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Amendments to the Foreign Exchange and Foreign Trade Act (Part 2)

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I. Introduction

Under the Foreign Exchange and Foreign Trade Act ("Act"), foreign investors contemplating to make certain inward direct investments or equivalent actions ("IDIs"), which target certain restricted businesses ("Restricted Businesses"), must submit a prior notification. Recently, there has been a series of amendments to the prior-notification requirement under the Act following the worldwide trend of tightening scrutiny on foreign investments.

In May 2019, an amendment was published adding 20 types of businesses to the list of Restricted Businesses ("May 2019 Amendment"). Subsequently, in September 2019, an amendment to the Cabinet Order on Inward Direct Investment ("Cabinet Order") and the Order on Inward Direct Investment ("Order") was published expanding the scope of IDIs subject to the notification requirement by covering acquisitions of 10% or more of the total voting rights of Japanese listed companies and other similar activities ("September 2019 Amendment").

In addition, the Diet passed a bill amending the Act on November 22, 2019, which made major changes to the prior-notification requirement under the Act ("2020 Amendment"). On March 14, 2020, the draft of the new Cabinet Order ("New Cabinet Order"), the new Order ("New Order") and several announcements on the 2020 Amendment were published for public comments. With several amendments made in response to the public comments, the Act as amended by the 2020 Amendment ("New Act"), together with the New Cabinet Order, the New Order and the announcements (collectively, the "New Orders and Regulations") took effect on May 8, 2020, and were scheduled for full implementation on June 7, 2020.

Our previous article summarized the May 2019 Amendment and the September 2019 Amendment.[1] This article will feature the 2020 Amendment.

II. The 2020 Amendment

The four major changes introduced by the 2020 Amendment are discussed below. The first two changes expanded the definition of IDIs, the third introduced a new exemption system for the prior-notification requirement, and the fourth revised the definition of foreign investors.

(1) The threshold for acquisitions of shares or voting rights of listed companies that constitute IDIs has been lowered from 10% to 1%

1. *See* Ai Kishimoto, Amendment to the Foreign Exchange and Foreign Trade Act (Part 1), Oh-Ebashi English Newsletter, 2020 Spring Issue, available at https://www.ohebashi.com/jp/newsletter/NL_en_2020spring_202003.pdf.

Previously, under the Act, to constitute an IDI, the threshold for the acquisition of shares or voting rights of a listed company is whether a foreign investor will hold "10% or more" thereof after the acquisition.[2] The New Act lowered this threshold from 10% to 1%.[3] In calculating this percentage, in addition to existing aggregation rules of those specially affiliated with the acquirer, the New Act explicitly states that the number of shares or voting rights managed by a foreign investor under a discretionary investment management agreement will be added to those owned by the foreign investor.[4]

It has been explained that this threshold was lowered because a shareholder who holds 1% or more of the voting rights has the right to propose an agenda for the shareholders' meeting under the Companies Act.[5]

(2) Prior notification required for additional actions by foreign investors

The following actions by foreign investors have been added to the definition of IDIs:

(A) Giving consent to "certain matters that have a material impact on the management of a company"

Previously, under the Act, consent to a (i) substantial modification of a company's business purpose given by (ii) a foreign investor holding at least one-third of all the shareholders' voting rights in the company was defined as an IDI.[6] The 2020 Amendment has expanded this definition of an IDI by adding to item (i) consent to "certain matters that have a material impact on the management of a company,"[7] and revising item (ii) to consent given by a foreign investor (in the case of a listed company, when the foreign investor holds at least 1% of the shares or voting rights thereof).[8]

This expansion of the definition of IDI aims to screen not only acquisitions by foreign investors of 1% or more of the shares or voting rights of listed companies, but also certain activities conducted by foreign investors after such acquisitions.

As to non-listed companies, previously, under the Act, only the consent to a substantial modification of a company's business purpose in the amendment of the articles of incorporation given by a foreign investor holding at least one-third of all the voting rights required prior notification. However, with the 2020 Amendment, such consent given by a foreign investor holding at least one share now requires prior notification.

