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## **Self-Defense Forces Personnel Ethics Act (Act No. 130 of 1999)**

Chapter I General Provisions (Article 1-Article 4)

Chapter II Self-Defense Forces Personnel Ethics Code (Article 5)

Chapter III Report and Disclosure of Gifts, etc. (Article 6-Article 9)

Chapter IV Self-Defense Forces Personnel Ethics Board and Disciplinary Proceedings, etc. (Article 10-Article 12)

Chapter V Ethics Supervisory Officer (Article 13)

Chapter VI Miscellaneous Provisions (Article 14)

### **Chapter I General Provisions**

#### Article 1 (Purpose)

The purpose of this Act is to prevent acts of self-defense forces personnel that may bring about suspicion and distrust from the citizens in regards to the fairness of execution of duty to ensure public trust in public services by taking necessary measures that contribute to the maintenance of ethics pertaining to the duties of self-defense forces personnel in light of the fact that self-defense forces personnel are public servants of all citizens and their duty is public service that is entrusted by the citizens.

#### Article 2 (Definition, etc.)

- (1) The term "self-defense forces personnel" as used in this Act means personnel as provided for in paragraph (5) of Article 2 of the Self-Defense Forces Act (Act No. 165 of 1954) (excluding those who do not require full-time service (excluding personnel who occupy part-time government positions as provided for in paragraph (1) of Article 44-5 of the same Act)).
- (2) The term "self-defense forces personnel at the rank of staff or higher" as used in this Act means the self-defense forces personnel (regarding the self-defense forces personnel listed in item (i), item (iii), and item (iv), limited to those who receive the payment of Managerial Allowance pursuant to the provision of paragraph (1) of Article 11-3 of the Act on Remuneration, etc. of Ministry of Defense Personnel (Act No. 266 of 1952, hereinafter referred to as "Remuneration Act")) listed below:
  - (i) Self-defense forces personnel to whom the Self-Defense Forces Personnel Instructor Salary Schedule in Appended Table No. 1 of the Remuneration Act is applied and who are at the second grade in the service of the same salary schedule
  - (ii) Self-defense forces personnel to whom the Administrative Service (I) Salary Schedule in Appended Table No. 1 (a) of the Act on Remuneration of Officials in the Regular Service (Act No. 95 of 1950, hereinafter referred to as "Regular Service Remuneration Act") is applied pursuant to the provision of paragraph (1) of Article 4 of the Remuneration Act and those who are at the fifth grade or higher in the service of the same salary schedule
  - (iii) Self-defense forces personnel to whom the Education Service (I) Salary Schedule in Appended Table No. 6 (a) of the Regular Service Remuneration Act is applied pursuant to the provision of paragraph (1) of Article 4 of the Remuneration Act and those who are at the third grade or higher in the service of the same salary schedule
  - (iv) Self-defense forces personnel to whom the Education Service (II) Salary Schedule in Appended Table No. 6 (b) of the Regular Service Remuneration Act is applied and those who are at the third grade or higher in the service of the same salary schedule pursuant to the provision of paragraph (1) of Article 4 of the Remuneration Act
  - (v) Self-defense forces personnel to whom the Research Service Salary Schedule in Appended Table No. 7 of the Regular Service Remuneration Act is applied pursuant to the provision of paragraph (1) of Article 4 of the Remuneration Act and those who are at the fourth grade or higher in the service of the same salary schedule
  - (vi) Self-defense forces personnel to whom the Medical Service (I) Salary Schedule in Appended Table No. 8 (a) of the Regular Service Remuneration Act is applied pursuant to the provision of paragraph (1) of Article 4 of the

