

Government Policy Evaluations Act

(Act No. 86 of June 29, 2001)

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Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to promote the objective and rigorous implementation of policy evaluation and to reflect the results of this evaluation in the planning and development of policy, and to make information on policy evaluation public by providing for basic matters regarding policy evaluation carried out by administrative organs, with a view to promoting effective and efficient administration, and ensuring the government's proper discharge of its responsibility to remain accountable to the public for its operations.

(Definitions)

Article 2 (1) The term "Administrative Organ" as used in this Act means the following organs:

- (i) the Cabinet Office as the organization in charge of the business prescribed in Article 4, paragraph (3) of the Act for Establishment of the Cabinet Office (Act No. 89 of 1999) (excepting organs listed in the following item);
- (ii) the Imperial Household Agency and organs prescribed in Article 49, paragraph (1) of the Act for Establishment of the Cabinet Office (in the case of the National Public Safety Commission, excluding the National Police Agency) as organs in charge of the business prescribed in Article 4, paragraph (3) of the same Act and the National Police Agency;
- (iii) ministries (ministries as the organizations in charge of the administrative matters which ministers take charge of and manage pursuant to the provisions of Article 5, paragraph (1) of the National Government Organization Act (Act No. 120 of 1948); in the case of the Ministry of Internal Affairs and Communications, excluding the organ in the following item, and

in the case of the Ministry of the Environment, excluding the organ listed in item (v));

(iv) Environmental Disputes Coordination Commission;

(v) Nuclear Regulation Authority.

(2) The term "Policy" as used in this Act means the policies, measures and the like with respect to a set of activities planned and developed by an Administrative Organ to achieve a certain objective within the scope of its duties or affairs under the jurisdiction.

(Principles of Policy Evaluation)

Article 3 (1) An Administrative Organ must study and acquire information on the Effects of Policy (meaning the effect which a set of activities it carried out or intends to carry out has or is expected to have on the lives of people and/or society and the economy; the same applies hereinafter) under its jurisdiction at the appropriate time, and on the basis of such study, evaluate own Policy from the standpoints of necessity, efficiency, effectiveness, or other standpoints as special characteristics that the Policy may require, and appropriately reflect the results of such evaluation in the planning and development of the Policy.

(2) Evaluation pursuant to the provisions of the preceding paragraph (hereinafter referred to as "Policy Evaluation") must be carried out in accordance with what is expressed in the following to ensure objective and rigorous conduct of evaluation:

(i) the Effects of Policy are studied employing rational means properly suited to the special characteristics of the Policy using as quantitative a method as possible;

(ii) the findings of persons with relevant knowledge and experience are acquired and utilized in accordance with the special characteristics of the Policy.

(Handling of the Results of Policy Evaluation)

Article 4 The government must, beyond what is listed in the preceding Article, paragraph (1), strive to appropriately utilize the results of Policy Evaluation for the preparation of budgets and the planning and development of policies relating to the jurisdiction of two or more Administrative Organs and requiring their comprehensive promotion.

Chapter II Basic Guidelines for Implementing Policy Evaluation

Article 5 (1) The government must establish Basic Guidelines for implementing Policy Evaluation (hereinafter referred to as "Basic Guidelines") for the systematic and steady implementation of Policy Evaluation.

- (2) The Basic Guidelines prescribe guidelines for the basic plan under the next Article, paragraph (1) covering the following matters:
- (i) basic policy on the conduct of Policy Evaluation;
 - (ii) basic matters related to the standpoints of Policy Evaluation;
 - (iii) basic matters related to studying and acquiring information on the Effects of Policy;
 - (iv) basic matters related to the conduct of Ex-ante Evaluation (meaning Policy Evaluation conducted prior to making decisions on the Policy; the same applies hereinafter);
 - (v) basic matters related to the conduct of Ex-post Evaluation (meaning Policy Evaluation conducted after making decisions on the Policy; the same applies hereinafter);
 - (vi) basic matters related to the acquisition and utilization of findings of persons with relevant knowledge and experience;
 - (vii) basic matters related to reflecting the results of Policy Evaluation in Policy planning and development;
 - (viii) basic matters related to publication about information related to Policy Evaluation via the Internet and other means;
 - (ix) other important matters related to Policy Evaluation.
- (3) The Basic Guidelines prescribe beyond the matters prescribed in the preceding paragraph, matters related to measures that have been implemented or are going to be implemented pursuant to the provisions of Article 20 to Article 22, and other measures required for the smooth and steady implementation of Policy Evaluation.
- (4) The Minister of Internal Affairs and Communications must prepare a draft of the Basic Guidelines after asking for the opinions of a council, etc. (meaning one of the organs prescribed in Article 8 of the National Government Organization Act and to be determined by Cabinet Order), and request the decision of the Cabinet.
- (5) When the decision of the Cabinet under the preceding paragraph, the Minister of Internal Affairs and Communications must make public the Basic Guidelines without delay.
- (6) The provisions of the preceding two paragraphs apply mutatis mutandis to the revision of the Basic Guidelines.