(B) Acquisition of a business from a resident company and succession to a business through an absorption-type company split or merger

The acquisition of a business from a resident company and the succession to a business through an absorption-type company split or merger has been added to the definition of IDIs.[9]

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2. The Act, art. 26, para. 2, item 3, and the Cabinet Order, art. 2, para. 5 and 9, item 4.
3. The New Act, art. 26, para. 2, items 3 and 4, and the New Cabinet Order, art. 2, para. 8.
4. The New Act, art. 26, para. 2, item 3.
5. The Companies Act, art. 303, para. 2, and art. 305, para.1.
6. The Act, art 26, para. 2, item 4.
7. Such matters include the following agenda items in a shareholders' meeting: (a) electing the foreign investor or a closely-related person thereof as a director or statutory auditor of the company; or (b) sale of all or part of the business of the company, sale of all or part of the shares or equity of a subsidiary, disposition of the business of the company, etc. (but only if proposed by the foreign investor) (New Cabinet Order, art. 2, para. 11, and the New Order, art. 2, paras. 1 and 2).
8. The New Act, art. 26, para. 2, items 4 and 5.
9. *Id.*, item 8.

(3) New prior-notification exemption scheme for stock purchases

Under the New Act, the following IDIs are exempted from the prior-notification requirement:[10]

- an IDI by a foreign investor who is not a disqualified investor as specified in the New Cabinet Order;
- an acquisition of shares or voting rights and other specified transactions (other than the giving of consent or the acquisition of a business discussed in item (2) above[11]); and
- an IDI that does not fall under an IDI category specified in the New Cabinet Order that poses a substantial threat to national security.

Based on the above, according to the related documents published by the Ministry of Finance ("Related Documents"),[12] the following categorization will apply to the prior-notification exemption system:

(A) Exemption not applicable

Those who have been punished for violating the Act or state-owned enterprises are generally not eligible to avail of the prior-notification exemption system. According to the New Orders and Regulations, government owned companies and similar entities as well as investors who have violated the Act in the past will be considered disqualified investors. Nonetheless, according to the New Orders and Regulations and the Related Documents, sovereign wealth funds and pension funds that pose no risk to national security may use the regular exemption system (as explained in item (C) below) by obtaining individual certifications from the Ministry of Finance.[13]

(B) Blanket exemption

According to the New Orders and Regulations, certain foreign financial institutions, such as foreign banks, are eligible for a blanket exemption, regardless of the business sector the issuer is operating in and even if such business is in a core sector (as explained in item (C)(a) below) if they can satisfy certain requirements that are further discussed below.

(a) Foreign financial institutions

The types of foreign financial institutions eligible for blanket exemption are securities firms, banks, insurance companies, asset management companies, trust companies, registered corporate-type investment trusts and high-frequency traders.[14]

(b) Certain conditions

The conditions below must be complied with by a foreign investor to be exempted from the prior-notification requirement.[15] These conditions apply to both the blanket exemption and the regular exemption.

(i) The foreign investor or closely-related persons thereof will not be appointed as directors or statutory auditors of the issuer.

(ii) The foreign investor will not submit to the issuer's general shareholders' meeting any proposal regarding the transfer or disposition of the business of the issuer in the Restricted Business.

(iii) The foreign investor will not access confidential technology-related information regarding the business of the issuer in the Restricted Business.

10. The New Act, art. 27-2.
11. *Id.*, para. 1.
12. *See* https://www.mof.go.jp/english/international_policy/fdi/kanrenshiryou01_20200424.pdf.
13. The New Act, art. 27-2, and the New Cabinet Order, art. 3-2, para. 1.
14. The New Act, art. 27-2, the New Cabinet Order, art. 3-2, para. 2, item 3, and the New Order, art. 3-2, para. 3.
15. The New Act, art. 27-2, and the announcement about the criteria for IDIs to not constitute IDIs relating to national security, art. 2, items 1 to 3.

(C) Regular exemption

According to the New Orders and Regulations, foreign investors other than those listed in item (B) above will be exempted only if the issuer's business is not in a core sector and if the foreign investors satisfy the above three conditions. Nonetheless, even if the issuer's business is in a core sector, if the foreign investor satisfies the two additional conditions described in item (b) below, then the prior-notification exemption system would be available to an acquisition of less than 10% of the voting rights or shares of a listed company.

(a) Core sectors

According to the New Orders and Regulations, among the Restricted Businesses, business sectors that pose a high risk to national security are considered core sectors.[16] If the issuer's business falls within any of such core sectors, then the regular exemption will not be available for transactions resulting in acquisitions of 10% or more of the shares or voting rights. For transactions resulting in acquisitions of less than 10%, the additional conditions described below must be met for the regular exemption to apply.