- Remuneration Act and those who are at the third grade or higher in the service of the same salary schedule
- (vii) Self-defense forces personnel to whom the Medical Service (II) Salary Schedule in Appended Table No. 8 (b) of the Regular Service Remuneration Act is applied pursuant to the provision of paragraph (1) of Article 4 of the Remuneration Act and those who are at the six grade or higher in the service of the same salary schedule
  - (viii) Self-defense forces personnel to whom the Medical Service (III) Salary Schedule in Appended Table No. 8 (c) of the Regular Service Remuneration Act is applied pursuant to the provision of paragraph (1) of Article 4 of the Remuneration Act and those who are at the six grade or higher in the service of the same salary schedule
  - (ix) Self-defense forces personnel to whom the Designated Service Salary Schedule in Appended Table No. 10 of the Regular Service Remuneration Act is applied pursuant to the provision of paragraph (1) of Article 4 of the Remuneration Act
  - (x) Self-defense forces personnel who receive the salary in the amount provided for the Salary Schedule in paragraph (1) of Article 7 of the Act on Special Measures of Employment and Remuneration of Officials with Fixed Term of Office in the Regular Service (Act No. 125 of 2000, referred to as the "Act on Officials with Fixed Term of Office" is in the next Article) pursuant to the provision of paragraph (2) of Article 4 of the Remuneration Act
  - (xi) Self-defense forces personnel who receive the salary in the amount provided for the Salary Schedule in paragraph (1) of Article 6 of the Act on Special Measures of Employment, Remuneration and Working Hours of Researchers with Fixed Term of Office in Regular Service (Act No. 65 of 1997) pursuant to the provision of paragraph (3) of Article 4 of the Remuneration Act
  - (xii) Self-defense forces personnel who are Major of Ground Self-Defense Force (GSDF), Lieutenant Commander of Maritime Self-Defense Force (MSDF), Major of Air Self-Defense Force (ASDF) or higher
- (3) The term "self-defense forces personnel at the rank of deputy director general or higher" as used in this Act means the self-defense forces personnel listed below:
- (i) Self-defense forces personnel to whom the Designated Service Salary Schedule in Appended Table No. 10 of the Regular Service Remuneration Act is applied pursuant to the provision of paragraph (1) of Article 4 of the Remuneration Act
  - (ii) Self-defense forces personnel who receive the salary in the amount provided for the Salary Schedule in paragraph (1) of Article 7 of the Act on Officials with Fixed Term of Office (limited to the salary amount of the monthly salary of the sixth pay step in the same Salary Schedule or more) pursuant to the provision of paragraph (2) of Article 4 of the Remuneration Act

- (iii) Self-defense forces personnel to whom the Self-Defense Forces Regular Personnel Salary Schedule in Appended Table No. 2 of the Remuneration Act is applied and those who receive the salary in the amount provided for the column for General of GSDF, Admiral of MSDF, and General of ASDF and who receive the salary in the amount provided for the columns for Major General (I) of GSDF, Rear Admiral (I) of MSDF, and Major General (I) of ASDF in the same Salary Schedule
- (4) The term "business operators, etc." as used in this Act means juridical persons (including associations or foundations that are not juridical persons and have rules of a representative person or an administrator) and other organizations, and individuals doing business (limited to individuals in case they perform acts for the profit of the business).
- (5) In the application of the provisions in this Act, officers, employees, representatives, and other persons in case they perform the acts for the profits of the business operators, etc. shall be deemed to be the business operators, etc. set forth in the preceding paragraph.

#### Article 3 (Ethical Principles Pertaining to the Duties Which Self-Defense Forces Personnel Shall Observe)

- (1) Self-defense forces personnel shall be conscious that they are public servants of all citizens and not just some citizens, shall not give unjust and discriminatory treatment to citizens such as handling information that is available in the course of duties for the mere benefit of only some citizens, and shall always execute the duties fairly.
- (2) Self-defense forces personnel shall always make a proper distinction between the public and private, and shall not utilize their duties or positions for private interests of their own or of an organization to which they belong.
- (3) In exercising the authority granted by laws, self-defense forces personnel shall not conduct any acts that may bring about suspicion or distrust from the citizens such as receiving any gifts, etc. from any person upon whom the self-defense forces personnel exercise their authority.

