised by Article 5 •including the cases where it is applied mutatis mutandis pursuant to Article 14, paragraph 2 of the said act••

Article 8 • Transitional Measures concerning Penal Provisions •

With regard to the application of penal provisions to acts committed prior to the

enforcement of this Act with regard to the provisions listed in the items of Article 1 of the Supplementary Provisions, the respective provisions and acts committed after the enforcement of Article 11 in the cases where the provisions then in force shall remain applicable pursuant to the provision of Article 4 of the Supplementary Provisions, the provisions then in force shall remain applicable.

Supplementary Provisions • Act No. 70 of May 27, 1986 •

This Act shall come into force as from the date specified by Cabinet Order within a period not exceeding nine months from the day of promulgation.

Supplementary Provisions • Act No. 89 of September 11, 1987 • Extract •

Article 1 • Effective Date •

This Act shall come into force as from the date specified by Cabinet Order within a period not exceeding two months from the day of promulgation.

Article 2 • Transitional Measures •

With regard to transactions permitted pursuant to the provision of Article 25 of the Foreign Exchange and Foreign Trade Control Act prior to the revision by this Act hereinafter referred to as the "Old Act", which require permission pursuant to the provision of Article 25, paragraph 1 of the Foreign Exchange and Foreign Trade Control Act revised by this Act hereinafter referred to as the "New Act", the provisions of an order pursuant to paragraph 2 of the said article, or the provision of paragraph 3 of the said article, it shall be deemed that permission pursuant to the provision of paragraph 1 of the said article, the provisions of an order pursuant to paragraph 2 of the said article, or the provision of paragraph 3 of the said article has been obtained, respectively.

Article 3

With regard to the export of goods approved pursuant to the provisions of an order pursuant to Article 48, paragraph 1 of the Old Act, which requires permission pursuant to the provision of Article 48, paragraph 1 of the New Act or the provisions of an order pursuant to paragraph 2 of the said article or an approval pursuant to the provisions of an order pursuant to paragraph 3 of the said article, it shall be deemed that permission pursuant to the provision of paragraph 1 of the said article or the provisions of an order pursuant to paragraph 2 of the said article or approval pursuant to the provisions of an order pursuant to paragraph 3 of the said article has been obtained, respectively.

Article 4

An application for permission pursuant to the provision of Article 25 of the Old Act which has actually been filed at the time of the enforcement of this Act, which is pertaining to a transaction that requires permission pursuant to the provision of Article 25, paragraph 1 of the New Act, the provisions of an order pursuant to paragraph 2 of the said article, or the provision of paragraph 3 of the said article, shall be deemed to be an application for permission pursuant to the provision of paragraph 1 of the said article, the provisions of an order pursuant to paragraph 2 of the said article, or the provision of paragraph 3 of the said article, respectively.

Article 5

An application for approval pursuant to the provisions of an order pursuant to Article 48, paragraph 1 of the Old Act which has actually been filed at the time of the enforcement of this Act, which is pertaining to the export of goods that requires permission pursuant to the provision of Article 48, paragraph 1 of the New Act or the provisions of an order pursuant to paragraph 2 of the said article or approval pursuant to the provisions of an order pursuant to paragraph 3 of the said article, shall be deemed to be an application for permission pursuant to the provision of paragraph 1 of the said article or the provisions of an order pursuant to paragraph 2 of the said article or an application for approval pursuant to the provisions of an order pursuant to paragraph 3 of the said article, respectively.

Article 6

An import or export ban imposed by the Minister of International Trade and Industry pursuant to the provision of Article 53 of the Old Act prior to the enforcement of this Act shall be deemed to be a disposition imposed by the Minister of International Trade and Industry pursuant to the provision of Article 53, paragraph 2 of the New Act.

Article 7

With regard to import or export bans against a person who has violated the Old Act, any order based on the Old Act, or any disposition based thereon in regard to the import or export of goods prior to the enforcement of this Act, the provisions then in force shall remain applicable.

Article 8

With regard to the application of penal provisions to acts committed prior to the enforcement of this Act and acts committed after the enforcement of this Act in the cases where the provisions then in force shall remain applicable pursuant to the provision of the preceding article, the provisions then in force shall remain applicable.

Article 9

In addition to what is prescribed in Articles 2 to 8 inclusive of the Supplementary Provisions, transitional measures necessary for the enforcement of this Act shall be specified by Cabinet Order.

Supplementary Provisions • Act No. 75 of May 31, 1988 • Extract •

Article 1 • Effective Date •

This Act shall come into force as from the date specified by Cabinet Order within a period not exceeding six months from the day of promulgation.

Article 42 • Transitional Measures concerning Penal Provisions •

With regard to the application of penal provisions to acts committed prior to the date of enforcement and acts committed after the date of enforcement pertaining to matters to which the provisions then in force shall remain applicable pursuant to the Supplementary Provisions, the provisions then in force shall remain applicable.

Article 43 • Delegation of Other Transitional Measures to Cabinet Order •

In addition to what is provided for in the Supplementary Provisions, transitional measures necessary for the enforcement of this Act shall be specified by Cabinet Order.

Supplementary Provisions • Act No. 77 of May 31, 1988 • Extract •

Article 1 • Effective Date •

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

Supplementary Provisions • Act No. 40 of April 26, 1991 • Extract •

Article 1 • Effective Date •

This Act shall come into force as from the date specified by Cabinet Order within a period not exceeding nine months from the day of promulgation.

Article 2 • Transitional Measures •

- 1. Except what is prescribed in paragraph 3 of the next article, with regard to inward direct investment, etc. pertaining to a notification given prior to the enforcement of this Act • hereinafter referred to as the "Date of Enforcement" pursuant to the provision of Article 26, paragraph 3 of the Foreign Exchange and

Foreign Trade Control Act prior to the revision by this Act •hereinafter referred to as the "Old Act"• •hereinafter referred to as the "Inward Direct Investment, etc. Pertaining to a Notification Pursuant to the Provisions of the Old Act"••for which the period in which the inward direct investment, etc. shall not be made prescribed in paragraph 4 of the said article •in cases where the period has been extended pursuant to the provision of Article 27, paragraph 1 or 3 of the Old Act, the extended period••has expired prior to the Date of Enforcement, the provisions then in force shall remain applicable.

- 2• Except what is prescribed in Article 4, paragraph 4 of the Supplementary Provisions, with regard to the Conclusion of a Technology Introduction Contract pertaining to a notification given prior to the Date of Enforcement pursuant to the provision of Article 29, paragraph 1 of the Old Act •hereinafter referred to as the "Conclusion of a Technology Introduction Contract, etc. Pertaining to a Notification Pursuant to the Provisions of the Old Act"••for which the period in which the Conclusion of a Technology Introduction Contract, etc. shall not be conducted prescribed in paragraph 3 of the said article •in cases where the period has been extended pursuant to the provision of Article 30, paragraph 1 or 3 of the Old Act, the extended period••has expired prior to the Date of Enforcement, the provisions then in force shall remain applicable.

Article 3

- 1• With regard to the Inward Direct Investment, etc. Pertaining to a Notification Pursuant to the Provisions of the Old Act, for which the period in which the inward direct investment, etc. shall not be made prescribed in Article 26, paragraph 4 of the Old Act has not actually expired at the time of the enforcement of this Act and which falls under the inward direct investment, etc. that shall be reported pursuant to the provision of Article 26, paragraph 3 of the Foreign Exchange and Foreign Trade Control Act revised by this Act •hereinafter referred to as the "New Act"•; a foreign investor who has given the notification may make the inward direct investment, etc. on and after the Date of Enforcement, deeming that the said period has expired on the previous day of the Date of Enforcement. In this case, the notification shall be deemed to be a report made pursuant to the provision of the main clause of the said paragraph on the day when the inward direct investment, etc. was made.
- 2• Except what is prescribed in the next paragraph, with regard to the Inward Direct Investment, etc. Pertaining to a Notification Pursuant to the Provisions of the Old Act, for which the period in which the inward direct investment, etc. prescribed in Article 26, paragraph 4 of the Old Act has not actually expired at the time of enforcement of this Act and which falls under the inward direct investment, etc. that shall be notified pursuant to the provision of Article 27,

paragraph 1 of the New Act, the provisions of the New Act shall apply deeming that a notification pursuant to the provision of the said paragraph has been given as of the date of the notification. With regard to the Inward Direct Investment, etc. Pertaining to a Notification Pursuant to the Provisions of the Old Act, for which the period in which the inward direct investment, etc. shall not be made has been extended pursuant to the provision of Article 27, paragraph 1 or 3 of the Old Act and for which the period has not actually expired at the time of enforcement of this Act, the provisions of the New Act shall apply deeming that a notification pursuant to the provision of Article 27, paragraph 1 of the New Act has been given as of the date of the notification and that the period for which the inward direct investment, etc. shall not be made has been extended pursuant to the provision of paragraph 3 or 6 of the said article.

- 3• With regard to inward direct investment, etc. pertaining to a recommendation pursuant to the provision of Article 27, paragraph 2 of the Old Act, a notice pursuant to the provision of paragraph 4 of the said article or an order pursuant to the provision of paragraph 7 of the said article, which has been given prior to the Date of Enforcement, the provisions then in force shall remain applicable.

Article 4

- 1• With regard to the Conclusion of a Technology Introduction Contract, etc. Pertaining to a Notification Pursuant to the Provisions of the Old Act •limited to those which have been notified by a resident; the same shall apply in the next paragraph••for which the period in which the Conclusion of a Technology Introduction Contract, etc. shall not be conducted prescribed in Article 29, paragraph 3 of the Old Act has not actually expired at the time of the enforcement of this Act, which falls under the Conclusion of a Technology Introduction Contract, etc. that shall be reported pursuant to the provision of Article 29 of the New Act, a resident who has given the notification may conduct the Conclusion of a Technology Introduction Contract, etc. on and after the Date of Enforcement, deeming that the period has expired on the previous day of the Date of Enforcement. In this case, a notification pertaining to the resident shall be deemed to be a report made pursuant to the provision of the main clause of the said article on the date of the Conclusion of a Technology Introduction Contract, etc.
- 2• Except what is prescribed in paragraph 4, with regard to the Conclusion of a Technology Introduction Contract Pertaining to a Notification Pursuant to the Provisions of the Old Act for which the period in which the Conclusion of a Technology Introduction Contract, etc. shall not be conducted prescribed in Article 29, paragraph 3 of the Old Act has not expired at the time of the enforcement of this Act, which falls under the Conclusion of a Technology Introduction Contract, etc. that shall be notified pursuant to the provision of Article 30, paragraph 1 of

the New Act, the provisions of the New Act shall apply, deeming that a notification pursuant to the provision of the said paragraph has been given on the date of the notification. With regard to the Conclusion of a Technology Introduction Contract, etc. Pertaining to a Notification Pursuant to the Provisions of the Old Act for which the period in which the Conclusion of a Technology Introduction Contract, etc. shall not be conducted has been extended pursuant to the provision of Article 30, paragraph 1 or 3 of the Old Act, for which the period has not expired at the time of enforcement of this Act, the provisions of the New Act shall apply, deeming that a notification has been given pursuant to the provision of Article 30, paragraph 1 of the New Act on the date of the notification and that the period in which the Conclusion of a Technology Introduction Contract shall not be conducted has been extended pursuant to the provision of paragraph 3 or 6 of the said article.

- 3• In addition to what is prescribed in the next paragraph, with regard to the Conclusion of a Technology Introduction Contract, etc. Pertaining to a Notification Pursuant to the Provisions of the Old Act, for which the period in which the Conclusion of a Technology Introduction Contract, etc. shall not be conducted prescribed in Article 29, paragraph 3 of the Old Act has not expired •in cases where the period was extended pursuant to the provision of Article 30, paragraph 1 or 3 of the Old Act, the extended period•• at the time of the enforcement of this Act, a non-resident who has given the notification may conduct the Conclusion of a Technology Introduction Contract, etc. on and after the Date of Enforcement, deeming that the period has expired on the previous day of the Date of Enforcement.
- 4• With regard to the Conclusion of a Technology Introduction Contract, etc. pertaining to a recommendation pursuant to the provision of Article 30, paragraph 2 of the Old Act, a notice pursuant to the provision of Article 27, paragraph 4 of the Old Act, as applied mutatis mutandis pursuant to Article 30, paragraph 4, or an order pursuant to the provision of Article 27, paragraph 7 of the Old Act, as applied mutatis mutandis pursuant to Article 30, paragraph 4 of the Old Act, which has been given prior to the Date of Enforcement, the provisions then in force shall remain applicable.

Article 5 •Transitional Measures concerning Penal Provisions•

With regard to the application of penal provisions to acts committed prior to the enforcement of this Act and acts committed after the enforcement of this Act pertaining to a transaction or act to which the provisions then in force shall remain applicable pursuant to the Supplementary Provisions, the provisions then in force shall remain applicable.

Supplementary Provisions •Act No. 79 of May 21, 1991• •Extract•

Article 1 • Effective Date•

This Act shall come into force as from the day of promulgation; provided, however, that the provisions listed in the following items shall come into force as from the day prescribed respectively in those items.

- v• Provisions of Articles 6 to 21 inclusive, Article 25 and Article 34, and Articles 8 to 13 inclusive of the Supplementary Provisions: Date specified by Cabinet Order within a period not exceeding one year from the day of promulgation

Article 6 • Transitional Measures pertaining to Other Dispositions, Applications, etc. ••

With regard to the application of respective revised acts after the date of enforcement of this Act, permissions given and other dispositions imposed or other acts committed pursuant to the provisions of respective acts prior to the revision before the enforcement of this Act •with regard to the provisions listed in the items of Article 1 of the Supplementary Provisions, the respective provisions; hereinafter the same shall apply in this and the next article• •hereinafter referred to as the "Dispositions and Other Acts" in this article•; or applications for permission, etc. filed or other acts committed pursuant to the provisions of respective acts prior to the revision at the time of the enforcement of this Act •hereinafter referred to as the "Applications and Other Acts" in this article•; for which the administrative matters are to be conducted by a different person on the date of enforcement of this Act, shall be deemed to be the Dispositions and Other Acts or the Applications and Other Acts committed pursuant to the corresponding provisions of the respective revised acts, except those prescribed in the provisions of Articles 2 to 5 inclusive of the Supplementary Provisions and in the provisions concerning transitional measures in the respective revised acts •including orders based thereon•.

Article 7 • Transitional Measures concerning Penal Provisions•

With regard to the application of penal provisions to acts committed prior to the enforcement of this Act and acts committed after the enforcement of Article 4 in the cases where the provisions then in force shall remain applicable pursuant to the provision of Article 2, paragraph 1 of the Supplementary Provisions, the provisions then in force shall remain applicable.

Supplementary Provisions • Act No. 89 of November 12, 1993• • Extract•

Article 1 • Effective Date•

This Act shall come into force as from the date of enforcement of the Administrative Procedure Act •Act No. 88 of 1993•.

Article 2 • Transitional Measures related to Adverse Dispositions on which a Consultation, etc. Was Filed ••

Where a consultation or other request was filed with a council or other organization adopting a council system to the effect that procedures of hearing or grant of opportunity for explanation prescribed in Article 13 of the Administrative Procedure Act, or other procedures equivalent to the procedures of statement of opinions shall be taken, with regard to the procedures for adverse dispositions pertaining to the consultation or request, the provisions then in force shall remain applicable, notwithstanding the provisions of relevant acts revised by this Act.

Article 13 • Transitional Measures concerning Penal Provisions •

With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

Article 14 • Transitional Measures Accompanying the Arrangement of Provisions on Hearings ••

Hearings or hearing meetings held pursuant to the provisions of an act prior to the enforcement of this Act •excluding those pertaining to adverse dispositions• or procedures thereof shall be deemed to have been conducted pursuant to the corresponding provisions of the relevant act revised by this Act.

Article 15 • Delegation to Cabinet Order •

In addition to what is prescribed in Articles 2 to 14 inclusive of the Supplementary Provisions, transitional measures necessary for the enforcement of this Act shall be specified by Cabinet Order.

Supplementary Provisions • Act No. 59 of May 23, 1997 • Extract •

Article 1 • Effective Date •

This Act shall come into force as from April 1, 1998.

Article 2 • Transitional Measures •

- 1. Where a payment or receipt of a payment •hereinafter referred to as the "Payment, etc." in this article• permitted pursuant to the provisions of an order pursuant to Article 16, paragraph 1 or 2 of the Foreign Exchange and Foreign Trade Control Act prior to the revision by this Act •hereinafter referred to as the "Old Act"• falls under the Payment, etc. for which the obligation to obtain permission is imposed pursuant to the provisions of an order pursuant to Article 16, paragraphs 1 to 3 inclusive of the Foreign Exchange and Foreign Trade Act revised by this Act •hereinafter referred to as the "New Act"•, the Payment, etc.

shall be deemed to have been permitted pursuant to the corresponding provisions of such an order, except what is specified by Cabinet Order.

- 2• Where the Payment, etc. pertaining to an application for permission pursuant to the provisions of an order pursuant to Article 16, paragraph 1 or 2 of the Old Act, which has actually been filed at the time of enforcement of this Act falls under the Payment, etc. for which the obligation to obtain permission is imposed pursuant to the provisions of an order pursuant to Article 16, paragraphs 1 to 3 inclusive of the New Act, the provisions of the New Act shall apply, deeming the application to be an application for permission filed pursuant to the corresponding provisions of such an order.

Article 3

- 1• Where capital transactions permitted pursuant to the provision of Article 21, paragraph 1 of the Old Act, the provisions of an order pursuant to paragraph 2 of the said article or Article 24, paragraph 1 of the Old Act or the provision of Article 25, paragraph 3 of the Old Act •meaning capital transactions prescribed in Article 20 of the Old Act; the same shall apply hereinafter•; or transactions prescribed in the said paragraph fall under transactions for which the obligation to obtain permission is imposed pursuant to the provisions of an order pursuant to Article 21, paragraph 1 or 2, Article 24, paragraph 1 or 2, or Article 25, paragraph 4 of the New Act, the capital transactions or the transactions shall be deemed to have been permitted pursuant to the corresponding provisions of such an order, except those specified by Cabinet Order.
- 2• Where capital transactions pertaining to an application for permission pursuant to the provision of Article 21, paragraph 1 of the Old Act, the provisions of an order pursuant to paragraph 2 of the said article or Article 24, paragraph 1 of the Old Act, or the provision of Article 25, paragraph 3 of the Old Act, or transactions prescribed in the said paragraph fall under those for which the obligation to obtain permission is imposed pursuant to the provisions of an order pursuant to Article 21, paragraph 1 or 2, Article 24, paragraph 1 or 2, or Article 25, paragraph 4 of the New Act, the provisions of the New Act shall apply deeming the application to be an application for permission filed pursuant to the corresponding provisions of such an order.

Article 4

- 1• When capital transactions pertaining to a notification given pursuant to the provision of Article 22, paragraph 1 of the Old Act prior to the date of enforcement of this Act •hereinafter referred to as the "Date of Enforcement"•, which has not actually been conducted at the time of enforcement of this Act •limited to capital transactions to which the provision of Article 23, paragraph 1 of the Old Act is

applicable; hereinafter referred to as the "Capital Transactions Subject to Examination in Advance under the Old Act" in this and the next article; fall under outward direct investment that shall be notified pursuant to the provisions of an order pursuant to Article 23, paragraph 1 of the New Act referred to as the "Outward Direct Investment Subject to Examination in Advance under the New Act" in the next paragraph and also fall under those for which the period in which capital transactions shall not be conducted pursuant to the provision of Article 23, paragraph 1 of the Old Act has expired prior to the Date of Enforcement, those on which a notice of acceptance of a recommendation prescribed in Article 23, paragraph 5 of the Old Act limited to those pertaining to a content change prescribed in paragraph 2 of the said article has been given, or those for which a content change has been ordered pursuant to the provision of paragraph 7 of the said article referred to as the "Capital Transactions for Which Notification Procedure Has Been Completed" in the next paragraph and the next article; the Capital Transactions Subject to Examination in Advance under the Old Act shall be deemed to be those for which the period in which outward direct investment shall not be made pursuant to the provision of Article 23, paragraph 3 of the New Act has expired, those on which a notice of acceptance of a recommendation prescribed in paragraph 7 of the said article limited to those pertaining to a content change prescribed in paragraph 4 of the said article has been given, or those for which a content change has been ordered pursuant to the provision of paragraph 9 of the said article, respectively.

- 2• When the Capital Transactions Subject to Examination in Advance under the Old Act fall under the Outward Direct Investment Subject to Examination in Advance under the New Act but do not fall under the Capital Transactions for Which Notification Procedure Has Been Completed, the provisions of the New Act shall apply, deeming that a notification pertaining to the Capital Transactions Subject to Examination in Advance under the Old Act has been given pursuant to the provision of Article 23, paragraph 1 of the New Act on the date of the notification. In this case, a recommendation pursuant to the provision of Article 23, paragraph 2 of the Old Act or a notice pursuant to the provision of paragraph 4 of the said act excluding notices of acceptance of a recommendation prescribed in paragraph 5 of the said article in regard to the Capital Transactions Subject to Examination in Advance under the Old Act shall be deemed to be a recommendation pursuant to the provision of Article 23, paragraph 4 of the New Act or a notice pursuant to the provision of paragraph 6 of the said article, respectively.

Article 5

- 1• When the Capital Transactions Subject to Examination in Advance under the

Old Act fall under capital transactions for which the obligation to obtain permission is imposed pursuant to the provisions of an order pursuant to Article 21, paragraph 1 or 2 of the New Act •referred to as the "Capital Transactions Subject to Permission under the New Act" in the next paragraph••and also fall under the Capital Transactions for Which Notification Procedure Has Been Completed, the Capital Transactions Subject to Examination in Advance under the Old Act •with regard to those for which a notice of acceptance of a content change prescribed in Article 23, paragraph 5 of the Old Act has been given or those for which a content change has been ordered pursuant to the provision of paragraph 7 of the said article, those after such a change has been made••shall be deemed to have been permitted pursuant to the provisions of an order pursuant to Article 21, paragraph 1 or 2 of the New Act, except those specified by Cabinet Order.

- 2• When the Capital Transactions Subject to Examination in Advance under the Old Act fall under the Capital Transactions Subject to Permission under the New Act but do not fall under the Capital Transactions for Which Notification Procedure Has Been Completed, the provisions of the New Act shall apply, deeming a notification given pursuant to the provision of Article 22, paragraph 1 of the Old Act pertaining to the Capital Transactions Subject to Examination in Advance under the Old Act to be an application for permission pursuant to the provisions of an order pursuant to Article 21, paragraph 1 or 2 of the New Act. In this case, a recommendation pursuant to the provision of Article 23, paragraph 2 of the Old Act or a notice pursuant to the provision of paragraph 4 of the said article •excluding notices of acceptance of a recommendation prescribed in paragraph 5 of the said article••in regard to the Capital Transactions Subject to Examination in Advance under the Old Act shall be deemed to have not existed.
- 3• The provisions of the preceding two paragraphs shall apply mutatis mutandis to the cases where capital transactions pertaining to a notification given pursuant to the provision of Article 24, paragraph 2 of the Old Act prior to the Date of Enforcement, which have not actually been conducted at the time of enforcement of this Act, fall under specified capital transactions prescribed in Article 24, paragraph 1 of the New Act for which the obligation to obtain permission is imposed pursuant to the provisions of an order pursuant to paragraph 1 or 2 of the said article.

Article 6

The Special International Financial Transactions Account established pursuant to the provision of Article 22, paragraph 2 of the Old Act shall be deemed to be the Special International Financial Transactions Account prescribed in Article 21, paragraph 3 of the New Act.

Article 7

- 1• With regard to reports pursuant to the provision of Article 15 of the Old Act pertaining to business to which the Old Act is applicable, which has been conducted by certified foreign exchange banks or money exchangers prescribed in Article 15 of the Old Act prior to the Date of Enforcement, the provisions then in force shall remain applicable.
- 2• With regard to reports on the matters that shall be reported pursuant to the provision of Article 26, paragraph 3 or Article 29 of the Old Act or the provisions of an order pursuant to Article 67 of the Old Act, the provisions then in force shall remain applicable.

Article 8 • Transitional Measures concerning Penal Provisions •

With regard to the application of penal provisions to acts committed prior to the enforcement of this Act and acts committed after the enforcement of this Act pertaining to the matters to which the provisions then in force shall remain applicable pursuant to the Supplementary Provisions, the provisions then in force shall remain applicable.

Article 9 • Delegation of Other Transitional Measures to Cabinet Order •

In addition to what is prescribed in Articles 2 to 8 inclusive of the Supplementary Provisions, transitional measures necessary for the enforcement of this Act shall be specified by Cabinet Order.

Supplementary Provisions • Act No. 89 of June 18, 1997 • Extract •

Article 1 • Effective Date •

This Act shall come into force as from April 1, 1998.

Supplementary Provisions • Act No. 107 of June 15, 1998 • Extract •

Article 1 • Effective Date •

This Act shall come into force as from December 1, 1998; provided, however, that the provisions listed in the following items shall come into force as from the date prescribed respectively in those items.

- i• Provision of Article 1 adding one chapter after Chapter 4 of the Securities and Exchange Act • limited to the part pertaining to Article 79-29, paragraph 1 • and revising Article 189, paragraphs 2 and 4 of the said act, provision of Article 21, provision of Article 22 revising Part II, Chapter 10, Section 2, Subsection 1 of the Insurance Business Act • limited to the part pertaining to Article 265-6 •, provision of Article 23 and provision of Article 25, and provisions of Articles 40,

42, 58, 136, 140, 143, 147, 149, 158, 164 and 187 •excluding the provision revising Article 4, item 79 of the Act for Establishment of the Ministry of Finance •Act No. 144 of 1949•• and Articles 188 to •190 inclusive of the • Supplementary Provisions: July 1, 1998

Article 188 • Effect of Dispositions, etc. •

Dispositions imposed, procedures taken or other acts committed pursuant to the provisions of respective acts prior to the revision •including orders based thereon; hereinafter the same shall apply in this article••before the enforcement of this Act •with regard to the provisions listed in the items of Article 1 of the Supplementary Provisions, those provisions•; for which the corresponding provisions exist in the provisions of the respective acts revised, shall be deemed to have been imposed, taken or committed pursuant to the corresponding provisions of the respective acts revised, except as otherwise provided by the Supplementary Provisions.

Article 189 • Transitional Measures concerning Application of Penal Provisions •

With regard to the application of penal provisions to acts committed prior to the enforcement of this Act •with regard to the provisions listed in the items of Article 1 of the Supplementary Provisions, those provisions••and acts committed after the enforcement of this Act in the cases where the provisions then in force shall remain applicable pursuant to the Supplementary Provisions or where those provisions shall remain in force pursuant to the Supplementary Provisions, the provisions then in force shall remain applicable.

Article 190 • Delegation of Other Transitional Measures to Cabinet Order •

In addition to what is prescribed in Articles 2 to 146 inclusive and Articles 153, 169 and 189 of the Supplementary Provisions, transitional measures necessary for the enforcement of this Act shall be specified by Cabinet Order.

Article 191 • Review •

- 1• When the government finds it necessary, even after the enforcement of this Act, by taking into consideration the state of implementation of systems pertaining to special measures, etc. to protect policyholders, etc. pursuant to the provisions of the New Insurance Business Act, the state of soundness of management of insurance corporations, etc., it shall take measures necessary for maintaining the reliability of insurance business.
- 2• In addition to what is prescribed in the preceding paragraph, the government shall review financial systems after the revision by this Act, within five years from the enforcement of this Act, by taking into account the state of implementation of provisions revised by this Act, changes in the socioeconomic conditions surrounding

financial systems, etc., and shall, when it finds it necessary, take necessary measures based on the results of the review.

Supplementary Provisions • Act No. 102 of July 16, 1999 • Extract •

Article 1 • Effective Date •

This Act shall come into force as from the date of enforcement of the Act on the Partial Revision of the Cabinet Act; provided, however, that the provisions listed in the following items shall come into force as from the date prescribed respectively in those items.