(b) Additional conditions

As mentioned above, even if the issuer's business is in a core sector, if the foreign investor satisfies the two additional conditions below, the prior-notification exemption system will be available to an acquisition of less than 10% of shares or voting rights:[17]

(i) the foreign investor or its designee will not become a member of the issuer's committee that has an important decision-making authority; and

(ii) the foreign investor will not make any written proposal to the board of directors or the equivalent organizational body of the issuer that requests for a response and/or action by a certain deadline.

(D) List of companies' classification for the prior-notification exemption system

Whether the issuer's business is a Restricted Business that requires prior notification or is in a core sector will be an important criteria for determining whether a foreign investor must submit a prior notification for an IDI or is eligible for the prior-notification exemption. However, this classification is highly complicated and, thus, difficult to determine. In this regard, on May 8, 2020, the Ministry of Finance published a list that would classify each company in one of the following categories:

(i) Companies subject to post-transaction reports only and not the prior-notification requirement (Non-Restricted Business sectors);

(ii) Companies conducting business only in the Restricted Business sectors other than the core sectors; and

(iii) Companies conducting business in the core sectors.

(4) The definition of "foreign investor" has been amended – as to who should submit prior notification or a post-transaction report for IDIs by partnerships/funds

The definition of "foreign investor" has been amended to include any general partnership under the Civil Code, limited partnership for investment under the Limited Partnership Act for Investment, and other similar partnerships under foreign laws where (a) 50% or more of the contributions are made by non-residents, or (b) a

16. The core sectors may be summarized as follows: (a) all of the sectors relating to weapons, aircrafts, nuclear facilities, space and dual-use technologies; and (b) part of the sectors relating to cybersecurity, electricity, gas, telecommunications, water supply, railway and oil (the New Act, art. 27-2, the New Cabinet Order, art. 3-2, para. 2, item 3, the New Order, art. 3-2, para. 2, and the announcement regarding the business sectors specified by the Minister of Finance, etc., according to art. 3-2, para. 2 or art. 4-3, para.1 of the Order).

17. The New Act, art. 27-2, the New Cabinet Order, art. 3-2, para. 2, item 3, and the announcement regarding the criteria for IDIs to not constitute IDIs relating to national security, art. 2, item 4.

majority of the general partners are non-residents.[18] Any such partnership is now obliged to submit prior notifications or post-transaction reports regarding IDIs under its own name instead of its individual partners.

III. Conclusion

Since the 2020 Amendment included amendments related to shareholder proposals, the 2020 Amendment took effect on May 8, 2020, and was scheduled to be in full implementation on June 7, 2020, in time for the holding of annual shareholders' meetings in June 2020.[19] The list of the companies' classification mentioned above was also issued on May 8, 2020.

In addition, to protect Japanese medical and pharmaceutical products against increasing international enclosure movements, the government has decided to classify businesses that manufacture pharmaceutical products, pharmaceutical intermediates, specially controlled medical devices, etc., as core sectors. The relevant announcement has been published for public comments, and such amendment is scheduled to take effect in July 2020.

Since the implementation of the 2020 Amendment and the issuance of the new list of companies' classification will have an impact on the conduct of annual shareholders' meetings that are held in June 2020 and on foreign investors especially of listed companies, it is important to pay attention to the application of the New Orders and Regulations, and the list of companies' classification.

18. The New Act, art. 26, para. 1, item 4.
19. Most Japanese listed companies hold their annual general meetings in June because their shareholders on record as of the end of the fiscal year, which is usually in March, can exercise their right to vote within three months thereafter, i.e., up to the end of June. Moreover, the audited financial statements of these companies take time to prepare and are usually available a few months after the end of the fiscal year.

