MEMORANDUM OF COOPERATION
ON THE EMPLOYMENT FOR SKILL DEVELOPMENT PROGRAM

BETWEEN

THE MINISTRY OF JUSTICE, THE MINISTRY OF FOREIGN AFFAIRS,
THE MINISTRY OF HEALTH, LABOUR AND WELFARE AND
THE NATIONAL POLICE AGENCY OF JAPAN

AND

THE MINISTRY OF LABOUR AND VOCATIONAL TRAINING OF THE KINGDOM OF CAMBODIA

The Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of Health, Labour and Welfare and the National Police Agency of Japan (hereinafter referred to as "the Ministries and Agencies of Japan") and the Ministry of Labour and Vocational Training of the Kingdom of Cambodia (hereinafter referred to as "the Ministry of Cambodia "), shared the view that the purpose of the Employment-for-Skill-Development Program (hereinafter referred to as "ESDP") is to develop and secure human resources in Employment-for-Skill-Development industrial fields in Japan and thus to promote bilateral cooperation by contributing to the human resource development in Cambodia, and others. Based on this view, the Ministries and Agencies of Japan and Ministry of Cambodia (hereinafter referred to collectively as "both sides") have decided as follows in order to adequately advance the ESDP:

1. Purpose

The purpose of this Memorandum of Cooperation (hereinafter referred to as "MOC") is to protect Skill Development Employees, and to promote ESDP adequately under bilateral cooperation by setting out the commitments between both sides to sending and accepting Skill Development Employees.

2. Terminologies

Unless otherwise specified, the terms used in the MOC should be interpreted in a manner consistent with the Act on Proper Implementation of Employment for Skill Development and Protection of Skill Development Employees (hereinafter referred to as "the ESD Act") and the

Ordinance for the ESD Act (hereinafter referred to as "the ESD Act Ordinance") of Japan. For the purpose of this MOC:

(1) The term "Employment for Skill Development" or "ESD" refers to both Individual-enterprise-type ESD and Supervising-organization-type ESD;

(2) The term "Individual-enterprise-type ESD" means the employment where a Japanese public or private organization accepts a Cambodian national who is an employee of their business office in Cambodia with the status of residence of ESD to attend necessary lectures and to work in the business office in Japan of the said organization in order to acquire skills in ESD Industrial Fields;

(3) The term "Supervising-organization-type ESD" means the employment where a Cambodian national with the status of residence of ESD fulfills both of the conditions;

  (a) The said national is accepted by a Japanese non-profit corporation to attend necessary lectures (In the case where a Japanese public or private organization accepts a Cambodian national who is an employee of a business office of a public or private organization in Cambodia that has a close business relationship with the said Japanese organization, the said Cambodian national must be accepted by the said Japanese public or private organization and attend necessary lectures.); and

  (b) The said national engages in work requiring skills in the ESD Industrial Field in a business office in Japan of a Japanese public or private organization and the said business office receives supervising and support from the Japanese non-profit corporation set out in (a).

(4) The term "Skill Development Employee" refers to a Cambodian national who engages in ESD;

(5) The term "ESD Industrial Field" refers to the industrial fields in which Skill Development Employees are to be accepted in line with the ESD Act Ordinance;

(6) The term "ESD Implementing Organization" refers to an individual or a corporation in Japan who carries out the ESD based on an ESD plan accredited in line with the ESD Act;

(7) The term "Supervising and Support Organization" refers to a Japanese non-profit corporation that supervises the implementation of the ESD with the license granted by the Ministries and Agencies of Japan; and

(8) The term "sending organization" refers to an organization that intends to send, is sending, or has sent Skill Development Employees to Japan, and "Approved Sending Organization" refers to a sending organization which meets Standards for Approving Sending Organization in Cambodia as described in Attachment 1 and is approved by the Ministry of Cambodia.