- ii • Provisions of Article 10, paragraphs 1 and 5, Article 14, paragraph 3, Article 23, Article 28 and Article 30 of the Supplementary Provisions: Day of promulgation

Article 3 • Succession of Status of an Official •

Any person who is actually the official of the former Prime Minister's Office, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Finance, Ministry of Education, Ministry of Health and Welfare, Ministry of Agriculture, Forestry and Fisheries, Ministry of International Trade and Industry, Ministry of Transport, Ministry of Posts and Telecommunications, Ministry of Labour, Ministry of Construction or Ministry of Home Affairs • hereinafter referred to as the "Former Office/Ministry" in this Article • at the time of enforcement of this Act • excluding the president or chairperson and members of a council, etc. set forth in Article 8 of the National Administrative Organization Act • Act No. 120 of 1948 •, members of the Central Disaster Prevention Council, chairperson and members of the Japanese Industrial Standards Committee, and those specified by Cabinet Order as similar thereto •• shall be the corresponding official of the Cabinet Office, the Ministry of Internal Affairs and Communications, the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of Finance, the Ministry of Education, Culture, Sports, Science and Technology, the Ministry of Health, Labour and Welfare, the Ministry of Agriculture, Forestry and Fisheries, the Ministry of Economy, Trade and Industry, the Ministry of Land, Infrastructure and Transport, or the Ministry of the Environment after the enforcement of this Act • hereinafter referred to as the "New Office/Ministry" in this article •• or a department or organization thereunder, which is specified by Cabinet Order as the New Office/Ministry or a department or organization thereunder that corresponds to the Former Office/Ministry or a department or organization thereunder to which the official actually belongs at the time of enforcement of this Act, unless a letter of appointment is otherwise issued.

Article 30 • Transitional Measures Separately Provided •

In addition to what is prescribed in Articles 2 to 29 inclusive, transitional measures necessary for the enforcement of this Act shall be separately provided for by an act.

Supplementary Provisions • Act No. 160 of December 22, 1999 • Extract •

Article 1 • Effective Date •

This Act •excluding Articles 2 and 3• shall come into force as from January 6, 2001.

Supplementary Provisions • Act No. 96 of May 31, 2000 • Extract •

Article 1 • Effective Date •

This Act shall come into force as from December 1, 2000 •hereinafter referred to as the "Date of Enforcement"••

Article 49 • Effect of Dispositions, etc. •

Dispositions imposed, procedures taken or other acts committed pursuant to the provisions of respective acts prior to the revision before the enforcement of this Act •with regard to the provisions listed in the items of Article 1 of the Supplementary Provisions, those provisions•; for which the corresponding provisions exist in the provisions of the respective acts revised, shall be deemed to have been imposed, taken or committed pursuant to the corresponding provisions of the respective acts revised, except as otherwise provided by the Supplementary Provisions

Article 50 • Transitional Measures concerning Application of Penal Provisions •

With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

Article 51 • Delegation of Other Transitional Measures to Cabinet Order •

In addition to what is prescribed in Articles 2 to 11 inclusive and Article 50 of the Supplementary Provisions, transitional measures necessary for the enforcement of this Act shall be specified by Cabinet Order.

Article 52 • Review •

Where five years have passed since the enforcement of this Act, the government shall review systems pertaining to securities exchanges prescribed in Article 2, paragraph 16 of the New Securities and Exchange Act and financial futures exchanges prescribed in Article 2, paragraph 6 of the New Financial Futures Trading Act by taking into account the state of enforcement of the New Securities and

Exchange Act and the New Financial Futures Trading Act, changes in socioeconomic situations, etc., and shall, when it finds it necessary, take necessary measures based on the results of the review.

Supplementary Provisions • Act No. 129 of November 28, 2001 • Extract •

• Effective Date •

• 1 • This Act shall come into force as from April 1, 2002.

• Transitional Measures concerning Application of Penal Provisions •

• 2 • With regard to the application of penal provisions to acts committed prior to the enforcement of this Act and acts committed after the enforcement of this Act in the cases where the provisions then in force shall remain applicable pursuant to the provisions of this Act, the provisions then in force shall remain applicable.

Supplementary Provisions • Act No. 34 of May 7, 2002 •

Article 1 • Effective Date •

This Act shall come into force as from the date specified by Cabinet Order within a period not exceeding nine months from the day of promulgation; provided, however, that the provision revising Article 69-4 shall come into force as from the day of promulgation.

Article 2 • Transitional Provisions concerning Penal Provisions •

With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

Article 3 • Delegation of Other Transitional Measures to Cabinet Order •

In addition to what is prescribed in the preceding article, transitional measures necessary for the enforcement of this Act shall be specified by Cabinet Order.

Supplementary Provisions • Act No. 65 of June 12, 2002 • Extract •

Article 1 • Effective Date •

This Act shall come into force as from January 6, 2003.

Article 84 • Transitional Measures concerning Application of Penal Provisions •

With regard to the application of penal provisions to acts committed prior to the enforcement of this Act • with regard to the provisions listed in the items of Article 1 of the Supplementary Provisions, those provisions; hereinafter the same shall apply

in this article and acts committed after the enforcement of this Act in the cases where the provisions then in force shall remain applicable pursuant to the Supplementary Provisions, the provisions then in force shall remain applicable.

Article 85 • Delegation of Other Transitional Measures to Cabinet Order

In addition to what is prescribed in the Supplementary Provisions, transitional measures necessary for the enforcement of this Act shall be specified by Cabinet Order.

Article 86 • Review

Where five years have passed since the enforcement of this Act, the government shall review systems pertaining to protective trusts prescribed in Article 2, paragraph 11 of the New Act on the Transfer of Corporate Bonds, etc., clearing agencies for securities transactions prescribed in Article 2, paragraph 31 of the New Securities and Exchange Act, and clearing agencies for financial futures prescribed in Article 2, paragraph 15 of the New Financial Futures Trading Act, by taking into account the state of enforcement of the New Act on the Transfer of Corporate Bonds, etc., the New Securities and Exchange Act and the New Financial Futures Trading Act, changes in socioeconomic situations, etc., and shall, when it finds it necessary, take necessary measures based on the results of the review.

Supplementary Provisions • Act No. 98 of July 31, 2002 • Extract

Article 1 • Effective Date

This Act shall come into force as from the date of enforcement of the Public Corporation Act; provided, however, that the provisions listed in the following items shall come into force as from the date prescribed respectively in those items.

- i • Provisions of Chapter 1, Section 1 including appended tables 1 to 4 inclusive, and Article 28, paragraph 2, Article 33, paragraphs 2 and 3 and Article 39 of the Supplementary Provisions: Day of promulgation

Article 38 • Transitional Measures concerning Penal Provisions

With regard to the application of penal provisions to acts committed prior to the date of enforcement and acts committed after the date of enforcement in the cases where the provisions then in force shall remain applicable pursuant to the provisions of this Act or where those provisions shall remain in force pursuant to the Supplementary Provisions, the provisions then in force shall remain applicable.

Article 39 • Delegation of Other Transitional Measures to Cabinet Order

In addition to what is provided for in this Act, transitional measures necessary for

the enforcement of the Public Corporation Act and this Act •including transitional measures concerning penal provisions• shall be specified by Cabinet Order.

Supplementary Provisions • Act No. 152 of December 13, 2002• •Extract•

Article 1 • Effective Date•

This Act shall come into force as from the date of enforcement of the Act on the Utilization of Information and Communications Technology in Administrative Procedure, etc. • Act No. 151 of 2002•.

Article 4 • Transitional Measures concerning Penal Provisions•

With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

Article 5 • Delegation of Other Transitional Measures to Cabinet Order•

In addition to what is prescribed in the preceding three articles, transitional measures necessary for the enforcement of this Act shall be specified by Cabinet Order.

Supplementary Provisions • Act No. 54 of May 30, 2003• •Extract•

Article 1 • Effective Date•

This Act shall come into force as from April 1, 2004.

Article 38 • Transitional Measures concerning Application of Penal Provisions•

With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

Article 39 • Delegation of Other Transitional Measures to Cabinet Order•

In addition to what is provided for in this Act, transitional measures necessary for the enforcement of this Act shall be specified by Cabinet Order.

Article 40 • Review•

Where five years have passed since the enforcement of this Act, the government shall review financial systems after the revision by this Act by taking into account the state of implementation of provisions revised by this Act, changes in socioeconomic situations, etc., and shall, when it finds it necessary, take necessary measures based on the results of the review.

Supplementary Provisions • Act No. 1 of February 16, 2004•

This Act shall come into force as from the day on which ten days from the day of promulgation have elapsed.

Supplementary Provisions • Act No. 154 of December 3, 2004 • Extract •

Article 1 • Effective Date •

This Act shall come into force as from the date specified by Cabinet Order within a period not exceeding six months from the day of promulgation • hereinafter referred to as the "Date of Enforcement" • •

Article 121 • Effect of Dispositions, etc. •

Dispositions imposed, procedures taken or other acts committed pursuant to the provisions of respective acts • including orders based thereon; hereinafter the same shall apply in this article • • prior to the enforcement of this Act, for which corresponding provisions exist in the provisions of the respective acts revised, shall be deemed to be imposed, taken or committed pursuant to the corresponding provisions of the respective acts revised, except as otherwise provided by the Supplementary Provisions.

Article 122 • Transitional Measures concerning Penal Provisions •

With regard to the application of penal provisions to acts committed prior to the enforcement of this Act and acts committed after the enforcement of this Act in the cases where the provisions then in force shall remain applicable pursuant to the Supplementary Provisions or where those provisions shall remain in force pursuant to the Supplementary Provisions, the provisions then in force shall remain applicable.

Article 123 • Delegation of Other Transitional Measures to Cabinet Order •

In addition to what is provided for in the Supplementary Provisions, transitional measures necessary for the enforcement of this Act shall be specified by Cabinet Order.

Article 124 • Review •

The government shall review the state of enforcement of this Act within three years from the enforcement of this Act, and shall, when it finds it necessary, take necessary measures based on the results of the review.

Supplementary Provisions • Act No. 159 of December 8, 2004 • Extract •

Article 1 • Effective Date•

This Act shall come into force as from July 1, 2005.

Supplementary Provisions • Act No. 87 of July 26, 2005• • Extract•

This Act shall come into force as from the date of enforcement of the Corporation Act.

Supplementary Provisions • Act No. 102 of October 21, 2005• • Extract•

Article 1 • Effective Date•

This Act shall come into force as from the date of enforcement of the Postal Service Privatization Act.

Article 76 • Transitional Measures Accompanying Partial Revision of the Foreign Exchange and Foreign Trade Act••

- 1• Dispositions imposed, procedures taken or other acts committed •excluding those prescribed in the next paragraph••to an old public corporation or by an old public corporation pursuant to the provisions of the Foreign Exchange and Foreign Trade Act prior to the revision by the provision of Article 31 •referred to as the "Old Act" in the said paragraph••prior to the enforcement of this Act shall be deemed to be dispositions imposed, procedures taken or other acts committed to a postal savings bank or by a postal savings bank pursuant to the corresponding provisions of the Foreign Exchange and Foreign Trade Act revised by the provision of the said article •referred to as the "New Act" in the said paragraph•, except as otherwise provided by the Maintenance Act, etc.
- 2• Dispositions imposed, procedures taken or other acts committed to an old public corporation or by an old public corporation in regard to postal life insurance funds prescribed in Article 24, paragraph 3, item 5 of the Old Public Corporation Act pursuant to the provisions of the Old Act prior to the enforcement of this Act shall be deemed to be dispositions imposed, procedures taken or other acts committed to a postal insurance corporation or by a postal insurance corporation pursuant to the corresponding provisions of the New Act, except as otherwise provided by the Maintenance Act, etc.

Article 117 • Transitional Measures concerning Penal Provisions•

With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, acts committed after the enforcement of this Act in the cases where the provisions then in force shall remain applicable pursuant to the Supplementary Provisions, acts committed prior to the lapse of the provision of

Article 38-8 of the Old Postal Money Order Act •limited to the part pertaining to items 2 and 3• which shall remain in force pursuant to the provision of Article 9, paragraph 1 of the Supplementary Provisions even after the enforcement of this Act, acts committed prior to the lapse of the provision of Article 70 of the Old Postal Money Order Act •limited to the part pertaining to items 2 and 3• which shall remain in force pursuant to the provision of Article 13, paragraph 1 of the Supplementary Provisions even after the enforcement of this Act, acts committed prior to the lapse of the provision of Article 8 of the Old Act on the Entrustment of Postal Transfer Deposit and Contribution •limited to the part pertaining to item 2• which shall remain in force pursuant to the provision of Article 27, paragraph 1 of the Supplementary Provisions even after the enforcement of this Act, acts committed prior to the lapse of the provision of Article 70 of the Old Public Corporation Act •limited to the part pertaining to item 2• which shall remain in force pursuant to the provision of Article 39, paragraph 2 of the Supplementary Provisions even after the enforcement of this Act, acts committed prior to the lapse of the provisions of Articles 71 and 72 of the Old Public Corporation Act •limited to the part pertaining to item 15• which shall remain in force pursuant to the provision of Article 42, paragraph 1 of the Supplementary Provisions even after the enforcement of this Act, and acts committed prior to the specified date pertaining to the postal savings bank prescribed in Article 104 of the Postal Service Privatization Act in the cases where the provision of Article 2, paragraph 2 of the Supplementary Provisions is applicable, the provisions then in force shall remain applicable.

etc. prescribed in Chapters 1, 3 and 4 of the Foreign Exchange and Foreign Trade Act hereinafter referred to as the Act, control or coordination pertaining to capital transactions or other transactions or acts, and the report, etc. pursuant to the provisions of Chapter 6-2 of the Act.

Article 2 • Definitions •

- 1• The means of payment specified by Cabinet Order as prescribed in Article 6, paragraph 1, item 7 of the Act shall be the following.
 - i• Promissory notes excluding those falling under securities or certificates prescribed in the next paragraph••
 - ii• Those which are similar to any of those listed in •a• or •b• of Article 6, paragraph 1, item 7 of the Act or in the preceding item, which may be used for payment
- 2• The securities or certificates specified by Cabinet Order as prescribed in Article 6, paragraph 1, item 11 of the Act shall be the deposit certificates of negotiable deposits or other securities or certificates, which are specified by the Ordinance of the Ministry of Finance.
- 3• Securities options trading specified by Cabinet Order as prescribed in Article 6, paragraph 1, item 14 shall be securities option trading prescribed in Article 2, paragraph 22 of the Securities and Exchange Act Act No. 25 of 1948, which pertains to the transactions listed in item 2 of the said paragraph excluding securities index futures trading, etc. prescribed in paragraph 21 of the said article••
- 4• Exchange financial futures trading specified by Cabinet Order as prescribed in Article 6, paragraph 1, item 14 of the Act shall be financial options trading prescribed in Article 2, paragraph 2, item 3 of the Financial Futures Trading Act Act No. 77 of 1988, which pertains to the transactions listed in •c• of the said item excluding the transactions listed in item 2 of the said paragraph•.
- 5• The transactions listed in Article 2, paragraph 4, item 3 of the Financial Futures Trading Act specified by Cabinet Order as prescribed in Article 6, paragraph 1, item 14 of the Act shall be the transactions listed in the said item, which pertain to the transactions listed in paragraph 2, item 3, •b• of the said article excluding the transactions listed in item 2 of the said paragraph••
- 6• The transactions specified by Cabinet Order as prescribed in Article 6, paragraph 1, item 14 of the Act shall be transactions promising the transfer of the amount of money calculated based on the difference between the numeric value, which has been agreed upon between parties in advance as the interest rate, price of a currency, price of goods or numeric value of another index, and the actual numeric value of such index at a certain time in the future, or transactions similar thereto limited to those which may be conducted as social activities or business

pursuant to the provisions of an act or an order based on an act; which are specified by the Ordinance of the Ministry of Finance.

Article 3 • Suspension of Transactions in Case of Emergency

- 1. In this article, the meanings of the terms listed in the following items shall be as prescribed respectively in those items.
 - i. Financial index: Meaning a financial index prescribed in Article 2, paragraph 9 of the Financial Futures Trading Act or an index similar thereto
 - ii. Exchange financial futures trading: Meaning exchange financial futures trading prescribed in Article 2, paragraph 2 of the Financial Futures Trading Act
 - iii. Over-the-counter financial futures trading: Meaning over-the-counter financial futures trading prescribed in Article 2, paragraph 4 of the Financial Futures Trading Act
 - iv. Financial futures exchange: Meaning a financial futures exchange prescribed in Article 2, paragraph 6 of the Financial Futures Trading Act
 - v. Financial futures market: Meaning a financial futures market prescribed in Article 2, paragraph 3 of the Financial Futures Trading Act
 - vi. Overseas financial futures market: Meaning an overseas financial futures market prescribed in Article 2, paragraph 3 of the Financial Futures Trading Act
 - vii. Exchange financial futures trading, etc.: Meaning exchange financial futures trading, etc. prescribed in Article 2, paragraph 2 of the Financial Futures Trading Act
 - viii. Financial futures trader: Meaning a financial futures trader prescribed in Article 2, paragraph 12 of the Financial Futures Trading Act
 - ix. Exchange financial futures trading pertaining to a currency: Meaning exchange financial futures trading that falls under the following transactions
 - a. Among the transactions listed in Article 2, paragraph 2, item 1 of the Financial Futures Trading Act, those falling under currency sales transactions
 - b. Among the transactions listed in Article 2, paragraph 2, item 3 of the Financial Futures Trading Act •excluding •b••, those pertaining to a currency •
 - c. Among the transactions listed in Article 2, paragraph 2, item 2 of the Financial Futures Trading Act or the transactions listed in item 3 of the said paragraph •limited to the part pertaining to •b••, those pertaining to a financial index for a currency •
 - x. Over-the-counter financial futures trading pertaining to a currency: Meaning over-the-counter financial futures trading that falls under the following transactions
 - a. Among the transactions listed in Article 2, paragraph 4, item 1 of the

- Financial Futures Trading Act, those falling under currency sales transactions
- b• Among the transactions listed in Article 2, paragraph 4, item 3 of the Financial Futures Trading Act, those pertaining to a currency •excluding those falling under the transactions listed in •c•
 - c• Among the transactions listed in Article 2, paragraph 4, item 2 of the Financial Futures Trading Act or the transactions listed in item 3 of the said paragraph, those pertaining to a financial index for a currency
 - xi• Member, etc. of a financial futures exchange: Meaning a member, etc. prescribed in Article 5, paragraph 1, item 4 of the Financial Futures Trading Act
 - xii• Foreign means of payment, etc.: Meaning foreign means of payment or claims in foreign currency •meaning claims receivable in foreign currency•
 - xiii• Sales •transactions of foreign means of payment, etc.: Meaning sales transactions of foreign means of payment, etc. •excluding those falling under over-the-counter financial futures trading or exchange financial futures trading, etc. •or transactions similar to exchange financial futures trading pertaining to a currency, which are conducted outside the financial futures market and overseas financial futures market •excluding those falling under sales transactions of foreign means of payment, etc. ••
 - xiv• Market for foreign exchange between banks, etc.: Meaning a market in which sales transactions, etc. of foreign means of payment, etc. are conducted by use of a telecommunications facility between banks or others that conduct sales transactions, etc. of foreign means of payment, etc. in the course of trade
- 2• When the Minister of Finance orders, pursuant to Article 9, paragraph 1 of the Act, those listed in the following items to suspend transactions pertaining to capital transactions prescribed respectively in those items •meaning capital transactions prescribed in Article 20 of the Act; the same shall apply hereinafter•• in the cases where the Minister of Finance finds it urgently necessary for the purpose of maintaining the stability of currency, the Minister of Finance shall do so designating the scope of transactions subject to the suspension order by a public notice for transactions prescribed in item 1 or by a notice to those listed in item 2 or 3 for transactions prescribed in item 2 or 3; provided, however, that with regard to transactions prescribed in item 1 which are conducted by those listed in the said item, when the Minister of Finance finds that it would be difficult to achieve the purpose of the Act if the scope of transactions subject to the suspension order is designated by a public notice, the scope of the transactions may be designated by a posting at the Ministry of Finance and the Bank of Japan or other method specified by the Ordinance of the Ministry of Finance.
- i• Among residents who conduct sales transactions, etc. of foreign means of payment, etc. in the market for foreign exchange between banks, etc. in the course of trade, those specified by the Ordinance of the Ministry of Finance

- referred to as the "Participants in the Specified Foreign Exchange Market" in paragraph 5• Transactions pertaining to the occurrence, alternation or extinction of claims based on a contract pertaining to sales transactions, etc. of foreign means of payment, etc. •hereinafter referred to as the "Transactions Pertaining to the Occurrence, etc. of Claims•; which are conducted in the market for foreign exchange between banks, etc.
- ii• Member, etc. of a financial futures exchange: The following capital transactions
 - a• Among the Transactions Pertaining to the Occurrence, etc. of Claims based on a sales contract for foreign means of payment, etc., any exchange financial futures trading that falls under the transactions listed in item 9, •a• or •b• of • • • the preceding paragraph
 - b• Among the Transactions Pertaining to the Occurrence, etc. of Claims based on a futures contract on a financial index, etc. •limited to such contracts pertaining to a financial index for a currency; hereinafter the same shall apply in this paragraph•; those conducted in the financial futures market opened by a financial futures exchange
 - c• Among the Transactions Pertaining to the Occurrence, etc. of Claims based on a sales contract for foreign means of payment, etc. or a futures contract on a financial index, etc., those falling under the transactions listed in item 10 of the preceding paragraph
- iii• Financial futures traders or those specified by the Ordinance of the Ministry of Finance: The following capital transactions
 - a• Among the Transactions Pertaining to the Occurrence, of Claims based on a sales contract for foreign means of payment, etc., transactions similar to exchange financial futures trading that falls under the transactions listed in item 9, •a• or •b• of the preceding paragraph, which are conducted in the overseas financial futures market
 - b• Transactions similar to the Transactions Pertaining to the Occurrence, etc. of Claims based on a futures contract on a financial index, etc., which are conducted in the overseas financial futures market
- 3• The Minister of Finance shall, when he/she has ordered the suspension of transactions pertaining to capital transactions through designation by a method prescribed in the proviso of the preceding paragraph, take measures for making public that effect and the content of the order •meaning the content of capital transactions designated as the subject of the suspension order and the period of the suspension order•• and also promptly give a public notice thereon.
- 4• With regard to suspension ordered pursuant to the provision of paragraph 2, the period specified by Cabinet Order as prescribed in Article 9, paragraph 1 of the Act shall be the period not exceeding one month specified by the Minister of Finance.

- 5• The Participants in the Specified Foreign Exchange Market, members, etc. of a financial futures exchange, financial futures traders or those specified by the Ordinance of the Ministry of Finance, who have been ordered to suspend capital transactions pursuant to the provision of paragraph 2 shall not conduct the designated capital transactions within the period specified by the Minister of Finance as set forth in the preceding paragraph.

Chapter 2 Deleted

Article 4 Deleted.

Article 5 Deleted.

Chapter 3 Payment, etc.

Article 6 •Permission, etc. for Payment, etc. •

- 1• Where the Minister of Finance or the Minister of Economy, Trade and Industry imposes, pursuant to Article 16, paragraphs 1 to 3 inclusive of the Act, the obligation to obtain permission for payment from Japan to a foreign state by a resident or a non-resident or for payment, etc. •meaning payment or receipt of payment; the same shall apply hereinafter• •by a resident to a non-resident, he/she shall do so designating payment, etc. that require permission, after clarifying, in advance, by a public notice, the provision, among these provisions, based on which the obligation to obtain permission is imposed.
- 2• When a resident or a non-resident intends to make a payment, etc. designated pursuant to the provision of the preceding paragraph, the resident or non-resident shall obtain permission from the Minister of Finance or the Minister of Economy, Trade and Industry through procedures specified by the Ordinance of the Ministry of Finance or the Ordinance of the Ministry of Economy, Trade and Industry.
- 3• Where one payment, etc. that a resident or a non-resident intends to make falls under two or more kinds of payment, etc. designated pursuant to the provision of paragraph 1 based on two or more provisions of paragraphs 1 to 3 inclusive of Article 16, when the resident or non-resident intends to file, pursuant to paragraph 4 of the said article, an application for permission as prescribed in the two or more provisions in block in regard to the one payment, etc. that he/she intends to make, the resident or non-resident shall file the application through procedures specified by the Ordinance of the Ministry of Finance or the Ordinance of the Ministry of Economy, Trade and Industry, after clarifying the provision, among paragraphs 1 to 3 inclusive of the said article, based on which the obligation to obtain permission has been imposed for the payment, etc. for which

the application for permission has been filed.

- 4• Where the Minister of Finance or the Minister of Economy, Trade and Industry has imposed the obligation to obtain permission for a payment, etc. pursuant to the provision of paragraph 1, he/she shall, when he/she finds that there is no longer a need to impose the obligation, promptly cancel the obligation by a public notice.
- 5• The cases specified by Cabinet Order as prescribed in Article 16, paragraph 5 of the Act shall be the cases of making a payment, etc. pertaining to the import or export of goods for which the obligation to obtain permission or approval is imposed pursuant to the provisions of the following laws and regulations, which has been designated by a public notice by the Minister of Economy, Trade and Industry as he/she finds, by taking into consideration the parties to the import or export of the goods and the content thereof and other matters, that even if the payment, etc. is made, no particular obstruction to achieving the purpose of the Act would be caused.
 - i• Article 48, paragraph 1 of the Act
 - ii• Article 2, paragraph 1 of the Export Trade Control Order •Cabinet Order No. 378 of 1949••or Article 4, paragraph 1 of the Import Trade Control Order •Cabinet Order No. 414 of 1949•

Article 6-2 •Scope, etc. of Restrictions on Payment, etc. •

- 1• Financial institutions specified by Cabinet Order as prescribed in Article 16-2 of the Act shall be the following.
 - i• Banks •meaning banks prescribed in Article 2, paragraph 1 of the Banking Act •Act No. 59 of 1981•; the same shall apply in Article 11-2, paragraph 1•, long-term credit banks •meaning long-term credit banks prescribed in Article 2 of the Long-Term Credit Bank Act •Act No. 187 of 1952•; the same shall apply in Article 11-2, paragraph 1•; credit associations, federations of credit associations, labor credit associations, federations of labor credit associations, credit cooperatives and federations of credit cooperatives •meaning federations of cooperatives that conduct business set forth in Article 9-9, paragraph 1, item 1 of the Act on the Cooperative Associations of Small and Medium Enterprises •Act No. 181 of 1949••
 - ii• Agricultural cooperatives, federations of agricultural cooperatives, fisheries cooperatives, federations of fisheries cooperatives, fishery processing cooperatives and federations of fishery processing cooperatives, which may accept savings or thrift savings in the course of trade
 - iii• Norinchukin Bank, Shokochukin Bank, the Bank of Japan, Japan Bank for International Cooperation, and the Development Bank of Japan
- 2• Payment, etc. specified by Cabinet Order as prescribed in Article 16-2 of the Act

shall be payment, etc. made based on a sales contract •limited to that for which both payment pertaining to the payment, etc. and the receipt thereof are conducted in Japan; hereinafter the same shall apply in this paragraph••or other payment, etc. specified by the Minister of Finance or the Minister of Economy, Trade and Industry, of which the amount is not more than that equivalent to one hundred thousand yen.

- 3• Where the Minister of Finance or the Minister of Economy, Trade and Industry, pursuant to the provision of Article 16-2 of the Act, prohibits a person who has made payment, etc., for which the obligation to obtain permission is imposed pursuant to the provision of Article 16, paragraph 1 of the Act, without obtaining the permission from making, in whole or in part, payment from Japan to a foreign state and payment, etc. between a resident and a non-resident, or imposes on such a person the obligation to obtain permission, he/she shall do so designating, in advance, by a notice to that person, payment, etc. that are prohibited or that require permission.
- 4• When a person who has been obliged to obtain permission for the payment, etc. pursuant to the provision of the preceding paragraph intends to make payment, etc. designated by a notice set forth in the said paragraph as the payment, etc. that require permission, he/she shall obtain permission from the Minister of Finance or the Minister of Economy, Trade and Industry through procedures specified by the Ordinance of the Ministry of Finance or the Ordinance of the Ministry of Economy, Trade and Industry.
- 5• Where the Minister of Finance or the Minister of Economy, Trade and Industry, pursuant to the provision of paragraph 3, has prohibited, in whole or in part, payment, etc. or imposed the obligation to obtain permission for the payment, etc., he/she shall, when he/she finds that there is no longer a need to prohibit or impose the obligation to obtain permission, promptly cancel the prohibition or the obligation to obtain permission by a notice to the person who has been prohibited or obliged to obtain permission.
- 6• When the Minister of Finance or the Minister of Economy, Trade and Industry is unable to ascertain the domicile or residence, or the location of the business office or office, of a person to whom a notice pursuant to the provision of paragraph 3 shall be given, he/she may designate payment, etc. that are prohibited or that require permission, after clarifying, by a public notice instead of a notice pursuant to the said paragraph, a person who is prohibited from making, in whole or in part, payment, etc. prescribed in the said paragraph or obliged to obtain permission for such payment, etc. In this case, with regard to the application of provisions of the preceding two paragraphs in the cases where the Minister of Finance or the Minister of Economy, Trade and Industry has given the public notice, the terms "preceding paragraph" and "notice" in paragraph 4 shall be

deemed to be replaced with "preceding paragraph and paragraph 6" and "public notice," respectively, and the terms "paragraph 3" and "notice to the person who has been prohibited or obliged to obtain permission" shall be deemed to be replaced with "paragraph 3 and the next paragraph" and "public notice," respectively.