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Japanese Anti-Power Harassment Law Takes Effect this June 2020

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1. Background and Legislative Changes on Power Harassment

On May 29, 2019, the National Diet introduced legislative changes to the Act Relating to Comprehensive Promotion of the Labor Policies and Improvement of the Employment Security and Working Life of Workers, etc. (the "Law")[1] to prevent workplace bullying also known as power harassment in Japan. These changes took effect this June 2020 for large corporations and will take effect in April 2022 for small and medium-sized enterprises.[2]

Power harassment has been recognized as a serious problem in Japan, where many companies remain deeply hierarchical, and relationships between superiors and subordinates are seen as inviolable. Labor bureaus nationwide have received more than 83,000 consultations on power harassment at the workplace in 2018, making this the most common reason for a consultation for the seventh straight year.[3] However, there was no law mandating companies to take measures to prevent power harassment at the workplace in Japan. Companies were only urged to voluntarily make efforts to deal with power harassment problems. Thus, to address power harassment concerns that have flourished at workplaces in Japan, the Law was amended on May 29, 2019. This amendment now compels companies (i.e., employers) to take strict actions and preventive measures against power harassment, including by implementing consultation systems and developing in-house rules.[4] Employers are also prohibited from dismissing employees or treating them unfavorably in any other way

1. Roudou shisaku no sougouteki na suisin narabini roudousha no koyou no anntei oyobi shokugyouseikatsu no jujitsu tou ni kansuru hou [Employment Measures Law] Act No. 132 of 21 July 1966, as last amended by Law No. 24 of June 5, 2019.
2. Small and medium-sized enterprises refer to the following based on their stated capital or the number of their regularly employed workers:

Category of Business	Amount of Stated Capital	Number of Workers Regularly Employed
Retail Business	≤ JPY 5,0000,000	≤ 50
Service Business	≤ JPY 5,000,000	≤ 100
Wholesalers	≤ JPY 100,000,000	≤ 100
Others	≤ JPY 300,000,000	≤ 300

(Act No. 154 of July 20, 1963, the Small and Mediums-sized Enterprise Basic Act, art. 2.)
3. *See* the Manual for the Introduction of Anti-Power Harassment Measures (https://www.no-harassment.mhlw.go.jp/pdf/pwhr2019_manual.pdf) (in Japanese), p. 2.
4. The Law, art. 30-2, para. 1.

for reporting cases of harassment.[5] If an employer fails to comply with the Law, the Ministry of Health, Labor and Welfare ("MHLW") may press it to mend its ways through administrative guidance, suggestions or recommendations.[6] The MHLW may also publish the names of employers that fail to comply with the MHLW's recommendations.[7] No punitive measures were however established.

2. Definition of Power Harassment

For the very first time, the Law defines power harassment as "verbal or physical behavior that goes beyond business necessity and takes advantage of superior positions in a relationship, thereby harming the workplace environment."[8]

Based on paragraphs (1) and (2) of Article 30-2 of the Law, the MHLW published new guidelines describing specific examples of verbal and physical conduct that constitutes power harassment, and spelled out measures that employers must take to prevent power harassment[9] (the "Guidelines").

The Guidelines provide six major categories of power harassment (a non-exhaustive list):[10]

a. Physical abuse;
b. Mental or emotional abuse;
c. Deliberate isolation of an employee in the workplace;
d. Overwork of an employee;
e. Providing an employee with work that is far below his/her skill level; and
f. Infringement of the privacy of an employee by asking personal questions irrelevant to any business purpose.

The Guidelines further provide specific and detailed descriptions of examples falling into the categories of power harassment as well as those that do not fall within such categories. Please note that these lists are non-exhaustive and the Guidelines say that, to determine whether a case constitutes power harassment, attention should also be paid to the physical and mental distress that the victim employee has suffered.[11] The Guidelines also say that employers should provide consultations to their employees on cases that may not constitute power harassment.[12]

3. Obligations of Employers

The Guidelines require employers to take the following measures:[13]

(1) Clarification and publication of the policy on power harassment
• Clarify the policy that power harassment at the workplace is strictly prohibited, and publicize the said policy to the employees.
• Make the commission of power harassment a violation of their company rules, and publicize this to the employees.
(2) Implementation of a Consultation System
• Set up a consultation desk and inform the employees about it.
• Train the staff who are in charge of the consultation desk to take the appropriate response.
(3) Prompt and Appropriate Action after Consultation
• Confirm the facts promptly and accurately.

5. *Id.*, para. 2.
6. The Law, art. 33, para. 1.
7. *Id.*, para. 2.
8. The Law, art. 30-2, para. 1.
9. *See* https://www.mhlw.go.jp/content/11900000/000584512.pdf (In Japanese only).
10. The Guidelines, sec. 2, para. 7.
11. *Id.*
12. The Guidelines, sec. 4, para. 2.
13. *Id.*, sec. 4.