3. Commitments by the Ministries and Agencies of Japan

The Ministries and Agencies of Japan, in cooperation with the Embassy of Japan in Cambodia, where appropriate, will carry out the following commitments related to the acceptance of Skill Development Employees in line with the relevant laws and regulations of Japan:

(a) To make publicly available in Japan the information on Approved Sending Organizations which the Ministries and Agencies of Japan receive from the Ministry of Cambodia;

(b) To provide the Ministry of Cambodia with a list of Supervising and Support Organizations;

(c) Not to accept Skill Development Employees who are sent by sending organizations other than Approved Sending Organizations. However, the Ministries and Agencies of Japan may not accept Skill Development Employees even if they are sent by Approved Sending Organizations in such case as the ESD plan relating to the Skill Development Employee is not approved in line with the ESD Act;

(d) Not to require a letter of recommendation for the Approved Sending Organization issued by the Ministry of Cambodia on the condition that the Ministries and Agencies of Japan receive from the Ministry of Cambodia a full list of the Approved Sending Organizations;

(e) To require a letter of recommendation issued by the Ministry of Cambodia for the Skill Development Employee sent by the Approved Sending Organization;

(f) To make publicly available in Japan the information on the revocation of an approval of Approved Sending Organization which the Ministries and Agencies of Japan receive from the Ministry of Cambodia;

(g) To conduct administrative work relating to the license and the approval in line with the Criteria for the license of Supervising and Support Organizations described in Attachment 3 and with the Criteria for Accreditation of the ESD plan described in Attachment 4 in an appropriate manner;

(h) To take appropriate measures including revocation of license when a Supervising and Support Organization commits an act that falls under any of the items described in Attachment 5;

(i) To take appropriate measures including revocation of accreditation of the ESD plan when a case that falls under any of the items described in Attachment 6 arises;

(j) To require the ESD Implementing Organization or the Supervising and Support Organization to submit necessary documents regarding the Standards of Treatment of Skill Development Employees described in Attachment 7 and to take appropriate measures including revocation of the accreditation of the ESD plan in

the event that the actual treatment is found to differ from what is described in the submitted documents;

(k) To make it widely known that, under Cambodian laws and regulations, Skill Development Employees should obtain Overseas Cambodian Worker Card (hereinafter referred to as "OCWC");

(l) To investigate, instruct, and supervise relevant ESD Implementing Organization and to take appropriate action and communicate the results to the Ministry of Cambodia if the Ministries and Agencies of Japan are informed by the Ministry of Cambodia about the actual condition of ESD that is not in conformity with the Criteria for Accreditation described in the ESD Act or is different from the accredited ESD plan;

(m) To notify the Ministry of Cambodia of the administrative measures taken as well as their results if the Ministries and Agencies of Japan take administrative measures with an order of improvement, revoking the license, or issuing an order for suspension of operation against a Supervising and Support Organization, or administrative measures with an order of improvement or revoking accreditation of an ESD plan against an ESD Implementing Organization in line with Articles 15, 16, 36 or 37, including the case of violations of Article 46 to 49 of the ESD Act;

(n) To establish a system to provide necessary support for Skill Development Employees in order to respond to their requests, including support required when a Skill Development Employee requests to be transferred to another ESD Implementing Organization; and

(o) To provide necessary information when any of the Ministries and Agencies of Japan receives inquiries regarding ESDP from the Ministry of Cambodia.

4. Commitments by the Ministry of Cambodia

The Ministry of Cambodia, in line with the relevant laws and regulations of Cambodia, will carry out the following commitments with regard to sending Skill Development Employees:

(a) To prepare guidelines that detail the recruitment process and criteria for the selection and deployment of Skill Development Employees in close coordination with the Ministries and Agencies of Japan;

(b) To ensure that public authorities other than the Ministry of Cambodia do not make any recommendation on a sending organization's ability to properly coordinate the applications of a Cambodian national who intends to engage in ESD for the Supervising-organization-type ESD to Supervising and Support Organizations in

Japan (the recommendation stipulated in item 1, Article 20 of the ESD Act Ordinance);

(c) To examine whether or not a sending organization meets Approving Standards, and to give approval when considered appropriate;

(d) To make publicly available the names and other information of Approved Sending Organization in Cambodia when the Ministry of Cambodia gives the approval set out in 4(c) and to provide the Ministries and Agencies of Japan with information on the Approved Sending Organization in the form specified in Attachment 2. And until the Ministry of Cambodia provides the Ministries and Agencies of Japan with a full list of the Approved Sending Organizations, to issue a letter of recommendation to the Approved Sending Organizations which states that the Ministry of Cambodia considers appropriate to send Skill Development Employees to Japan;

(e) To issue a letter of recommendation for the Skill Development Employee sent by the Approved Sending Organization in case he/she is deemed appropriate;

(f) To take necessary measures that enable a Cambodian national who intends to engage in ESD to obtain official documents regarding his/her criminal records.