Article 7 • Transactions, etc. Subject to the Confirmation Obligation of Banks, etc. ••

The transactions or acts specified by Cabinet Order as prescribed in Article 17, item 3 of the Act shall be the following transactions or acts •excluding those designated by the Minister of Finance or the Minister of Economy, Trade and Industry by a public notice••

- i• Specified capital transactions prescribed in Article 24, paragraph 1 of the Act for which the obligation to obtain permission is imposed pursuant to the provision of paragraph 1 or 2 of the said article
- ii• Service transactions, etc. prescribed in Article 25, paragraph 4 of the Act for which the obligation to obtain permission is imposed pursuant to the provision of the said paragraph
- iii• Among inward direct investment, etc. prescribed in Article 26, paragraph 2 of the Act for which the obligation to give notification is imposed pursuant to the provision of Article 27, paragraph 1 of the Act, those specified, pursuant to the provision of Article 27, paragraph 1, by Cabinet Order as falling under the inward direct investment, etc. listed in Article 27, paragraph 3, item 3 of the Act
- iv• Import of goods for which the obligation to obtain approval is imposed pursuant to the provision of Article 52 of the Act •limited to those for which the obligation to obtain approval was imposed by the Minister of Economy, Trade and Industry from the same viewpoint as that adopted in the cases where he/she imposes, pursuant to the provision of Article 16, paragraph 1 of the Act, the obligation to obtain permission for payment, etc. ••

Article 7-2 • Small Payment or Payment, etc. Exempted from the Obligation to Identify Customers, etc. of Banks, etc. ••

The small payment or payment, etc. specified by Cabinet Order as prescribed in Article 18, paragraph 1 of the Act shall be payment or payment, etc. not more than the amount equivalent to two million yen.

Article 7-3 • States, Local Governments, Associations or Foundations without Juridical Personality or Those Specified by Cabinet Order ••

- 1• Those specified by Cabinet Order as prescribed in Article 18, paragraph 3 of the Act shall be the following.
 - i• States
 - ii• Local governments

- iii• Associations or foundations without juridical personality
- iv• Incorporated administrative agencies prescribed in Article 2, paragraph 1 of the Act on General Rules for Incorporated Administrative Agency •Act No. 103 of 1999••
- v• Corporations of which not less than a half of the stated capital, funds or those equivalent thereto is contributed by a state or a local government •excluding those listed in the preceding item, the next item and item 8••
- vi• Foreign governments, foreign governmental institutions, foreign local governments, foreign central banks or international organizations of which Japan is a member state
- vii• Workers who conclude a workers' property accumulation savings contract, etc. •meaning the workers' property accumulation savings contract prescribed in Article 6, paragraph 1 of the Act on the Promotion of Workers' Property Accumulation •Act No. 92 of 1971•, the workers' property accumulation pension savings contract prescribed in paragraph 2 of the said article, and the contract on workers' property accumulation savings for house construction prescribed in paragraph 4 of the said article; the same shall apply in Article 11-4••
- viii• Issuers of the securities listed in the items of Article 27-2 of the Order for Enforcement of the Securities and Exchange Act •Cabinet Order No. 321 of 1965• •excluding those falling under the line of securities prescribed in Article 40, paragraph 1, item 1 of the Securities and Exchange Act••
- ix• Those specified by the Ordinance of the Ministry of Finance as equivalent to those set forth in the preceding items

Article 8 •Permission for Import or Export of Means of Payment, etc.•

- 1• Where the Minister of Finance imposes, pursuant to Article 19, paragraph 1 or 2 of the Act, the obligation to obtain permission for import or export of the means of payment or securities prescribed in paragraph 1 of the said article, or precious metal •hereinafter referred to as the "Means of Payment, etc.•• by a resident or a non-resident, he/she shall do so designating, in advance, by a public notice, the import or export of the Means of Payment, etc. that require permission.
- 2• When a resident or a non-resident intends to import or export the Means of Payment, etc. designated pursuant to the provision of the preceding paragraph, the resident or non-resident shall obtain permission from the Minister of Finance through procedures specified by the Ordinance of the Ministry of Finance.
- 3• Where the Minister of Finance has imposed, pursuant to the provision of paragraph 1, the obligation to obtain permission for import or export of the Means of Payment, etc., he/she shall, when he/she finds that there is no longer a need to impose the obligation, promptly cancel the obligation by a public notice.

Article 8-2 • Notification of Import or Export of Means of Payment, etc. •

- 1 • The cases specified by Cabinet Order as prescribed in Article 19, paragraph 3 of the Act shall be the cases other than the cases of intending to import or export by carrying the Means of Payment, etc. that fall under any of the following items.
 - i • Means of payment or securities prescribed in Article 19, paragraph 1 of the Act • limited to those respectively specified by the Ordinance of the Ministry of Finance •; for which the amount calculated as its value by a method specified by the Ordinance of the Ministry of Finance • where two or more means of payment are involved, where two or more securities are involved, or where two or more means of payment and securities are involved in total, the total of the amounts calculated by a method specified by the Ordinance of the Ministry of Finance as the values of each • • exceeds that equivalent to one million yen
 - ii • Precious metal • limited to that specified by the Ordinance of the Ministry of Finance • whose weight • where two or more precious metals are involved, the total of the weights of each • • exceeds one kilogram
- 2 • Any person who intends to import or export the Means of Payment, etc. subject to notification pursuant to the provision of Article 19, paragraph 3 of the Act shall, pursuant to the provisions of the Ordinance of the Ministry of Finance, give the notification prior to the date on which he/she intends to import or export it.
- 3 • The matters specified by Cabinet Order as prescribed in Article 19, paragraph 3 of the Act shall be the following matters.
 - i • Name and domicile or residence of a notifier • for a corporation, its name, location of its principal office and name of its representative • •
 - ii • Kind, quantity, amount • for precious metal, weight •, and destination or place of shipment of the Means of Payment, etc. to be imported or exported
 - iii • Date of performance of import or export of the Means of Payment, etc.
 - iv • Other matters specified by the Ordinance of the Ministry of Finance

Chapter 4 Capital Transactions, etc.

Article 9 • Current Expenditures, etc. •

- 1 • The transfer of funds specified by Cabinet Order as prescribed in Article 20, item 11 of the Act shall be the following transfer of funds.
 - i • Transfer of funds pertaining to personal expenses, fuel, light and water charges or other general administrative expenses, which are necessary for operating an office • excluding those pertaining to the establishment or expansion of a branch office, factory or other business office • •
 - ii • Transfer of funds prescribed in • a • to • c • below, which is conducted between offices in Japan and in a foreign state of a juridical person in regard to transactions listed in • a • to • c • below, which are conducted by the office in

Japan of the juridical person

- a • Import or export of goods: Transfer of charge for import or export of the goods or freight, insurance fees or funds directly incidental to import or export of the goods
 - b • Transactions related to the buying and selling of goods involving the movement of goods between foreign states: Transfer of charge for the buying and selling of the goods pertaining to the transactions or freights, insurance fees or other funds directly incidental to the transactions
 - c • Service transactions: Transfer of consideration for the service transactions or funds directly incidental to the service transactions
- 2 • The term • service transactions • set forth in item 2, • c • of • the • preceding paragraph shall mean transactions designed to provide labor or benefit.

Article 10 • Designation of Capital Transactions •

The transactions specified by Cabinet Order as prescribed in Article 20, item 12 of the Act shall be the Transactions Pertaining to the Occurrence, etc. of Claims based on a sales contract for gold bullion between a resident and a non-resident.

Article 11 • Capital Transactions, etc. that Require Permission from the Minister of Finance ••

- 1 • Where the Minister of Finance imposes, pursuant to Article 21, paragraph 1 or 2 of the Act, on a resident or a non-resident the obligation to obtain permission for conducting capital transactions, he/she shall do so designating capital transactions that require permission, after clarifying, in advance, by a public notice, the provision, among these provisions, based on which the obligation to obtain permission is imposed; provided however, where the Minister of Finance finds that it would become difficult to achieve the purpose of the Act if the capital transactions are to be designated by a public notice in the case of imposing, pursuant to the said paragraphs, the obligation to obtain permission for capital transactions by a resident or a non-resident, he/she may designate the capital transactions by a posting at the Ministry of Finance and the Bank of Japan or by other appropriate method specified by the Ordinance of the Ministry of Finance.
- 2 • When the Minister of Finance has designated capital transactions pursuant to the provision of the proviso of the preceding paragraph, he/she shall take measures for making public that effect and the content of the designated capital transactions and also promptly give a public notice thereon.
- 3 • When a resident or a non-resident intends to conduct capital transactions designated pursuant to the provision of paragraph 1, the resident or non-resident shall obtain permission from the Minister of Finance through procedures specified by Cabinet Order.

- 4• Where one capital transaction that a resident or a non-resident intends to conduct falls under two or more kinds of capital transactions designated pursuant to the provision of paragraph 1 based on Article 20, paragraph 1 or 2, when the resident or non-resident intends to file, pursuant to paragraph 5 of the said article, an application for permission as prescribed in paragraphs 1 and 2 of the said article in block in regard to the one capital transaction that he/she intends to conduct, the resident or non-resident shall file the application through procedures specified by the Ordinance of the Ministry of Finance, after clarifying that the application for permission pertains to the capital transaction for which the obligation to obtain permission has been imposed pursuant to these provisions.
- 5• Where capital transactions designated pursuant to the provision of paragraph 1 are the transactions listed in Article 20, item 4 or 9 of the Act, when one party to the transactions has obtained permission pursuant to the provision of paragraph 3, the other party to the transactions shall not be required to obtain permission pursuant to the provision of the said paragraph, notwithstanding the provision of the said paragraph.
- 6• Where the Minister of Finance has imposed, pursuant to the provision of paragraph 1, the obligation to obtain permission for conducting capital transactions, he/she shall, when he/she finds that there is no longer a need to impose the obligation, promptly cancel the obligation by a public notice.

Article 11-2 • Handling of the Special International Financial Transactions Account, etc. ••

- 1• Financial institutions specified by Cabinet Order as prescribed in Article 21, paragraph 3 of the Act shall be banks, long-term credit banks, credit associations, federations of credit associations, Norinchukin Bank, Shokochukin Bank, insurance corporations •meaning insurance corporations prescribed in Article 2, paragraph 2 of the Insurance Business Act •Act No. 105 of 1995• and foreign insurance corporations, etc. prescribed in paragraph 7 of the said article••and securities corporations •meaning securities corporations prescribed in Article 2, paragraph 9 of the Securities and Exchange Act and foreign securities corporations prescribed in Article 2, item 2 of the Act on Foreign Securities Dealers •Act No. 5 of 1971••••
- 2• Those specified by Cabinet Order as prescribed in Article 21, paragraph 3 shall be juridical persons having their principal office in a foreign state •excluding juridical corporations established based on foreign laws and regulations••and non-resident business offices of banks, etc. prescribed in Article 16-2 of the Act •hereinafter referred to as the Banks, etc.• which are Japanese juridical persons •
- 3• The deposit contract specified by Cabinet Order as prescribed in Article 21, paragraph 3, item 1 of the Act shall be a deposit contract •excluding those

pertaining to a negotiable deposit that fulfills, according to the classification of deposit contracts listed in the following items, the requirements prescribed respectively in those items.

- i • With regard to a deposit contract with no set due date for refund which is concluded with a non-resident who is a financial institution or other one specified by the Ordinance of the Ministry of Finance as prescribed in Article 21, paragraph 3, item 1 of the Act, the refund shall be made on and after the day following the date of cancellation of the deposit contract; and with regard to a deposit contract with a set due date for refund, the due date for refund shall arrive on and after the day following the date of cancellation of the deposit contract.
- ii • Deposit contract with a non-resident other than those listed in the preceding item as prescribed in Article 21, paragraph 3, item 3 of the Act: The deposit contract shall be a deposit contract with a set due date for refund, and the due date for refund shall arrive on and after the date when two days have passed from the day of conclusion of the deposit contract, and the amount of deposit based on the deposit contract shall not be less than the amount specified by the Minister of Finance.
- 4 • The securities specified by Cabinet Order as prescribed in Article 21, paragraph 3, item 3 of the Act shall be corporate bonds issued by juridical persons established based on foreign laws and regulations, public bonds issued by foreign governments and local governments, and bonds issued by foreign governmental institutions and international organizations or other securities specified by the Minister of Finance hereinafter referred to as the "Foreign Public or Corporate Bonds, etc." in this article.
- 5 • The transactions or acts specified by Cabinet Order as prescribed in Article 21, paragraph 3, item 4 of the Act shall be the following.
 - i • Derivative transactions with a non-resident which are incidental to a deposit contract, etc. with a non-resident or a deposit contract for another account, etc.
 - ii • Derivative transactions with a non-resident accompanying the possession of the Foreign Public or Corporate Bonds, etc. or liquid securities
 - iii • Transactions Pertaining to the Occurrence, etc. of Claims based on a loan contract or a deposit contract for the Foreign Public or Corporate Bonds, etc., national government bond securities or liquid securities with a non-resident, which is concluded for the purpose of securing the transactions listed in the preceding two items
 - iv • Negotiation of national government bond securities to a non-resident
 - v • Acquisition of national government bond securities with sell-back conditions from a non-resident
 - vi • Acquisition of transferred national government bond securities with buy-back

conditions from a non-resident

- vii• Acquisition of national government bond securities from a non-resident or those specified by the Ordinance of the Ministry of Finance, which is for negotiating national government bond securities with buy-back conditions or for conducting the Transactions Pertaining to the Occurrence, etc. of Claims based on a loan contract or a deposit contract for national government bond securities or a loan contract with a monetary security for national government bond securities, which are conducted for the purpose of securing the transactions listed in item 1 or 2
- viii• Acquisition of liquid securities from a non-resident or negotiation thereof to a non-resident
- ix• Acquisition of liquid securities from the issuer thereof for negotiating liquid securities
- x• Transactions Pertaining to the Occurrence, etc. of Claims based on a loan contract with a monetary security for the Foreign Public or Corporate Bonds, etc., national government bond securities or liquid securities with a non-resident
- xi• The following transactions or acts with another approved financial institution for special international financial transactions account •meaning financial institutions that have obtained approval from the Minister of Finance for setting, pursuant to the provision of Article 21, paragraph 3 of the Act, the special international financial transactions account prescribed in the said paragraph •hereinafter referred to as the "Special International Financial Transactions Account" in this article•; hereinafter the same shall apply in this article and in Article 18-7, paragraph 2, item 1•; of which accounting related to the operation or procurement of funds pertaining to the transactions or acts is adjusted in the Special International Financial Transactions Account of another approved financial institution for the Special International Financial Transactions Account
 - a• Transactions Pertaining to the Occurrence, etc. of Claims based on a deposit contract •excluding those pertaining to a negotiable deposit•
 - b• Transactions Pertaining to the Occurrence, etc. of Claims based on a money loan contract
 - c• Derivative transactions incidental to a deposit contract, etc. with a non-resident or a deposit contract for other account, etc.
 - d• Derivative transactions accompanying the possession of the Foreign Public or Corporate Bonds, etc. or liquid securities
 - e• Transactions Pertaining to the Occurrence, etc. of Claims based on a loan contract or a deposit contract for the Foreign Public or Corporate Bonds, etc., national government bond securities or liquid securities, which are conducted for the purpose of securing the transactions listed in •c• or •d•

- f• Acquisition or negotiation of the Foreign Public or Corporate Bonds, etc., national government bond securities or liquid securities
- g• Transactions Pertaining to the Occurrence, etc. of Claims based on a loan contract with a monetary security for the Foreign Public or Corporate Bonds, etc., national government bond securities or liquid securities
- 6• In the preceding paragraph, the meanings of the terms listed in the following items shall be as prescribed respectively in those items.
 - i• Deposit contract, etc. with a non-resident: Meaning a deposit contract with a non-resident prescribed in Article 21, paragraph 3, item 1 of the Act, which is specified by Cabinet Order, a monetary loan contract with a non-resident or the acquisition of the Foreign Public or Corporate Bonds, etc. or liquid securities from a non-resident or negotiation thereof to a non-resident
 - ii• Deposit contract for other account, etc.: Meaning a contract pertaining to the transactions listed in item 11, •a• or •b• of the preceding paragraph with another approved financial institution for the Special International Financial Transactions Account, of which accounting related to the operation or procurement of funds pertaining to the transactions is adjusted in the Special International Financial Transactions Account of the another approved financial institution for the Special International Financial Transactions Account, or the acquisition or negotiation of the Foreign Public or Corporate Bonds, etc. or liquid securities from or to another approved financial institution for the Special International Financial Transactions Account, of which accounting related to the operation or procurement of funds pertaining to the act is adjusted in the Special International Financial Transactions Account of the another approved financial institution for the Special International Financial Transactions Account
 - iii• Derivative transactions: Meaning the Transactions Pertaining to the Occurrence, etc. of Claims based on a sales contract for means of payment or claims limited to those specified by the Ordinance of the Ministry of Finance or a futures contract on a financial index, etc.
 - iv• Liquid securities: Meaning specified corporate bonds prescribed in Article 2, paragraph 9 of the Act on the Liquidation of Assets Act No. 105 of 1998, or beneficiary securities prescribed in paragraph 15 of the said article for which specified assets prescribed in paragraph 1 of the said article are only the Foreign Public or Corporate Bonds, etc., or beneficiary securities prescribed in Article 2, paragraph 12 of the Act on Investment Trust and Investment Corporation pertaining to securities investment trust prescribed in paragraph 4 of the said article for which the subject of investment are only the Foreign Public and Corporate Bonds, etc.
- 7• Approved institutions for the Special International Financial Transactions Account shall keep books and documents specified by the Ordinance of the

Minister of Finance and record, in these books and documents, the operation or procurement of funds pertaining to the transactions or acts listed in the items of Article 21, paragraph 3 of the Act by the standard and method specified by the Ordinance of the Ministry of Finance.

- 8. The transfer of funds between the Special International Financial Transactions Account and other accounts shall be as prescribed below.
 - i. The amount pertaining to the transfer of funds from the Special International Financial Transactions Account to other accounts at the closing time of every day • if the current day is a holiday, the previous day thereof; hereinafter the same shall apply in this paragraph • shall not exceed the amount calculated by multiplying the amount, which is obtained by dividing the monthly total of the amounts pertaining to the operation of funds to non-residents prescribed in Article 21, paragraph 3 of the Act, of which accounting is settled in the Special International Financial Transactions Account at the closing time of every day in the month previous to the month to which the said day belongs, by the number of days of the month • where the amount obtained by dividing the total amount by the number of days of the month is not more than the amount specified by the Minister of Finance, the amount specified by the Minister of Finance •; by the rate specified by the Minister of Finance • for the period from the day when an approved financial institution for the Special International Financial Transactions Account started accounting related to the Special International Financial Transactions Account to the last day of the month following the month to which the said day belongs, the amount instructed by the Minister of Finance by taking into consideration the state of money loan in foreign currency provided by the approved financial institution for the Special International Financial Transactions Account or other circumstances • •
 - ii. The monthly total of the amounts pertaining to the transfer of funds from the Special International Financial Transactions Account to other accounts at the closing time of every day shall not exceed the monthly total of the amounts pertaining to the transfer of funds from other accounts to the Special International Financial Transactions Account.
- 9. Approved financial institutions for the Special International Financial Transactions Account shall confirm the other parties to the transactions or acts listed in Article 21, paragraph 3, items 1 to 3 inclusive of the Act of which accounting is settled in the Special International Financial Transactions Account and the transactions or acts listed in the items of paragraph 5, by means of collecting documents specified by the Ordinance of the Ministry of Finance or by other methods specified by the Ordinance of the Ministry of Finance, and also confirm, pursuant to the provisions of the Ordinance of the Ministry of Finance, the use of funds pertaining to money loan of which accounting is settled in the

Special International Financial Transactions Account.

Article 11-3 • Scope, etc. of Restrictions on Capital Transactions, etc. •

- 1• Where the Minister of Finance, pursuant to Article 22, paragraph 1 of the Act, prohibits a person who has conducted capital transactions, for which the obligation to obtain permission is imposed pursuant to the provision for Article 21, paragraph 1 of the Act, without obtaining the permission from conducting, in whole or in part, capital transactions or imposes on such a person the obligation to obtain permission for conducting capital transactions, he/she shall do so designating, in advance, by a notice to the person, the capital transactions that are prohibited or that require permission.
- 2• When a person, who has been, pursuant to the provision of the preceding paragraph, obliged to obtain permission for capital transactions that he/she conducts, intends to conduct capital transactions designated by a notice set forth in the said paragraph as those that require permission, he/she shall obtain permission from the Minister of Finance through procedures specified by the Ordinance of the Ministry of Finance.
- 3• Where the Minister of Finance, pursuant to the provision of paragraph 1, has prohibited a person from conducting, in whole or in part, capital transactions or imposed on a person the obligation to obtain permission for conducting capital transactions, he/she shall, when he/she finds that there is no longer a need to prohibit capital transactions or impose the obligation to obtain permission, promptly cancel the prohibition or the obligation by a notice to the person who has been prohibited or obliged to obtain permission.
- 4• When the Minister of Finance is unable to ascertain the domicile or residence, or the location of the business office or office, of a person to whom a notice pursuant to the provision of paragraph 1 shall be given, he/she may designate capital transactions that are prohibited or that require permission, after clarifying, by a public notice instead of a notice pursuant to the said paragraph, a person who is prohibited from conducting, in whole or in part, capital transactions or obliged to obtain permission for conducting transactions. In this case, with regard to the application of the provisions of the preceding two paragraphs in the cases where the Minister of Finance has given the public notice, the terms "preceding paragraph" and "notice" in paragraph 2 shall be deemed to be replaced with the "preceding paragraph and paragraph 4" and "public notice," respectively, and the terms "paragraph 1" and "notice sent to a person who has been prohibited or obliged to obtain permission" in the preceding paragraph shall be deemed to be replaced with "paragraph 1 and the next paragraph" and "public notice," respectively.

Article 11-4 • Those Equivalent to Customers •

Those specified by Cabinet Order as prescribed in Article 22-2, paragraph 1 of the Act shall be the beneficiaries of trust contracts prescribed in Article 20, item 1 or 4 of the Act •excluding those pertaining to workers' property accumulation savings contracts, etc., workers' property accumulation benefit contracts prescribed in Article 6-2, paragraph 1 of the Act on the Promotion of Workers' Property Accumulation, workers' property accumulation fund contracts prescribed in Article 6-3, paragraph 1 of the said act, asset management contracts prescribed in Article 65, paragraph 3 of the Defined-Benefit Corporate Pension Act •Act No. 50 of 2001•, contracts listed in the items of Article 65, paragraph 1 of the said act which are concluded by corporate pension funds pursuant to the provision of Article 66, paragraph 1 of the said act and trust contracts prescribed in Article 66, paragraph 2 of the said act, protective trust contracts concluded pursuant to the provision of Article 51, paragraph 1 of the Act on the Transfer of Corporate Bonds, etc. •Act No. 75 of 2001•, asset management contracts prescribed in Article 8, paragraph 2 of the Defined Contribution Pension Act •Act No. 88 of 2001•, or other contracts•specified by the Ordinance of the Ministry of Finance.

Article 11-5 • Act of Concluding, etc. Contracts Pertaining to Capital Transactions ••

- 1• Acts specified by Cabinet Order as prescribed in Article 22-2, paragraph 1 of the Act shall be the following acts •excluding acts of concluding a contract pertaining to customer-oriented money trust •meaning trust pursuant to the provision of Article 47, paragraph 3 of the Securities and Exchange Act or Article 15, paragraph 2 of the Order for Enforcement of the Act on Investment Trust and Investment Corporation •Act No. 480 of 2000• or designating beneficiaries pertaining to such a contract, or other acts specified by the Ordinance of the Ministry of Finance•; provided, however, that for the acts listed in items 1 to 8 inclusive, acts committed with customers, etc. whose identity has already been confirmed shall be excluded.
 - i• Conclusion of a deposit contract as prescribed in Article 20, item 1 or 4 of the Act •limited to those on the acceptance of deposits•
 - ii• Conclusion of a trust contract as prescribed in Article 21, item 1 or 4 of the Act •excluding contracts in which subject beneficial interest is the right indicated on securities prescribed in Article 2, paragraph 1 of the Securities and Exchange Act •excluding those listed in items 7-3 and 7-4 of the said paragraph; hereinafter the same shall apply in this article••or the right deemed to be securities pursuant to the provision of paragraph 2 of the said article, or the beneficial interest in commodities investment prescribed in Article 2, paragraph 3 of the Act on Regulations of Business Pertaining to Commodities Investment •Act No. 66 of 1991•, and trust contracts prescribed in Article 2, paragraph 1 of

the Secured Debenture Trust Act • Act No. 52 of 1905•; hereinafter referred to as the • Trust Contracts• in this article•

- iii• Designation or change of the beneficiary of a trust contract •excluding those pertaining to acts prescribed in Article 2, paragraph 8, item 1 of the Securities and Exchange Act••
- iv• Conclusion of a money loan contract as prescribed in Article 20, paragraph 2 or 4 of the Act •limited to those on loan of money by financial institutions, etc. •meaning financial institutions, etc. as prescribed in Article 22-2, paragraph 1 of the Act; hereinafter the same shall apply in this article••••
- v• Conclusion of a sales contract for the means of payment or claims or another sales contract as prescribed in Article 20, item 3 or 4 of the Act •excluding those pertaining to money exchange business as prescribed in Article 22-3 of the Act••
- vi• Conclusion of a contract on the act of having customers, etc. •meaning customers, etc. as prescribed in Article 22-2, paragraph 1 of the Act; hereinafter the same shall apply in this article••conduct the acquisition or negotiation of securities prescribed in Article 20, item 5 of the Act
- vii• Conclusion of a futures contract on a financial index, etc. as prescribed in Article 20, item 8 or 9 of the Act, or the act of accepting entrustment of transactions pertaining to a futures contract on a financial index, etc. or the act of acting as an intermediary, agency or agent for the entrustment
- viii• Among acts committed based on the conclusion of a contract pertaining to capital transactions •excluding those pertaining to money exchange business prescribed in Article 22-3 of the Act•; acts of receiving or paying cash, bearer checks •meaning checks drawn as bearer checks listed in Article 5, paragraph 1, item 3 of the Checks Act •Act No. 57 of 1933• or checks deemed •to be bearer checks pursuant to the provision of paragraph 2 or 3 of the said article; hereinafter the same shall apply in this item•, bank cashiers checks •meaning checks drawn to self pursuant to the provision of Article 6, paragraph 3 of the said act; hereinafter the same shall apply in this item•; traveler's checks, or certificates or interest coupons of public and corporate bonds not bearing the owner's name •meaning public and corporate bonds listed in Article 2, paragraph 1, item 9 of the Income Tax Act•; of which the amount exceeds that equivalent to two million yen •for bearer checks and bank cashiers checks, limited to those without crossing prescribed in Article 37, paragraph 1 of the Checks Act••
- ix• Among acts listed in the preceding items, acts committed with customers, etc. or representatives, etc. •meaning representatives, etc. as prescribed in Article 18, paragraph 2 of the Act; the same shall apply in the next item••in the cases where the customers, etc. or the representatives, etc. are suspected of having falsified the identifying matters •meaning the identifying matters prescribed in

paragraph 1 of the said article at the time of identity confirmation meaning the identity confirmation pursuant to the provision of Article 18, paragraph 1 and Article 22-2, paragraph 1 of the Act; the same shall apply in the next paragraph.

