

Frequently Asked Questions

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(Leniency Program)

Q1 : What is the Leniency Program?

⇒ It is the program that the Ministry of Foreign Affairs may exempt or reduce the suspension period imposed pursuant to “Rules on Measures against Persons engaged in Fraudulent Practices in Japan’s ODA projects” (hereinafter referred to as “MOFA Rules on Measures”), if companies involved in fraudulent practices voluntarily report their fraudulent practices prior to one of the earliest among inquiries from Ministry of Foreign Affairs or the Japan International Cooperation Agency (JICA), arrest, prosecution, or dispositions by administrative agencies.

(Subject of leniency)

Q2 : What kind of fraudulent practices are covered by leniency ?

⇒ The fraudulent practices that are covered by this leniency program are indicated in Appended tables No.1 and 2 of the MOFA Rules on Measures. These include false statements, negligent operations, bribery, false claims, etc. Full leniency (exemption of suspension measures) will be, however, only granted to items 1 to 6 set forth in Appended table No.2 of the MOFA Rules on Measures.

Q3 : Is a person who had been suspended from Japan’s ODA in the past eligible for leniency?

⇒ Yes.

Q4 : Is a person who had received leniency in the past eligible for another leniency?

⇒ Not eligible for full leniency but eligible for partial leniency (reduction of suspension period) .

Q5 : If I report other companies’ fraudulent practices, am I eligible for leniency?

⇒ No. You are not eligible for leniency by reporting fraudulent practices of other companies. On the other hand, for appropriate implementation of ODA projects, we would appreciate it if you could report them to Consultation Desk on Fraud and Corruption in Ministry of Foreign Affairs (MOFA).

(How to apply)

Q6 : Where can I contact to receive leniency? Is a telephone consultation accepted?

⇒ First, please contact Consultation Desk on Fraud and Corruption (see below) in MOFA. We will get back to you later from the appropriate division and inform you of the subsequent procedures. Please note that a contact or consultation to the aforementioned desk is not deemed to be an official application for leniency.

■ TEL: +81-(0)3-5501-8357 (9:30~18:15)

■ FAX: +81-(0)3-3580-4215

■ URL: https://www.mofa.go.jp/policy/oda/reform/anti-corrupt/page23e_000593.html

Q7 : I would like to officially apply for leniency. How should I make an application? Is there anything to keep in mind for the application?

⇒ The submission of the following documents is necessary for official application for leniency. Templates can be downloaded from MOFA website.

(A) [Report on Fraudulent Practices](#) (Including related materials)

(B) A document to declare that the applicant does not have any information on fraudulent practices other than the reported cases, and that the applicant will not engage in such a practice in the future

(C) A document to declare that the applicant will formulate an improvement measures and submit it within 3 weeks after the submission of the aforementioned report and that the applicant will submit the report on its implementation status regularly including after leniency is granted.

The documents can be brought directly to Consultation Desk on Fraud and Corruption in MOFA or sent by post, Fax or E-mail.

Q8 : Are there any other requirements other than submission of the Report on Fraudulent Practices and documents in order to receive leniency?

⇒ The improvement measures must be formulated and submitted within 3 weeks after submission of the Report on Fraudulent Practices. In addition, report on its implementation status must be submitted at least once a year for 3 years in a row. If the report is not submitted without any specific reason, the leniency will be revoked.

Q9 : Do you accept the required documents written in languages other than Japanese?

⇒ Only English documents are acceptable, but MOFA may request its Japanese translations if necessary.

Q10 : Are there any restriction on timing, scale, or frequency of fraudulent practices to be reported?

⇒ No.

(Order of application made by two or more companies/ Joint application)

Q11 : Regarding fraudulent practices involving two or more companies, how is leniency applied if they submit the required documents separately?

⇒ Full leniency (exemption of suspension measures) will be considered only for the first applicant, partial leniency (reduction of suspension period) will be considered for the second and subsequent applicants, taking into consideration of the order of submission.

Q12 : Can you tell me the status of applications by other companies before I submit the Report on Fraudulent Practices?

⇒ No, the contents of the Report on Fraudulent Practices cannot be disclosed in principle. We, therefore, cannot respond to inquiries regarding the application status by other companies.

Q13 : In the case of fraudulent practices involving two or more companies, can the related companies jointly apply them?

⇒ Yes, in this case, all the applicants will be assigned the same order of application.

(After leniency is granted)

Q14 : Do you publicize the fact that I have received leniency?

⇒ No, we will not publicize the fact (on our website nor press release, etc.), however, information on who received leniency and an overview of the fraudulent practices may be provided to relevant organizations if truly appropriate and necessary.

Q15 : What would happen if another fraudulent practices were newly detected or conducted after the approval of the leniency?

⇒ If applying for leniency, the applicant must disclose all the information concerning the fraudulent practices on Japan's ODA projects known to the applicant, including the content of the project and time of involvement therein. In addition, the applicant must declare that the applicant does not have any information on fraudulent practices other than the reported cases, and that the applicant will not engage in such a practice in the future.

If another fraudulent practices were newly detected or committed after having received leniency, the longer suspension period either twice the reduced period by leniency or twice the period for a newly detected fraudulent practices (36months, if that exceeds 36 months) will be applied as a penalty for the conduct against the declaration. This, however, may not be applied in case the fraudulent practices are detected by declaration on fraudulent practices.

(Coordination with JICA)

Q16: Are leniency programs of MOFA and JICA applied separately?

⇒ Once a Report on Fraudulent Practices and declarations are submitted to MOFA, the information is shared with JICA as necessary. MOFA and JICA will have consultations on how to respond to the case.