#### Article 4 (Reports to the Diet)

The Cabinet shall annually submit to the Diet a report on the state of the maintenance of ethics pertaining to the duties of self-defense forces personnel and the measures taken concerning the maintenance of ethics pertaining to the duties of self-defense forces personnel.

### **Chapter II Self-Defense Forces Personnel Ethics Code**

## Article 5

- (1) The Cabinet shall provide for a Cabinet Order concerning necessary matters for the maintenance of ethics pertaining to their duties of self-defense forces personnel, taking into account the ethical principles listed in Article 3 (hereinafter referred to as the "Self-Defense Forces Personnel Ethics Code") equivalent the National Public Service Ethics Code provided for in paragraph (1) of Article 5 of the National Public Service Ethics Act (Act No. 129 of 1999). In this case, the Self-Defense Forces Personnel Ethics Code shall include the matters which the self-defense forces personnel should observe concerning the prevention of acts that may bring about suspicion and distrust from the citizens such as contacting with those who have interests with the duties of the self-defense forces personnel such as the prohibitions and restrictions of receiving gifts, etc. from those who have interests in the duties of the self-defense forces personnel.
- (2) The Defense Minister may provide for official directives concerning ethics pertaining to the duties of the self-defense forces personnel.
- (3) The Defense Minister shall hear the opinion of the Self-Defense Forces Personnel Ethics Board in establishing the official directives in the preceding paragraph.
- (4) When the Self-defense Forces Personnel Ethics Code and the official directives pursuant to the preceding Paragraph (2) have been established, revised, or abolished, the Cabinet shall report such matters to the Diet.

### **Chapter III Reports and Disclosures of Gifts, etc.**

## Article 6 (Reports of Gifts, etc.)

- (1) When self-defense forces personnel at the rank of staff or higher receive a give of money, article, or other property benefits, or an entertainment or a treat (hereinafter referred to as "gifts, etc.") from business operators, etc., or when they receive the payment of a reward provided for in the Self-Defense Forces Personnel Ethics Code as the reward for a personal service offered, based on a relationship between the business operators, etc. and the duties of self-defense forces personnel (limited to cases where they were self-defense forces personnel at the rank of staff or higher when they received the gifts, etc. or the payment of the reward, and limited to cases where a profit received through the gifts, etc. or a value of the reward received in payment exceeds 5,000 yen per case), the self-defense forces personnel shall submit a report of gifts, etc., describing the following items to the Defense Minister within 14 days from the first day of the quarter following the current quarter, with quarters being divided as January through March, April through June, July through September and October through December (hereinafter referred to as "quarter").

- (i) The profit received through the gifts, etc. or the value of the reward received in a payment
  - (ii) The date of receipt of profit by the gifts, etc. or payment of the reward and the fact of basic cause
  - (iii) Name and address of the business operators, etc. who gave the gifts, etc. or paid the reward
  - (iv) The matters provided for in the Self-Defense Forces Personnel Ethics Code in addition to what is listed in the preceding three items.
- (2) The Defense Minister shall send a copy of receiving a report of gifts, etc. submitted pursuant to the preceding paragraph, to the Self-Defense Forces Personnel Ethics Board.

Article 7 (Report of Share Dealings, etc.)

- (1) Self-defense forces personnel at the rank of deputy director general or higher shall annually submit a report of share dealings, etc., regarding the acquisition or transfer of share certificates, etc. (this refers to share certificates, certificates of share options or certificates of bond with share options, and in case the share certificates, certificates of share options or certificates of bond with share options are not issued, the rights to be indicated for them are referred to if they had been issued; hereinafter the same shall apply in this paragraph) dealt in the previous year (limited to the share dealings they had while they were self-defense forces personnel at the rank of deputy director general or higher hereinafter referred to as "share dealings, etc."), describing the kinds, names, numbers, and amounts of consideration pertaining to the share dealings, etc. and the dates of the share dealings, etc. to the Defense Minister during the period from March 1 to March 31.
- (2) The Defense Minister shall send a copy of receiving a report of share dealings, etc. submitted pursuant to the preceding paragraph, to the Self-Defense Forces Personnel Ethics Board.

