

Reference: Specific Categories

The “Specific Categories” stands for the following categories (1) to (3).

(1) A Person who has entered into an employment contract, a delegation contract, a service contract, or any other contract with a corporation or any other organization established under the foreign laws and regulations (hereinafter referred to as a "Foreign Corporation"), or a foreign government, a foreign governmental agency, a foreign local government, a foreign central bank, a foreign political party or any other political organization (hereinafter referred to as a "Foreign Government") and is subject to the direction and order of the Foreign Corporation or the Foreign Government, or owes the duty of care of a good manager to the Foreign Corporation or the Foreign Government, according to the contract, except for either of the following cases.

(a) In the case where the Person has entered into an employment contract, a delegation contract, a service contract, or any other contract with a Japanese corporation and is subject to the direction and order of the Japanese corporation or owes the duty of care of a good manager to the Japanese corporation, according to the contract, the Japanese corporation or the Person has agreed with the Foreign Corporation or the Foreign Government that the direction and order of the Japanese corporation or the duty of care of a good manager to the Japanese corporation shall prevail over the direction and order of the Foreign Corporation or the Foreign Government, or the duty of care of a good manager to the Foreign Corporation or the Foreign Government.

(b) In the case where the Person has entered into an employment contract, a delegation contract, a service contract, or any other contract with a Japanese corporation and is subject to the direction and order of the Japanese corporation or owes the duty of care of a good manager to the Japanese corporation, according to the contract, the Person has entered into an employment contract, a delegation contract, a service contract or any other contract with a Group Foreign Corporation (a Foreign Corporation that directly or indirectly holds 50% or more of the voting rights of the Japanese corporation or a Foreign Corporation of which 50% or more of the voting rights are held by the Japanese corporation. The same shall apply hereinafter.) and is subject to the direction and order of the Group Foreign Corporation or owes the duty of care a good manager to the Group Foreign Corporation, according to the contract.

(2) A Person who earns or agrees to earn a large amount of money or other significant profit (money or other profit that accounts for 25% or more of the Person’s annual income when converted into money) from a Foreign Government.

(3) A Person who acts in Japan under instructions or requests of a foreign government.

reference : Ministry of Economy, Trade and Industry

<https://www.meti.go.jp/policy/anpo/anpo07.html>

“Letter of Confirmation” to submit to your organization

Confirmation Letter regarding the Applicability of the Specific Categories for Compliance with Article 25 (1) and (2) of the Foreign Exchange and Foreign Trade Act

To:

Date:

Address:

Name:

I understand when [INSERT ENTITY NAME] transfers technology to a resident who falls under the clauses 1(3)サ① or ② of the "Notification for Transactions or Acts of Transferring Technology Requiring Permission pursuant to Article 25 (1) of the Foreign Exchange and Foreign Trade Act and Article 17 (2) of the Foreign Exchange Order" (Document No. 492 of the Trade Bureau published on December 21, 1992; hereinafter referred to as the "Notification for Technology Transfer"), [INSERT ENTITY NAME] is likely to be required to obtain a license from the Minister of Economy, Trade, and Industry pursuant to Article 25 (1) and (2) of the Foreign Exchange and Foreign Trade Act, and, for the sake of compliance by [INSERT ENTITY NAME] with the clauses 1(3)サ① or ② of the Notification for Technology Transfer, I hereby confirm that I:

- fall under the category (1) below.
- fall under the category (2) below.
- fall under the categories (1) and (2) below.
- DO NOT fall under any of the categories below and no confirmation is required.

Check this box if you fall under Category 1. (cf. Page 4 of this material)

You fall under Category 1 if you have contracted with a foreign government or a foreign corporation.

The following cases are the exceptions of Category 1.

- You are employed by a group company of the Japanese company that you work for; or
- The order and direction of the Japanese company that you work for supersede that of a foreign government or foreign company, based on the agreement between the Japanese company or you and the foreign government or the foreign company.

Please check this box if you fall under Category 2.

