外国為替及び外国貿易法第２５条第１項及び第２項の

遵守のための特定類型該当性に関する誓約書

御中

年　月　日

住所

氏名

私は、貴院が「外国為替及び外国貿易法第２５条第１項及び外国為替令第１７条第２項から第４項までの規定に基づき許可を要する技術を提供する取引又は行為について」（平成４年１２月２１日付け４貿局第４９２号。以下「役務通達」という。）の１（３）サ①又は②に該当する居住者に対して技術の提供を行う場合は、外国為替及び外国貿易法第２５条第１項及び第２項に基づき経済産業大臣の許可が必要になる可能性があることを理解し、【貴社／貴法人】の法令遵守のため、役務通達の１（３）サ①又は②に該当するか否かについて、下記のとおり誓約いたします。

記

私は、

□　以下の①に該当します。
□　以下の②に該当します。
□　以下の①及び②に該当します。
□　以下のいずれにも該当しませんので、誓約は不要です。

① 外国法令に基づいて設立された法人その他の団体（その本邦内の支店、出張所その他の事務所を除く。以下「外国法人等」という。）又は外国の政府、外国の政府機関、外国の地方公共団体、外国の中央銀行若しくは外国の政党その他の政治団体（以下「外国政府等」という。）との間で雇用契約、委任契約、請負契約その他の契約を締結しており、当該契約に基づき当該外国法人等若しくは当該外国政府等の指揮命令に服する又は当該外国法人等若しくは当該外国政府等に対して善管注意義務を負う者（次に掲げる場合を除く。）

（イ）　当該者が本邦法人との間で雇用契約、委任契約、請負契約その他の契約を締結しており、当該契約に基づき当該本邦法人の指揮命令に服する又は当該本邦法人に対して善管注意義務を負う場合において、当該本邦法人又は当該者が、当該外国法人等又は当該外国政府等との間で、当該本邦法人による当該者に対する指揮命令又は当該本邦法人に対して当該者が負う善管注意義務が、当該外国法人等若しくは当該外国政府等による当該者に対する指揮命令又は当該外国法人等若しくは当該外国政府等に対して当該者が負う善管注意義務よりも優先すると合意している場合

（ロ）　当該者が本邦法人との間で雇用契約、委任契約、請負契約その他の契約を締結しており、当該契約に基づき当該本邦法人の指揮命令に服する又は当該本邦法人に対して善管注意義務を負う場合において、グループ外国法人等（当該本邦法人の議決権の５０％以上を直接若しくは間接に保有する外国法人等又は当該本邦法人により議決権の５

０％以上を直接若しくは間接に保有される外国法人等をいう。以下同じ。）との間で雇用契約、委任契約、請負契約その他の契約を締結しており、当該契約に基づき当該グループ外国法人等の指揮命令に服する又は当該グループ外国法人等に対して善管注意義務を負う場合

② 外国政府等から多額の金銭その他の重大な利益（金銭換算する場合に当該者の年間所得のうち２５％以上を占める金銭その他の利益をいう。）を得ている者又は得ることを約している者

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) to (4) 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.

(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 (except for its branch offices, local offices or other offices in Japan, 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.