Chapter III Policy Evaluation by Administrative Organs

(Basic Plan)

Article 6 (1) The Head of an Administrative Organ (when the organ is the Fair Trade Commission, National Public Safety Commission, Personal Information Protection Commission, Environmental Dispute Coordination Commission or

Nuclear Regulation Authority, it is the respective commission or authority; the same applies hereinafter) must draw up a basic plan for Policy Evaluation (hereinafter referred to as "Basic Plan") based on the Basic Guidelines for a term longer than three years but not longer than five years for policies under the jurisdiction of the Administrative Organ.

- (2) The basic plan prescribes the following matters:
 - (i) planning period
 - (ii) principle on the conduct of Policy Evaluation;
 - (iii) matters related to the standpoints of Policy Evaluation;
 - (iv) matters related to studying and acquiring information on the Effects of Policy
 - (v) matters related to the conduct of Ex-ante Evaluation;
 - (vi) matters related to the conduct of Ex-post Evaluation, including policies to be subjected to evaluation during the planning period;
 - (vii) matters related to acquisition and utilization of findings of persons with relevant knowledge and experience
 - (viii) matters related to reflecting the results of Policy Evaluation in Policy planning and development;
 - (ix) matters related to publication about information related to Policy Evaluation via the Internet and other means;
 - (x) matters related to the organizational framework of implementing Policy Evaluation within the organ;
 - (xi) other matters necessary for the conduct of Policy Evaluation.
- (3) The Head of an Administrative Organ prescribes as the policies pursuant to the provisions of the preceding paragraph, item (vi), those that serve as principal organizational objectives to be realized in response to social and economic circumstances, under its organizational missions.
- (4) When the Head of an Administrative Organ has decided on the basic plan, the Head must notify the Minister of Internal Affairs and Communications of the plan and make it public without delay.
- (5) The provisions of the preceding two paragraphs apply mutatis mutandis to the revision of the basic plan.

(Plan for the Conduct of Ex-post Evaluation)

- Article 7 (1) The Head of an Administrative Organ must decide on the plan for the conduct of Ex-post Evaluation (hereinafter referred to as "Operational Plan") for each year.
- (2) The Operational Plan must specify the planning period, policies to be subjected to evaluation as defined below and specific methods to be applied to the Ex-post Evaluation of the policies.
 - (i) policies set forth in the preceding Article, paragraph (2), item (vi), and

- intended to be subjected to Ex-post Evaluation within the planning period;
- (ii) policies which fall under any of the following categories during the planning period:
 - (a) those with respect to which the activity essential for achievement of the intended effects has not been initiated for a period of more than 5 years but not longer than 10 years and to be specified by Cabinet Order in accordance with the special characteristics of the Policy from the taking of decisions on the Policy;
 - (b) those with respect to which the effect the Policy is intended to attain has not been achieved when a period equal to the period specified by the Cabinet Order prescribed in (a) added to a period of longer than 5 years but not longer than 10 years and to be specified by Cabinet Order in accordance with the characteristics of the Policy has elapsed.
 - (iii) policies listed in the preceding two items and intended to be subjected to Ex-post Evaluation during the planning period.
- (3) When the Head of an Administrative Organ has decided on the Operational Plan, or revised it, they must notify the Minister of Internal Affairs and Communications of that plan and make it public without delay.

(Conduct of Ex-post Evaluation)

Article 8 The Head of an Administrative Organ must carry out the Ex-post Evaluation based on the basic plan and the Operational Plan.

