

Outline of the PFI Act (Act on Promotion of Private Finance Initiative (Act No. 117 of 1999))

Purpose (Article 1)

To improve the social infrastructure efficiently and effectively and to ensure affordable and good services are provided to the people by taking measures to promote the provision, etc. of public facilities, etc., utilizing private finance, management abilities, and technical capabilities, thereby contributing to the sound development of national economy.

Target Facilities (Public Facilities, etc.) (Article 2)

- Public facilities (roads, railways, ports and harbors, airports, rivers, parks, etc.)
- Official facilities (government buildings, housing, etc.)
- Rental housing and public interest facilities (educational and cultural facilities, sports facilities, meeting facilities, waste treatment facilities, medical facilities, social welfare facilities, parking, etc.)
- Information and communications facilities, heat supply facilities, research facilities, etc.
- Vessels, aircraft, artificial satellites, etc.

Administrators, etc. of Public Facilities (Article 2)

- Heads of each ministry and national agency (including the Chairperson of the House of Representatives, the Chairperson of the House of Councilors, the Chief Justice of the Supreme Court, and the President of the Board of Audit)
- Heads of Local Governments
- Independent administrative agencies, corporations having a special status, and other public corporations

Basic policy (Article 4)

Basic policy for the implementation of specified projects (Cabinet decision)

Implementation of a project

Formulation and publication of the implementation policy (Article 5)

Proposals by private business operators (Article 6)

Selection of a specified project (Article 7)

*VFM evaluation (Article 11, paragraph (1))

Selection of a private business operator (Article 8)

*A comprehensive evaluation method is the principle (Article 11, paragraph (2))

Implementation of selected project (Article 14)

The right to operate the public facility, etc. system (Article 16)

A system in which the administrator, etc. of the public facility, etc. retains ownership of public facilities that collect usage fees, while the private business operator is given the operating rights.

Administrators, etc. of public facilities, etc.

An appointed business operator-

Support measures, etc.

- One-stop service system (Article 15-2)
- Debt incurred by the national government: 5 years → 30 years (Article 68)
- Leasing Public Property (Article 69, Article 70)
National and local government property (land, buildings, etc.) can be leased for use in PFI projects.
- Free use of public and national Assets (Article 71)
Public and national assets may be used free of charge, or at a low price for PFI business
- Retirement dispatch system for public employees (Article 78, Article 79)
A system in which public employees with specialized knowledge concerning the operation of public facilities resign and are dispatched to operators of public facilities
- Special provisions of the Local Autonomy Act for cases in which the holder of the right to operate a public facility, etc. serves concurrently as the designated administrator (Article 23, paragraph (3), Article 26, paragraph (5))
Reduces the complexity of procedures when using the right to operate the public facility, etc. system and the designated administrator system concurrently
- Exemption from compensation payments concerning the advanced redemption of the funds of the former Trust Fund Bureau in the water supply and sewerage business (Supplementary Provisions of Article 4), etc.

Private Finance Initiative Promotion Corporation of Japan (Articles 31 through 67)

Provides loans and investments for the provision, etc. of public facilities, etc. which collect usage fees as their own income

Council for the Promotion of PFI (Article 83)

Chairperson: the Prime Minister Committee members: the Ministers of State
Preparation of drafts of the basic policy and coordination between relevant administrative organs

Committee for the Promotion of PFI (Article 85)

Committee members: 9 individuals with relevant expertise appointed by the Prime Minister
Deliberation on basic policy, and study and deliberation on the status of implementation of PFI projects

PFI法の概要

(民間資金等の活用による公共施設等の整備等の促進に関する法律(平成11年法律第117号))

目的(第1条)

民間の資金、経営能力及び技術的能力を活用して公共施設等の整備等の促進を図るための措置を講ずること等により、効率的かつ効果的に社会資本を整備するとともに、国民に対する低廉かつ良好なサービスの提供を確保し、もって国民経済の健全な発展に寄与する

対象施設(公共施設等)(第2条)

- 公共施設(道路、鉄道、港湾、空港、河川、公園等)
- 公用施設(庁舎、宿舍等)
- 賃貸住宅及び公益的施設(教育文化施設、スポーツ施設、集会施設、廃棄物処理施設、医療施設、社会福祉施設、駐車場等)
- 情報通信施設、熱供給施設、研究施設等
- 船舶、航空機、人工衛星等

公共施設等の管理者等(第2条)

- 各省各庁の長(衆議院議長、参議院議長、最高裁判所長官、会計検査院長含む)
- 地方公共団体の長
- 独立行政法人、特殊法人その他の公共法人

基本方針(第4条)

特定事業の実施に関する基本的な方針(閣議決定)

事業の実施

実施方針の策定・公表(第5条)

特定事業の選定(第7条)

※VFM評価(第11条第1項)

民間事業者の選定(第8条)

※総合評価方式が原則(第11条第2項)

選定事業の実施(第14条)

公共施設等運営権方式(第16条)

利用料金の徴収を行う公共施設等について、施設の所有権を公共施設等の管理者等が有したまま、運営権を民間事業者を設定する方式

民間事業者
による提案
(第6条)

支援措置等

- ワンストップ窓口制度(第15条の2)
- 国の債務負担5年→30年(第68条)
- 行政財産の貸付け(第69条、第70条)
PFI事業に供するため、国・地方の行政財産(土地・建物等)の貸付けが可能
- 国公有財産の無償使用等(第71条)
PFI事業に供するため、国公有財産の無償・低廉な対価での使用が可能
- 公務員の退職派遣制度(第78条、第79条)
公共施設等の運営等に関する専門的ノウハウ等を有する公務員を公共施設等運営権者に退職派遣させる制度
- 公共施設等運営権者が指定管理者を兼ねる場合における地方自治法の特例(第23条第3項、第26条第5項)
公共施設等運営権制度と指定管理者制度を併用する場合の事務の煩雑さを軽減
- 上下水道事業におけるに係る旧資金運用部資金等の繰上償還に係る補償金の免除(附則第4条) 等

株式会社民間資金等活用事業推進機構(第31条～第67条)

利用料金を自らの収入として徴収する公共施設等の整備等に対して出融資等を実施

PFI推進会議(第83条)

会長:内閣総理大臣 委員:国務大臣
基本方針の案の作成、関係行政機関相互の調整

PFI推進委員会(第85条)

委員:学識経験者から内閣総理大臣が任命(9名)
基本方針の審議、PFIの実施状況の調査審議