(g) To require Skill Development Employees to obtain OCWC issued by the Ministry of Cambodia;

(h) To make it widely known that, under Cambodian laws and regulations, Skill Development Employees should obtain OCWC;

(i) To conduct investigations over the Approved Sending Organization in question, to provide necessary guidance and supervision, and to report the results to the Ministries and Agencies of Japan if the Ministry of Cambodia is informed by the Ministries and Agencies of Japan that the Approved Sending Organization is considered to have carried out acts inconsistent with Approving Standards or other improper acts;

(j) To examine continuously whether or not Approved Sending Organizations meet Approving Standards and to provide guidance to them so that they select and send Skill Development Employees in an appropriate manner. In addition, to revoke an approval when the Ministry of Cambodia considers that an Approved Sending Organization no longer meets Approving Standards, and to notify the Ministries and Agencies of Japan of the reasons and results;

(k) To cooperate on follow-up surveys conducted by the Ministries and Agencies of Japan such as ones concerning the situation of utilization of acquired technical skills, etc. after the Skill Development Employees return to Cambodia, by, in particular, providing guidance to Approved Sending Organizations in order to obtain accurate feedback as much as possible from those former Skill Development Employees; and

(l) To provide the Ministries and Agencies of Japan with information required, when the Ministry of Cambodia receives inquiries from the Ministries and Agencies of Japan

pertaining to the guidance and supervision records exercised over Approved Sending Organization, records related to approval of sending organizations, etc.

5. Treatment of Skill Development Employees

Both sides reconfirm the following matters:

(a) An organization which intends to carry out ESD or a Supervising and Support Organization will explain working conditions in Japan to a Cambodian national who intends to engage in ESD in person or online in order that the national recognizes his/her working conditions sufficiently before he/she signs the employment contract;

(b) Skill Development Employees are applicable for Labor Standards Act, Industrial Safety and Health Act, Act on Equal Opportunity and Treatment between Men and Women in Employment, and other laws and regulations relating to labour, and they are protected during their work in Japan, just as Japanese workers are;

(c) The employers are not allowed to give disadvantageous treatments such as dismissal of workers by reason of pregnancy, childbirth, etc., under Act on Equal Opportunity and Treatment between Men and Women in Employment in Japan;

(d) It is inappropriate to include provisions regarding compulsory return to home country by reason of pregnancy, childbirth, etc., which might encourage disadvantageous treatment prohibited by Japanese laws and regulations, in the contract among Approved Sending Organizations and Skill Development Employees or Supervising and Support Organizations; and

(e) If Skill Development Employees and their spouses or children are not permitted to reside in Japan, the Ministry of Cambodia will make efforts to take necessary procedures together with the Embassy of Cambodia in Japan, such as the issuance of temporary passports, on request of the Ministries and Agencies of Japan, in order to ensure their smooth return to Cambodia.

6. Designation of Contact Points

Both sides will designate respectively contact points related to communications and coordination between both countries in order to effectively implement the activities under this MOC as follows:

(a) For Japan, the International Affairs Department of the ESD Organization (hereinafter referred to as “ESDO”) (Organization for Technical Intern Training as the contact point before the ESD Act comes into effect.). Except for an intent to modify or supplement this MOC and an intent to discontinue the cooperation under this MOC, which should be

addressed to the Residency Management Division, Residency Management and Support Department of Immigration Services Agency, the Ministry of Justice as well as the Office of the Counselor for Overseas Human Resources Development to the Director-General for Human Resources Development, the Ministry of Health, Labour and Welfare.

(b) For Cambodia, the Third Overseas Placement Bureau of the Department of Employment and Manpower of the General Department of Labour. The Bureau may delegate a part of the work related to this MOC to the Embassy of Cambodia in Japan.

7. Settlement of Issues

Both sides will consult with respect to the implementation of activities under this MOC or issues arising therefrom, including occurrences of Skill Development Employees' disappearances and deportations of illegally-staying Skill Development Employees, and will settle such issues amicably and in close cooperation through diplomatic channels as deemed appropriate, in cooperation with each country's relevant ministries and agencies.

8. Implementation within the Scope of Laws and Regulations

Cooperation under this MOC will be conducted within the scope of the laws and regulations in force in each country. Either side will not disclose confidential information obtained from the other side through cooperation and exchange of information within the framework of this MOC without a written notice.