(Conduct of Ex-ante Evaluation)

Article 9 The Head of an Administrative Organ must carry out the Ex-ante Evaluation about affairs under their jurisdiction when they intend to make a decision on Policy pertaining to an individual project of research and development, public works, or official development assistance, or any other Policy that meets the following conditions, and to be specified by Cabinet Order.

- (i) it is expected that an administrative act pursuant to the Policy has a considerable impact on the lives of people and/or society and the economy, or a large amount of expense will be incurred before the aims of the Policy are achieved;
- (ii) it is established knowledge that the method for acquiring information on the Effects of Policy and other methodology required for the conduct of Ex-ante Evaluation have been developed.

(Evaluation Report)

Article 10 (1) When the Head of an Administrative Organ has conducted the Policy Evaluation, they must prepare a report containing the following items:

- (i) the Policy subjected to Policy Evaluation

- (ii) the department or organization that carried out Policy Evaluation and the period that Policy Evaluation was carried out for;
 - (iii) standpoints adopted of Policy Evaluation;
 - (iv) method employed and results of studying and acquiring information on the Effects of Policy
 - (v) matters related to acquisition and utilization of findings of persons with relevant knowledge and experience;
 - (vi) matters related to materials and other information used in the course of conducting Policy Evaluation
 - (vii) results of Policy Evaluation.
- (2) When the Head of an Administrative Organ has prepared a report on the evaluation pursuant to the provisions of the preceding paragraph, the Head must promptly forward the report to the Minister of Internal Affairs and Communications and make the report and its summary public.

(Notification and Publication of Reflection of Evaluation Results in Policy Planning and Development)

Article 11 The Head of an Administrative Organ must inform the Minister of Internal Affairs and Communications of how the results of Policy Evaluation have been reflected in the Policy planning and development in the Administrative Organ, and make such information public at least once a year.

Chapter IV Evaluation of Policy by the Ministry of Internal Affairs and Communications

(Evaluation by the Ministry of Internal Affairs and Communications)

Article 12 (1) The Ministry of Internal Affairs and Communications carries out evaluation of a government Policy with a view to ensuring its coherent and/or comprehensive implementation with regard to a Policy that is commonly adopted by two or more Administrative Organs and its evaluation is deemed necessary for the purpose of ensuring their government-wide coherence, or a Policy of relating to jurisdiction of two or more Administrative Organs and its evaluation is deemed necessary for the purpose of its comprehensive promotion.

(2) When the Ministry of Internal Affairs and Communications finds, taking into account the conduct and progress of Policy Evaluation of an Administrative Organ, that the conduct of Policy Evaluation is not assured by the Administrative Organ despite the Ministry's findings that the re-conduct of evaluation is necessary or that Policy Evaluation needs to be conducted in response to changes in the social and economic conditions, or that when it finds it necessary to carry out Policy Evaluation jointly with an Administrative Organ upon request of the Administrative Organ, it conducts evaluation of the

Policy of the Administrative Organ for the purpose of ensuring objective and rigorous implementation of Policy Evaluation in the government.

- (3) The evaluation under the provisions of the preceding two paragraphs is conducted by studying and acquiring information on the Effects of Policy to be subjected to evaluation, and from the standpoints of its necessity, efficiency, effectiveness or other standpoints as the special characteristics of the Policy may require.

(Plan on Evaluation by the Ministry of Internal Affairs and Communications)

Article 13 (1) The Minister of Internal Affairs and Communications must draw up each year a plan related to the evaluation under the provisions of the preceding Article, paragraphs (1) and (2) for a term of three years.

- (2) The plan set forth in the preceding paragraph must prescribe the following matters:

- (i) basic policy on the conduct of evaluation under the provisions of the preceding Article, paragraphs (1) and (2);
- (ii) policies to be subjected to the evaluation under the provisions of the preceding Article, paragraph (1) during the planning;
- (iii) policies to be subjected to the evaluation under the provisions of the preceding Article, paragraph (1) in the first year;
- (iv) other important matters related to the evaluation under the provisions of the preceding Article, paragraphs (1) and (2).

- (3) When the Minister of Internal Affairs and Communications has decided on or revised the plan set forth in paragraph (1), the Minister must make it public without delay.

Article 14 The Ministry of Internal Affairs and Communications must carry out evaluation of the Policy under the provisions of Article 12, paragraphs (1) and (2), in accordance with the plan set forth in the preceding Article, paragraph (1).

