

National Government Organization Act (Tentative translation)

(Act No. 120 of July 10, 1948)

(Purpose)

Article 1 The purpose of this Act is to provide for the standards for the organization of the administrative organs under the control and jurisdiction of the Cabinet other than the Cabinet Office and the Digital Agency (hereinafter referred to as the "administrative organs of the State"), thereby arranging the organization of national government which is necessary for the efficient performance of the administrative matters of the State.

(Structure of the Organization)

Article 2 (1) The organization of national government must be, under the control and jurisdiction of the Cabinet and together with the organization of the Cabinet Office and the Digital Agency, structured systematically by all of the administrative organs that have duties and a well-defined scope of affairs under the jurisdiction that is necessary for accomplishing such duties.

(2) The administrative organs of the State must, under the control and jurisdiction of the Cabinet, carry out self-evaluation, plan and draft their own policies and achieve mutual coordination and liaison among the administrative organs of the State in respect of their policies so that they may demonstrate their administrative functions as one body. The same applies to coordination and liaison of their policies with the Cabinet Office and the Digital Agency.

(Establishment, Abolition, Duties and Affairs under Jurisdiction of Administrative Organs)

Article 3 (1) The organization of the administrative organs of the State is prescribed by this Act.

(2) The administrative organs of the State to be established for the organization of the government are ministries, commissions and agencies, and the establishment and abolition thereof is prescribed separately by law.

(3) A ministry is to be established as an organ that takes charge of administrative matters which a minister takes charge of and manages pursuant to the provisions of Article 5, paragraph (1) and administrative matters which the minister takes control of pursuant to the provisions of paragraph (2) of the relevant Article under the control and jurisdiction of the Cabinet, and a commission and an agency are to be established under a ministry as its external organs.

(4) The organs to be established as administrative organs of the State as set forth in paragraph (2) are those listed in the appended table 1.

Article 4 The duties of the administrative organs of the State and the scope of the affairs under jurisdiction that are necessary for accomplishing such duties as set forth in the preceding Article are prescribed separately by law.

(Heads of Administrative Organs)

Article 5 (1) The head of a ministry shall be a minister who takes charge of and manages the relevant administrative matters as the competent minister referred to in the Cabinet Act (Act No. 5 of 1947).

(2) A minister takes charge of and manages administrative matters pursuant to the provisions of the preceding paragraph, and takes control of the affairs concerning planning, drafting and overall coordination as necessary for achieving uniformity of measures of administrative branches with respect to a specific important policy of the Cabinet related to the duties of the ministry pertaining to the administrative matters which the minister takes charge of and manages, and based on a basic policy decided by the Cabinet with respect to the important policy.

(3) A minister is appointed by the Prime Minister from among the Ministers of State; provided, however, that this does not preclude the Prime Minister from assuming such a position.

Article 6 The head of a commission is a chairperson, and the head of an agency is a director-general.

(Internal Bureaus and Departments)

Article 7 (1) A ministry establishes a secretariat and bureaus in order to accomplish the affairs under its jurisdiction.

(2) The secretariat and bureaus set forth in the preceding paragraph may, when particularly necessary, establish departments.

(3) An agency may establish a secretariat and departments in order to accomplish the affairs under its jurisdiction.

(4) The establishment of secretariats, bureaus and departments and the scope of the affairs under their jurisdiction are specified by Cabinet Order.

(5) An agency, secretariat, bureau, and department (excluding those which are set forth in appended table 2 as agency whose affairs under jurisdiction mainly pertain to the implementation of policies (hereinafter referred to as an "implementing agency") and a secretariat and departments to be established in an implementing agency) may establish divisions and offices equivalent thereto, and the establishment and the scope of the affairs under the jurisdiction of

such organs are specified by Cabinet Order.

- (6) An implementing agency and a secretariat and departments to be established in the implementing agency may, within the limits of the number specified by Cabinet Order, establish divisions and offices equivalent thereto, and the establishment and the scope of the affairs under the jurisdiction of such organs are specified by Ministerial Order.
- (7) A commission may establish an executive office as provided by law. The provisions of paragraphs (3) to (5) apply mutatis mutandis to the internal organization of an executive office.
- (8) A commission may, when particularly necessary, establish a general executive office as provided by law.

(Councils)

Article 8 An administrative organ of the State as set forth in Article 3 may, within the scope of the affairs under jurisdiction as prescribed by law, establish an organ having a council system for taking charge of the study and deliberation of important matters, administrative review or other affairs that are considered appropriate to be processed through consultation among persons with relevant expertise, as provided by law or Cabinet Order.