• Take action to protect the victim employee promptly.
• Promptly take action against the person who committed the power harassment after confirming the facts thereof.
• Take action to prevent recurrence of the power harassment.
(4) Others
• Take action to protect the privacy of the persons concerned and inform the employees about such action.
• Set up rules to prevent employees who report cases of power harassment from being dismissed or treated unfavorably in any other way, and inform the employees about such rules.

4. Conclusion

Power harassment impairs the dignity of victims and deprives them of the willingness to work. There are cases of power harassment that lead to absence from work, resignation and even suicide. Power harassment may also decrease the productivity of the company and result in the loss of valuable personnel. Therefore, it is very important for employers to take appropriate actions to prevent power harassment in accordance with the Law and the Guidelines.

Nevertheless, even with the Guidelines, and depending on each case, it may still be difficult to draw a clear line between power harassment and providing the necessary work instructions; thus, there is a concern that an increasing number of management level employees may hesitate to give their subordinates the necessary work instructions or advice to avoid being accused of power harassment. Although it appears that employers need not be overly concerned of this since the Guidelines clearly state that giving appropriate instructions necessary for work will not constitute power harassment,[14] cases on this are needed to give us a clearer understanding of this point.

14. *Id.*, sec. 2, para. 7.

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New IT-Based Civil Court Proceedings – Phase 1

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1. Introduction

Court proceedings using information technology (IT) have become common in the United States and European countries, and recently, such IT-based proceedings have been rapidly increasing in Asian countries, including South Korea and Singapore. In light of such circumstances, Japan is behind the world trend of conducting IT-based court proceedings. For this reason, the Japanese government has expressed its policy in its "Investments for the Future Strategy," which was approved by the cabinet on June 9, 2017,[1] to promote the introduction of IT in court proceedings and other related procedures. Based on this policy, the "Review Board of IT Introduction in Court Proceedings and Other Related Procedures" (the "Review Board") was established in October 2017 and it published the "Summary Report for IT Introduction in Court Proceedings and Other Related Procedures – to Achieve the 'Three 'e's'" (the "Summary Report").[2] Prompted by the publication of the Summary Report, the Supreme Court, the Ministry of Justice and the different bar associations began reviewing what was needed to introduce IT-based civil court proceedings. This article outlines the introduction of IT-based civil court proceedings in Japan, and in particular, "Phase 1" thereof, which began in February 2020.

2. The "Three 'e's"

The Summary Report says that IT-based civil court proceedings can be properly introduced by first conducting a review of court proceedings from the viewpoint of the "Three 'e's," which refer to "e-Filing," "e-Case Management" and "e-Court."[3]

"e-Filing" means, among others, the transition from the traditional system of submitting documents, such as complaints, answers and other preparatory documents, as well as evidence to an online submission system in the form of electronic data.

With respect to case records and case information managed by the court, "e-Case Management" enables the parties to the relevant case and their respective counsels to readily access online, at any time, the electronic data of documents, such as complaints, answers and other preparatory documents, as well as evidence.

Finally, under "e-Court," the use of teleconferencing and web conferencing by either or both parties will be substantially expanded to cover various hearings, such as those set for oral arguments or preparatory proceedings.

1. *See* http://japan.kantei.go.jp/97_abe/actions/201706/9article3.html.
2. *See* https://www.kantei.go.jp/jp/singi/keizaisaisei/saiban/pdf/report.pdf (in Japanese).
3. Summary Report, pp. 7-15.

3. The Process of Introducing IT-Based Court Proceedings

It was proposed in the Summary Report that the appropriate approach to introduce IT-based civil court proceedings is to divide the process into three phases depending on the ease of achieving each phase, and to implement new procedures phase by phase.[4]

In Phase 1, new procedures, which can be implemented under the current laws as they are without being amended, by establishing the necessary infrastructure, including the arrangement of IT equipment for trial use, should be promptly conducted. For example, in addition to teleconferencing, IT tools such as web conferencing can be actively used to start attempting to conduct more effective and efficient pretrial proceedings to arrange the issues and evidence in civil cases.

In Phase 2, a system of new procedures, which require amending the relevant laws and regulations to be implemented, will be established by taking the necessary legal actions. For example, the Code of Civil Procedure (the "Code") is expected to be amended to establish a system to commence procedures for the first oral arguments or preparatory proceedings without requiring the appearance of either party, as well as other related procedures.