- x• Among acts listed in items 1 to 8 inclusive, the acts committed in the cases where another party to the acts is suspected of pretending to be a registered person of the acts or representatives, etc.
- 2• Acts committed with customers, etc. whose identity has already been confirmed prescribed in the preceding paragraph shall mean acts committed with customers, etc. in the following cases, for which financial institutions, etc. in the cases listed in items 3 to 6 inclusive, including other financial institutions, etc. prescribed in these items have confirmed that the Identity Confirmation, etc. meaning the identity confirmation as prescribed in Article 3, paragraph 1 of the Act on Identity Confirmation and Identity Confirmation of Customers, etc. by Financial Institutions, etc. and Prevention of Unauthorized Utilization of Deposit Accounts, etc. Act No. 32 of 2002; hereinafter the same shall apply in this paragraph has already been conducted in regard to the customers, etc. by a method specified by the Ordinance of the Ministry of Finance.
 - i• Where the financial institution, etc. have already conducted identity confirmation, etc. and also preserve a record of identity confirmation meaning record of identity confirmation as prescribed in Article 18-3, paragraph 1 of the Act in regard to the identity confirmation, etc.
 - ii• Where the financial institutions, etc. have already committed acts with those listed in Article 7-3 excluding those listed in item 3 of the said article; hereinafter the same shall apply in this paragraph and have, in committing the acts, conducted identity confirmation, etc. in regard to natural persons who are deemed to be customers, etc. pursuant to the provision of Article 18, paragraph 3 of the Act, as applied mutatis mutandis pursuant to Article 22-2, paragraph 2 of the Act, and also preserve a record of identity confirmation in regard to the identity confirmation, etc.
 - iii• Where the financial institutions, etc. commit acts prescribed in the preceding paragraph through entrustment to other financial institutions, etc. or postal service offices, when the other financial institutions, etc. or postal service offices have already conducted identity confirmation, etc. of customers, etc. and also preserve a record of identity confirmation in regard to the identity confirmation, etc.
 - iv• Where the financial institutions, etc. commit the acts prescribed in the preceding paragraph through entrustment to other financial institutions, etc. or postal service offices, when the other financial institutions, etc. or postal service offices have already committed the acts with those listed in Article 7-3 and have,

in committing the acts, conducted the identity confirmation, etc. of natural persons who are deemed to be customers, etc. pursuant to the provision of Article 18, paragraph 3 of the Act, as applied mutatis mutandis pursuant to Article 22-2, paragraph 2 of the Act, and also preserve a record of the identity confirmation in regard to the identity confirmation, etc.

- v• Where the financial institutions, etc. succeed the business of other financial institutions, etc. due to merger, transfer of business or other reasons equivalent thereto, when the other financial institutions, etc. have already conducted identity confirmation, etc. of customers, etc. and have handed over a record of identity confirmation prepared in regard to the identity confirmation, etc. to the financial institutions, etc., and the financial institutions, etc. preserve the record of the identity confirmation
- vi• Where the financial institutions, etc. succeed the business of other financial institutions, etc. due to merger, transfer of business or other reasons equivalent thereto, the other financial institutions, etc. have already committed the acts with those listed in Article 7-3 and have, in committing the acts, conducted identity confirmation, etc. of natural persons who are deemed to be customers, etc. pursuant to the provision of Article 18, paragraph 3 of the Act, as applied mutatis mutandis pursuant to Article 22-2, paragraph 2 of the Act, and have handed over the record of identity confirmation prepared in regard to the identity confirmation, etc. to the financial institutions, etc., and the financial institutions, etc. preserve the record of identity confirmation
- 3• Where financial institutions, etc. commit the acts listed in paragraph 1, item 2 or 3, when the beneficiary of a trust contract has yet to be specified or does not exist, when the beneficiary of a trust contract has yet to manifest his/her intention to receive benefits, or when conditions precedent or time limit are set on the beneficiary's beneficial interest in a trust contract, the provision of the said items shall apply, deeming that the beneficiary of the trust contract listed in the said items has been specified at the time when the financial institutions, etc. came to know the specification or existence of the beneficiary, manifestation of intention to receive benefits or fulfillment of the conditions precedent or arrival of the time limit.

Article 11-6 •Small Money Exchange Exempted from the Obligation to Identify Customers, etc.♦♦

The small money exchange specified by Cabinet Order as prescribed in Article 22-3 of the Act shall be money exchange not more than the amount equivalent to two million yen.

Article 12 •Notification of Outward Direct Investment♦

- 1• The outward direct investment specified by Cabinet Order as prescribed in Article 23, paragraph 1 of the Act shall be outward direct investment prescribed in paragraph 2 of the said article pertaining to business that falls under any of the following •hereinafter referred to as "Outward Direct Investment" in this article••
 - i• Business that belongs to a business type specified by the Ordinance of the Ministry of Finance as the specified business type in the cases where the act of making an outward direct investment pertaining to business that belongs to the specified business type is likely to cause any of the situations set forth in the items of Article 23, paragraph 4 of the Act
 - ii• Business conducted in the region specified by the Ordinance of the Ministry of Finance as the specified region in the cases where the act of making an outward direct investment pertaining to business conducted in the specified region is likely to cause any of the situations set forth in the items of Article 23, paragraph 4 of the Act
 - iii• Business that belongs to a business type specified by the Ordinance of the Ministry of Finance as a specified business type which is conducted in the region specified by the Ordinance of the Ministry of Finance as a specified region in the cases where the act of making an outward direct investment pertaining to business that belongs to the specified business type, which is conducted in the specified region, is likely to cause any of the situations set forth in the items of Article 23, paragraph 4 of the Act
- 2• A notification pursuant to the provision of Article 23, paragraph 1 of the Act shall be given through procedures specified by the Ordinance of the Ministry of Finance within two months prior to the day on which a person intends to make an outward direct investment pertaining to business listed in the items of the preceding paragraph.
- 3• The matters specified by Cabinet Order as prescribed in Article 23, paragraph 1 of the Act shall be the following matters.
 - i• Name and domicile or residence of a notifier •for• a corporation, its name, location of its principal office and name of its representative••
 - ii• Content of the outward direct investment
 - iii• Time of making the outward direct investment
 - iv• Reason for making the outward direct investment
 - v• Other matters specified by the Ordinance of the Ministry of Finance
- 4• The acquisition of securities or loan of money specified by Cabinet Order as prescribed in Article 23, paragraph 2 of the Act shall be the following acquisition of securities or loan of money •limited to those for which the loan period exceeds one year••by a resident.
 - i• Acquisition of securities issued by a corporation established based on foreign laws and regulations •hereinafter referred to as the • Foreign Corporation• in

this paragraph in the cases where the number of shares of the Foreign Corporation held by the resident or the amount of contribution thereof made by the resident accounts for not less than one-tenth of the total number of issued shares of the Foreign Corporation or the total amount of contribution thereof and in the cases that fall under those specified by the Ordinance of the Minister of Finance as cases equivalent thereto

- ii• Acquisition of securities issued by the Foreign Corporation, for which the number of shares held by the resident or the amount of contribution thereof made by the resident accounts for not less than one-tenth of the total number of issued shares of the Foreign Corporation or the total amount of contribution thereof, or by the Foreign Corporation specified by the Ordinance of the Ministry of Finance as equivalent to such Foreign Corporation, or loan of money to such Foreign Corporation
- iii• In addition to what is listed in the preceding two items, acquisition of securities issued by the Foreign Corporation, which has a permanent relationship with the resident through dispatch of officers, long-lasting supply of raw materials or others specified by the Ordinance of the Ministry of Finance, or loan of money to the Foreign Corporation

Article 13 • Service, etc. of a Recommendation or an Order •

- 1• A recommendation or an order pursuant to the provision of Article 23, paragraph 4 or 9 of the Act shall be given by service of a document, in which the content of the recommendation or order is described, to a domicile or residence, or business office of a person who shall receive the service, by mail or by letter prescribed in Article 2, paragraph 2 of the Act on the Service of Letters by Private Business Operators •Act No. 99 of 2002• by a general letter services operator prescribed in paragraph 6 of the said article or a specified letter service operator prescribed in paragraph 9 of the said article •hereinafter referred to as the • Letter• in this article•; or by delivery.
- 2• Where a document prescribed in the preceding paragraph has been sent by ordinary mail or Letter, the postal item or the letter item prescribed in Article 2, paragraph 3 of the Act on the Service of Letters by Private Business Operators shall be presumed to have been serviced at the time when it shall arrive by ordinary.
- 3• Where the Minister of Finance sends a document prescribed in paragraph 1 by ordinary mail or Letter, he/she shall prepare a record sufficient to confirm the name of the person who shall receive the service of the document •for a corporation, its name•; address, and the date of sending the document.
- 4• Service by delivery prescribed in paragraph 1 shall be conducted by the official of the administrative organ •including the employees of the Bank of Japan who

engage, pursuant to Article 69, paragraph 1 of the Act, in the affairs listed in Article 26, item 3 or 5 through delivery of a document prescribed in paragraph 1 to a person who shall receive the service of the document in the place to which the document shall be serviced; provided, however, when a person who shall receive the service has no objection, the document may be delivered to other places.

- 5• In the cases listed in the following items, service by delivery set forth in paragraph 1 may be conducted through acts prescribed respectively in those items, in addition to delivery pursuant to the preceding paragraph.
 - i• In the case of being unable to meet a person who shall receive the service of a document prescribed in paragraph 1 in the place to which the service shall be sent: The document shall be delivered to his/her employee or other worker, or a person living together with him/her who has the capacity to receive the document referred to as the "Employees, etc." in the next item.
 - ii• Where a person who shall receive the service of a document prescribed in paragraph 1 or other Employees, etc. is not in the place to which the service shall be sent or where these persons refuse to receive the document without justifiable grounds: The document shall be placed in the place to which the service shall be sent.
- 6• A notice pursuant to the provision of Article 23, paragraph 6 of the Act shall be given through procedures specified by the Ordinance of the Ministry of Finance.

Article 14 Specified Capital Transactions, etc. that Require Permission from the Minister of Economy, Trade and Industry

- 1• Specified capital transactions prescribed in Article 24, paragraph 1 of the Act hereinafter referred to as the "Specified Capital Transactions" shall be the Transactions Pertaining to the Occurrence, etc. of Claims based on any of the following contracts excluding transactions for settlement of international commercial transactions for which the period from the occurrence of claims pertaining to the transactions to extinguishment thereof is not longer than one year:
 - i• Money loan contracts that are concluded by a resident who imports goods with another party to an import contract for the goods and are directly incidental to the import contract for the goods, which are related to the offsetting of the total amount of claims based thereon and the whole or part of the charges of the import goods including acts substantially recognized as offsetting; the same shall apply in the next item.
 - ii• Monetary debt contracts that are concluded by a resident who exports goods with another party to an export contract for the goods and are directly incidentally to the export contract for the goods, which are related to the offsetting of the total amount of debts based thereon and the whole or part of the

charges of the export goods

- iii• The following debt guarantee contracts that are concluded by a resident who imports or exports goods with a non-resident
 - a• Guarantee contracts that are concluded in conformity with the conditions for bid pertaining to the import or export of the goods
 - b• Performance guarantee contracts for an import or export contract for the goods, refund guarantee contracts for advances received or advance payments for the charges of the goods, and other guarantee contracts that are concluded directly incidental to an import or export contract for the goods and pursuant to the provisions of such contracts
- iv• Money loan contracts or debt contracts which a resident who is a party to a contract pertaining to the transfer of the mining right, industrial property right or other right similar thereto or establishment of the right of use of these rights hereinafter referred to as the "Transfer, etc. of the Mining Right, etc." in this article with another party to the contract based on the contract for the purpose of the Transfer, etc. of the Mining Right, etc., which are related to the offsetting of the total amount of claims or debts based thereon and the whole or part of considerations for the Transfer, etc. of the Mining Right, etc.
- v• Guarantee contracts that are concluded by a resident who is a party to a contract pertaining to the Transfer, etc. of the Mining Right, etc. with a non-resident based on the contract

Article 15

- 1• Where the Minister of Economy, Trade and Industry imposes, pursuant to Article 24, paragraph 1 or 2 of the Act, on a resident the obligation to obtain permission for conducting the Specified Capital Transactions, he/she shall do so designating the Specified Capital Transactions that require permission after clarifying, in advance, by a public notice, the provision, among these provisions, based on which the obligation to obtain permission is imposed.
- 2• When a resident intends to conduct the Specified Capital Transactions designated pursuant to the provision of the preceding paragraph, the resident shall obtain permission from the Ministry of Economy, Trade and Industry through procedures specified by the Ordinance of the Ministry of Economy, Trade and Industry.
- 3• Where one Specified Capital Transaction that a resident intends to conduct falls under two or more kinds of Specified Capital Transactions designated pursuant to the provision of paragraph 1 based on Article 24, paragraph 1 or 2 of the Act, when the resident intends to file, pursuant to paragraph 3 of the said article, an application for permission as prescribed in the provision of paragraphs 1 and 2 of the said article in block in regard to the one Specified Capital Transaction that

he/she intends to conduct, the resident shall file the application through procedures specified by the Ordinance of the Ministry of Economy, Trade and Industry, after clarifying that the application for permission pertains to the Specified Capital Transaction for which the obligation to obtain permission has been imposed pursuant to these provisions.

- 4• Where the Minister of Economy, Trade and Industry has imposed, pursuant to the provision of paragraph 1, the obligation to obtain permission for conducting the Specified Capital Transactions, he/she shall, when he/she finds that there is no longer a need to impose the obligation, promptly cancel the obligation by a public notice.

Article 16 • Scope, etc. of Restrictions on the Specified Capital Transactions•

- 1• Where the Minister of Economy, Trade and Industry, pursuant to Article 24-2 of the Act, prohibits a person who has conducted the Specified Capital Transactions, for which the obligation to obtain permission is imposed pursuant to the provision of Article 24, paragraph 1 of the Act, without obtaining the permission from conducting, in whole or in part, the Specified Cabinet Transactions, or imposes on such a person the obligation to obtain permission for conducting the Specified Capital Transactions, he/she shall do so after designating, in advance, by a notice to that person, the Specified Capital Transactions that are prohibited or that require permission.
- 2• When a person, who has been obliged, pursuant to the provision of the preceding paragraph, to obtain permission for the Specified Capital Transactions that he/she conducts, intends to conduct the Specified Capital Transactions designated by a notice set forth in the said paragraph as those that require permission, he/she shall obtain permission from the Minister of Economy, Trade and Industry through procedures specified by the Ordinance of the Ministry of Economy, Trade and Industry.
- 3• Where the Ministry of Economy, Trade and Industry, pursuant to the provision of paragraph 1, has prohibited a person from conducting, in whole or in part, the Specified Capital Transactions or imposed on a person the obligation to obtain permission for conducting the Specified Capital Transactions, he/she shall, when he/she finds that there is no longer a need to prohibit the transactions or impose the obligation, promptly cancel the prohibition or the obligation by a notice to a person who has been prohibited or obliged to obtain permission.
- 4• When the Minister of Economy, Trade and Industry is unable to ascertain the domicile or residence, or the location of the business office or office, of a person to which a notice pursuant to the provision of paragraph 1 shall be given, he/she may designate the Specified Capital Transactions that are prohibited or that require permission, after clarifying, by a public notice instead of a notice pursuant to the

provision of the said paragraph, a person who is prohibited from conducting, in whole or in part, the Specified Capital Transactions or obliged to obtain permission for conducting the Specified Capital Transactions. In this case, with regard to the application of the provisions of the preceding two paragraphs in the cases where the Minister of Economy, Trade and Industry has given the public notice, the terms "preceding paragraph" and "notice" in paragraph 2 shall be deemed to be replaced with "preceding paragraph and paragraph 4" and "public notice," respectively, and the terms "paragraph 1" and "notice to a person who has been prohibited or obliged to obtain permission" in the preceding paragraph shall be deemed to be replaced with "paragraph 1 and the next paragraph" and "public notice," respectively.

Article 17 • Permission, etc. for Service Transactions

- 1• The transactions designed to provide technology pertaining to the design, manufacture or use of specific kinds of goods specified by Cabinet Order in the specified region as prescribed in Article 25, paragraph 1, item 1 of the Act shall be transactions designed to provide the technology listed in the middle column of the appended table in the region listed in the right column of the said table.
- 2• The transactions related to the buying and selling of goods involving the movement of goods between foreign states specified by Cabinet Order as prescribed in Article 25, paragraph 1, item 2 of the Act shall be transactions related to the buying and selling of the goods listed in the middle column of row 1 of appended table 1 of the Export Trade Control Order involving the movement of the goods between foreign states.
- 3• When a resident intends to obtain permission from the Minister of Economy, Trade and Industry pursuant to the provision of Article 25, paragraph 1 of the Act, he/she shall file an application for the permission through procedures specified by the Ordinance of the Ministry of Economy, Trade and Industry.
- 4• Transactions prescribed in paragraph 1 or 2, which have been designated by the Minister of Economy, Trade and Industry as he/she finds, by taking into consideration the parties to the transactions, the content thereof and other matters, that the transactions will cause no particular obstruction to achieving the purpose of the Act, may be conducted without obtaining permission from the Ministry of Economy, Trade and Industry pursuant to the provision of Article 25, paragraph 1 of the Act.

Article 18

- 1• The service transactions specified by Cabinet Order as prescribed in Article 25, paragraph 3 of the Act shall be service transactions pertaining to the processing or storage of minerals, separation or remanufacture of irradiated nuclear fuel

material, or disposal of radioactive waste •excluding those specified by the Ordinance of the Ministry of Finance or the Ordinance of the Ministry of Economy, Trade and Industry as causing no particular obstruction to achieving the purpose of the Act, by taking into consideration the parties to the service transactions for nuclear fuel material, the content thereof and other matters•:

- 2• When a resident intends to obtain permission from the Minister of Finance or the Minister of Economy, Trade and Industry pursuant to the provision of Article 25, paragraph 3 of the Act, the resident shall file an application for the permission through procedures specified by the Ordinance of the Ministry of Finance or the Ordinance of the Ministry of Economy, Trade and Industry.
- 3• Where the Minister of Finance or the Minister of Economy, Trade and Industry imposes, pursuant to Article 25, paragraph 4 of the Act, on a resident the obligation to obtain permission for conducting service transactions, etc. •meaning service transactions, etc. prescribed in the said paragraph; hereinafter the same shall apply in this article and Article 18-3•; he/she shall do so designating, in advance, by a public notice, the service transactions, etc. that require permission.
- 4• When a resident intends to conduct service transactions, etc. designated pursuant to the provision of the preceding paragraph, the resident shall obtain permission from the Minister of Finance or the Minister of Economy, Trade and Industry through procedures specified by the Ordinance of the Ministry of Finance or the Ordinance of the Ministry of Economy, Trade and Industry.
- 5• Where the Minister of Finance or the Minister of Economy, Trade and Industry has imposed, pursuant to the provision of paragraph 3, the obligation to obtain permission for conducting service transactions, etc, he/she shall, when he/she finds that there is no longer a need to impose the obligation, promptly cancel the obligation by a public notice.

Article 18-2 •Notice of Sanctions against Violation of Laws and Regulations•

When the Minister of Economy, Trade and Industry has imposed a disposition pursuant to the provisions of Article 25-2, paragraphs 1 to 3 inclusive of the Act, he/she shall give a notice thereon to the Directors-General of Custom-Houses without delay.

.....

Article 18-3 •Scope, etc. of Restrictions on Service Transactions, etc.•

- 1• Where the Minister of Finance or the Minister of Economy, Trade and Industry, pursuant to Article 25-2, paragraph 4 of the Act, prohibits a person who has conducted service transactions, etc., for which the obligation to obtain permission is imposed pursuant to the provision of Article 25, paragraph 4 of the Act, without obtaining the permission, from conducting, in whole or in part, service

transactions, etc. or imposes on such a person the obligation to obtain permission for conducting service transactions, etc., he/she shall do so designating, in advance, by a notice to that person, the service transactions, etc. that are prohibited or that require permission.

- 2• When a person, who has been obliged, pursuant to the provision of the preceding paragraph, to obtain permission for service transactions, etc. that he/she conducts, intends to conduct service transactions, etc. designated by a notice set forth in the said paragraph as those that require permission, he/she shall obtain permission from the Minister of Finance or the Minister of Economy, Trade and Industry through procedures specified by the Ordinance of the Ministry of Finance or the Ordinance of the Ministry of Economy, Trade and Industry.
- 3• Where the Minister of Finance or the Minister of Economy, Trade and Industry, pursuant to the provision of paragraph 1, has prohibited a person from conducting, in whole or in part, service transactions, etc. or imposed on a person the obligation to obtain permission for conducting the service transactions, etc., he/she shall, when he/she finds that there is no longer a need to prohibit or impose the obligation, promptly cancel the prohibition or the obligation by a notice to a person who has been prohibited or obliged to obtain permission.
- 4• When the Minister of Finance or the Minister of Economy, Trade and Industry is unable to ascertain the domicile or residence, or the location of the business office or office, of a person to whom a notice pursuant to the provision of paragraph 1 shall be given, he/she may designate service transactions, etc. that are prohibited or that require permission, after clarifying, by a public notice instead of a notice pursuant to the provision of the said paragraph, a person who is prohibited from conducting, in whole or in part, service transactions, etc. or obliged to obtain permission for conducting service transactions, etc. In this case, with regard to the application of the provisions of the preceding two paragraphs in the cases where the Minister of Finance or the Minister of Economy, Trade and Industry has given the public notice, the terms "preceding paragraph" and "notice" in paragraph 2 shall be deemed to be replaced with "preceding paragraph and paragraph 4" and "public notice," respectively, and the terms "paragraph 1" and "notice to a person who has been prohibited or obliged to obtain permission" in the preceding paragraph shall be deemed to be replaced with • paragraph 1 and the next paragraph• and • public notice,• respectively. •

Chapter 4-2 Report, etc.

Article 18-4 • Report of Payment ,etc. •

- 1• The cases specified by Cabinet Order as prescribed in Article 55, paragraph 1 of the Act shall be cases where payment, etc. made by a resident or a non-resident

falls under any of the following payment, etc.

- i• Small payment, etc. specified by the Ordinance of the Ministry of Finance or the Ordinance of the Ministry of Economy, Trade and Industry
- ii• Payment, etc. made by a person who imports or exports goods, directly incidental to the import or export
- iii• Other payment, etc. specified by the Ordinance of the Ministry of Finance or the Ordinance of the Ministry of Economy, Trade and Industry as causing no particular obstruction to achieving the purpose of the Act even without a report pursuant to Article 55, paragraph 1 of the Act
- 2• Reports of payment, etc. pursuant to the provision of Article 55, paragraph 1 of the Act including those made through the Banks, etc. pursuant to the provision of paragraph 2 of the said article shall be made through procedures specified by the Ordinance of the Ministry of Finance or the Ordinance of the Ministry of Economy, Trade and Industry within a period specified by the Ordinance of the Ministry of Finance or the Ordinance of the Ministry of Economy, Trade and Industry.
- 3• The matters specified by Cabinet Order as prescribed in Article 55, paragraph 1 of the Act shall be the following matters.
 - i• Name and domicile or residence of a reporter for a corporation, its name, location of its principal office and name of its representative
 - ii• Distinction between payment and receipt of payment, and the amount thereof
 - iii• Date of making payment, etc.
 - iv• Other matters specified by the Ordinance of the Ministry of Finance or the Ordinance of the Ministry of Economy, Trade and Industry

Article 18-5 • Report of Capital Transactions •

- 1• The cases specified by Cabinet Order as prescribed in Article 55-3, paragraph 1 of the Act shall be cases where capital transactions to which a resident or a non-resident is a party fall under any of the following capital transactions.
 - i• Among capital transactions listed in Article 55-3, paragraph 1, items 1 to 9 inclusive of the Act, those on a small scale that are specified by the Ordinance of the Ministry of Finance according to the classifications of capital transactions specified by the Ordinance of the Ministry of Finance
 - ii• Among capital transactions listed in Article 55-3, paragraph 1, item 4 of the Act, those other than the Transactions Pertaining to the Occurrence, etc. of Claims based on a sales contract for foreign means of payment or claims between a resident and another resident
 - iii• Capital transactions specified by the Ordinance of the Ministry of Finance as causing no particular obstruction to achieving the purpose of the Act even without a report pursuant to Article 55-3, paragraph 1 of the Act
- 2• Reports pursuant to the provision of Article 55-3, paragraph 1 shall be made

- through procedures specified by the Ordinance of the Ministry of Finance within a period specified by the Ordinance of the Ministry of Finance.
- 3• The matters specified by Cabinet Order as prescribed in Article 55-3, paragraph 1 of the Act shall be the following matters.
 - i• Name and domicile or residence of a reporter •for a corporation, its name, location of its principal office and name of its representative••
 - ii• Content of capital transactions
 - iii• Date of conducting capital transactions
 - iv• Other matters specified by the Ordinance of the Ministry of Finance
 - 4• Reports pursuant to the provision of Article 55-3, paragraph 2 of the Act shall be made through procedures specified by the Ordinance of the Ministry of Finance within a period specified by the Ordinance of the Ministry of Finance.
 - 5• The matters specified by Cabinet Order as prescribed in Article 55-3, paragraph 2 of the Act shall be the following matters.
 - i• Name of a reporter, and location of principal office and name of representative thereof
 - ii• Name or denomination and domicile or residence of parties to capital transactions
 - iii• Content of capital transactions
 - iv• Date of conducting capital transactions
 - v• Other matters specified by the Ordinance of the Ministry of Finance
 - 6• Where a report pursuant to the provision of Article 55-3, paragraph 5 of the Act is made, the report shall be made through procedures specified by the Ordinance of the Ministry of Finance within a period specified by the Ordinance of the Ministry of Finance.
 - 7• Any person who has made a report pursuant to the provision of Article 55-3, paragraph 5 of the Act shall prepare, pursuant to the provisions of the Ordinance of the Ministry of Finance, books and documents prescribed in the said paragraph and preserve them in the location of an office pertaining to his/her business or equivalent thereto for five years from the date on which capital transactions pertaining to the report were conducted.

Article 18-6 • Report of Specified Capital Transactions•

- 1• The cases specified by Cabinet Order as prescribed in Article 55-4 of the Act shall be cases where the Specified Capital Transactions to which a resident is a party are those on a small scale specified by the Ordinance of the Ministry of Economy, Trade or those falling under the Specified Capital Transactions specified by the Ordinance of the Economy, Trade and Industry as causing no particular obstruction to achieving the purpose of the Act even without a report pursuant to the said article.