(Organs such as Facilities)

Article 8-2 An administrative organ of the State as set forth in Article 3 may, within the scope of the affairs under jurisdiction as prescribed by law, establish test and research laboratories, inspection and certification institutes, educational and training facilities (including organs and facilities similar thereto), medical and rehabilitation facilities, reformatory detention facilities, and work facilities, as provided by law or Cabinet Order.

(Extraordinary Organs)

Article 8-3 An administrative organ of the State as set forth in Article 3 may, when particularly necessary, establish extraordinary organs in addition to those organs that are prescribed in the preceding two Articles, within the scope of the affairs under jurisdiction as prescribed by law, as provided by law.

(Local Branch Bureaus and Departments)

Article 9 An administrative organ of the State as set forth in Article 3 may, in cases where it is necessary to allot affairs under its jurisdiction, establish local branch bureaus and departments, as prescribed by law.

(Authority of Heads of Administrative Organs)

Article 10 A minister, the chairperson of a commission or the director-general of

an agency superintends the affairs of the ministry, the commission or the agency, and supervises the public service offered by their employees.

Article 11 A minister, when they find it necessary to establish, revise or abolish any law or Cabinet Order in respect of administrative matters under their charge, must submit a proposal together with a draft to the Prime Minister and ask for a Cabinet meeting therefor.

Article 12 (1) A minister may, in order to enforce law or Cabinet Order in respect of administrative matters under their charge, or on the basis of a special delegation under law or Cabinet Order, issue Ministerial Order as an order from the ministry.

(2) The head of an external organ may, in respect of the affairs under the jurisdiction of the external organ, submit a proposal for the issuance of Ministerial Order together with a draft thereof to the competent minister.

(3) Without delegation by law, no penal provisions or any provisions that impose obligations on or restrict the rights of citizens may be established in Ministerial Orders.

Article 13 (1) A commission or the director-general of an agency may, as separately prescribed by law, issue by itself rules and any other special orders other than Cabinet Orders and Ministerial Orders.

(2) The provisions of paragraph (3) of the preceding Article apply mutatis mutandis to an order set forth in the preceding paragraph.

Article 14 (1) A minister, a commission or the director-general of an agency may, in respect of the affairs under the jurisdiction of the ministry, the commission or the agency, issue a public notification in the case where it is necessary to issue a public notice.

(2) A minister, a commission or the director-general of an agency may, for the purpose of giving an order or direction in respect of the affairs under the jurisdiction of the ministry, the commission or the agency, issue an instruction or a circular notice to the competent organs and their personnel.

Article 15 A minister, a commission or the director-general of an agency may, when they find it necessary to achieve mutual coordination with administrative organs in respect of policies to accomplish the duties of the ministry, the commission or the agency (in the case of the ministry, limited to the duties pertaining to the administrative matters which the minister takes charge of and manages as the competent minister), seek the submission of and explanation about the necessary materials from the heads of the relevant

administrative organs by clarifying such necessity and state their opinion with respect to the policies of those relevant administrative organs.

- Article 15-2 (1) When a minister finds it necessary in order to accomplish the affairs prescribed in Article 5, paragraph (2), the minister may seek the submission of and explanation about the necessary materials from the heads of the relevant administrative organs.
- (2) When a minister finds it particularly necessary in order to accomplish the affairs prescribed in Article 5, paragraph (2), the minister may give a recommendation to the heads of the relevant administrative organs.
- (3) When a minister has given a recommendation to the heads of the relevant administrative organs pursuant to the provisions of the preceding paragraph, the minister may require the heads of the relevant administrative organs to make a report of the measures taken based on the recommendation.
- (4) When a minister finds it particularly necessary regarding the matters the minister recommended pursuant to the provisions of paragraph (2), the minister may state an opinion to the Prime Minister to propose that measures under the provisions of Article 6 of Cabinet Act will be taken for these matters.

(Senior Vice-Ministers)

- Article 16 (1) Each ministry establishes senior vice-ministers.
- (2) The fixed number of senior vice-ministers is as prescribed respectively in the column of the fixed number of senior vice-ministers in the appended table 3.
- (3) A senior vice-minister takes charge of policies and planning and deals with state affairs by the order of the minister who is the head of the ministry concerned, and by receiving the order of the minister who is the head of such ministry in advance, performs the duties of the minister in the absence of that minister.
- (4) In a ministry where two senior vice-ministers are established, the scope of duties and the order in which to act for the minister as set forth in the preceding paragraph to be carried out by each senior vice-minister is as specified by the minister who is the head of the ministry concerned.
- (5) Appointment and dismissal of a senior vice-minister are effected by the Cabinet based on a proposal made by the minister who is the head of the ministry concerned and certified by the Emperor.
- (6) The senior vice-ministers, in the case of the general resignation of the Cabinet, lose their positions at the same time as the Prime Minister and all other Ministers of State lose their positions.