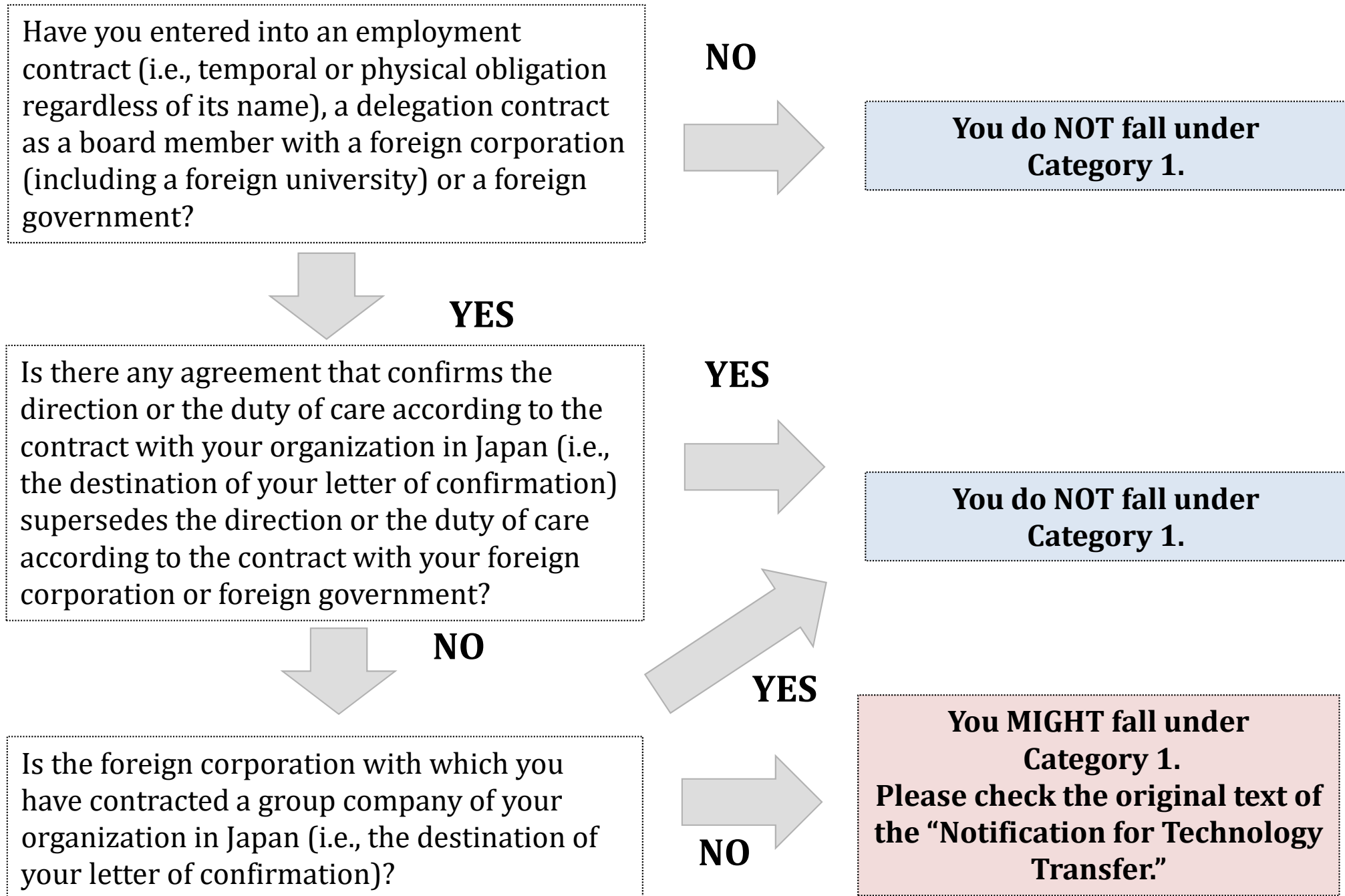
You fall under Category 2 if you earn a large amount of money or other significant profit from foreign government.

* “A large amount of money” means profit that accounts for 25% or more of your annual income.

Please check this box if you fall under both Category 1 and 2.

Please check this box if you do not fall under neither Category 1 nor 2.

The flowchart to Check regarding Category 1



The flowchart to Check regarding Category 2