- 2• Reports pursuant to the provision of Article 55-4 of the Act shall be made through procedures specified by the Ordinance of the Ministry of Economy, Trade and Industry within a period specified by the Ordinance of the Ministry of Economy, Trade and Industry.
- 3• The matters specified by Cabinet Order as prescribed in Article 55-4 of the Act shall be the following matters.
 - i• Name and domicile or residence of a reporter •for a corporation, its name, location of its principal office and name of its representative••
 - ii• Content of the Specified Capital Transactions
 - iii• Date of conducting the Specified Capital Transactions
 - iv• Other matters specified by the Ordinance of the Ministry of Economy, Trade and Industry

Article 18-7 • Report of Matters Related to Foreign Exchange Business•

- 1• The transactions or acts specified by Cabinet Order as prescribed in Article 55-7 of the Act shall be the following.
 - i• Foreign exchange transactions
 - ii• Issue of foreign means of payment
 - iii• Buying and selling of foreign means of payment or claims •excluding the buying and selling of claims payable in Japanese currency between residents••
 - iv• Acceptance of deposits •excluding acceptance of deposits payable in Japanese currency from a resident••
 - v• Loan of money •excluding loan of money payable in Japanese currency to a resident••
 - vi• Buying and selling of securities •excluding buying and selling between residents in exchange for Japanese currency••
 - vii• Acquisition of securities by a resident from a non-resident, or acting as an intermediary, agency or agent for negotiation of securities by a resident to a non-resident
- 2• Those specified by Cabinet Order as prescribed in Article 55-7 of the Act shall be those falling under any of the following.
 - i• Approved financial institutions for the Special International Financial Transactions Account
 - ii• In addition to what is listed in the preceding item, those for which the total of the amounts specified, according to the following classifications of transactions or acts, by the Ordinance of the Ministry of Finance as the amounts of the transactions or acts committed within a period specified by the Ordinance of the Ministry of Finance, or the outstanding balance of claims or debts based on the transactions or acts at the point of time specified by the Ordinance of the Ministry of Finance exceeds the amount specified by the Ordinance of the

Ministry of Finance

- a • Foreign exchange transactions
- b • Issue of foreign means of payment
- c • Buying and selling of foreign means of payment • excluding buying and selling listed in • d • • or • buying and selling of claims listed in item 3 of the preceding paragraph
- d • Buying and selling of foreign currency or traveler • s checks •
- e • Acceptance of deposits listed in item 4 of the preceding paragraph
- f • Loan of money listed in item 5 of the preceding paragraph
- g • Buying and selling of securities listed in item 6 of the preceding paragraph
- h • Acquisition of securities by a resident from a non-resident, or acting as an intermediary, agency or agent for negotiation of securities by a resident to a non-resident
- iii • Those designated by a public notice or notice by the Minister of Finance as equivalent to those listed in the preceding item
- 3 • To the extent necessary for enforcing the Act and this Cabinet Order, the Minister of Finance may request, pursuant to the provisions of the Ordinance of the Ministry of Finance, those prescribed in the preceding paragraph to make a report on matters related to the performance of transactions or acts listed in the items of paragraph 1 • excluding matters subject to a report pursuant to the provision of Article 55-3 • • or other matters specified by the Ordinance of the Ministry of Finance as matters related to the transactions or acts.

Article 18-8 • Other Reports • • •

- 1 • Where the Minister of Finance or the Minister of Economy, Trade and Industry requests, pursuant to Article 55-8 of the Act, those who conduct or have conducted any transactions, acts or payments, etc. governed by this Act, or relevant persons to make a report on the content of the transactions, acts or payments, etc. and other matters related to the transactions, acts or payments, etc., to the extent necessary for enforcing the Act • limited to Chapters 1, 3 and 4; hereinafter the same shall apply in this paragraph • • and this Cabinet Order, he/she shall designate the requested matters by a notice to these persons or by other method specified by the Ordinance of the Ministry of Finance or the Ordinance of the Economy, Trade and Industry.
- 2 • Any person who has been requested to make a report on matters designated pursuant to the provision of the preceding paragraph shall make the report through procedures specified by the Ordinance of the Ministry of Finance or the Ordinance of the Ministry of Economy, Trade and Industry.

Article 18-9 • Statistics Related to Foreign Borrowing and Lending and International

Balance of Trade

- 1• The Minister of Finance shall prepare the following statistics related to foreign borrowing and lending and the international balance of trade.
 - i• Statistics related to foreign borrowing and lending as of December 31 of every year
 - ii• Statistics related to the international balance of trade of every month and every year
- 2• The Minister of Finance shall report the statistics listed in the items of the preceding paragraph •excluding statistics related to the international balance of trade of every month••to the Cabinet prior to May 31 of the next year
- 3• The Minister of Finance may, when it is necessary for preparing statistics set forth in paragraph 1, request relevant administrative organs and the following to submit materials to the extent necessary.
 - i• Those who conduct or have conducted transactions, acts or payments, etc. governed by the Act, or relevant persons
 - ii• Those equivalent to those listed in the preceding item

Chapter 5 Miscellaneous Provisions

Article 19 •Classification of Matters under the Jurisdiction of the Minister of Finance and the Minister of Economy, Trade and Industry••

Classification of matters under the jurisdiction of the Minister of Finance and the Minister of Economy, Trade and Industry in this Cabinet Order is according to what is specified by the Act and the Cabinet Order to Determine Competent Ministers in the Foreign Exchange and Foreign Trade Control Act •Cabinet Order No. 259 of 1980••

Article 20 Deleted.

Article 21 •Method of Conversion•

Conversion between Japanese currency and foreign currency or between foreign currency and other foreign currency, in the case where the Act •limited to Chapter 1, Chapter 3, Chapter 4, and Chapter 6-2 •excluding Article 55-5 and Article 55-6••, this Cabinet Order, and the provisions of an order based on these shall apply, shall be calculated by using the base exchange rate or the arbitrated exchange rate prescribed in Article 7, paragraph 1 of the Act as on the day of conducting transactions, acts, or payment, etc. for which the amount of the conversion should be calculated under the provisions, except cases where conversion is calculated in a method specified by an Ordinance of the Ministry of Finance or an Ordinance of the Ministry of Economy, Trade, and Industry according to classification specified by an

Ordinance of the Ministry of Finance or an Ordinance of the Ministry of Economy, Trade, and Industry.

Article 22 • Transactions, etc. by Governmental Institutions which are not Governed by Laws and Regulations ••

The provisions pertaining to permission, notification, or a report under the Act and this Cabinet Order shall not apply to transactions, acts, or payment, etc. which are conducted by the Minister of Finance based on the provisions of the Foreign Exchange Fund Special Account Act • Act No. 56 of 1951 • .

Article 23 • Method of Public Notice •

A public notice based on the provisions of this Cabinet Order shall be made in an official gazette.

Article 24 Deleted.

Article 25 • Delegation of Authority •

•1• The following authority of the Minister of Finance shall be delegated to the Directors-General of Custom-Houses.

•i• Acceptance of notification pursuant to the provision of Article 19, paragraph 3 of the Act

•ii• Permission pursuant to the provision of Article 8, paragraph 2

•2• Among the authorities of competent ministers pursuant to the provision of Article 68, paragraph 1 of the Act, the authority under the jurisdiction of the Minister of Finance shall be delegated to the Director-General of the Local Finance Bureau who governs the area in which is located the head office or principal office of a person who engages in foreign exchange business or other person who commercially conducts transactions or acts governed by the Act • such person shall be referred to as a "Person who Engages in Foreign Exchange Business, etc." in the next paragraph to paragraph 5 inclusive • •in the case where the office is located within the jurisdictional district of the Fukuoka Local Finance Branch Bureau, the authority shall be delegated to the Director-General of the Fukuoka Local Finance Branch Bureau • provided, however, that it shall not prevent the Minister of Finance from exercising the authority per se.

•3• Among the authorities under the jurisdiction of the Minister of Finance prescribed in the preceding paragraph, the authority pertaining to a business office or office other than the head office or principal office of a Person who Engages in Foreign Exchange Business, etc. • hereinafter, such office shall be referred to as a • Branch Office, etc. • • may be exercised • by the Director-General of the Local Finance Bureau who governs the area where the Branch Office, etc. is located • in

the case where the office is located within the jurisdictional district of the Fukuoka Local Finance Branch Bureau, the authority shall be exercised by the Director-General of the Fukuoka Local Finance Branch Bureau; in addition to the Director-General prescribed in the said paragraph.

- 4• The Director-General of the Local Finance Bureau or the Director-General of the Fukuoka Local Finance Branch Bureau who has carried out on-site inspection or questioning of a Branch Office, etc. of a Person who Engages in Foreign Exchange Business, etc. pursuant to the provision of the preceding paragraph may carry out on-site inspection or questioning of the head office or principal office or other Branch Offices, etc. of the Person who Engages in Foreign Exchange Business, etc. •other Branch Offices, etc. shall refer to those other than the Branch Offices, etc. for which the on-site inspection or questions were carried out•; when he/she finds it necessary to carry out on-site inspection or questioning of the head office, the principal office, or the other Branch Offices, etc.
- 5• Among the authorities of competent ministers pursuant to the provision of Article 55-8 of the Act, the authority under the jurisdiction of the Minister of Finance may be exercised by the Director-General of the Local Finance Bureau or the Director-General of the Fukuoka Local Finance Branch Bureau within the limit necessary for exercising the authority to carry out on-site inspection or questions which have been delegated to the Director-General of the Local Finance Bureau or the Director-General of the Fukuoka Local Finance Branch Bureau with regard to a Person who Engages in Foreign Exchange Business, etc., pursuant to the provisions of the preceding three paragraphs.
- 6• The respective provisions of the preceding paragraphs shall not apply to the authority of the Minister of Finance prescribed in paragraph 1, and the authority designated by the Minister of Finance among the authority under the jurisdiction of the Minister of Finance prescribed in paragraph 2, paragraph 3, and the preceding paragraph.
- 7• In the case where the Minister of Finance made a designation set forth in the preceding paragraph, he/she shall make a public notice to that effect. The same shall apply to the case where he/she abolishes or changes this.

Article 26 • Delegation of Affairs•

Affairs which the Minister of Finance and the Minister of Economy, Trade and Industry have the Bank of Japan deal with based on the provision of Article 69, paragraph 1 of the Act •limited to Chapter 1, Chapter 3, Chapter 4, and Chapter 6-2 •excluding Article 55-2, Article 55-5, and Article 55-6•; the same shall apply in item 10••pertaining to the enforcement of the Act shall be affairs specified by an Ordinance of the Ministry of Finance or an Ordinance of the Ministry of Economy, Trade and Industry among the following affairs.

- i• Affairs pertaining to acceptance of notification based on the provision of Article 23, paragraph 1 of the Act
- ii• Affairs pertaining to notice of shortening of the period based on the provision of Article 23, paragraph 3 of the Act
- iii• Affairs pertaining to forwarding of a document including the content of a recommendation based on the provision of Article 23, paragraph 4 of the Act
- iv• Affairs pertaining to acceptance of a notice of acceptance of a recommendation based on the provision of Article 23, paragraph 6 of the Act
- v• Affairs pertaining to forwarding of a document including the contents of an order based on the provision of Article 23, paragraph 9 of the Act
- vi• Affairs pertaining to permission pursuant to the provision of Article 25, paragraph 3 of the Act or Article 6, paragraph 2, Article 11, paragraph 3, Article 15, paragraph 2, or Article 18, paragraph 4
- vii• Affairs pertaining to acceptance •excluding•those pertaining to the request of a report by the Director-General of the Local Finance Bureau or the Director-General of the Fukuoka Local Finance Branch Bureau pursuant to the provision of paragraph 5 of the preceding Article••of a record based on the provision of Article 55 of the Act, Article 55-3, Article 55-4, Article 55-7, or Article 55-8 •limited to the part pertaining to Article 18-8 of this Cabinet Order•
- viii• Affairs pertaining to preparation of statistics related to foreign borrowing and lending and international balance of trade based on the provision of Article 55-9 of the Act
- ix• Affairs pertaining to permission pursuant to the provision of Article 6-2, paragraph 4, Article 11-3, paragraph 2, Article 16, paragraph 2, or Article 18-3, paragraph 2
- x• In•addition to affairs set forth in the preceding items, affairs necessary for the enforcement of the Act and this Cabinet Order

Supplementary Provisions

Article •Effective Date•

This Cabinet Order shall come into force as from the date of enforcement •December 1, 1980• of the Act on the Partial Revision of the Foreign Exchange and Foreign Trade Control Act •Act No. 65 of 1979•.

Article 2 •Abolition of the Foreign Exchange Control Order, etc.•

The following Cabinet Orders shall be abolished.

- i• Cabinet Order concerning Report by a Certified Foreign Exchange Bank or a Money Exchanger •Cabinet Order No. 377 of 1949•
- ii• Order on Account concerning Foreign Borrowing and Lending and Balance

- Cabinet Order No. 181 of 1950•
- iii• Foreign Exchange Control Order • Cabinet Order No. 203 of 1950•
- iv• Cabinet Order to Determine the Scope of Affairs the Bank of Japan is to Deal with pursuant to the Provisions of Cabinet Order on the Acquisition of Property by Foreign Nationals • Cabinet Order No. 310 of 1952•
- v• Cabinet Order concerning Non-resident Free-yen Account • Cabinet Order No. 157 of 1960••

Article 3 • Transitional Measures•

- 1• With regard to transactions or acts which were approved or for which permission or an approval was obtained based on the provisions of Article 10, Article 11, Article 13, Article 15, Article 17, Article 19, or Article 26 of the Foreign Exchange Control Order prior to abolition by this Cabinet Order • hereinafter referred to as the • Old Order• in this Article• or paragraph 9 or paragraph 10 of the Supplementary Provisions, the provisions then in force shall remain applicable.
- 2• Among transactions or acts pertaining to an application for permission or an approval which has been filed at the time of enforcing this Cabinet Order, pursuant to the provisions of Article 10, Article 11, Article 13, Article 15, Article 17, or Article 19 of the Old Order or paragraph 9 of the Supplementary Provisions • hereinafter referred to as an • Application Filed Based on the Old Order• in this paragraph•; an Application Filed Based on the Old Order with regard to those for which permission shall be obtained under the provisions of the Act revised by the Act on the Partial Revision of the Foreign Exchange and Foreign Trade Control Act • referred to as the • Revised Act• in the next paragraph• • hereinafter such • Act shall be referred to as the • New Act• in this paragraph• and this Cabinet • Order shall be deemed to be an application for permission filed pursuant to the relevant provisions of the New Act and this Cabinet Order. Among transactions or acts pertaining to an Application Filed Based on the Old Order, an Application Filed Based on the Old Order with regard to those for which notification shall be given pursuant to the provisions of Article 22, paragraph 1 or Article 24, paragraph 2 of the New Act shall be deemed to be notification given as on the date of enforcement of this Cabinet Order pursuant to these provisions. The provisions of the New Act • excluding Chapter 5 and Chapter 6• and this Cabinet Order shall apply to such transactions and acts.
- 3• Among transactions or acts pertaining to an application for permission which has been filed at the time of enforcing the Revised Act, pursuant to the provision of Article 35 of the Act prior to the revision by the Revised Act, the provision of the main clause of Article 14, paragraph 1 and Article 28 of the Old Order shall remain in force even after the enforcement of this Cabinet Order.

Article 4

With regard to the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order, the provisions then in force shall remain applicable.

Article 5

With regard to transactions pertaining to an application which has been filed at the time of enforcing this Cabinet Order, pursuant to the provision of Article 3, paragraph 1 of the Cabinet Order on the Acquisition of Property by Foreign Nationals prior to the abolition by the Revised Act, and a report pertaining to the transactions, the Cabinet Order to Determine the Scope of Affairs the Bank of Japan is to Deal with pursuant to the Provisions of Cabinet Order on the Acquisition of Property by Foreign Nationals prior to abolition by this Cabinet Order shall remain in force even after the enforcement of this Cabinet Order.

Article 6 Deleted.

Article 7 • Partial Revision of the Import Trade Control Order •

Part of the Import Trade Control Order • Cabinet Order No. 414 of 1949 • shall be revised as follows.

Article 21 shall be deleted.

Article 8 • Transitional Measures Accompanied with the Partial Revision of the Import Trade Control Order ••

- 1• With regard to transactions or acts for which permission was obtained based on the provision of Article 21, paragraph 1 of the Import Trade Control Order prior to revision pursuant to the provision of the preceding Article • referred to as the • Old Import Order • in the next paragraph •, the provisions then in force shall remain applicable.
- 2• An application for permission which has been filed at the time of enforcing this Cabinet Order, pursuant to the provision of Article 21, paragraph 1 of the Old Import Order, shall be deemed to be an application for permission filed pursuant to the provision of Article 18, paragraph 2 of this Cabinet Order. The provisions of this Cabinet Order shall apply to such application.

Article 9 • Partial Revision of the Cabinet Order on Special Provisions for Payment of Principal and Interest of National Government Bonds ••

Part of the Cabinet Order on Special Provisions for Payment of Principal and Interest of National Government Bonds • Cabinet Order No. 198 of 1954 • shall be revised as follows.

The terms • the day on which the transfer or import was approved based on the provision of Article 32 or Article 45 of the Foreign Exchange and Foreign Trade Control Act • Act No. 228 of 1949 •• in Article 2, item 2 shall be revised to • the date of the import. • •

Article 10 • Partial Revision of the Order for Enforcement of the Act on Reserve Deposit Requirement System ••

Part of the Order for Enforcement of the Act on Reserve Deposit Requirement System • Cabinet Order No. 135 of 1957 • shall be revised as follows. •

Article 2, paragraph 3, item 2 shall be revised as follows, adding the term • • • referred to as a • Certified Foreign Exchange Bank • in the next item •• after • a certified foreign exchange bank • • in item 1 of the said paragraph.

- ii• A deposit or other debts pertaining to an account displayed in Japanese currency against a non-resident • s certified foreign exchange bank in Japan • referred to as • Debts pertaining to Non-resident Free-yen Account • in item 3 of the next article ••

The term • debts pertaining to free-yen account • in Article 3, item 3 shall be revised to • Debts pertaining to Non-resident Free-yen Account. •

Article 11 • Partial Revision of the Order for Enforcement of the Stamp Tax Act •

Part of the Order for Enforcement of the Stamp Tax Act • Cabinet Order No. 108 of 1967 •• shall be revised as follows.

The term • free-yen • in the caption of Article 23 shall be revised to • non-resident yen, • the term • Non-resident Free-yen Account specified by a Cabinet Order based on the provisions of Articles 27 to 30 inclusive • Restriction and prohibition concerning payment and claims •• in the said Article shall be revised to • account displayed in Japanese currency against a certified foreign exchange bank in Japan prescribed in Article 11 of the said Act • Arrangement on Business • for a non-resident prescribed in Article 6, paragraph 1, item 6 • Definitions • hereinafter such bank shall be referred to as a • Certified Foreign Exchange Bank • in this Article and Article 28 •, • and the terms • prescribed in Article 11 of the said Act • Arrangement on Business •• and • • referred to as a • Certified Foreign Exchange Bank • in Article 28, paragraph 1 •• shall be deleted. •

The term • claims in foreign currency prescribed in item 14 of the said paragraph • in Article 28, paragraph 1, item 2 shall be revised to • claims prescribed in item 13 of the said paragraph which can be paid in a foreign country or in foreign currency. • •

Article 12 • Partial Revision of the Order for Organization of the Ministry of Finance ••

Part of the Order for Organization of the Ministry of Finance • Cabinet Order No.

386 of 1952 shall be revised as follows.

Article 47, item 8 shall be changed to item 10 of the said Article, and the following two items shall be added after item 7 of the said Article.

- viii• To designate a designated securities company
 - ix• Matters concerning the Council on Foreign Exchange and other Transactions
- Item 5 of Article 51 shall be deleted and item 6 shall be changed to item 5.

Supplementary Provisions • Cabinet Order No. 312 of November 29, 1980•

This Cabinet Order shall come into force as from the date of enforcement •December 1, 1980• of the Act on the Partial Revision of the Foreign Exchange and Foreign Trade Control Act •Act No. 65 of 1979•.

Supplementary Provisions • Cabinet Order No. 7 of January 26, 1981• •Extract•

- 1• This Cabinet Order shall come into force as from the day of promulgation.
- 3• With regard to the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order, the provisions then in force shall remain applicable.

Supplementary Provisions • Cabinet Order No. 287 of September 22, 1981•

This Cabinet Order shall come into force as from the day of promulgation.

Supplementary Provisions • Cabinet Order No. 225 of June 20, 1986•

This Cabinet Order shall come into force as from December 1, 1986; provided, however, that the provisions revising Article 4, paragraph 2 shall come into force as from August 1, 1986.

**Supplementary Provisions • Cabinet Order No. 373 of November 5, 1987•
•Extract•**

Article 1 • Effective Date•

This Cabinet Order shall come into force as from the date of enforcement •November 10, 1987• of the Act on the Partial Revision of the Foreign Exchange and Foreign Trade Control Act.

Article 2 • Transitional Measures•

With regard to transactions for which permission is deemed to have been obtained

under Article 25, paragraph 1 or paragraph 3 of the Foreign Exchange and Foreign Trade Control Act revised by the Act on the Partial Revision of the Foreign Exchange and Foreign Trade Control Act •hereinafter referred to as the • Revised Act• • hereinafter such Foreign Exchange and Foreign Trade Control Act shall be referred to as the • New Act• • or Article 17-2, paragraph 3 of the Foreign Exchange Control Order revised by this Cabinet Order •hereinafter referred to as the • New Order• in this Article•• pursuant to the provision of Article 2 of the Supplementary Provisions of the Revised Act, conditions attached to permission under Article 25 of the Foreign Exchange and Foreign Trade Control Act prior to the revision by the Revised Act pursuant to the provision of Article 21, paragraph 1 of the Foreign Exchange Control Order prior to the revision by this Cabinet Order shall be deemed to be conditions attached under Article 25, paragraph 1 or paragraph 3 of the New Act or Article 17-2, paragraph 3 of the New Order pursuant to the provision of Article 21, paragraph 1 of the New Order, respectively.

Article 5

With regard to the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order, the provisions then in force shall remain applicable.

Supplementary Provisions •Cabinet Order No. 242 of August 9, 1988•

This Cabinet Order shall come into force as from August 23, 1988.

Supplementary Provisions •Cabinet Order No. 331 of November 26, 1988•

•Extract• . . .

- 1• This Cabinet Order shall come into force as from December 20, 1988.
- 2• With regard to the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order, the provisions then in force shall remain applicable.

Supplementary Provisions •Cabinet Order No. 53 of March 17, 1989• •Extract•

Article 1 •Effective Date• . . .

This Cabinet Order shall come into force as from the date of enforcement of the Act •March 27, 1989•. . .

Supplementary Provisions •Cabinet Order No. 80 of March 29, 1989•

This Cabinet Order shall come into force as from April 1, 1989.

Supplementary Provisions • Cabinet Order No. 290 of September 29, 1989•

- 1• This Cabinet Order shall come into force as from the day of promulgation; provided, however, that revising provisions set forth in the following items shall come into force as from the date set forth in the respective items.
 - i• The provisions revising row 1 •ii•, row 5 •iii•, row 8 •ii•, row 8 •iii•, row 9 •ii•, row 12 •ii•, row 12 •iii•, row 18 •ii• and row 25 of the appended table of the Foreign Exchange Control Order in Article 1, and the provisions revising row 17, row 26, row 80, row 90, row 98, row 102, row 103, row 105, row 110, row 121, row 126, row 136, row 137, and row 151 of appended table 1 of the Export Trade Control Order in Article 2: October 16, 1989
 - ii• The provisions revising row 1 •iii•, row 5 •ii•, row 7 •ii•, row 10, and row 26 of the appended table of the Foreign Exchange Control Order in Article 1, and the provisions revising row 21, row 22, row 55, row 74, row 77 •ii•, row 93, row 111, row 112, row 120, row 147, row 148, row 153, row 154, row 159, row 183, and row 184 of appended table 1 of the Export Trade Control Order in Article 2: October 26, 1989
- 2• With regard to the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order, the provisions then in force shall remain applicable.

Supplementary Provisions • Cabinet Order No. 350 of December 27, 1989•

- 1• This Cabinet Order shall come into force as from January 20, 1990; provided, however, that the provisions revising row 12 of the appended table of the Foreign Exchange Control Order in Article 1, and the provisions revising row 26, row 32, row 34, row 43, row 100, row 117, and row 124 of appended table 1 of the Export Trade Control Order in Article 2 shall come into force as from the day of promulgation.
- 2• With regard to the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order •with regard to revising provisions prescribed in the proviso of the preceding paragraph, the revising provisions•; the provisions then in force shall remain applicable.

Supplementary Provisions • Cabinet Order No. 246 of August 15, 1990•

•Extract• • •

- 1• This Cabinet Order shall come into force as from August 22, 1990.

Supplementary Provisions • Cabinet Order No. 308 of October 17, 1990•

- 1• This Cabinet Order shall come into force as from November 1, 1990; provided, however, that the provisions revising row 1, row 1 •ii•, row 10 •ii•, row 11 •ii•, row 13, row 17, and row 19 of the appended table of the Foreign Exchange Control Order in Article 1, and the provisions revising row 2, row 9, row 15, rows 29 to 30 inclusive, row 46, row 53, row 58, row 71, rows 75 to 77 inclusive, row 89, row 92, row 93, row 106, row 108, row 109, row 118, row 121, row 122, rows 125 to 127 inclusive, rows 129 to 131 inclusive, row 140, row 142, row 144, row 145, row 149, row 153, row 155, and rows 165 to 167 inclusive of appended table 1 of the Export Trade Control Order in Article 2 shall come into force as from the day of promulgation.
- 2• With regard to the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order •with regard to revising provisions prescribed in the proviso of the preceding paragraph, the revising provisions•; the provisions then in force shall remain applicable.

Supplementary Provisions • Cabinet Order No. 37 of March 18, 1991•

- 1• This Cabinet Order shall come into force as from the day of promulgation.
- 2• With regard to the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order, the provisions then in force shall remain applicable.

Supplementary Provisions • Cabinet Order No. 290 of September 19, 1991•

This Cabinet Order shall come into force as from the day of promulgation.

Supplementary Provisions • Cabinet Order No. 323 of October 14, 1991•

- 1• This Cabinet Order shall come into force as from November 14, 1991.
- 2• With regard to the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order, the provisions then in force shall remain applicable.

Supplementary Provisions • Cabinet Order No. 11 of January 29, 1992•

This Cabinet Order shall come into force as from the day of promulgation.

Supplementary Provisions • Cabinet Order No. 150 of April 15, 1992•

- 1• This Cabinet Order shall come into force as from April 22, 1992.
- 2• The provision of Article 18, paragraph 1 of the Foreign Exchange Control Order after the revision pursuant to the provision of Article 1 shall apply to service transactions which are started on or after the date of enforcement of this Cabinet Order.

Supplementary Provisions • Cabinet Order No. 166 of April 30, 1992•

This Cabinet Order shall come into force as from the date of enforcement •May 20, 1992• of the provisions of Article 13, Article 14, Article 16, and Articles 18 to 20 inclusive of the Act on concerning Arrangement and Rationalization of Relationships between National and Local Governments concerning Administrative Matters.

Supplementary Provisions • Cabinet Order No. 209 of June 19, 1992• •Extract•

- 1• This Cabinet Order shall come into force as from the day of promulgation; provided, however, that revising provisions set forth in the following items shall come into force as from the date set forth in the respective items.
 - i• The provisions revising Article 18 of the Foreign Exchange Control Order in Article 1, and the provisions revising Article 4, paragraph 2 of the Export Trade Control Order and appended table 2-2 in Article 2: June 26, 1992
- 2• The provision of Article 18 of the Foreign Exchange Control Order after the revision pursuant to the provision of Article 1 shall apply to service transactions which are started on or after June 26, 1992.
- 3• With regard to transactions for which a person, who had obtained, prior to the enforcement of this Cabinet Order, permission under Article 17-2, paragraph 1 or paragraph 2 of the Foreign Exchange Control Order prior to the revision with regard to transactions for the purpose of providing specified technology in Hungary, conducts according to the permission for the purpose of providing specified technology, the provisions then in force shall remain applicable.
- 5• With regard to the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order, the provisions then in force shall remain applicable.

Supplementary Provisions • Cabinet Order No. 371 of December 9, 1992•

- 1• This Cabinet Order shall come into force as from December 31, 1992.
- 2• With regard to the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order, the provisions then in force shall remain

applicable.

Supplementary Provisions • Cabinet Order No. 395 of December 28, 1992•

This Cabinet Order shall come into force as from January 1, 1993.

Supplementary Provisions • Cabinet Order No. 66 of March 26, 1993•

- 1• This Cabinet Order shall come into force as from April 1, 1993.
- 2• With regard to the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order, the provisions then in force shall remain applicable.

Supplementary Provisions • Cabinet Order No. 157 of April 27, 1993•

This Cabinet Order shall come into force as from May 1, 1993.

Supplementary Provisions • Cabinet Order No. 238 of June 30, 1993•

This Cabinet Order shall come into force as from July 4, 1993.

Supplementary Provisions • Cabinet Order No. 326 of October 6, 1993•

This Cabinet Order shall come into force as from October 10, 1993.

Supplementary Provisions • Cabinet Order No. 379 of December 1, 1993•

•Extract• • •

- Effective Date• • •
- 1• This Cabinet Order shall come into force as from December 22, 1993.

Supplementary Provisions • Cabinet Order No. 382 of December 2, 1993•

- 1• This Cabinet Order shall come into force as from December 6, 1993.
- 2• The provision of Article 18, paragraph 1 of the Foreign Exchange Control Order after the revision pursuant to the provision of Article 1 shall apply to service transactions which are started on or after the date of enforcement of this Cabinet Order.