(Parliamentary Secretaries)

- Article 17 (1) Each ministry establishes parliamentary secretaries.

- (2) The fixed number of parliamentary secretaries is as prescribed respectively in the column of the fixed number of parliamentary secretaries in the appended table 3.
- (3) A parliamentary secretary assists the minister who is the head of the ministry concerned, participates in specified policies and planning, and deals with state affairs.
- (4) The scope of the duties set forth in the preceding paragraph to be carried out by each parliamentary secretary is as specified by the minister who is the head of the ministry concerned.
- (5) Appointment and dismissal of a parliamentary secretary are effected by the Cabinet based on a proposal made by the minister who is the head of the ministry concerned.
- (6) The provisions of paragraph (6) of the preceding Article apply mutatis mutandis to parliamentary secretaries.

(Special Advisors to the Minister)

Article 17-2 (1) When particularly necessary, each ministry may have one special advisor to the minister.

- (2) A special advisor to the minister, as ordered by the minister who is the head of the ministry concerned, assists the minister who is the head of the ministry concerned in the planning, drafting, and state affairs performed by the minister who is the head of the ministry concerned with respect to a specific policy.
- (3) Appointment and dismissal of a special advisor to the minister are effected by the Cabinet based on a proposal made by the minister who is the head of the ministry concerned.
- (4) A special advisor to the minister may serve on a part-time basis.
- (5) The provisions of Article 96, paragraph (1), Article 98, paragraph (1), Article 99, and Article 100, paragraphs (1) and (2) of the National Public Service Act (Act No. 120 of 1947) apply mutatis mutandis to the public service offered by a special advisor to the minister.
- (6) A special advisor to the minister who serves on a full-time basis, while in office, must not engage in other jobs with remuneration, engage in business for profit, or engage in other business for pecuniary profit, unless the special advisor to the minister is authorized by the minister who is the head of the ministry concerned.

(Administrative Vice-Ministers and Deputy Directors-General of Agencies)

Article 18 (1) Each ministry establishes one administrative vice-minister.

- (2) An administrative vice-minister assists the minister who is the head of the ministry concerned, coordinates the affairs of the ministry, and supervises the

affairs of the relevant bureaus, departments and organs.

- (3) Each agency when particularly necessary, establishes deputy directors-general as being the positions that assist the director-general and coordinate the affairs of the agency, and the establishment of those positions and the fixed number thereof are specified by Cabinet Order.
- (4) A ministry or an agency may, when particularly necessary, establish positions that collectively coordinate part of the affairs under its jurisdiction, and the establishment, the duties and the fixed number of such positions are specified by law (Cabinet Order in the case of an Agency).

(Private Secretaries)

Article 19 (1) Each ministry establishes private secretaries.

- (2) The fixed number of private secretaries is specified by Cabinet Order.
- (3) A private secretary takes charge of the affairs concerning confidential matters by order of the minister of the ministry concerned or assists in the affairs of the relevant bureaus and departments by temporary order of the minister.

(Positions that Take Charge of Affairs not under the Jurisdiction of the Secretariat and Bureaus)

Article 20 (1) A ministry may, when particularly necessary, establish positions, which are equivalent to those of directors-general, that have jurisdiction over affairs not under the jurisdiction of the secretariat and bureaus for the efficient performance of those affairs, and the establishment, the duties and the fixed number of such positions are specified by Cabinet Order.

- (2) An agency may, when particularly necessary, establish positions, which are equivalent to those of directors-general of departments, that have jurisdiction over affairs not under the jurisdiction of the secretariat and departments for the efficient performance of those affairs, and the establishment, the duties and the fixed number of such positions are specified by Cabinet Order.
- (3) A ministry and an agency (excluding an implementing agency) may, when particularly necessary, establish positions, which are equivalent to those of directors of divisions, that assist in the carrying out of the whole or part of the duties taken charge by those in the positions set forth in the preceding two paragraphs, and the establishment, the duties and the fixed number of such positions are specified by Cabinet Order.
- (4) An implementing agency may, when particularly necessary, establish positions, which are equivalent to those of directors of divisions, that assist in the carrying out of the whole or part of the duties taken charge by those in the positions set forth in paragraph (2) within the limits of the number specified by Cabinet Order, and the establishment, the duties and the fixed number of such positions are specified by Ministerial Order.