9. Consultation

Representatives of both sides will consult from time to time, as necessary. Both sides will consult through written documents, annual meetings and diplomatic channels as deemed appropriate. ESDO and the Embassy of Cambodia in Japan will communicate as necessary concerning the implementation of the ESDP.

10. Temporary Suspension of Acceptance

If it is found that the Ministry of Cambodia has not properly implemented its commitments under 4 of this MOC and a resolution has not been reached through consultations under 7 of this MOC, the Ministries and Agencies of Japan may temporarily

suspend, by notifying in writing, the acceptance of the Skill Development Employees sent from Cambodia.

11. Temporary Suspension of Sending

If it is found that the Ministries and Agencies of Japan have not properly implemented its commitments under 3 of this MOC and a resolution has not been reached through consultations under 7 of this MOC, the Ministry of Cambodia may temporarily suspend, by notifying in writing, the sending of the Skill Development Employees to Japan.

12. Temporary Suspension of Accreditation of Employment for Skill Development Plan Due to Fulfillment of Expected Acceptance Quota

The Ministries and Agencies of Japan, in cooperation with the relevant ministries and agencies, will determine and announce the expected number of acceptance in each ESD Industrial Field, and basically treat that number as the upper limit of the number of acceptance of Skill Development Employees, including those from Cambodia. In case that the actual number of acceptance exceeds the expected number in a specific ESD Industrial Field, the Ministries and Agencies of Japan may temporarily suspend the accreditation of ESD plan for Skill Development Employees in that ESD Industrial Field in line with the provisions of the ESD Act. In this case, the Ministries and Agencies of Japan will notify the Ministry of Cambodia of temporary suspension in writing in advance, and will take an appropriate measure in line with the laws and regulations of Japan concerning immigration with regard to matters concerning the residency status of the Skill Development Employees, taking into consideration the status of the employment contract between the Skill Development Employee and their accepting organization, the state of implementation, and living conditions, etc.

13. Miscellaneous

(1) This MOC was signed in Tokyo on 20 October 2026 and in Phnom Penh on 19 November 2026 in two originals made in English. The cooperation under this MOC will commence on the latter date of signature. With the commencement of this MOC, the cooperation between both sides on the ESDP will be conducted under this MOC.
(2) The cooperation under this MOC will continue for a period of five years from the latter date of signature and will be extended automatically for additional five years

unless either side communicates to the other side the intent not to extend it in a written notice sixty days prior to the discontinuance date. In case either side intends to discontinue the cooperation based on this MOC before the end of the five-year period mentioned above, the cooperation may be discontinued by a written notice to the other side indicating such intent, not later than ninety days before the intended discontinuance date.

(3) The contents of this MOC may be modified or supplemented as necessary with written consent of both sides.

FOR THE MINISTRY OF JUSTICE OF JAPAN

FOR THE MINISTRY OF LABOUR AND VOCATIONAL TRAINING OF THE KINGDOM OF CAMBODIA

FOR THE MINISTRY OF FOREIGN AFFAIRS OF JAPAN

FOR THE MINISTRY OF HEALTH, LABOUR AND WELFARE OF JAPAN

FOR THE NATIONAL POLICE AGENCY OF JAPAN

Attachment 1

Standards for Approving Sending Organization in Cambodia

A Cambodia Approved Sending Organization must meet all of the following standards:

(1) To appropriately select and send to Japan only those who intend to engage in ESD with recognition of the objectives of the ESDP;

(2) When collecting fees and other expenses from a Skill Development Employee or a Cambodian national who intends to engage in ESD (hereinafter referred to collectively as Skill Development Employee and Candidate) or a Supervising and Support Organization in line with the laws and regulations of Cambodia, to clearly define the calculation standards and publish them on a website or elsewhere, and clearly explain the details of said fees and other expenses to the Skill Development Employee and Candidate and the Supervising and Support Organization so that they can fully understand them;

(3) To respond to requests from the Minister of Justice, the Minister of Health, Labour and Welfare, or ESDO regarding the proper implementation of the ESDP and the protection of Skill Development Employees. Such requests include follow-up surveys on the situation of utilization of acquired technical skills, and others, of those who have returned to Cambodia after finishing ESD;

(4) As for a sending organization and its board members, if they had been sentenced to imprisonment or more severe penalty in Japan or in Cambodia, at least five years have elapsed after the penalty had been completed or the penalty had been exempted from the execution;