In Phase 3, together with the amendment of the relevant laws and regulations, a transition to online filing and other necessary matters will be implemented after the development of the system/IT support or other necessary infrastructure.

4. Commencement of Phase 1

(1) Schedule of commencement of Phase 1

From among the three phases, Phase 1, which does not require amending the relevant laws, was introduced at the Intellectual Property High Court, and the district courts in Tokyo, Osaka, Nagoya, Hiroshima, Fukuoka, Sendai and Sapporo in February 2020.

Phase 1 was also scheduled to be introduced in the district courts in Yokohama, Saitama, Chiba, Kyoto and Kobe in May 2020.

(2) Options for Phase 1 procedures

In Phase 1, it became possible to conduct preparatory proceedings and written preparatory proceedings as well as schedule conferences by web conferencing using the software called "Microsoft Teams."

With respect to preparatory proceedings, which are most commonly used in civil litigation in Japan to organize the issues and evidence, the Code allows such proceedings to be conducted "by using a method that enables the court and both parties to communicate with one another at the same time, through audio transmissions."[5] While preparatory proceedings were already being conducted by teleconferencing, after Phase 1 commenced, such proceedings may now be conducted by web conferencing. In particular, the presentation of preparatory documents, examination of documentary evidence, determination of the admission/rejection of testimonial evidence, and other related matters can be conducted through web conferencing.[6] However, the current provisions of the Code only allow such proceedings to be conducted through such means if one of the parties appears in court.[7] Thus, preparatory proceedings cannot be done by web conferencing if none

4. *Id.*, pp. 20-22.
5. The Code, art. 170(3).
6. *Id.*, art. 170(1) and (2).

of the parties appear in court. Similarly, proceedings for scheduling conferences cannot be conducted by web conferencing if none of the parties appear in court.

As to written preparatory proceedings, which are based on the submission of documents, under the current Code, it is similarly possible to have consultations "by using a method that enables the court and both parties to communicate with one another at the same time, through audio transmissions."[8] However, unlike in the case of preparatory proceedings, first, the appearance of one of the parties is not required for such written preparatory proceedings to proceed. Thus, consultations can take place by web conferencing even if neither party appears. In Phase 1, consultations relating to written preparatory proceedings are expected to be done by web conferencing. Secondly, certain things such as the presentation of preparatory documents, determination of the admission/rejection of evidence, examination of documentary evidence, and other related matters cannot be conducted in written preparatory proceedings.[9] Lastly, even if either party admits an assertion of a fact which the other party has the burden to prove, it will not constitute an admission in court.[10]

(3) Method for submitting documents and evidence

Documents and evidence will be submitted to the court in person, or sent by mail or facsimile, as has been done so far. However, presumably, for the purpose of organizing issues and evidence, unlike the current practice, files that are not part of the case records will be virtually submitted by uploading the same through the official website of the court.

5. Steps toward the Commencement of Phases 2 and 3

With respect to Phases 2 and 3 that involve amending the relevant laws, the "Study Group on Introducing IT into Civil Court Proceedings and Other Related Procedures" of the Japan Institute of Business Law summarized the pertinent issues in preparation for the amendment of the Code to introduce IT-based court proceedings, and published a report in December 2019. Such issues were referred to the Sub-committee on the Code of Civil Procedure of the Legislative Council of the Ministry of Justice on February 21, 2020, and it was determined that the issues will be examined by the "Sub-committee on the Code of Civil Procedure (on the introduction of IT)," which is planned to be formed.[11] Phase 2 will commence hopefully around 2022[12] after the relevant laws are amended based on the review to be made by the said sub-committee. Thereafter, Phase 3 will commence after the development of the system/IT support or other necessary infrastructure, which will then complete the introduction of IT-based civil court proceedings in Japan.

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7. *Id.*, art. 170(3) (the proviso).
8. The Code, art. 176(3).
9. "*Report of the Study Group on the Introduction of IT in Civil Court Proceedings and Other Related Procedures – to Introduce IT-based Civil Court Proceedings,*" Japan Institute of Business Law, p. 88.
10. Shiho Kyokai, "*Proposed Lecture on the Code of Civil Procedures*" (3rd. ed.), 2016, p. 167 (note 3).
11. *See* http://www.moj.go.jp/shingi1/shingi03500036.html (in Japanese).
12. Summary Report, p. 21.

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