Supplementary Provisions • Cabinet Order No. 17 of January 28, 1994•

- 1• This Cabinet Order shall come into force as from the day of promulgation.
- 2• With regard to transactions for which a person, who had obtained, prior to the enforcement of this Cabinet Order, permission under Article 17-2, paragraph 1 of the Foreign Exchange Control Order prior to the revision with regard to transactions for the purpose of providing specified technology in Czech or Slovakia, conducts according to the permission for the purpose of providing specified technology, the provisions then in force shall remain applicable.
- 3• With regard to export of goods for which a person, who had obtained, prior to the enforcement of this Cabinet Order, permission under Article 1, paragraph 1 of the Export Trade Control Order prior to the revision with regard to export of goods to Czech or Slovakia, conducts according to the permission, the provisions then in force shall remain applicable.
- 4• With regard to the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order, the provisions then in force shall remain applicable.

Supplementary Provisions • Cabinet Order No. 143 of May 24, 1994•

This Cabinet Order shall come into force as from May 27, 1994.

Supplementary Provisions • Cabinet Order No. 153 of June 24, 1994• •Extract•

•Effective Date•

- 1• This Cabinet Order shall come into force as from July 6, 1994; provided, however, that the provisions revising row 8 of the appended table of the Foreign Exchange Control Order •limited to the part which revises the term • goods set forth in row 8 •i• of appended table 1 of the Export Trade Control Order• in •ii• of the said row to • computers or their attached equipment, or components of these• ••in Article 1, and the provisions revising row 8 of appended table 1 of the Export Trade Control Order in Article 2 shall come into force as from the day of promulgation.

•Transitional Measures•

- 2• With regard to service transactions for which a person, who had obtained, prior to the enforcement of this Cabinet Order, permission under Article 17-2, paragraph 1 of the Foreign Exchange Control Order prior to the revision with regard to transactions for the purpose of providing specified technology, conducts according to the permission and to which the provision of Article 17-2, paragraph 3 of the said Order after the revision apply, the provisions then in force shall remain

applicable.

- 4• With regard to the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order, the provisions then in force shall remain applicable.

Supplementary Provisions • Cabinet Order No. 335 of October 26, 1994•

- 1• This Cabinet Order shall come into force as from the day of promulgation.
- 2• With regard to the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order, the provisions then in force shall remain applicable.

Supplementary Provisions • Cabinet Order No. 338 of October 28, 1994•

This Cabinet Order shall come into force as from the day of promulgation.

Supplementary Provisions • Cabinet Order No. 409 of December 26, 1994•

- 1• This Cabinet Order shall come into force as from December 28, 1994.
- 2• The provision of Article 18, paragraph 1 of the Foreign Exchange Control Order after the revision shall apply to service transactions which are started on or after the date of enforcement of this Cabinet Order.

Supplementary Provisions • Cabinet Order No. 420 of December 20, 1995•

• Extract • •

- Effective Date • •
- 1• This Cabinet Order shall come into force as from October 1, 1996; provided, however, that revising provisions set forth in the following items shall come into force as from the date set forth in the respective items.
 - i• The part pertaining to row 2 •ii• among the provisions revising row 2 of the appended table of the Foreign Exchange Control Order in Article 1, the part pertaining to row 2 •xii• among the provisions revising row 2 of appended table 1 of the Export Trade Control Order in Article 2, and the provision of the next paragraph to paragraph 4 inclusive of the Supplementary Provisions: the day of promulgation
- Transitional Measures • •
- 2• With regard to service transactions for which a person, who had obtained, prior to the enforcement of this Cabinet Order, permission under Article 17-2,

paragraph 1 of the Foreign Exchange Control Order prior to the revision with regard to transactions for the purpose of providing technology set forth in row 2 •ii• of appended table of the said Order, conducts according to the permission and to which the provision of Article 17-2, paragraph 3 of the Foreign Exchange Control Order after the revision apply, the provisions then in force shall remain applicable.

- 3• With regard to export of goods for which a person, who had obtained, prior to the enforcement of this Cabinet Order, permission under Article 1, paragraph 1 of the Export Trade Control Order prior to the revision with regard to export of goods set forth in row 2 •xii• of appended table 1 of the said Order, conducts according to the permission and to which the provisions of Article 1, paragraph 2, and Article 2, paragraph 1, item 1 of the Export Trade Control Order after the revision apply, the provisions then in force shall remain applicable.
- 4• With regard to the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order, the provisions then in force shall remain applicable.

Supplementary Provisions •Cabinet Order No. 250 of August 23, 1996•
•Extract•

Article 1 •Effective Date•

This Cabinet Order shall come into force as from September 13, 1996.

Article 2 •Transitional Measures•

With regard to service transactions for which a person, who had obtained, prior to the enforcement of this Cabinet Order, permission under Article 17-2, paragraph 3 of the Foreign Exchange Control Order prior to the revision with regard to transactions for the purpose of providing technology set forth in the middle columns of rows 5 to 15 inclusive of the appended table of the said Order, conducts according to the permission and to which the provision of Article 17-2, paragraph 1 of the Foreign Exchange Control Order after the revision apply, the provisions then in force shall remain applicable.

Article 3

With regard to export of goods for which a person, who had obtained, prior to the enforcement of this Cabinet Order, permission under Article 1, paragraph 2 of the Export Trade Control Order prior to the revision or an approval under Article 2, paragraph 1, item 1 of the said Order with regard to export of goods set forth in the middle columns of rows 5 to 15 inclusive of appended table 1 of the said Order, conducts according to said permission or the approval and to which the provision of

Article 1, paragraph 1 of the Export Trade Control Order after the revision apply, the provisions then in force shall remain applicable.

Article 4

With regard to an application which has been filed, at the time of enforcing this Cabinet Order, for permission under Article 17-2, paragraph 3 of the Foreign Exchange Control Order prior to the revision pertaining to transactions for the purpose of providing technology set forth in the middle columns of rows 5 to 15 inclusive of appended table of the said Order, and which is pertaining to transactions which require permission under Article 17-2, paragraph 1 of the Foreign Exchange Control Order after the revision, such application shall be deemed to be one for permission under the said paragraph.

Article 5

With regard to an application which has been filed, at the time of enforcing this Cabinet Order, for permission under Article 1, paragraph 2 of the Export Trade Control Order prior to the revision or for an approval under Article 2, paragraph 1, item 1 of the said Order pertaining to export of goods set forth in the middle columns of rows 5 to 15 inclusive of appended table 1 of the said Order, and which is pertaining to export of goods which requires permission under Article 1, paragraph 1 of the Export Trade Control Order after the revision, such application shall be deemed to be one for permission under the said paragraph.

Article 6 • Transitional Measures pertaining to Penal Provisions •

With regard to the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order, the provisions then in force shall remain applicable.

Supplementary Provisions • Cabinet Order No. 315 of November 1, 1996 •

• Effective Date •

- 1 • This Cabinet Order shall come into force as from the day of promulgation.

• Transitional Measures pertaining to Penal Provisions •

- 2 • With regard to the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order, the provisions then in force shall remain applicable.

Supplementary Provisions • Cabinet Order No. 94 of March 28, 1997 •

This Cabinet Order shall come into force as from the day on which the Convention

on the Prohibition of the Development, Manufacture, Stockpiling and Use of Chemical Weapons and on their Destruction becomes effective in Japan •April 29, 1997•:

Supplementary Provisions •Cabinet Order No. 320 of October 29, 1997•

This Cabinet Order shall come into force as from November 2, 1997.

Supplementary Provisions •Cabinet Order No. 327 of November 12, 1997•

•Effective Date•

•1• This Cabinet Order shall come into force as from November 16, 1997.

•Transitional Measures•

•2• The provision of Article 18, paragraph 1 of the Foreign Exchange Control Order after the revision pursuant to the provision of Article 1 shall apply to service transactions which are started on or after the date of enforcement of this Cabinet Order.

Supplementary Provisions •Cabinet Order No. 383 of December 25, 1997•

•Extract•

Article 1 •Effective Date•

This Cabinet Order shall come into force as from the date of enforcement •April 1, 1998• of the Act on the Partial Revision of the Foreign Exchange and Foreign Trade Control Act; provided, however, that the provision of Article 3 of the Supplementary Provisions shall come into force as from the day of promulgation.

Article 2 •Transitional Measures•

•1• With regard to the case where payment, etc. •which• refers to payment or receipt of payment; the same shall apply hereinafter •pertaining to exchange transactions conducted by a Bank, etc. •which refers to a Bank, etc. prescribed in Article 17, paragraph 1 of the Foreign Exchange and Foreign Trade Act revised by the Act on the Partial Revision of the Foreign Exchange and Foreign Trade Control Act •hereinafter referred to as the • Revised Act• • hereinafter such Foreign Exchange and Foreign Trade Control Act shall be referred to as the • New Act• •; the same shall apply hereinafter •with its customers pertains to capital transactions •which refer to capital transactions prescribed in Article 20 of the Foreign Exchange and Foreign Trade Control Act prior to the revision by the Revised Act •hereinafter referred to as the • Old Act• •; hereinafter the same shall

apply in this paragraph, Article 5 of the Supplementary Provisions and Article 6 of the Supplementary Provisions which were conducted prior to the date of enforcement of the Revised Act hereinafter referred to as the Date of Enforcement; the application of the provisions of Article 17 of the New Act and Article 7 of the Foreign Exchange Order after the revision hereinafter referred to as the New Order in such case is in accordance with what is provided for as follows.

- i. Article 21, paragraph 1 or paragraph 2 in Article 17, paragraph 1, item 2 of the New Act shall be deemed to be replaced with Article 21, paragraph 1 or paragraph 2 of the Foreign Exchange and Foreign Trade Control Act prior to the revision by the Act on the Partial Revision of the Foreign Exchange and Foreign Trade Control Act Act No. 59 of 1997; hereinafter referred to as the Revised Act in this item and the next item such Foreign Exchange and Foreign Trade Control Act shall be referred to as the Old Act in the next item; and capital transactions shall be deemed to be replaced with capital transactions limited to capital transactions falling under those for which the obligation to obtain permission is imposed pursuant to the provision of Article 21, paragraph 1 or paragraph 2 supposing such transactions are to be conducted on or after the date of enforcement of the Revised Act.
- ii. Those specified by a Cabinet Order in Article 17, paragraph 1, item 3 of the New Act shall be deemed to be replaced with capital transactions prescribed in Article 23, paragraph 1 of the Old Act for which the obligation to give notification is imposed pursuant to the provision of Article 22, paragraph 1 of the Old Act, or capital transactions prescribed in Article 24, paragraph 1 of the Old Act for which the obligation to give notification is imposed pursuant to the provision of paragraph 2 of the said Article both limited to capital transactions falling under those for which the obligation to obtain permission is imposed pursuant to the provision of Article 21, paragraph 1 or paragraph 2 supposing such transactions are to be conducted on or after the date of enforcement of the Revised Act or those specified by a Cabinet Order.
- iii. Article 24, paragraph 1 or paragraph 2 of the Act in Article 7, item 1 of the New Order shall be deemed to be replaced with Article 24, paragraph 1 of the Foreign Exchange and Foreign Trade Control Act prior to the revision by the Act on the Partial Revision of the Foreign Exchange and Foreign Trade Control Act Act No. 59 of 1997; hereinafter referred to as the Revised Act in this item, and specified capital transactions prescribed in paragraph 1 of the said Article shall be deemed to be replaced with capital transactions prescribed in the said paragraph limited to specified capital transactions falling under those prescribed in paragraph 1 of the said Article for which the obligation to obtain permission is imposed pursuant to the provision of Article 24, paragraph 1 or

paragraph 2 supposing such transactions are to be conducted on or after the date of enforcement of the Revised Act. . . .

- 2• With regard to the application of the provision of Article 17 of the New Act and Article 7 of the New Order in the case where payment, etc. pertaining to exchange transactions conducted by a Bank, etc. with its customers pertains to transactions conducted prior to the Date of Enforcement which is prescribed in Article 25, paragraph 3 of the Old Act, • Article 25, paragraph 4 of the Act• in item 2 of the said Article shall be deemed to be replaced with • Article 25, paragraph 3 of the Foreign Exchange and Foreign Trade Control Act prior to the revision by the Act on the Partial Revision of the Foreign Exchange and Foreign Trade Control Act •Act No. 59 of 1997; hereinafter referred to as the • Revised Act• in this item•, • and • service transactions, etc. shall be deemed to be replaced with • transactions • limited to services transactions, etc. falling under those for which the obligation to obtain permission is imposed pursuant to the provision of Article 25, paragraph 4 of the Act supposing such transactions are to be conducted on or after the date of enforcement of the Revised Act. . . .
- 3• With regard to the application of the provision of Article 17 of the New Act and Article 7 of the New Order in the case where payment, etc. pertaining to exchange transactions conducted by a Bank, etc. with its customers pertains to export of goods conducted prior to the Date of Enforcement for which the obligation to obtain an approval is imposed pursuant to the provision of Article 52 of the Old Act, • Article 16, paragraph 1 of the Act• in item 4 of the said Article shall be deemed to be replaced with • Article 16, paragraph 2 of the Foreign Exchange and Foreign Trade Control Act prior to the revision by the Act on the Partial Revision of the Foreign Exchange and Foreign Trade Control Act •Act No. 59 of 1997; hereinafter referred to as the • Revised Act• in this item•; • and • those for which the obligation is imposed • shall be deemed to be replaced with • limited to those for which the obligation is imposed and those falling under export of goods for which the Minister of International Trade and Industry imposed the obligation to obtain an approval from the same viewpoint as in the case he/she imposes the obligation to obtain permission for payment, etc. pursuant to the provision of Article 16, paragraph 1 of the Act supposing the export is to be conducted on or after the date of enforcement of the Revised Act. . . .

Article 3

- 1• The method of payment prescribed in Article 19, paragraph 1 of the New Act which is subject to notification pertaining to import or export under paragraph 3 of the said Article, or a resident or a non-resident who intends to import or export securities or precious metals on the Date of Enforcement, may give notification in accordance with the provision of paragraph 3 of the said Article as on the previous

day of the Date of Enforcement.

- 2• In the case where notification is given under the provision of the preceding paragraph, matters to be notified in the notification and delegation of authority of the Minister of Finance pertaining to the notification is in accordance with the provisions of Article 8-2, paragraph 3 and Article 25, paragraph 1 •excluding item 2•• of the New Order.

Article 4

Payment, etc. specified by a Cabinet Order prescribed in Article 2, paragraph 1 of the Supplementary Provisions of the Revised Act shall be deemed to be payment, etc. falling under any of the following.

- i• Among payment, etc. designated by a public notice based on the provision of Article 6, paragraph 1 of the New Order as on the Date of Enforcement, payment etc. which was specified by the public notice as that for which the obligation to obtain permission is imposed pursuant to the provision of Article 16, paragraph 1 of the New Act, deeming it particularly necessary for making Japan's contribution to international efforts for achieving international peace
- ii• Payment, etc. designated by a public notice based on Article 6, paragraph 1 of the New Order after the Date of Enforcement

Article 5

Capital transactions specified by a Cabinet Order prescribed in Article 3, paragraph 1 of the Supplementary Provisions of the Revised Act or transactions prescribed in the said paragraph shall be deemed to be capital transactions falling under any of the following or transactions prescribed in the said paragraph •hereinafter referred to as • Capital Transactions, etc. in this Article•.

- i• Among Capital Transactions, etc. designated by a public notice based on the provisions of Article 11, paragraph 1, Article 15, paragraph 1, or Article 18, paragraph 3 of the New Order as on the Date of Enforcement, Capital Transactions, etc. which were specified by the public notice as one for which the obligation to obtain permission is imposed pursuant to the provision of Article 21, paragraph 1, Article 24, paragraph 1, or Article 25, paragraph 4 of the New Act, deeming that they might cause a situation that hinders Japan's contribution to international efforts for achieving international peace and makes it difficult to attain the purpose of the New Act
- ii• Capital Transactions designated by a public notice based on Article 11, paragraph 1, Article 15, paragraph 1, or Article 18, paragraph 3 of the New Order after the Date of Enforcement

Article 6

Capital Transactions Subject to Examination in Advance under the Old Act specified by a Cabinet Order prescribed in Article 5, paragraph 1 of the Supplementary Provisions of the Revised Act shall be deemed to be capital transactions falling under any of the following.

- i• Among capital transactions designated by a public notice based on the provision of Article 11, paragraph 1 of the New Order as on the Date of Enforcement, capital transactions which were specified by the public notice as those for which the obligation to obtain permission is imposed pursuant to the provision of Article 21, paragraph 1 of the New Act, deeming that they might cause a situation that hinders Japan's contribution to international efforts for achieving international peace and makes it difficult to attain the purpose of the New Act
- ii• Capital Transactions designated by a public notice based on Article 11, paragraph 1 of the New Order after the Date of Enforcement

Article 7 • Transitional Measures pertaining to Penal Provisions •

With regard to the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order, the provisions then in force shall remain applicable.

**Supplementary Provisions • Cabinet Order No. 369 of November 20, 1998 •
• Extract •**

Article 1 • Effective Date •

This Cabinet Order shall come into force as from December 1, 1998.

Article 30 • Transitional Measures pertaining to the Application of Penal Provisions •

With regard to the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order, the provisions then in force shall remain applicable.

Supplementary Provisions • Cabinet Order No. 190 of June 18, 1999 • Extract •

• Effective Date •

•1• This Cabinet Order shall come into force as from the day of promulgation; provided, however, that revising provisions set forth in the following items shall come into force as from the date set forth in the respective items.

- i• The provisions revising row 7 of the appended table of the Foreign Exchange Order in Article 1: July 2, 1999

•Transitional Measures pertaining to Penal Provisions•

- 2• With regard to the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order, the provisions then in force shall remain applicable.

Supplementary Provisions •Cabinet Order No. 267 of September 16, 1999•

•Extract• . . .

Article 1 •Effective Date• . . .

This Cabinet Order shall come into force as from October 1, 1999.

Supplementary Provisions •Cabinet Order No. 272 of September 20, 1999•

•Extract• . . .

Article 1 •Effective Date• . . .

This Cabinet Order shall come into force as from October 1, 1999.

Supplementary Provisions •Cabinet Order No. 424 of December 27, 1999•

This Cabinet Order shall come into force as from March 1, 2000.

Supplementary Provisions •Cabinet Order No. 307 of June 7, 2000• •Extract•

Article 1 •Effective Date• . . .

This Cabinet Order shall come into force as from January 6, 2001.

Supplementary Provisions •Cabinet Order No. 483 of November 17, 2000•

•Extract• . . .

Article 1 •Effective Date• . . .

This Cabinet Order shall come into force as from the date of enforcement •December 1, 2000• of the Act on the Partial Revision•of the Securities and Exchange Act and the Financial Futures Trading Act.

Supplementary Provisions •Cabinet Order No. 439 of December 28, 2001•

•Effective Date• . . .

- 1• This Cabinet Order shall come into force as from April 1, 2002.

•Transitional Measures pertaining to Penal Provisions•

- 2• With regard to the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order, the provisions then in force shall remain applicable.

Supplementary Provisions • Cabinet Order No. 209 of June 14, 2002•

•Effective Date•

- 1• This Cabinet Order shall come into force as from July 15, 2002.

•Transitional Measures pertaining to Penal Provisions•

- 2• With regard to the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order, the provisions then in force shall remain applicable.

Supplementary Provisions • Cabinet Order No. 259 of July 26, 2002• •Extract•

Article 1 •Effective Date•

This Cabinet Order shall come into force as from the date of enforcement of the Act on the Partial Revision of the Foreign Exchange and Foreign Trade Control Act •Act No. 34 of 2002; referred to as the • Revised Act• in the next article•.

Article 2 •Transitional Measures•

- 1• In the case where financial institutions, etc. •which• refer to financial institutions, etc. prescribed in Article 22-2, paragraph 1 of the Foreign Exchange and Foreign Trade Control Act revised by the Revised Act •hereinafter referred to as the • New Act• in this Article•• have confirmed matters sufficient to identify customers, etc. •which refer to customers, etc. prescribed in Article 22-2, paragraph 1 of the New Act•• pursuant to the provision of Article 18, paragraph 1 or Article 22-2, paragraph 1 of the New Act, prior to the enforcement of the Revised Act, and have created and kept a record pertaining to the confirmation, acts with identified customers prior to enforcement •which refer to acts falling under those with identified customers prescribed in Article 11-5, paragraph 2 after the revision in the case where the provision of the said paragraph are applied, deeming the confirmation to be Identity Confirmation •which refers to Identity Confirmation under Article 18, paragraph 1 and Article 22-2, paragraph 1 of the New Act• and the record as a Record of Identity Confirmation •which refers to a Record of Identity Confirmation under Article 18-3, paragraph 1 of the New Act•••• shall be deemed to be acts with identified customers prescribed in Article 11-5, paragraph 2 after the revision.
- 2• The provision of the preceding paragraph shall apply mutatis mutandis to the

postal service office or a person who engages, in Japan, in Money Exchange Business prescribed in Article 22-3, paragraph 1 of the New Act.

Supplementary Provisions •Cabinet Order No. 363 of December 6, 2002•

•Extract• . . .

Article 1 •Effective Date• . . .

This Cabinet Order shall come into force as from January 6, 2003.

Article 6 •Transitional Measures pertaining to Penal Provisions•

With regard to the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order, the provisions then in force shall remain applicable.

Supplementary Provisions •Cabinet Order No. 385 of December 18, 2002•

•Extract• . . .

Article 1 •Effective Date• . . .

This Cabinet Order shall come into force as from April 1, 2003.

Article 6 •Transitional Measures Accompanied with the Partial Revision of the Foreign Exchange Order••

With regard to the application of the provision of Article 11-5, paragraph 2 of the Foreign Exchange Order after the revision under the provisions of Article 62 and Article 2 of the Supplementary Provisions of the Cabinet Order on the Partial Revision of the Foreign Exchange Order •Cabinet Order No. 259 of 2002•, acts conducted by the postal service office prior to the Date of Enforcement shall be deemed to be acts conducted by the public corporation.

Supplementary Provisions •Cabinet Order No. 386 of December 18, 2002•

•Extract• . . .

Article 1 •Effective Date• . . .

This Cabinet Order shall come into force as from April 1, 2003.

Supplementary Provisions •Cabinet Order No. 28 of January 31, 2003•

•Extract• . . .

Article 1 •Effective Date• . . .

This Cabinet Order shall come into force as from the date of enforcement

•February 3, 2003• of the Act on the Utilization of Information and Communications Technology in Administrative Procedure, etc.

Supplementary Provisions •Cabinet Order No. 197 of April 2, 2003•

This Cabinet Order shall come into force as from July 1, 2003.

Supplementary Provisions •Cabinet Order No. 518 of December 17, 2003•

•Effective Date•

•1• This Cabinet Order shall come into force as from January 20, 2004.

•Transitional Measures pertaining to Penal Provisions•

•2• With regard to the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order, the provisions then in force shall remain applicable.

Supplementary Provisions •Cabinet Order No. 9 of January 30, 2004• •Extract•

Article 1 •Effective Date•

This Cabinet Order shall come into force as from April 1, 2004.

Article 2 •Transitional Measures pertaining to Penal Provisions•

With regard to the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order, the provisions then in force shall remain applicable.

Supplementary Provisions •Cabinet Order No. 352 of November 10, 2004•

•Extract•

•Effective Date•

•1• This Cabinet Order shall come into force as from January 1, 2005.

•Transitional Measures pertaining to Penal Provisions•

•2• With regard to the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order, the provisions then in force shall remain applicable.

Supplementary Provisions •Cabinet Order No. 425 of December 27, 2004•

•Extract•

Article 1 • Effective Date• . . .

This Cabinet Order shall come into force as from the date of enforcement
•December 30, 2004• of the Act on the •Partial Revision of• the Act on Identity
Confirmation of Customers, etc. by Financial Institutions, etc.

Supplementary Provisions •Cabinet Order No. 429 of December 28, 2004•
•Extract• . . .

Article 1 • Effective Date• . . .

This Cabinet Order shall come into force as from the day of enforcement of the Act
•December 30, 2004•. . .

Supplementary Provisions •Cabinet Order No. 19 of February 16, 2005•

Article 1 • Effective Date• . . .

This Cabinet Order shall come into force as from April 1, 2005.

Article 2 • Transitional Measures pertaining to the Application of Penal Provisions••

With regard to the application of penal provisions to acts committed prior to the
enforcement of this Cabinet Order, the provisions then in force shall remain
applicable.

Supplementary Provisions •Cabinet Order No. 206 of June 10, 2005• •Extract•

Article 1 • Effective Date• . . .

This Cabinet Order shall come into force as from the date of enforcement of the
Act on the Partial Revision of the Financial Futures Trading Act •referred to as the
• Revised Act• in the next article and Article 3, paragraph 1 of the Supplementary
Provisions• •such day shall be referred to as the • Date of Enforcement• in the said
paragraph••

Article 4 • Transitional Measures pertaining to the Application of Penal Provisions••

With regard to the application of penal provisions to acts committed prior to the
enforcement of this Cabinet Order, the provisions then in force shall remain
applicable.

Supplementary Provisions •Cabinet Order No. 358 of December 2, 2005•

•Effective Date• . . .

1. This Cabinet Order shall come into force as from January 1, 2006.

Transitional Measures pertaining to Penal Provisions

2. With regard to the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order, the provisions then in force shall remain applicable.

Supplementary Provisions • Cabinet Order No. 42 of March 17, 2006

This Cabinet Order shall come into force as from the day of enforcement of the Company Act.