(Demand for Submission of Materials and Investigation)

Article 15 (1) The Minister of Internal Affairs and Communications may call on the Head of an Administrative Organ for the submission of materials as well as explanations, or may inspect operations of an Administrative Organ on the spot to the extent that it is necessary to conduct evaluation under the provisions of Article 12, paragraphs (1) and (2)

- (2) The Minister of Internal Affairs and Communications may investigate the following operations, through inspecting documents or making on-the-spot inspection, in connection with the evaluation under the provisions of Article 12, paragraphs (1) and (2). In this case, those subjected to investigation may not

refuse it.

- (i) operations of Incorporated Administrative Agencies (i.e. Incorporated Administrative Agencies prescribed in Article 2, paragraph (1) of the Act on General Rules of Incorporated Administrative Agencies (Act No. 103 of 1999));
 - (ii) operations of the corporations established directly by law, or the corporations required by an individual law to be established by a special procedure (except the corporations to which the provisions of Article 4, paragraph (1), item (ix) of the Act for Establishment of the Ministry of Internal Affairs and Communications (Act No. 91 of 1999) do not apply);
 - (iii) operations of corporations established by an individual law and for which the establishment requires approval of administrative authorities (limited to those more than half of whose capital is funded by the State and performing operations pertaining to assistance of the State);
 - (iv) operations pertaining to delegation or assistance of the State.
- (3) The Minister of Internal Affairs and Communications may investigate through inspecting documents or making on-the-spot inspection of operations of local public entities, provided that such operations fall within No. 1 legal entrusted operations prescribed in Article 2, paragraph (9), item (i) of the Local Autonomy Act (Act No. 67 of 1947) (limited to those which are required to be studied as an integral part of investigation of the operation of an Administrative Organ and excluding those listed in item (iv) of the preceding paragraph), to the minimum extent necessary for the attainment of objectives of the evaluation under the provisions of Article 12, paragraphs (1) and (2). In this case, the Minister of Internal Affairs and Communications asks the local public entities concerned for their opinions in advance.
- (4) The Minister of Internal Affairs and Communications may ask public or private organizations as well as other persons concerned to cooperate in submitting materials as the Minister may deem necessary for the conduct of evaluation under the provisions of Article 12, paragraphs (1) and (2).

(Evaluation Report)

- Article 16 (1) The Minister of Internal Affairs and Communications must prepare a report on the evaluation containing the provisions listed in each of the items in Article 10, paragraph (1), when the Minister has conducted the evaluation under the provisions of Article 12, paragraphs (1) and (2).
- (2) When the Minister of Internal Affairs and Communications has prepared a report on the evaluation pursuant to the provisions of the preceding paragraph, the Minister must promptly forward the report to heads of related Administrative Organs with necessary opinions attached, and make the report, its summary and the opinions public.

(Recommendations)

Article 17 (1) The Minister of Internal Affairs and Communications must recommend that heads of related Administrative Organs take necessary measures to reflect the results of the evaluation in Policy planning and development when the Minister finds it necessary as a result of the evaluation under the provisions of Article 12, paragraphs (1) and (2), and must make the recommendations public.

(2) When the Minister of Internal Affairs and Communications makes recommendations under the provisions of the preceding paragraph, the Minister may ask the heads of Administrative Organs to report on measures taken pursuant to the recommendations.

(3) The Minister of Internal Affairs and Communications, when finding it particularly necessary, offers an opinion for the Prime Minister to take necessary measures under the provisions of Article 6 of the Cabinet Act (Act No. 5 of 1947), with regard to reflecting the results of the evaluation under the provisions of Article 12, paragraphs (1) and (2) in the Policy planning and development.

(Ensuring a Link Between Policy Evaluation and Evaluation and Inspection)

Article 18 When the Minister of Internal Affairs and Communications carries out the evaluation under the provisions of Article 12, paragraphs (1) and (2), the Minister must strive to ensure that appropriate links be maintained between the evaluation and inspection conducted under the provisions of Article 4, paragraph (1), item (xii) of Act for Establishment of the Ministry of Internal Affairs and Communications.

Chapter V Miscellaneous Provisions

(Reporting to the Diet)

Article 19 The Government must prepare each year a report on the status of Policy Evaluation and the evaluation under the provisions of Article 12, paragraphs (1) and (2) (hereinafter referred to as "Policy Evaluation, etc.") and on how the results of such evaluation have been reflected in Policy planning and development, submit the report to the Diet and make it public.