(5) To carry out related business in line with the laws and regulations of Cambodia;

(6) As for a sending organization and its board members, to have never conducted any of the following acts within the preceding five years;

(a) In connection with ESD, the act of managing money or other property of the Skill Development Employee and Candidate, his/her spouse, lineal relatives or relatives living together, or any other person who has a close relationship in social life with the Skill Development Employee and

Candidate, regardless of any purpose such as collecting deposits and others;

(b) Finalizing any contracts that stipulate monetary penalties or that expect undue transfer of money or other properties, for the violation of the contracts in connection with ESD;

(c) Receiving expenses exceeding the amount of two months remuneration which is described in ESD plan from the Skill Development Employee and Candidate, his/her spouse, lineal relatives or relatives living together, or any other person who has a close relationship in social life with the Supervising-organization-type Skill Development Employee and Candidate;

(d) Infringing human rights against Skill Development Employee and Candidate such as assaults, intimidation, and restrictions of freedom*

(*including compulsory sending back to Cambodia by reason of pregnancy, childbirth, etc.);

(e) Using or providing a forged or altered document or drawing, or a false document or drawing, or putting an illegally created electronic or magnetic record into use for processing of matters of another person or using it with the intent of fraudulently obtaining permission, etc. in relation to procedures under the ESDP and procedures under the immigration control and residency management system in Japan;

(f) Providing money, goods, other economic benefits or entertainment or a treat beyond what is considered appropriate based on socially accepted standards, or offering or promising to do so to the ESD Implementing Organization or those who intend to conduct ESD, or the Supervising and Support Organization or those who intend to conduct supervising and support business; and

(g) Regarding Technical Intern Training and Technical Intern Trainees, acts listed in (a), (b), (d), and (e) of this item.

(7) To have never allowed the practice of brokers intervening in the recruitment of Skill Development Employee and Candidate or in the process of sending and accepting Skill Development Employees between sending organizations and Supervising and Support Organizations to collect fees and other expenses from Skill Development Employee and Candidate, or the practice of brokers paying bribes or fees to Supervising and Support Organizations;

(8) In coordinating applications for ESD to Supervising and Support Organizations, to confirm that Skill Development Employee and Candidate, their relatives or other persons concerned have never been involved in the acts set out in (a) and (b) of (6) of this item;

(9) Acknowledging the importance of addressing illegally-staying Skill Development Employees, to cooperate with Supervising and Support Organizations and to make efforts in order to prevent Skill Development Employees from illegally staying;

(10) To have other necessary capacities to appropriately coordinate applications for ESD to Supervising and Support Organizations; and

(11) To send the Cambodian national who intends to engage in ESD only after confirming that he/she has no certain criminal record* by an official document issued by Cambodia.

* No certain criminal record means that the following does not specifically apply:

- Has been sentenced to imprisonment or equivalent punishment for violating laws and regulations in Cambodia. (Except when ten years have elapsed since the day on which the execution of the sentence was completed or the sentence was commuted, or when the sentence was suspended or a measure equivalent thereto was obtained and the period of suspension or a period equivalent thereto has elapsed, when the qualification has been restored due to reinstatement of rights.)

Attachment 2
Date:

Outline of Approved Sending Organization

Name of Organization:_____.
Name of Representative:_____.
(Address)_____.
_____
TEL:_____.
E-mail :_____.
URL :_____.
Date of Approval (Duration):_____(Valid until:_____)
Contact Point in Japan
(Name) :_____ .
(Name of Representative (In the case of a company/organization)) :_____.
(Address) :_____.
_____.
(TEL) :_____:
(E-mail) :_____:

Attachment 3

Criteria for the License of Supervising and Support Organizations

Pursuant to the provisions provided for in Article 25 of the ESD Act, an organization must meet all of the following conditions in order to obtain the license of Supervising and Support Organizations. In addition, those whose license has been revoked due to an act provided for in Attachment 5 (including those whose supervisory license has been revoked under the Technical Intern Training Program) will not be permitted to obtain a license for a period of five years thereafter:

(1) To be a Japanese nonprofit corporation as provided for in Article 44 of the ESD Act Ordinance;

(2) To have sufficient capability to appropriately conduct the supervising and supporting business in line with the criteria as provided for in Article 45 of the ESD Act Ordinance;