Article 8 (Report of Income, etc.)

- (1) Self-defense forces personnel at the rank of deputy director general or higher (limited to those who had been the self-defense forces personnel at the rank of deputy director general or higher throughout the previous year) shall annually submit a report of income, etc., describing the amounts and taxation amounts listed below to the Defense Minister during the period from March 1 to March 31:
- (i) Amounts listed below pertaining to the incomes in the previous year in case an income tax for the same year is imposed on them (the amount and the fact of the basic cause if the amount exceeds 1,000,000 yen)
    - (a) The amounts of various types of income (this refers to the amount of various types of income provided for in item (xxii) of paragraph (1) of Article 2 of the

Income Tax Act (Act No. 33 of 1965); the same shall apply hereinafter) pertaining to the aggregate income amount (this refers to the aggregate income amount provided for in paragraph (2) of Article 22 of the same Act) and the amount of timber income (this refers to the amount of the timber income provided for in paragraph (3) of the same Article).

- (b) The amount of income calculated by dividing other income, notwithstanding the provision of Article 22 of the Income Tax Act, pursuant to the provision of the Act on Special Measures Concerning Taxation (Act No. 26 of 1957) out of the amount of various income (excluding the amount of retirement income (this refers to the amount of retirement income provided for in paragraph (2) of Article 30 of the Income Tax Act) and the amount of timber income (this refers to the amount of the timber income provided for in paragraph (3) of Article 32 of the same Act)).
- (ii) The assessed value of gift tax (this refers to the assessed value of the gift tax provided for in Article 21-2 of the Inheritance Tax Act (Act No. 73 of 1950)) pertaining to the property in case the gift tax for the previous year is imposed on a property acquired by a gift in the same year.
- (2) Self-defense forces personnel can submit a report of income, etc. set forth in the preceding paragraph by submitting a copy of the tax return form (this refers to the tax return form provided for in item (vi) of Article 2 of the Act on General Rules for National Tax (Act No. 66 of 1962); the same shall apply hereinafter). In this case, if an amount listed in (a) or (b) of item 1 in the same paragraph exceeds 1,000,000 yen, the fact of the basic cause shall be denoted in the copy of the tax return form.
- (3) The Defense Minister shall send a copy of receiving a report of income, etc. submitted pursuant to the preceding two paragraphs (the report of income, etc., set forth in paragraph (1) or a copy of the tax return form set forth in the preceding paragraph, hereinafter the same as in paragraph (1) of the next Article), to the Self-Defense Forces Personnel Ethics Board.

#### Article 9 (Preservation and Inspection of Report)

- (1) The Defense Minister receiving a report of gifts, etc., a report of share dealings, etc., or a report of income, etc. (hereinafter referred to as "various reports"), submitted pursuant to the provisions in the preceding three Articles shall preserve them for 5 years from the day following the last day of the period in which they shall be submitted.
- (2) Any person may request the Defense Minister to allow inspection of reports of gifts, etc. preserved pursuant to the provision of the preceding paragraph (limited to portions where the profit received as gifts, etc. or the amount of a reward paid exceeds 20,000 yen per case); provided, however, that this shall not apply to the

portion pertaining to a matter approved in advance by the Defense Minister as that falls under any of the following items after the Defense Minister hears the opinion of the Self-Defense Forces Personnel Ethics Board:

- (i) A matter that may pose a risk of imperiling the security of the State, damaging trust between the State and other countries or international organization or suffering disadvantages in negotiations with other countries or international organizations, if made it known to the public.
- (ii) A matter that may pose a risk of hindering the prevention, crackdowns or investigations of crimes, or maintenance of other public safety and order, if made it known to the public.