Appended Table • Re: Art. 17

	Technology	Region
1	Technology for the design, manufacture, or use of the goods listed in the middle column of row 1 of appended table 1 of the Export Trade Control Order	All regions
2	<ul style="list-style-type: none"> •i• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the design, manufacture, or use of the goods listed in the middle column of row 2 of appended table 1 of the Export Trade Control Order •ii• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the use of numerically-controlled equipment 	All regions
3	<ul style="list-style-type: none"> •i• Technology for the design, manufacture, or use of the goods listed in row 3 •i• of appended table 1 of the Export Trade Control Order •ii• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the design, manufacture, or use of the goods listed in row 3 •ii• of appended table 1 of the Export Trade Control Order 	All regions
3-2	<ul style="list-style-type: none"> •i• Technology for the design or manufacture of the goods listed in row 3-2 •i• of appended table 1 of the Export Trade Control Order •ii• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the design or manufacture of the goods listed in row 3-2 •ii• of appended 	All regions

	table 1 of the Export Trade Control Order	
4	<ul style="list-style-type: none"> •i• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the design, manufacture, or use of the goods listed in the middle column of row 4 of appended table 1 of the Export Trade Control Order •ii• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the design of avionics equipment or parts thereof •excluding those listed in •i• above• . . . •iii• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the use of electronic computers for rockets or unmanned aerial vehicles •excluding those listed in •i• above• . •iv• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the use of autoclaves •v• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the use of equipment used in fixing substances generated from the thermal decomposition of gas onto substrates 	All regions
5	<ul style="list-style-type: none"> •i• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and used for the design or manufacture of the goods listed in the middle column of row 5 of appended table 1 of the Export Trade Control Order •ii• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the use of the goods listed in the middle column of row 5 of appended table 1 of the Export Trade Control Order •iii• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the design or manufacture of ceramics or raw materials therefor •excluding those listed in •i• above and in the middle column of row 15• . . . •iv• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the design or manufacture of polybenzothiazole or polybenzoxazole •v• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the design or manufacture of rubber-like fluorine compounds including vinyl ether monomers 	

	<ul style="list-style-type: none"> •vi• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the manufacture of aromatic polyamide •excluding those listed in •i• above• . . . •vii• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the design of composites •excluding those listed in the middle column of row 4•• •viii• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the use of electric wave absorbers or conductive polymers •excluding those listed in the middle column of row 4•• 	
6	<ul style="list-style-type: none"> •i• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the design or manufacture of goods listed in the middle column of row 6 of appended table 1 of the Export Trade Control Order •ii• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the use of goods listed in the middle column of row 6 of appended table 1 of the Export Trade Control Order •excluding those listed in the middle column of row 2•• •iii• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the use of numerically-controlled equipment or coating equipment •excluding those listed in the middle column of row 2• •iv• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the design or use of metal processing equipment or tools, including molds •excluding those listed in •i• to •iii• above• •v• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the design or manufacture of hydraulic stretch forming machines and molds thereof •excluding those listed in •iv• above• •vi• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the design of auxiliaries for numerically-controlled equipment 	All regions
7	<ul style="list-style-type: none"> •i• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the design or manufacture of goods listed in the middle column of row 7 of appended table 1 of the Export Trade Control Order 	All regions

	<ul style="list-style-type: none"> •ii• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the use of goods listed in the middle column of row 7 •xvi• of appended table 1 of the Export Trade Control Order •iii• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the design or manufacture of integrated circuits •excluding those listed in •i• above and in the middle column of row 4• . . . •iv• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the design or manufacturing of equipment using superconducting materials •excluding those listed in •i• above• . •v• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the design or manufacture of electron tubes or microchips •excluding those listed in •i• above• . . . 	
8	<ul style="list-style-type: none"> •i• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the design, manufacture or use of goods listed in the middle column of row 8 of appended table 1 of the Export Trade Control Order •excluding those listed in the middle column of row 4• •ii• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the design, manufacture or use of electronic computers, auxiliaries thereof, or parts of such computers or auxiliaries •excluding those listed in •i• above and in the middle column of row 4• . . . 	All regions
9	<ul style="list-style-type: none"> •i• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the design, manufacture or use of goods listed in the middle column of row 9 of appended table 1 of the Export Trade Control Order •ii• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the design, manufacture or use of goods listed in the middle column of row 9 •i• to •iii• or •v• to •vi• of appended table 1 of the Export Trade Control Order •excluding those listed in •i• above and in the middle column of row 15•• 	All regions
10	<ul style="list-style-type: none"> •i• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the design or manufacture of goods listed in the middle column of row 10 of appended table 1 of the Export Trade Control Order 	All regions

	<ul style="list-style-type: none"> •ii• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the use of goods listed in row 10 •ii• or •iv• to •xi• of appended table 1 of the Export Trade Control Order •excluding those listed in the middle columns of rows 2 and 15•• •iii• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the manufacturing of optical components •excluding those listed in •i• above• . . . •iv• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the design, manufacturing or use of test equipment for laser oscillators •excluding those listed in •i• above• . •v• Deleted •vi• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the design or manufacture of radomes •excluding those listed in the middle column of row 4•• •vii• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the design, manufacture, or use of equipment used in the testing of resistance of materials against laser beam or targets used therein 	
11	<ul style="list-style-type: none"> •i• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the design or manufacture of goods listed in the middle column of row 11 of appended table 1 of the Export Trade Control Order •ii• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the use of goods listed in rows 11 •i• to •iv• of appended table 1 of the Export Trade Control Order •excluding those listed in the middle column of row 15•• •iii• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the design or manufacture of inertial navigators, gyroscopes for celestial navigation, or devices that derive position or orientation by means of automatically tracking celestial bodies or satellites •excluding those listed in •i• above• . •iv• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the design, 	All regions

	manufacture, or use of avionics equipment •excluding those listed in the middle column of row 4••	
12	<ul style="list-style-type: none"> •i• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the design or manufacture of goods listed in the middle column of row 12 of appended table 1 of the Export Trade Control Order •ii• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the use of goods listed in the middle column of row 12 of appended table 1 of the Export Trade Control Order •iii• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the design, manufacture, or use of propellers •excluding those listed in •i• and •ii• above and in the middle column of row 15• . . . 	All regions
13	<ul style="list-style-type: none"> •i• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the design or manufacture of goods listed in the middle column of row 13 of appended table 1 of the Export Trade Control Order •excluding those listed in the middle column of row 15• •ii• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the use of goods listed in the middle column of row 13 of appended table 1 of the Export Trade Control Order •excluding those listed in the middle column of row 4•• •iii• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the design, manufacture, or use of gas turbine engines or parts thereof •excluding those listed in •i• and •ii• above and in the middle column of row 15•• •iv• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the design or manufacturing of aircraft or parts thereof •excluding those listed in •i• above and in the middle column of row 1• . . . •v• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the design or manufacturing of diesel engines or parts thereof •excluding those listed in the middle column of row 14•• 	All regions
14	Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the design, manufacture, or use of goods listed in the middle column of	

	row 14 of appended table 1 of the Export Trade Control Order	
15	<ul style="list-style-type: none"> •i• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the design or manufacture of goods listed in the middle column of row 15 of appended table 1 of the Export Trade Control Order •ii• Deleted •iii• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the use of underwater detectors using acoustic waves •iv• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the use of inertial navigators or other equipment using inertial forces •v• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the use of gyroscopes for celestial navigation, or devices that derive position or orientation by means of automatically tracking celestial bodies or satellites •vi• Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the design or manufacturing of parts of gas turbine engines 	All regions
16	Technology specified by the Ordinance of the Ministry of Economy, Trade and Industry and employed in the design, manufacture, or use of goods classified into Classes 25 to 40, 54 to 59, 63, 68 to 93, or 95 of the Appendix of the Customs Tariff Law •Law No. 54 of 1910• •excluding those listed in the middle columns of rows 1 to 15••	All regions ••excluding the regions listed in appended table 4-2 of the Export Trade Control Order

司法院秘書長 函

地址：10048台北市中正區重慶南路1段
124號

承辦人：
電話：

受文者：中央銀行等

發文日期：中華民國98年11月27日

發文字號：秘台大一字第0980027901號

速別：最速件

密等及解密條件或保密期限：普通

附件：釋憲聲請書乙份

主旨：本院大法官為審理管理外匯條例第24條第3項有無違憲疑義，聲請解釋案，有瞭解說明欄二所列事項之必要，請參考附件釋憲聲請書並檢附相關資料於二星期內惠復，俾供審理之參考。

說明：

- 一、依司法院大法官審理案件法第13條第1項規定辦理。
- 二、管理外匯條例第24條第3項規定：「攜帶外幣出入國境，不依第11條規定報明登記者，沒入之；申報不實者，其超過申報部分沒入之」，請問：
 - (一)此申報及沒入之手段與達成同法第1條規定「平衡國際收支，穩定金融」立法目的之間，究有如何之關聯性？
 - (二)為何做此申報之管制？
 - (三)若未管制，將如何影響我國金融穩定？

正本：中央銀行、行政院金融監督管理委員會

副本：本院書記處第一科

電子交換：中央銀行、行政院金融監督管理委員會

紙本遞送：本院書記處第一科

正本

檔
保存年
號：
司法院大法官書記處收文
98年12月2/日
會台字第8898-A號

中央銀行 函

地址：10066 台北市中正區羅斯福路1段2號
承辦人：歐坤寧
電話：(02)2357-1887
傳真：(02)2357-1980
電子信箱：kunnin@mail.cbc.gov.tw

受文者：司法院秘書長

發文日期：中華民國98年12月21日
發文字號：台央法字第0980061281號
速別：最速件
密等及解密條件或保密期限：普通
附件：如文

主旨：有關 大院大法官為審理「管理外匯條例」（下稱本條例）
第24條第3項聲請解釋案，函請就所詢問題提供相關資料
一案，本行意見如說明二，敬請 卓參。

說明：

- 一、復 大院秘書長98年11月27日秘台大一字第0980027901號函。
- 二、來函就本條例第24條第3項規定：「攜帶外幣出入國境，不依第11條規定報明登記者，沒入之；申報不實者，其超過申報部分沒入之。」所詢三項問題，本行整併說明如下：
(一)此申報及沒入之手段與達成本條例第1條規定「平衡國際收支，穩定金融」立法目的之間，究有如何之關連性？若未管制，將如何影響我國金融穩定？

答：

1. 立法目的：

我國為一小型而高度開放的經濟體，外匯市場極易受偶發性或不正常因素之干擾，致使匯率過度波動，造成金融市場之不穩定，連帶影響經濟之正常發展（詳附件1第3則）。為穩定金融之目的，自有適當管制外匯之必



要，方可見其成效。

2. 「申報」與立法目的之關連性：

外幣現鈔攜帶出入國境如無申報管制將衍生以下弊端：

- (1) 無從掌握民眾所持外幣現鈔數量之情形下，民眾如於短時間內大量、集中於境內銀行兌換為新臺幣，將造成匯率之非常態波動，並對國內金融增添不穩定之潛在風險。
- (2) 犯罪者如將犯罪所得之外幣現鈔採取實體攜帶方式，以規避於銀行匯款之申報管制，將使犯罪所得之流向難以追查；犯罪者如進一步於國內將犯罪所得透過金融體系或投資活動進行洗錢，更將足以破壞國內金融體系之健全與信譽。
- (3) 外幣現鈔攜帶出入國境如無申報及沒入之管理手段，長此以往，民眾將可能以外幣現鈔作為境內之支付工具，進而對新臺幣現鈔產生排擠效果，嚴重影響新臺幣為國內唯一具法償效力之國幣地位。

3. 「沒入」與立法目的之關連性：

藉由沒入之行政罰，可落實本條例第 11 條關於旅客或交通工具服務人員攜帶外幣出入國境應報明海關登記之規定、杜絕心存僥倖不依規定申報或申報不實之情事，俾期據以提高國際收支統計之正確性，掌握大額外幣資金動向、防範異常資金進出或洗錢、不法匯兌等地下金融活動之進行、建立預警資訊、防止金融危機、以促進金融穩定。其目的洵屬正當，所採之手段對目的之達成亦屬必要且具經濟效益，乃維持社會秩序、增進公共利益之必要措施，符合憲法第 23 條之比

例原則，與憲法第 7 條及第 15 條保障人民平等權及財產權之意旨亦無違背。

(二) 為何作此申報之管制？

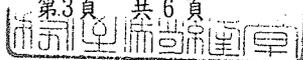
答：

1. 以「申報」作為管制手段之合理性分析：

- (1) 按此項申報制度係由攜帶一定金額以上外幣之旅客主動申報，對於誠實申報者、無須申報者及執行機關均有其便利性，符合經濟效益及比例原則。反之，如採由執行機關對所有旅客逐一檢查之方式辦理，勢必耗時費力並連累多數不須申報者，顯然不符經濟效益及比例原則。
- (2) 況且，政府為避免民眾誤觸法令，遭受財產損失及訟累，執行機關對於上開申報及沒入規定均已於入出境大廳及海關檢查台上有所公告或標示，飛機上則均置放申報單供填寫。
- (3) 此外，旅客申報時亦僅須簡單填寫相關申報單，毋須負擔任何費用或其他不利益，即可免遭沒入之處罰。
- (4) 上述相關教示作為及便民措施，堪稱周全，民眾如仍違規，予以處罰，應無不妥。例如，本件聲請人 92 年 8 月至本件案發之 94 年 12 月間，出入國境計達 42 次，對相關規定應知之甚稔，其違規受罰，自無不妥。

2. 以「沒入」作為處罰手段之合理性分析：

為落實前述持有外幣現鈔出入境之申報制度，對於未依規定申報者，自應有所處罰，以收實效；茲衡酌其可責性，如科處刑罰，似嫌過重；自以行政罰為當，



惟究採「沒入」抑或「罰鍰」，似各有其由，經審酌，如不處以沒入，而處以罰鍰，較易致生弊端及困擾，茲析述如下：

- (1) 依財政部 92 年 3 月 21 日台財融（五）字第 0925000075 號令規定，攜帶外幣出入國境超過等值壹萬美元者，應報明海關登記（附件 2）。易言之，旅客攜帶外幣縱逾壹萬美元，一經申報，即無不法，其目的即在鼓勵誠實申報，此一規範方式已屬寬厚。
- (2) 關於違規不為申報或不實申報之處罰，如處以罰鍰，因罰鍰必定有上限，惟因本項申報制度並無規定攜帶限額，故違規之上限應如何訂定始足以達到嚇阻之目的，即難定奪；其中對於大量攜帶外幣現鈔超過罰鍰限額甚多之旅客，將無法達到促其申報之目的，易變相鼓勵此類旅客將罰鍰作為其違規之風險成本。
- (3) 執行機關為避免發生上開弊端，在執行上，恐將對選擇走綠線免申報之旅客加強查核，致使本無須申報之旅客徒增不必要之困擾。

3. 與外國立法例比較，沒入為合理之處罰手段：

- (1) 「美國聯邦法典」(U.S.C)第三十一篇第五十三章第五三一六條、第五三一七條（附件 3）亦明定，外幣現鈔入出境之申報制度及違反規定之沒入處罰。【另按：我國「洗錢防制法」第 10 條（附件 4）亦有類似規定。】
- (2) 日本「外匯及對外貿易法」第 19 條第 1 項規

定（同附件 3），財務大臣於必要時，得對從事支付工具輸出之居民或非居民課以取得許可之義務。足見日本法律賦予行政主管機關相當行政裁量權管制外匯。如有未依法取得輸出或輸入之支付工具許可者，可依同法第 70 條第 6 款規定（同附件 3），處以有期徒刑併科罰金。其處罰規定遠較我國嚴格。

- (3) 韓國「外匯交易法」第 17 條規定（同附件 3），財政經濟部於必要時，得規定居民或非居民於輸出或輸入支付工具時，應經許可或向海關申報。如有違反前開規定，可依同法第 27 條第 1 項第 9 款規定（同附件 3），處以有期徒刑併科罰金。其處罰規定亦遠較我國嚴格。

4. 本條例之規定，符合國際防制洗錢組織之要求：

根據「防制洗錢金融行動工作組織」(Financial Action Task Force; FATF) 2003 年修訂「四十項建議」(The Forty Recommendations) 中之第十九項建議(附件 5) 及 2004 年 10 月 22 日所發布之「防制資助恐怖活動特別建議」(Special Recommendations on Terrorist Financing) 第九項(附件 6) 所載，對於現金之跨國運送，建議各國應制定監控跨國移轉通用貨幣之措施，並採取作為，以偵測隨身攜帶現金之跨國運送，對未據實申報者予以適當之刑事或行政制裁；此項建議，並由「亞太防制洗錢組織」(Asia Pacific Group on Money Laundering; APG) 列為 2007 年對我國辦理防制洗錢執行之評鑑項目之一。準此，本條例之

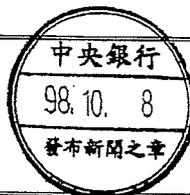
規定，適可配合國際洗錢組織之要求，並符合國際潮流。

5. 綜上所析，不論自沒入之合理性分析或與外國立法例之比較，本條例規定主動誠實申報制度並輔以沒入處罰，係所有足以達到確保政府事先掌握旅客攜帶外幣現鈔數額，俾作為適時調整外匯管理措施之參考，以穩定金融之相同效果之手段中，侵害最小者；且該手段對違規申報者財產權之懲罰，與對所欲達到之公益目的及對其他無須申報者之侵擾相較，尚稱衡平允當。因此，該項處罰規定應無違反比例原則。
6. 至本條例第 6 之 1 及第 20 條（附件 7），係就民眾於國內至銀行結匯時，有關外匯收支及交易之申報義務及罰鍰規定。鑒於申報義務人如未依規定申報，因其仍須透過銀行辦理結匯，政府尚可隨時透過銀行端掌握其結匯數額，此與本件外幣現鈔未申報且未於出入境時查獲，政府即難以再掌握其資訊者，情節迥異，且影響程度亦有顯著不同。故兩者之處罰方式不同，自應無違反平等原則之問題。

正本：司法院秘書長

副本：行政院金融監督管理委員會、本行外匯局、經濟研究處

總裁 彭淮南



中央銀行提供國際金融參考資料三則

1.

翻譯自 Joseph Stiglitz 接受泰國國家報(The Nation)訪問稿(2009/8/25)。

當心熱錢來的容易，去得也快，靠它帶動經濟強勁成長，可行不通。貴國必須表明立場：歡迎長期投資的資本流入；投機炒作我們沒興趣，而且我們會課徵資本利得稅。貴國必須體認到熱錢非常危險，千萬要記取 1997 年的教訓。唯有能夠增進經濟生產力的資本流入，才值得讓它進來。

2.

翻譯自聯合國「Trade and Development Report 2009」概論(UNCTAD, 2009/9/7)。

新興市場經濟體的經驗證明：資本管制並非無效或有害；不同類型的資本流動，可藉由不同的工具加以有效限制。這些工具包括：全面禁止、規定資金必須停留之最短期間、法定準備率，以及對境外貸款課稅以抵銷利差。也可將數項工具綜合起來，靈活運用，以符合各國之特殊需要。通常，針對民間資本流動而實施的工具，可與審慎的國內金融監理適當連結或互補。至於資本帳則可採取逆循環(counter-cyclical)的方式來管理：景氣好時，限制國外負債過度積累；發生危機時，抑止資金外逃。總之，若各國不再視大量、急速的資本流入為經濟強勁的徵兆，而察覺它可能導致失衡(disequilibrium)，嚴重衝擊總體經濟穩定及貿易，這就是一種進步。因此，國際貨幣基金基於其監理職責，應依據「國際貨幣基金組織協定」(Articles of Agreement)，積極鼓勵各國在必要時採取資本管制。

3.

摘譯自 G7 公報(2009/10/3)

匯率過度波動與失序變化，會對經濟金融穩定造成負面的影響。

1.

Joseph Stiglitz-- The Nation, August 25, 2009

Be careful. You may be getting the easy money, but it's overnight money. You don't build robust growth based on easy money. You have to say, if they come in for a longer-haul investment, that is great. But for speculation, well, it's not interesting. We'll tax you. We'll tax you with capital gains. You have to recognise how dangerous hot money can be; you really have to remember the lesson of 97. It's worth it for the money to come in only if it improves the productivity of the economy.

2.

Trade and Development Report 2009, United Nations

Assertions that capital controls are ineffective or harmful have been disproved by the actual experiences of emerging-market economies. These experiences show that different types of capital flows can be limited effectively by a variety of instruments. These instruments range from outright bans or minimum-stay requirements to tax-based instruments like mandatory reserve requirements or taxes on foreign loans that are designed to offset interest rate differentials. Several instruments can be combined and flexibly handled to match specific local requirements. In many cases, instruments directly targeting private capital flows may be appropriately combined with and complemented by prudential domestic financial regulations. The capital account can also be managed in a countercyclical manner, by restricting the build-up of excessive foreign liabilities in good times and restraining capital flight during crises. In any case, it would certainly be a step forward if surging capital inflows were no longer perceived as a sign of strength, but as a potential source of disequilibrium, with grave repercussions for macroeconomic stability and trade. Thus, in pursuing its surveillance function, the IMF should more actively encourage countries to use, whenever necessary, the introduction of capital controls as provided for in its Articles of Agreement.

3.

"G-7 Finance Minister, Central Banker Istanbul Statement" --2009/10/3

"Excess volatility and disorderly movements in exchange rates have adverse implications for economic and financial stability."

發文機關：財政部

發文日期：92/03/21

發文文號：台財融（五）字第 0925000075 號令

全文內容：

- 一 旅客或隨交通工具服務之人員，攜帶外幣出、入國境超過等值壹萬美元者，應報明海關登記。本部八十四年二月二十八日台財融第八四七〇六四五八號公告自即日起停止適用。
- 二 依據管理外匯條例第十一條發布。

相關法條：管理外匯條例 第 11 條 (84/08/02)

資料來源：財政部公報 第 41 卷 2057 期 3111 頁

與管理外匯條例第 24 條第 3 項規定相當之外國立法例

附件 3

國家	申報規定	罰則規定
美國	<p>美國法典 (United States Code) 第三十一篇第五十三章第五三一六條</p> <p>(a) 個人或其代理人或其受託人，於知悉下列情況時，應依規定申報：</p> <p>(1) 一次運送、將運送或已運送一萬美元以上支付工具：</p> <p>(A) 由美國境內運送至美國以外地區或過境各該地區。</p> <p>(B) 由美國以外地區或過境各該地區運送至美國境內。</p>	<p>美國法典 (United States Code) 第三十一篇第五十三章第五三一七條</p> <p>(a) 財政部長合理相信支付工具正被運送，且未依規定申報，或申報內容有重大遺漏或不實，得向法院申請搜索票。</p> <p>(b) 海關得無搜索票於邊境搜索任何交通工具、任何人、信封及容器。</p> <p>(c) 沒入— (2) Civil forfeiture: 未依規定申報或申報內容有重大遺漏或不實，美國政府得扣押並沒收該支付工具及其衍生之孳息。</p>
日本	<p>外匯及對外貿易法 (外国為替及び外国貿易法) 第 19 條第 1 項規定，財務大臣於必要時，得對從事支付工具輸出入之居民或非居民課以取得許可之義務。</p>	<p>外匯及對外貿易法 (外国為替及び外国貿易法) 第 70 條第 6 款規定，任何人未取得主管大臣依前述第 19 條規定所為之許可而輸出或輸入支付工具者，處三年以下有期徒刑或科或併科一百萬日圓以下罰金，惟罰金額度不得超過價金之三倍。</p>
韓國	<p>外匯交易法 (Foreign Exchange Transactions Act) 第 17 條規定，財政經濟部於必要時，得規定居民或非居民於輸出或輸入支付工具時，應經許可並向海關申報。</p> <p>或</p>	<p>外匯交易法 (Foreign Exchange Transactions Act) 第 27 條第 1 項第 9 款規定，未經許可輸出或輸入支付工具者，或經許可後有虛偽或不法行為者，處三年以下有期徒刑，或科二億韓元以下罰金，惟罰金額度不得超過價金之三倍。</p>

∴中央區塊

名 稱： 相關法規：洗錢防制法第十條
(中華民國九十八年六月十日 修正)

附件 4

第十條 旅客或隨交通工具服務之人員出入國境攜帶下列之物，應向海關申報；海關受理申報後，應向法務部調查局通報：

- 一、總值達一定金額以上外幣現鈔。
- 二、總面額達一定金額以上之有價證券。

前項之一定金額、有價證券、受理申報與通報之範圍、程序及其他應遵行事項之辦法，由財政部會同法務部、中央銀行、行政院金融監督管理委員會定之。

外幣未依第一項之規定申報者，所攜帶之外幣，沒入之；外幣申報不實者，其超過申報部分之外幣沒入之；有價證券未依第一項規定申報或申報不實者，科以相當於未申報或申報不實之有價證券價額之罰鍰。

The logo features the acronym 'FATF ♦ GAFI' centered under a wide, shallow, upward-curving arc. The letters are in a serif font, and a small diamond symbol separates the two acronyms.

F A T F ♦ G A F I

**Financial Action Task Force
on Money Laundering**
Groupe d'action financière
sur le blanchiment de capitaux

THE FORTY RECOMMENDATIONS

All rights reserved.

Applications for permission to reproduce all or part of this publication should be made to:
FATF Secretariat, OECD, 2 rue André Pascal 75775 Paris Cedex 16, France

THE FORTY RECOMMENDATIONS

Introduction

Money laundering methods and techniques change in response to developing counter-measures. In recent years, the Financial Action Task Force (FATF)¹ has noted increasingly sophisticated combinations of techniques, such as the increased use of legal persons to disguise the true ownership and control of illegal proceeds, and an increased use of professionals to provide advice and assistance in laundering criminal funds. These factors, combined with the experience gained through the FATF's Non-Cooperative Countries and Territories process, and a number of national and international initiatives, led the FATF to review and revise the Forty Recommendations into a new comprehensive framework for combating money laundering and terrorist financing. The FATF now calls upon all countries to take the necessary steps to bring their national systems for combating money laundering and terrorist financing into compliance with the new FATF Recommendations, and to effectively implement these measures.

The review process for revising the Forty Recommendations was an extensive one, open to FATF members, non-members, observers, financial and other affected sectors and interested parties. This consultation process provided a wide range of input, all of which was considered in the review process.

The revised Forty Recommendations now apply not only to money laundering but also to terrorist financing, and when combined with the Eight Special Recommendations on Terrorist Financing provide an enhanced, comprehensive and consistent framework of measures for combating money laundering and terrorist financing. The FATF recognises that countries have diverse legal and financial systems and so all cannot take identical measures to achieve the common objective, especially over matters of detail. The Recommendations therefore set minimum standards for action for countries to implement the detail according to their particular circumstances and constitutional frameworks. The Recommendations cover all the measures that national systems should have in place within their criminal justice and regulatory systems; the preventive measures to be taken by financial institutions and certain other businesses and professions; and international co-operation.

The original FATF Forty Recommendations were drawn up in 1990 as an initiative to combat the misuse of financial systems by persons laundering drug money. In 1996 the Recommendations were revised for the first time to reflect evolving money laundering typologies. The 1996 Forty Recommendations have been endorsed by more than 130 countries and are the international anti-money laundering standard.

In October 2001 the FATF expanded its mandate to deal with the issue of the financing of terrorism, and took the important step of creating the Eight Special Recommendations on Terrorist Financing. These Recommendations contain a set of measures aimed at combating the funding of terrorist acts and terrorist organisations, and are complementary to the Forty Recommendations².

A key element in the fight against money laundering and the financing of terrorism is the need for countries systems to be monitored and evaluated, with respect to these international standards. The

¹ The FATF is an inter-governmental body which sets standards, and develops and promotes policies to combat money laundering and terrorist financing. It currently has 33 members: 31 countries and governments and two international organisations; and more than 20 observers: five FATF-style regional bodies and more than 15 other international organisations or bodies. A list of all members and observers can be found on the FATF website at http://www.fatf-gafi.org/Members_en.htm

² The FATF Forty and Eight Special Recommendations have been recognised by the International Monetary Fund and the World Bank as the international standards for combating money laundering and the financing of terrorism.

mutual evaluations conducted by the FATF and FATF-style regional bodies, as well as the assessments conducted by the IMF and World Bank, are a vital mechanism for ensuring that the FATF Recommendations are effectively implemented by all countries.

THE FORTY RECOMMENDATIONS

A. LEGAL SYSTEMS

Scope of the Criminal Offence of Money Laundering

1. Countries should criminalise money laundering on the basis of the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (the Vienna Convention) and the 2000 United Nations Convention on Transnational Organized Crime (the Palermo Convention).

Countries should apply the crime of money laundering to all serious offences, with a view to including the widest range of predicate offences. Predicate offences may be described by reference to all offences, or to a threshold linked either to a category of serious offences or to the penalty of imprisonment applicable to the predicate offence (threshold approach), or to a list of predicate offences, or a combination of these approaches.

Where countries apply a threshold approach, predicate offences should at a minimum comprise all offences that fall within the category of serious offences under their national law or should include offences which are punishable by a maximum penalty of more than one year's imprisonment or for those countries that have a minimum threshold for offences in their legal system, predicate offences should comprise all offences, which are punished by a minimum penalty of more than six months imprisonment.

Whichever approach is adopted, each country should at a minimum include a range of offences within each of the designated categories of offences³.

Predicate offences for money laundering should extend to conduct that occurred in another country, which constitutes an offence in that country, and which would have constituted a predicate offence had it occurred domestically. Countries may provide that the only prerequisite is that the conduct would have constituted a predicate offence had it occurred domestically.

Countries may provide that the offence of money laundering does not apply to persons who committed the predicate offence, where this is required by fundamental principles of their domestic law.

2. Countries should ensure that:
 - a) The intent and knowledge required to prove the offence of money laundering is consistent with the standards set forth in the Vienna and Palermo Conventions, including the concept that such mental state may be inferred from objective factual circumstances.
 - b) Criminal liability, and, where that is not possible, civil or administrative liability, should apply to legal persons. This should not preclude parallel criminal, civil or administrative proceedings with respect to legal persons in countries in which such forms of liability are available. Legal persons should be subject to effective, proportionate and dissuasive

³ See the definition of "designated categories of offences" in the Glossary.

sanctions. Such measures should be without prejudice to the criminal liability of individuals.

Provisonal Measures and Confiscation

3. Countries should adopt measures similar to those set forth in the Vienna and Palermo Conventions, including legislative measures, to enable their competent authorities to confiscate property laundered, proceeds from money laundering or predicate offences, instrumentalities used in or intended for use in the commission of these offences, or property of corresponding value, without prejudicing the rights of bona fide third parties.

Such measures should include the authority to: (a) identify, trace and evaluate property which is subject to confiscation; (b) carry out provisional measures, such as freezing and seizing, to prevent any dealing, transfer or disposal of such property; (c) take steps that will prevent or void actions that prejudice the State's ability to recover property that is subject to confiscation; and (d) take any appropriate investigative measures.

Countries may consider adopting measures that allow such proceeds or instrumentalities to be confiscated without requiring a criminal conviction, or which require an offender to demonstrate the lawful origin of the property alleged to be liable to confiscation, to the extent that such a requirement is consistent with the principles of their domestic law.

