

Rules on Complaint Processing Procedures relating to Measures against Persons Engaged in Fraudulent Practices in Japan's ODA Projects (Provisional Translation)

(Measures, etc. Subject to Procedures)

Article 1 Measures, etc. subject to the complaint processing shall be the followings (hereinafter collectively referred to as “measures, etc.”):

- (i) any measure under the Rules on Measures against Persons Engaged in Fraudulent Practices in Japan's ODA Projects (hereinafter referred to as the “rules”) (including changes of the period and continuation of the measure, hereinafter simply referred to as the “measure”);
- (ii) elimination request under the rules (hereinafter referred to as the “elimination request”); and
- (iii) warning or attention under the rules (hereinafter referred to as the “warning, etc.”).

(Calculation of Periods)

Article 2 The calculation of a period shall be governed by the provisions related to periods in the Civil Code (Act No. 89 of 1896).

- (2) If the last day of a period falls on any of the days provided in each item of Article 1, paragraph (1) of the Act on Holidays of Administrative Organs (Act No.91 of 1988) (referred to as the “holidays” in Article 5, paragraph (1) and Article 11, paragraph (1)), the period shall expire on the following day of the last day thereof.

(Clarification of Reasons for Measure or Warnings, etc., and Instructions on Filing Complaints)

Article 3 Director-General of the International Cooperation Bureau of the Ministry of Foreign Affairs (MOFA), etc. shall clarify the reasons for the measure or warning, etc. in the notification under Article 10, paragraph (1) or Article 11, paragraph (1) of the rules.

- (2) Director-General of the International Cooperation Bureau of MOFA, etc. shall, if imposing the measure or issuing the warning, etc., instruct that a complaint may be filed against that measure or warning, etc.

(Filing Complaints)

Article 4 A person who has received the measures, etc. may file a complaint against

those measures, etc. to Director-General of the International Cooperation Bureau of MOFA, etc. in writing.

(2) The following matters shall be stated in a document in the preceding paragraph:

- (i) trade name or name of, and address of the complainant;
- (ii) contents of the measures, etc. against which a complaint is filed;
- (iii) the object of and reason for filing a complaint; and
- (iv) the date of filing a complaint.

(3) A complaint shall be filed within the following period:

- (i) measure: within a period of that measure (if the period of that measure is less than 2 weeks, within 2 weeks from the day following the commencement date of the measure);
- (ii) elimination request: within a period of that elimination request (if the period from the day when the fact of elimination request could have been known to the complainant to the last day of that elimination request is less than 2 weeks, within 2 weeks from the day following the date when the fact of that elimination request could have been known to the complainant);
- (iii) warning, etc.: within 2 weeks from the day following the issue date of that warning, etc.

(Responses to Complaints)

Article 5 Director-General of the International Cooperation Bureau of MOFA, etc. shall, if the complaint is filed, respond in writing within 10 days (excluding holidays) from the day following the date of receipt of that complaint.

(2) The response in the preceding paragraph shall be made by clarifying the following matters:

- (i) if the complaint is not accepted, a statement to that effect and the reason therefor;
- (ii) if the complaint is accepted, a statement to that effect and the action upon this.

(3) Notwithstanding the provision of paragraph (1), the response period in paragraph (1) may be extended, if there are any reasonable grounds such as difficulties arising from the conduct of affairs and so forth.

(Dismissal of Complaints)

Article 6 Director-General of the International Cooperation Bureau of MOFA, etc. may dismiss the complaint in writing if it is found that the limitation period for

filing complaints in Article 4, paragraph (3) has expired or that the complaint objectively and clearly has no justifiable reasons.

(Instructions on Refiling Complaints)

Article 7 Director-General of the International Cooperation Bureau of MOFA, etc. shall, if giving response under Article 5, paragraph (1) or dismissing the complaint under Article 6, instruct in the notification in Article 5, paragraph (1) or Article 6 that a complaint may be refiled against that response or dismissal.

(Publication of Results of Complaint Processing)

Article 8 Director-General of the International Cooperation Bureau of MOFA, etc. shall, if the response is given under Article 5, paragraph (1), promptly publish the document of complaint and the document of response therefor in the same paragraph.

(Refiling Complaints)

Article 9 A complaint against response under Article 5, paragraph (1) or dismissal under Article 6 may be refiled to Director-General of the International Cooperation Bureau of MOFA, etc. in writing. Matters as provided in Article 4, paragraph (2), item (i) to item (iv) (item (ii) shall be replaced with “the contents of response under Article 5, paragraph (1) or the contents of dismissal under Article 6”) shall be stated in that document.

(2) Refiling a complaint shall be completed within the following period:

- (i) measure or elimination request: within a period of that measure or elimination request (if the period from the day following the date of the response under Article 5, paragraph (1) or dismissal under Article 6 to the last day of that measure or elimination request is less than 2 weeks, within 2 weeks from the day following the date of that response);
- (ii) warning, etc.: within 2 weeks from the day following the date of the response under Article 5, paragraph (1) or dismissal under Article 6.

(Requests for Deliberation by Third-Party Organizations)

Article 10 Director-General of the International Cooperation Bureau of MOFA, etc. may, if a complaint is refiled, request a deliberation by a third-party organization, as necessary.

(Responses to Refiled Complaints)

Article 11 Director-General of the International Cooperation Bureau of MOFA, etc. shall, if the deliberation is requested to a third-party organization, respond in writing within 10 days (excluding holidays) from the day following the date of receipt of the report of deliberation, taking into consideration of that deliberation (if a deliberation is not requested, within 10 days (excluding holidays) from the day following the date of receipt of that refiled complaint.).

(2) The response in the preceding paragraph shall be made by clarifying the following matters:

- (i) if the refiled complaint is not accepted, a statement to that effect and the reason therefor;
- (ii) if the refiled complaint is accepted, a statement to that effect and the action upon this.

(Dismissal of Refiled Complaints)

Article 12 Director-General of the International Cooperation Bureau of MOFA, etc. may dismiss the complaint in writing if it is found that the limitation period for filing complaints in Article 9, paragraph (2) has expired or that the complaint objectively and clearly has no justifiable reasons.

(Publication of Results of Refiled Complaint Processing)

Article 13 Director-General of the International Cooperation Bureau of MOFA, etc. shall, if the response is given under Article 11, paragraph (1), promptly publish the document of refiled complaint and the document of response therefor in the same paragraph.

Supplementary Provisions:

- (1) These Rules will be effective from the measures, etc. enforced on or after June 29, 2011.
- (2) Any Measure based on the former Rules on Measures against Persons Engaged in Fraudulent Practices in Japan's ODA (Grant Assistance) shall be deemed to be the measure under these Rules.

In case of discrepancy or dispute between the Japanese text and the English text, the Japanese text shall prevail.