#### **Chapter IV Self-Defense Forces Personnel Ethics Board and Disciplinary proceedings, etc.**

##### Article 10 (Establishment of Self-Defense Forces Personnel Ethics Board)

The Self-Defense Forces Personnel Ethics Board (hereinafter referred to as the "Board") shall be established in the Ministry of Defense to assist the Defense Minister with affairs under jurisdiction for maintaining ethics pertaining to the duties of the self-defense forces personnel.

##### Article 11 (Affairs under the Jurisdiction and Authority etc.)

- (1) The affairs under the jurisdiction and authority of the Board shall be as prescribed below:
  - (i) Studying and deliberating the following matters and proposing of matters deemed necessary concerning these to the Defense Minister
    - (a) Matters concerning the Self-Defense Forces Personnel Ethics Code
    - (b) Matters concerning the standards of disciplinary action in case of violation of this Act or orders pursuant to this Act (including official directives pursuant to the provision of paragraph (2) of Article 5; the same shall apply hereinafter.)
    - (c) Matters concerning research and study, and planning of matters for the maintenance of ethics pertaining to the duties of self-defense forces personnel
    - (d) Matters concerning training for the maintenance of ethics pertaining to their duties of self-defense forces personnel
    - (e) Matters concerning arrangement of system for observance of the Self-Defense Forces Personnel Ethics Code
  - (ii) Examining various reports
  - (iii) Investigating acts that may be considered to be suspicious of violating or that violates this Act or orders pursuant to this Act under an order issued by the Defense Ministry pursuant to the provision in paragraph (1) of the next Article
  - (iv) Stating its opinion in response to a consultation by the Defense Minister

- pursuant to the provisions in paragraph (3) of Article 5, the proviso in paragraph (2) of Article 9 and paragraphs (2) and (3) of the next Article
- (v) The Affairs under jurisdiction and authority authorized to the Board, pursuant to laws or orders pursuant to laws in addition to what is listed in the preceding items.
- (2) The organization, member and other necessary matters of the Board shall be provided by Cabinet Order.

#### Article 12 (Disciplinary Proceeding, etc., by Defense Minister)

- (1) If the Defense Minister considers it suspicious for a self-defense forces personnel to have committed an act that violates this Act or orders pursuant to this Act, the Defense Minister shall order the Board to investigate the act.
- (2) If the Defense Minister intends to take a disciplinary action for reason that the self-defense forces personnel has committed an act that violates this Act or orders pursuant to this Act as a result of the investigation in the preceding paragraph, the Defense Minister shall hear the opinion of the Board.
- (3) When the Defense Minister has taken a disciplinary action against a self-defense forces personnel for reason the self-defense forces personnel has committed an act that violates this Act or orders pursuant to this Act and the Defense Minister finds it particularly necessary in order to maintain ethics pertaining to the duties of self-defense forces personnel, the Defense Minister may publicize an outline of the disciplinary action (including the publication of a portion about share dealings, etc. pertaining to the disciplinary action in the report of the share dealings, etc. set forth in paragraph (1) of Article 7.) after hearing an opinion of the Board.

### **Chapter V Ethics Supervisory Officer**

#### Article 13

- (1) In order to maintain ethics pertaining to the duties of self-defense forces personnel, the Ministry of Defense shall have an ethics supervisory officer.
- (2) The ethics supervisory officer shall provide necessary guidance and advice and arrange a system for the maintenance of ethics pertaining to the duties of the self-defense forces personnel.
- (3) The ethics supervisory officer shall always keep a close communication with the National Public Service Ethics Board in exercising the duties prescribed in the preceding paragraph.

### **Chapter VI Miscellaneous Provisions**

Article 14

Necessary matters concerning implementing this Act shall be prescribed by Cabinet Order in addition to what is provided for in this Act.