B. MEASURES TO BE TAKEN BY FINANCIAL INSTITUTIONS AND NON-FINANCIAL BUSINESSES AND PROFESSIONS TO PREVENT MONEY LAUNDERING AND TERRORIST FINANCING

4. Countries should ensure that financial institution secrecy laws do not inhibit implementation of the FATF Recommendations.

Customer Due Diligence and Record-keeping

- 5.* Financial institutions should not keep anonymous accounts or accounts in obviously fictitious names.

Financial institutions should undertake customer due diligence measures, including identifying and verifying the identity of their customers, when:

- establishing business relations;
- carrying out occasional transactions: (i) above the applicable designated threshold; or (ii) that are wire transfers in the circumstances covered by the Interpretative Note to Special Recommendation VII;
- there is a suspicion of money laundering or terrorist financing; or
- the financial institution has doubts about the veracity or adequacy of previously obtained customer identification data.

The customer due diligence (CDD) measures to be taken are as follows:

- a) Identifying the customer and verifying that customer's identity using reliable, independent source documents, data or information⁴.
- b) Identifying the beneficial owner, and taking reasonable measures to verify the identity of the beneficial owner such that the financial institution is satisfied that it knows who the beneficial owner is. For legal persons and arrangements this should include financial institutions taking reasonable measures to understand the ownership and control structure of the customer.
- c) Obtaining information on the purpose and intended nature of the business relationship.
- d) Conducting ongoing due diligence on the business relationship and scrutiny of transactions undertaken throughout the course of that relationship to ensure that the transactions being conducted are consistent with the institution's knowledge of the customer, their business and risk profile, including, where necessary, the source of funds.

Financial institutions should apply each of the CDD measures under (a) to (d) above, but may determine the extent of such measures on a risk sensitive basis depending on the type of customer, business relationship or transaction. The measures that are taken should be consistent with any guidelines issued by competent authorities. For higher risk categories, financial institutions should perform enhanced due diligence. In certain circumstances, where there are low risks, countries may decide that financial institutions can apply reduced or simplified measures.

Financial institutions should verify the identity of the customer and beneficial owner before or during the course of establishing a business relationship or conducting transactions for occasional customers. Countries may permit financial institutions to complete the verification as soon as reasonably practicable following the establishment of the relationship, where the money laundering risks are effectively managed and where this is essential not to interrupt the normal conduct of business.

Where the financial institution is unable to comply with paragraphs (a) to (c) above, it should not open the account, commence business relations or perform the transaction; or should terminate the business relationship; and should consider making a suspicious transactions report in relation to the customer.

These requirements should apply to all new customers, though financial institutions should also apply this Recommendation to existing customers on the basis of materiality and risk, and should conduct due diligence on such existing relationships at appropriate times.

- 6.* Financial institutions should, in relation to politically exposed persons, in addition to performing normal due diligence measures:
 - a) Have appropriate risk management systems to determine whether the customer is a politically exposed person.
 - b) Obtain senior management approval for establishing business relationships with such customers.

⁴ Reliable, independent source documents, data or information will hereafter be referred to as "identification data".

* Recommendations marked with an asterisk should be read in conjunction with their Interpretative Note.

- c) Take reasonable measures to establish the source of wealth and source of funds.
 - d) Conduct enhanced ongoing monitoring of the business relationship.
7. Financial institutions should, in relation to cross-border correspondent banking and other similar relationships, in addition to performing normal due diligence measures:
- a) Gather sufficient information about a respondent institution to understand fully the nature of the respondent's business and to determine from publicly available information the reputation of the institution and the quality of supervision, including whether it has been subject to a money laundering or terrorist financing investigation or regulatory action.
 - b) Assess the respondent institution's anti-money laundering and terrorist financing controls.
 - c) Obtain approval from senior management before establishing new correspondent relationships.
 - d) Document the respective responsibilities of each institution.
 - e) With respect to "payable-through accounts", be satisfied that the respondent bank has verified the identity of and performed on-going due diligence on the customers having direct access to accounts of the correspondent and that it is able to provide relevant customer identification data upon request to the correspondent bank.
8. Financial institutions should pay special attention to any money laundering threats that may arise from new or developing technologies that might favour anonymity, and take measures, if needed, to prevent their use in money laundering schemes. In particular, financial institutions should have policies and procedures in place to address any specific risks associated with non-face to face business relationships or transactions.
- 9.* Countries may permit financial institutions to rely on intermediaries or other third parties to perform elements (a) – (c) of the CDD process or to introduce business, provided that the criteria set out below are met. Where such reliance is permitted, the ultimate responsibility for customer identification and verification remains with the financial institution relying on the third party.

The criteria that should be met are as follows:

- a) A financial institution relying upon a third party should immediately obtain the necessary information concerning elements (a) – (c) of the CDD process. Financial institutions should take adequate steps to satisfy themselves that copies of identification data and other relevant documentation relating to the CDD requirements will be made available from the third party upon request without delay.
- b) The financial institution should satisfy itself that the third party is regulated and supervised for, and has measures in place to comply with CDD requirements in line with Recommendations 5 and 10.

It is left to each country to determine in which countries the third party that meets the conditions can be based, having regard to information available on countries that do not or do not adequately apply the FATF Recommendations.

- 10.* Financial institutions should maintain, for at least five years, all necessary records on transactions, both domestic or international, to enable them to comply swiftly with information requests from the competent authorities. Such records must be sufficient to permit

reconstruction of individual transactions (including the amounts and types of currency involved if any) so as to provide, if necessary, evidence for prosecution of criminal activity.

Financial institutions should keep records on the identification data obtained through the customer due diligence process (e.g. copies or records of official identification documents like passports, identity cards, driving licenses or similar documents), account files and business correspondence for at least five years after the business relationship is ended.

The identification data and transaction records should be available to domestic competent authorities upon appropriate authority.

- 11.* Financial institutions should pay special attention to all complex, unusual large transactions, and all unusual patterns of transactions, which have no apparent economic or visible lawful purpose. The background and purpose of such transactions should, as far as possible, be examined, the findings established in writing, and be available to help competent authorities and auditors.
- 12.* The customer due diligence and record-keeping requirements set out in Recommendations 5, 6, and 8 to 11 apply to designated non-financial businesses and professions in the following situations:
- a) Casinos – when customers engage in financial transactions equal to or above the applicable designated threshold.
 - b) Real estate agents - when they are involved in transactions for their client concerning the buying and selling of real estate.
 - c) Dealers in precious metals and dealers in precious stones - when they engage in any cash transaction with a customer equal to or above the applicable designated threshold.
 - d) Lawyers, notaries, other independent legal professionals and accountants when they prepare for or carry out transactions for their client concerning the following activities:
 - buying and selling of real estate;
 - managing of client money, securities or other assets;
 - management of bank, savings or securities accounts;
 - organisation of contributions for the creation, operation or management of companies;
 - creation, operation or management of legal persons or arrangements, and buying and selling of business entities.
 - e) Trust and company service providers when they prepare for or carry out transactions for a client concerning the activities listed in the definition in the Glossary.

Reporting of Suspicious Transactions and Compliance

13.* If a financial institution suspects or has reasonable grounds to suspect that funds are the proceeds of a criminal activity, or are related to terrorist financing, it should be required, directly by law or regulation, to report promptly its suspicions to the financial intelligence unit (FIU).

14.* Financial institutions, their directors, officers and employees should be:

- a) Protected by legal provisions from criminal and civil liability for breach of any restriction on disclosure of information imposed by contract or by any legislative, regulatory or administrative provision, if they report their suspicions in good faith to the FIU, even if they did not know precisely what the underlying criminal activity was, and regardless of whether illegal activity actually occurred.
 - b) Prohibited by law from disclosing the fact that a suspicious transaction report (STR) or related information is being reported to the FIU.
- 15.* Financial institutions should develop programmes against money laundering and terrorist financing. These programmes should include:
- a) The development of internal policies, procedures and controls, including appropriate compliance management arrangements, and adequate screening procedures to ensure high standards when hiring employees.
 - b) An ongoing employee training programme.
 - c) An audit function to test the system.
- 16.* The requirements set out in Recommendations 13 to 15, and 21 apply to all designated non-financial businesses and professions, subject to the following qualifications:
- a) Lawyers, notaries, other independent legal professionals and accountants should be required to report suspicious transactions when, on behalf of or for a client, they engage in a financial transaction in relation to the activities described in Recommendation 12(d). Countries are strongly encouraged to extend the reporting requirement to the rest of the professional activities of accountants, including auditing.
 - b) Dealers in precious metals and dealers in precious stones should be required to report suspicious transactions when they engage in any cash transaction with a customer equal to or above the applicable designated threshold.
 - c) Trust and company service providers should be required to report suspicious transactions for a client when, on behalf of or for a client, they engage in a transaction in relation to the activities referred to Recommendation 12(e).

Lawyers, notaries, other independent legal professionals, and accountants acting as independent legal professionals, are not required to report their suspicions if the relevant information was obtained in circumstances where they are subject to professional secrecy or legal professional privilege.

Other Measures to Deter Money Laundering and Terrorist Financing

- 17. Countries should ensure that effective, proportionate and dissuasive sanctions, whether criminal, civil or administrative, are available to deal with natural or legal persons covered by these Recommendations that fail to comply with anti-money laundering or terrorist financing requirements.
- 18. Countries should not approve the establishment or accept the continued operation of shell banks. Financial institutions should refuse to enter into, or continue, a correspondent banking relationship with shell banks. Financial institutions should also guard against establishing relations with respondent foreign financial institutions that permit their accounts to be used by shell banks.

19.* Countries should consider:

- a) Implementing feasible measures to detect or monitor the physical cross-border transportation of currency and bearer negotiable instruments, subject to strict safeguards to ensure proper use of information and without impeding in any way the freedom of capital movements.
- b) The feasibility and utility of a system where banks and other financial institutions and intermediaries would report all domestic and international currency transactions above a fixed amount, to a national central agency with a computerised data base, available to competent authorities for use in money laundering or terrorist financing cases, subject to strict safeguards to ensure proper use of the information.

20. Countries should consider applying the FATF Recommendations to businesses and professions, other than designated non-financial businesses and professions, that pose a money laundering or terrorist financing risk.

Countries should further encourage the development of modern and secure techniques of money management that are less vulnerable to money laundering.

Measures to be taken with respect to countries that do not or insufficiently comply with the FATF Recommendations

21. Financial institutions should give special attention to business relationships and transactions with persons, including companies and financial institutions, from countries which do not or insufficiently apply the FATF Recommendations. Whenever these transactions have no apparent economic or visible lawful purpose, their background and purpose should, as far as possible, be examined, the findings established in writing, and be available to help competent authorities. Where such a country continues not to apply or insufficiently applies the FATF Recommendations, countries should be able to apply appropriate countermeasures.
22. Financial institutions should ensure that the principles applicable to financial institutions, which are mentioned above are also applied to branches and majority owned subsidiaries located abroad, especially in countries which do not or insufficiently apply the FATF Recommendations, to the extent that local applicable laws and regulations permit. When local applicable laws and regulations prohibit this implementation, competent authorities in the country of the parent institution should be informed by the financial institutions that they cannot apply the FATF Recommendations.

Regulation and Supervision

23.* Countries should ensure that financial institutions are subject to adequate regulation and supervision and are effectively implementing the FATF Recommendations. Competent authorities should take the necessary legal or regulatory measures to prevent criminals or their associates from holding or being the beneficial owner of a significant or controlling interest or holding a management function in a financial institution.

For financial institutions subject to the Core Principles, the regulatory and supervisory measures that apply for prudential purposes and which are also relevant to money laundering, should apply in a similar manner for anti-money laundering and terrorist financing purposes.

Other financial institutions should be licensed or registered and appropriately regulated, and subject to supervision or oversight for anti-money laundering purposes, having regard to the



**Financial Action Task Force
on Money Laundering**
Groupe d'action financière
sur le blanchiment de capitaux

**Special Recommendations
on Terrorist Financing**

FATF Special Recommendations on Terrorist Financing

Recognising the vital importance of taking action to combat the financing of terrorism, the FATF has agreed these Recommendations, which, when combined with the FATF Forty Recommendations on money laundering, set out the basic framework to detect, prevent and suppress the financing of terrorism and terrorist acts.

I. Ratification and implementation of UN instruments

Each country should take immediate steps to ratify and to implement fully the 1999 United Nations International Convention for the Suppression of the Financing of Terrorism.

Countries should also immediately implement the United Nations resolutions relating to the prevention and suppression of the financing of terrorist acts, particularly United Nations Security Council Resolution 1373.

II. Criminalising the financing of terrorism and associated money laundering

Each country should criminalise the financing of terrorism, terrorist acts and terrorist organisations. Countries should ensure that such offences are designated as money laundering predicate offences.

III. Freezing and confiscating terrorist assets

Each country should implement measures to freeze without delay funds or other assets of terrorists, those who finance terrorism and terrorist organisations in accordance with the United Nations resolutions relating to the prevention and suppression of the financing of terrorist acts.

Each country should also adopt and implement measures, including legislative ones, which would enable the competent authorities to seize and confiscate property that is the proceeds of, or used in, or intended or allocated for use in, the financing of terrorism, terrorist acts or terrorist organisations.

IV. Reporting suspicious transactions related to terrorism

If financial institutions, or other businesses or entities subject to anti-money laundering obligations, suspect or have reasonable grounds to suspect that funds are linked or related to, or are to be used for terrorism, terrorist acts or by terrorist organisations, they should be required to report promptly their suspicions to the competent authorities.

V. International Co-operation

Each country should afford another country, on the basis of a treaty, arrangement or other mechanism for mutual legal assistance or information exchange, the greatest possible measure of assistance in connection with criminal, civil enforcement, and administrative investigations, inquiries and proceedings relating to the financing of terrorism, terrorist acts and terrorist organisations.

Countries should also take all possible measures to ensure that they do not provide safe havens for individuals charged with the financing of terrorism, terrorist acts or terrorist organisations, and should have procedures in place to extradite, where possible, such individuals.

VI. Alternative Remittance

Each country should take measures to ensure that persons or legal entities, including agents, that provide a service for the transmission of money or value, including transmission through an informal money or value transfer system or network, should be licensed or registered and subject to all the FATF Recommendations that apply to banks and non-bank financial institutions. Each country should ensure that persons or legal entities that carry out this service illegally are subject to administrative, civil or criminal sanctions.

VII. Wire transfers

Countries should take measures to require financial institutions, including money remitters, to include accurate and meaningful originator information (name, address and account number) on funds transfers and related messages that are sent, and the information should remain with the transfer or related message through the payment chain.

Countries should take measures to ensure that financial institutions, including money remitters, conduct enhanced scrutiny of and monitor for suspicious activity funds transfers which do not contain complete originator information (name, address and account number).

VIII. Non-profit organisations

Countries should review the adequacy of laws and regulations that relate to entities that can be abused for the financing of terrorism. Non-profit organisations are particularly vulnerable, and countries should ensure that they cannot be misused:

- (i) by terrorist organisations posing as legitimate entities;
- (ii) to exploit legitimate entities as conduits for terrorist financing, including for the purpose of escaping asset freezing measures; and
- (iii) to conceal or obscure the clandestine diversion of funds intended for legitimate purposes to terrorist organisations.

IX. Cash Couriers

Countries should have measures in place to detect the physical cross-border transportation of currency and bearer negotiable instruments, including a declaration system or other disclosure obligation.

Countries should ensure that their competent authorities have the legal authority to stop or restrain currency or bearer negotiable instruments that are suspected to be related to terrorist financing or money laundering, or that are falsely declared or disclosed.

Countries should ensure that effective, proportionate and dissuasive sanctions are available to deal with persons who make false declaration(s) or disclosure(s). In cases where the currency or bearer negotiable instruments are related to terrorist financing or money laundering, countries should also adopt measures, including legislative ones consistent with

Recommendation 3 and Special Recommendation III, which would enable the confiscation of such currency or instruments.

Interpretative Note to Special Recommendation IX: Cash Couriers

Objectives

1. FATF Special Recommendation IX was developed with the objective of ensuring that terrorists and other criminals cannot finance their activities or launder the proceeds of their crimes through the physical cross-border transportation of currency and bearer negotiable instruments. Specifically, it aims to ensure that countries have measures 1) to detect the physical cross-border transportation of currency and bearer negotiable instruments, 2) to stop or restrain currency and bearer negotiable instruments that are suspected to be related to terrorist financing or money laundering, 3) to stop or restrain currency or bearer negotiable instruments that are falsely declared or disclosed, 4) to apply appropriate sanctions for making a false declaration or disclosure, and 5) to enable confiscation of currency or bearer negotiable instruments that are related to terrorist financing or money laundering. Countries should implement Special Recommendation IX subject to strict safeguards to ensure proper use of information and without restricting either: (i) trade payments between countries for goods and services; or (ii) the freedom of capital movements in any way.

Definitions

2. For the purposes of Special Recommendation IX and this Interpretative Note, the following definitions apply.

3. The term *bearer negotiable instruments* includes monetary instruments in bearer form such as: travellers cheques; negotiable instruments (including cheques, promissory notes and money orders) that are either in bearer form, endorsed without restriction, made out to a fictitious payee, or otherwise in such form that title thereto passes upon delivery; incomplete instruments (including cheques, promissory notes and money orders) signed, but with the payee's name omitted.¹

4. The term *currency* refers to banknotes and coins that are in circulation as a medium of exchange.

5. The term *physical cross-border transportation* refers to any in-bound or out-bound physical transportation of currency or bearer negotiable instruments from one country to another country. The term includes the following modes of transportation: (1) physical transportation by a natural person, or in that person's accompanying luggage or vehicle; (2) shipment of currency through containerised cargo or (3) the mailing of currency or bearer negotiable instruments by a natural or legal person.

6. The term *false declaration* refers to a misrepresentation of the value of currency or bearer negotiable instruments being transported, or a misrepresentation of other relevant data which is asked for in the declaration or otherwise requested by the authorities. This includes failing to make a declaration as required.

7. The term *false disclosure* refers to a misrepresentation of the value of currency or bearer negotiable instruments being transported, or a misrepresentation of other relevant data which is asked for in the disclosure or otherwise requested by the authorities. This includes failing to make a disclosure as required.

¹ For the purposes of this Interpretative Note, gold, precious metals and precious stones are not included despite their high liquidity and use in certain situations as a means of exchange or transmitting value. These items may be otherwise covered under customs laws and regulations. If a country discovers an unusual cross-border movement of gold, precious metals or precious stones, it should consider notifying, as appropriate, the Customs Service or other competent authorities of the countries from which these items originated and/or to which they are destined, and should co-operate with a view toward establishing the source, destination, and purpose of the movement of such items and toward the taking of appropriate action.

8. When the term *related to terrorist financing or money laundering* is used to describe currency or bearer negotiable instruments, it refers to currency or bearer negotiable instruments that are: (i) the proceeds of, or used in, or intended or allocated for use in, the financing of terrorism, terrorist acts or terrorist organisations; or (ii) laundered, proceeds from money laundering or predicate offences, or instrumentalities used in or intended for use in the commission of these offences.

The types of systems that may be implemented to address the issue of cash couriers

9. Countries may meet their obligations under Special Recommendation IX and this Interpretative Note by implementing one of the following types of systems; however, countries do not have to use the same type of system for incoming and outgoing cross-border transportation of currency or bearer negotiable instruments:

a. **Declaration system:** The key characteristics of a declaration system are as follows. All persons making a physical cross-border transportation of currency or bearer negotiable instruments, which are of a value exceeding a pre-set, maximum threshold of EUR/USD 15,000, are required to submit a truthful declaration to the designated competent authorities. Countries that implement a declaration system should ensure that the pre-set threshold is sufficiently low to meet the objectives of Special Recommendation IX.

b. **Disclosure system:** The key characteristics of a disclosure system are as follows. All persons making a physical cross-border transportation of currency or bearer negotiable instruments are required to make a truthful disclosure to the designated competent authorities upon request. Countries that implement a disclosure system should ensure that the designated competent authorities can make their inquiries on a targeted basis, based on intelligence or suspicion, or on a random basis.

Additional elements applicable to both systems

10. Whichever system is implemented, countries should ensure that their system incorporates the following elements:

a. The declaration/disclosure system should apply to both incoming and outgoing transportation of currency and bearer negotiable instruments.

b. Upon discovery of a false declaration/disclosure of currency or bearer negotiable instruments or a failure to declare/disclose them, designated competent authorities should have the authority to request and obtain further information from the carrier with regard to the origin of the currency or bearer negotiable instruments and their intended use.

c. Information obtained through the declaration/disclosure process should be available to the financial intelligence unit (FIU) either through a system whereby the FIU is notified about suspicious cross-border transportation incidents or by making the declaration/disclosure information directly available to the FIU in some other way.

d. At the domestic level, countries should ensure that there is adequate co-ordination among customs, immigration and other related authorities on issues related to the implementation of Special Recommendation IX.

e. In the following two cases, competent authorities should be able to stop or restrain cash or bearer negotiable instruments for a reasonable time in order to ascertain whether evidence of money laundering or terrorist financing may be found: (i) where there is a suspicion of money laundering or terrorist financing; or (ii) where there is a false declaration or false disclosure.

f. The declaration/disclosure system should allow for the greatest possible measure of international co-operation and assistance in accordance with Special Recommendation V and Recommendations 35 to 40. To facilitate such co-operation, in instances when: (i) a declaration or disclosure which exceeds the maximum threshold of EUR/USD 15,000 is made, or (ii) where there is a false declaration or false disclosure, or (iii) where there is a suspicion of money laundering or terrorist financing, this information shall be retained for use by the appropriate authorities. At a minimum, this information will cover: (i) the amount of currency or bearer negotiable instruments declared / disclosed or otherwise detected; and (ii) the identification data of the bearer(s).

Sanctions

11. Persons who make a false declaration or disclosure should be subject to effective, proportionate and dissuasive sanctions, whether criminal civil or administrative. Persons who are carrying out a physical cross-border transportation of currency or bearer negotiable instruments that are related to terrorist financing or money laundering should also be subject to effective, proportionate and dissuasive sanctions, whether criminal, civil or administrative, and should be subject to measures, including legislative ones consistent with Recommendation 3 and Special Recommendation III, which would enable the confiscation of such currency or bearer negotiable instruments.

中央區塊

名稱： 相關法規：洗錢防制法第十條
(中華民國九十八年六月十日 修正)

附件 7

第十條 旅客或隨交通工具服務之人員出入國境攜帶下列之物，應向海關申報；海關受理申報後，應向法務部調查局通報：

- 一、總值達一定金額以上外幣現鈔。
- 二、總面額達一定金額以上之有價證券。

前項之一定金額、有價證券、受理申報與通報之範圍、程序及其他應遵行事項之辦法，由財政部會同法務部、中央銀行、行政院金融監督管理委員會定之。

外幣未依第一項之規定申報者，所攜帶之外幣，沒入之；外幣申報不實者，其超過申報部分之外幣沒入之；有價證券未依第一項規定申報或申報不實者，科以相當於未申報或申報不實之有價證券價額之罰鍰。

行政院金融監督管理委員會 函

機關地址：臺北縣板橋市縣民大道2段7號1
8樓

電 話：(02)89689999
傳 真：(02)89691366

受文者：司法院秘書長

發文日期：中華民國99年1月6日

發文字號：金管銀外字第09800573510號

速別：普通件

密等及解密條件或保密期限：普通

附件：

主旨：承囑說明管理外匯條例第24條第3項釋憲疑義一案，本會
意見如說明二，敬請 卓參。

說明：

一、依據 貴院98年11月27日秘台大一字第0980027901號函辦
理。

二、對於大院所詢事項意見如下：

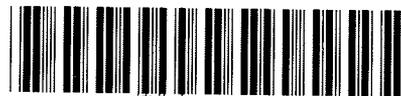
(一)管理外匯條例申報管制規範目的在於外匯管理兼負經濟
犯罪防制，課予人民申報義務及沒入行政罰，與第1條
穩定金融之立法目的具有合理關聯性：

1、攜帶外幣申報義務目的係為確實掌握外匯資金之進出
動態

(1)管理外匯條例第1條立法目的，係為貫徹政府管理
外匯，外匯管理目標在於便利對外交易，平衡國際
收支穩定金融，促進經濟之健全發展為其最終目標
。同條例對於外匯收支或交易、出口或基於其他交
易行為取得之外匯，或國外匯入款，或外匯之買賣
等事項，均有明文申報或管制規定，違反者應處以
罰鍰或沒入。

(2)該條例經歷次修法已由政府強力管制走向外匯自由
化，對外匯之境內外流動非採禁止或許可制，改為
申報制，秉持資訊透明公開原則，藉由人民誠實申
報使政府知悉進出國境之外幣數量與進出口貿易情
形，易於掌握外匯資金進出與外匯收支動態，因應

第 1 頁 共 3 頁



總收文 01/06

G09900544

裝

訂

線

金融情勢瞬息萬變，得以適時採取必要因應措施，俾制定合宜貨幣金融政策，控制穩定匯率，安定國內物價，減少國際金融變化對國內經濟之影響，爰有必要建立一套完整事前申報及事後處罰制度，以謀國內經濟穩定及維持我國金融秩序。

2、管理外匯條例申報管制規範另一目的在於兼負經濟犯罪防制

(1)基於安全理由，必須監控資金流動以防止洗錢，目前國際間為防止犯罪洗錢，已建立一個共同規範，如美國、歐盟及英國對於未申報或申報不實者均得依其規定扣押或留置，依照美國法典第31篇第5316及5317條規定，未依規定申報、或申報內容有重大遺漏或不實，美國政府得扣押並沒入該支付工具。另按日本外匯及對外貿易法規定，未申報而輸出或輸入支付工具，處6個月以下有期徒刑或科20萬日圓以下罰金（本會前已於98年5月22日金管銀（五）字第09800171290號函陳上開各國申報管制規定，諒蒙 鈞察）。

(2)我國管理外匯條例第24條第3項沒入規定，立法當時參考國際上亦有類似規定，以兼顧考量防範經濟犯罪之發生，且該規定已行之多年，凡出入國境者皆有此認識，執行尚無困難。

3、承上，攜帶外幣申報義務為國際立法例，規範目的在於維持國際資金流動監控及確保整體金融體系健全，與第1條立法目的兩者之間具有合理關連性。又我國攜帶外幣出境申報制度已實施多年，國際間亦有類似規定，課予人民據實申報義務及沒入處罰規定，管理規範基礎符合國際慣例。

(二)攜帶外幣申報義務及沒入規定立法用意在於強調事前主動誠實申報，以防杜僥倖。如未管制未申報或申報不實，除逃匯洗錢，主管機關難以建立完整外匯申報制度及難以維持金融秩序。

1、經查該條例歷次修法會議記錄，立法當時世界主要國家基於金融管理及安全理由，多已有不同申報制度，

以掌控了解資金進出國境狀況，大額資金進出之用途與來源如未申報，對於規模較小的國家，容易擾亂其金融秩序。於此情況下，行政機關應要能了解情況，必要時才能採取金融穩定措施。

- 2、管理外匯條例第11條申報及第24條第3項沒入規定立法用意在於落實外匯管理，強調事前主動誠實申報，鼓勵守法精神，如已進行檢查即不受理任何方式申報，並防止不肖之徒鑽法律漏洞，防杜僥倖。另第24條第3項之沒入規定亦併有防範經濟犯罪之發生，由於外匯進出涉及金融秩序穩定，自有外匯管理之必要。
- 3、該條例對於未申報或申報不實之處罰，以沒入裁罰性不利處分為之，兼有處罰及預防功能，如無處罰則難以達成據實申報之行政目的，為達事前主動誠實申報之行政目的考量，有必要同其他各國規定採取沒入手段。
- 4、如未管制沒有申報或申報不實之行為，除有造成逃匯洗錢，嚴重影響金融秩序外，主管機關難以建立完整外匯申報制度，各種重要統計資料無法確實，致有制定合宜貨幣金融政策之困擾，亦難以於必要時採取相關措施與維持匯率穩定，以達安定物價、穩定國內經濟與金融秩序之目的。故為使主管機關確實掌握攜帶外幣進出國境之資金動向，實有必要建立事前申報及事後處罰制度。

正本：司法院秘書長

副本：中央銀行、本會銀行局