(3) To possess a sufficient financial basis to soundly conduct the supervising and supporting business in line with the criteria as provided for in Article 46 of the ESD Act Ordinance;

(4) To have taken the necessary measures to properly manage personal information (information on an individual that can identify the specific individual) and to maintain the confidentiality of the ESD Implementing Organization of the Supervising-organization-type ESD, etc. and the Supervising-organization-type Skill Development Employees, etc.;

(5) To have an audit by inspectors or by persons responsible for auditing the business of the corporation, and to take measures to have an audit relating to the performance of duties pertaining to the supervising and supporting business by the board members in line with paragraph (1), Article 47 of the ESD Act Ordinance, conducted by a person who does not have a close relationship with the ESD Implementing Organization of Supervising-organization-type ESD as provided for in paragraph (2), Article 47 of the ESD Act Ordinance and has knowledge or experience that enables fair and proper execution of audits and thus satisfies the requirements as provided for in paragraph (3), Article 47 of the ESD Act Ordinance;

(6) In cases where an organization intends to receive job applications for Supervising-organization-type ESD from a person applying to become a Supervising-

organization-type Skill Development Employee through the mediation of an Approved Sending Organization in Cambodia, to have a contract with the Approved Sending Organization in Cambodia pertaining to such mediation; and

(7) In addition to the matters provided for in the items (1) to (6) above, to possess the capability to perform the supervising and supporting business appropriately.

Attachment 4

Criteria for Accreditation of the ESD Plan

Pursuant to the provisions provided for in Article 9, paragraph (1) of the ESD Act, an ESD plan must meet all of the following conditions in order to be accredited. In addition, those whose accreditation of ESD plan has been revoked due to an act provided for in Attachment 6 (including those whose accreditation of the Technical Intern Training plan has been revoked under the Technical Intern Training Program) will not be permitted to obtain an accreditation of ESD plan for a period of five years thereafter:

(1) The field in which the skills required for the work must be in the ESD Industrial Fields;

(2) The work to be engaged in, the skills required for the work, Japanese language proficiency, and other matters specified as the goal and content of the ESD must conform to the criteria provided for in Article 13 of the ESD Act Ordinance in line with the category of ESD;

(3) The period of the ESD will be a maximum of three years;

(4) The evaluation of the skills and Japanese language skill, which the Skill Development Employee has acquired, should be conducted as provided for in Article 14 of the ESD Act Ordinance before the completion of the ESD;

(5) The structure and the equipment of the place of business based on which the ESD is to be conducted must conform to the criteria provided for in Article 15 of the ESD Act Ordinance;

(6) A person responsible for implementation of the ESD has been appointed at each place of business as provided for in Article 16 of the ESD Act Ordinance;

(7) In cases of Individual-enterprise-type ESD, the system of audits concerning the implementation of Individual-enterprise-type ESD for the Individual-enterprise-type ESD Implementing Organization must conform to the criteria provided for in Article 17 of the ESD Act Ordinance;

(8) In cases of Supervising-organization-type ESD, an individual or a corporation in Japan who intends to conduct ESD (hereinafter referred to as “applicant”) will be supervised or supported by a Supervising and Support Organization from which it has received guidance on preparation of the ESDP;

(9) Treatment of the Skill Development Employees must conform to the criteria provided for in Article 18 of the ESD Act Ordinance;

(10) In cases where an applicant is to conduct ESD for multiple Skill Development Employees at the same time during the ESD period, such number of employees must conform to the criteria provided for in Article 19 of the ESD Act Ordinance; and

(11) In the case of a Skill Development Employee who has been intermediated by an Approved Sending Organization in a foreign country, the maximum expenses paid by the Skill Development Employee to the Approved Sending Organization must not exceed the amount of two months remuneration which is described in the ESD plan.

* In addition to the above, the ESD plan in the case where a Skill Development Employee works in the form of worker dispatch, or in the case where a Skill Development Employee transferred to another ESD Implementing Organization, must conform to the standards of Article 9, paragraph (2), Article 9-2 or Article 9-3 of the ESD Act.