(Promoting Studies on Methods of Policy Evaluation)

Article 20 The Government must promote studies on methods of Policy Evaluation, etc., and take necessary measures, including training, to ensure the acquisition of capable personnel as Policy Evaluation staff and the enhancement of staff capabilities.

(Utilization of Information related to Policy Evaluation)

Article 21 The Minister of Internal Affairs and Communications takes necessary measures in relation to the sharing of information and data required for the conduct of Policy Evaluation, etc., among Administrative Organs to facilitate the efficient and smooth implementation of Policy Evaluation, etc.

(Provision of Guidance on Information Location)

Article 22 The Minister of Internal Affairs and Communications takes the necessary measures to provide guidance on the location of information related to Policy Evaluation, etc., including the results of Policy Evaluation, to assist those persons wishing to obtain such information.

Supplementary Provisions [Extract]

(Date of Enforcement)

Article 1 This Act comes into force as of April 1, 2002; provided, however, that the provisions of Article 5 come into force as of the date specified by Cabinet Order within a period not exceeding six months from the day of promulgation.

(Review)

Article 2 The Government reviews the status of enforcement of this Act when three years have elapsed from the date of its enforcement, and takes any necessary measures based upon the results of such review.

(Transitional Measures for Operational Plan for Ex-post Evaluation)

Article 3 Regarding application of the provisions of Article 7, paragraph (1) to the Operational Plan established by the National Public Safety Commission, the Director of the Financial Services Agency or the Director of the National Police Agency for the first time after the Act comes into force, the term "for each year" in the paragraph is deemed to be replaced with "for a planning period not exceeding one year and specified by the National Public Safety Commission, the Director of the Financial Services Agency or the Director of the National Police Agency".

(Transitional Measures for the Operational Plan for Ex-post Evaluation)

Article 4 The provisions of Article 7, paragraph (2) (limited to the part pertaining to item (ii)) also apply to Policy on which the decisions have been made before enforcement of the Act but pertaining to which the period prescribed in (a) or (b) of the item has elapsed after the date on which the Act came into force.

Supplementary Provisions [Act No. 23 of April 9, 2003] [Extract]

(Date of Enforcement)

Article 1 This Act comes into force as of the day of promulgation.

Article 3 Beyond the matters prescribed in the preceding Article, necessary transitional measures concerning the enforcement of this Act are specified by Cabinet Order.

Supplementary Provisions [Act No. 47 of June 27, 2012] [Extract]

(Date of Enforcement)

Article 1 This Act comes into effect on the day specified by Cabinet Order within three months from the date of promulgation.

Supplementary Provisions [Act No. 28 of May 31, 2013] [Extract]

This Act comes into effect on the date of enforcement of the Act on the Use of Numbers to Identify a Specific Individual in the Administrative Procedure; provided, however, that the provisions listed in the following items come into effect as of the dates prescribed in the respective items.

(ii) the provisions of Article 3, Article 28, Article 29 (limited to the provisions revising Article 12 of the Act on Use of Information and Communications Technology in Administrative Procedure), and Article 44 (excluding the provisions adding one item after Article 4, paragraph (3), item (xli) of the Act for Establishment of the Cabinet Office): The day of enforcement of the provisions set forth in Article 1, item (ii) of the Supplementary Provisions of the Act on the Use of Numbers to Identify a Specific Individual in the Administrative Procedure.

Supplementary Provisions [Act No. 65 of September 9, 2015] [Extract]

(Date of Enforcement)

Article 1 This Act comes into effect as of the day specified by Cabinet Order within two years from the date of promulgation; provided, however, that the provisions listed in the following items come into effect as of the dates prescribed in the respective items.

(ii) The provisions of Article 1, and Article 4, and the provisions of Article 5, Article 6, Article 7, paragraph (1) and (3), Article 8, Article 9, Article 13, Article 22, Articles 25 to Article 27, Article 30, Article 32, Article 34, and

Article 37 of the Supplementary Provisions: January 1, 2016

Supplementary Provisions [Act No. 66 of September 11, 2015] [Extract]

(Date of Enforcement)

Article 1 This Act comes into effect as of April 1, 2016.