(Positions in Internal Bureaus and Departments)

- Article 21 (1) The executive office of a commission, a bureau, a department, a division and an office equivalent to a division respectively establishes the director of the executive office, the director-general of the bureau, the director-general of the department, the director of the division and the director of the office.
- (2) A secretariat may establish a head, and the establishment and the duties thereof are specified by Cabinet Order.
- (3) A bureau, a department or the executive office of a commission may establish deputy directors, and the establishment, the duties and the fixed number thereof are specified by Cabinet Order.
- (4) A secretariat, a bureau or a department (excluding a secretariat or department established in an implementing agency) or the executive office of a commission may establish positions that coordinate part of the affairs under its jurisdiction or that have jurisdiction over affairs not under the jurisdiction of the divisions (including offices equivalent to divisions), which are equivalent to those of directors of divisions, for the efficient performance of such affairs, and the establishment, the duties and the fixed number of such positions are specified by Cabinet Order. The same applies to the case where an agency (excluding an Implementing Agency) that does not have a secretariat or departments establishes positions corresponding to those positions.
- (5) The secretariat or departments established in an implementing agency may, within the limits of the number specified by Cabinet Order, establish positions, that collectively coordinate part of the affairs under its jurisdiction or that have jurisdiction over affairs not under the jurisdiction of the divisions (including offices equivalent to the divisions) , which are equivalent to directors of divisions, for the efficient performance of such affairs, and the establishment, the duties and the fixed number of such positions are specified by Cabinet Order. The same applies to the case where an implementing agency that does not have a secretariat or departments establishes positions corresponding to those positions.

Article 22 Deleted

(Number of Secretariats and Bureaus)

Article 23 The number of secretariats and bureaus to be established under the provisions of Article 7, paragraph (1), together with the number of secretariats and bureaus to be established under the provisions of Article 17, paragraph (1) of the Act for Establishment of the Cabinet Office (Act No. 89 of 1999), are 97 or less.

Article 24 Deleted

(Reports to the Diet)

- Article 25 (1) When the government has newly established, revised or abolished any organization established by Cabinet Order pursuant to the provisions of Article 7, paragraph (4) (including as applied mutatis mutandis pursuant to paragraph (7) of the same Article), Article 8, Article 8-2, Article 18, paragraph (3) or paragraph (4), Article 20, paragraph (1) or paragraph (2) or Article 21, paragraph (2) or paragraph (3) or any other major organization equivalent thereto, it must report such situation to the next session of the Diet.
- (2) The government publicly notifies a list of organization of the administrative organs of the State in an official gazette at least once a year.

Supplementary Provisions

Article 26 This Act comes into effect as of June 1, 1949; provided, however that the provisions of Article 27 come into effect as of the date of promulgation.

Article 27 Unless otherwise provided for, Cabinet Order prescribes details necessary for the enforcement of this Act.

Appended Table 1 (Re: Article 3)

Ministry	Commission	Agency
Ministry of Internal Affairs and Communications	Environmental Disputes Coordination Commission	Fire and Disaster Management Agency
Ministry of Justice	Public Security Examination Commission	Immigration Services Agency Public Security Intelligence Agency
Ministry of Foreign Affairs		
Ministry of Finance		National Tax Agency
Ministry of Education, Culture, Sports, Science and Technology		Japan Sports Agency Agency for Cultural Affairs
Ministry of Health, Labour and Welfare	Central Labour Relations Commission	
Ministry of Agriculture, Forestry and Fisheries		Forestry Agency

		Fisheries Agency
Ministry of Economy, Trade and Industry		Agency for Natural Resources and Energy Japan Patent Office Small and Medium Enterprise Agency
Ministry of Land, Infrastructure, Transport and Tourism	Japan Transport Safety Board	Japan Tourism Agency Japan Meteorological Agency Japan Coast Guard
Ministry of the Environment	Nuclear Regulation Authority	
Ministry of Defense		Acquisition, Technology & Logistics Agency

Appended Table 2 (Re: Article 7)

Public Security Intelligence Agency National Tax Agency Japan Patent Office Japan Meteorological Agency Japan Coast Guard

Appended Table 3 (Re: Article 16 and 17)

Ministry	Fixed number of Senior Vice-Ministers	Fixed number of Parliamentary Secretaries
Ministry of Internal Affairs and Communications	2 persons	3 persons
Ministry of Justice	1 person	1 person
Ministry of Foreign Affairs	2 persons	3 persons
Ministry of Finance	2 persons	2 persons
Ministry of Education, Culture, Sports, Science and Technology	2 persons	2 persons
Ministry of Health, Labour and Welfare	2 persons	2 persons
Ministry of Agriculture, Forestry and Fisheries	2 persons	2 persons
Ministry of Economy, Trade and Industry	2 persons	2 persons
Ministry of Land, Infrastructure, Transport and Tourism	2 persons	3 persons
Ministry of the Environment	2 persons	2 persons

Ministry of Defense	1 person	2 persons
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