Attachment 5

Revocation of the License of Supervising and Support Organizations

Pursuant to the provisions provided for in Article 37 of the ESD Act, the Minister of Justice and the Minister of Health, Labour and Welfare of Japan may revoke the license to supervise if a Supervising and Support Organization falls under any of the following cases:

(1) It is deemed that the Supervising and Support Organization no longer conforms to any of the items listed in paragraph (1), Article 25 of the ESD Act;
(2) The Supervising and Support Organization falls under one of the items listed in Article 26 of the ESD Act (excluding item (ii), item (iii), and item (v) (c) and (d));
(3) The Supervising and Support Organization has violated the conditions attached to the license to supervise pursuant to the provisions of paragraph (1), Article 30 of the ESD Act; and
(4) The Supervising and Support Organization has violated the provisions of the ESD Act or laws relating to immigration or labour that are provided for by a Cabinet Order, or an order or disposition based on these provisions.

* If the Supervising and Support Organization receives a give of money, objects, or other economic benefits or provided entertainment or a treat beyond what is considered appropriate based on socially accepted standards from the Approved Sending Organization, or requests to the Approved Sending Organization or accepts such offers, the license of the Supervising and Support Organization may be revoked.

In addition, if a Supervising and Support Organization receives any money that does not fall under the category of fees for supervision and support from any person related to ESD, including Approved Sending Organizations, the license may be revoked, and in line with the provisions of Article 111 of the ESD Act, the person may be punished with imprisonment for not more than 6 months or a fine of not more than 300,000 yen.

Attachment 6

Revocation of Accreditation of the ESD Plan

Pursuant to the provisions provided for in Article 16 of the ESD Act, the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare of Japan may revoke the accreditation of the ESD plan in following cases:

(1) In case that the ESD Implementing Organization is deemed to have not conducted the ESD in line with the accredited ESD plan;

(2) In case that the accredited ESD plan is not deemed to conform to any of the items of Article 9, paragraph (1) or (2), any of the items of Article 9-2, any of the items of Article 9-3 of the ESD Act;

(3) The ESD Implementing Organization has come to fall under one of the items of Article 10 of the ESD Act;

(4) The ESD Implementing Organization has omitted to give a report or to submit or present books or records pursuant to the provisions of paragraph (1), Article 13 of the ESD Act, has given a false report or submitted or presented false books or records, or has not given an answer or has given a false answer to questions pursuant to the provisions of the same paragraph, or refused, interfered with or evaded an inspection pursuant to the provisions of the same paragraph;

(5) The ESD Implementing Organization has made a false report or submitted or presented false books or records in response to a request from ESDO to make the report or submit or present books or records pursuant to the provisions of paragraph (1), Article 14 of the ESD Act, or has given a false answer to questions asked by ESDO's staff pursuant to the provisions of the same paragraph; and

(6) The ESD Implementing Organization has violated the order prescribed under the provisions of paragraph (1), Article 15 of the ESD Act.

* If the ESD Implementing Organization or the Supervising and Support Organization receives a give of money, goods, other economic benefits or entertainment or a treat beyond what is considered appropriate based on socially accepted standards from the Approved Sending Organization, or requests to the Approved Sending Organization or accepts such offers, the accreditation of ESD plan may be revoked.

In addition, in cases where a contract which provides for a penalty for non-fulfillment of a contract pertaining to the ESD or any other contract which provides for the undue transfer of money or other property is made among the Skill Development Employee, the Supervising and Support Organization, or the Approved Sending Organization in relation to the ESD conducted by Skill Development Employee and Candidate, the ESD plan may be revoked.

Attachment 7

Standards of Treatment of Skill Development Employees

The ESD Implementing Organization or the Supervising and Support Organization must conform to the following standards regarding treatment of Skill Development Employees:

(1) In cases of Supervising-organization-type ESD, to ensure that such employee will not be made to directly or indirectly pay for the expenses collected as fees for supervision and support pursuant to the provisions of paragraph (2), Article 28 of the ESD Act (applicable only to the Supervising-organization-type ESD Implementing Organization or the Supervising and Support Organization);

(2) With regard to the expenses to be paid regularly by the Skill Development Employee regardless of whether they are food expenses, accommodation expenses or other expenses, to have the Skill Development Employee sufficiently recognize the contents of the meals, accommodation facilities and other benefits to be provided in exchange for the expenses, to reach consensus with the employee about such conditions and to ensure that the amount of the expenses is equivalent to the actual expenses or is otherwise an appropriate amount; and

(3) To pay the travel expenses required for the employee's return to home country after the conclusion of the ESD (applicable only to the Individual-enterprise-type ESD Implementing Organization or the Supervising and Support Organization).