

This English translation of Government Policy Evaluations Act has been translated (through the revisions of Act No. 23 of 2003(Effective April 9,2003) ) in compliance with the Standard Bilingual Dictionary (March 2006 edition).

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## Government Policy Evaluations Act (Act No. 86 of 2001)

### Chapter 1 General Provisions

#### Article 1 (Purpose)

It is the purpose of this Act 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 publicize information on Policy Evaluation 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.

#### Article 2 (Definition)

(1) The term “Administrative Organ” as used in this Act shall mean the following organs:

- (i) Cabinet Office as the organization in charge of the business prescribed in Article 4, paragraph 3 of Act for Establishment of the Cabinet Office (Act No. 89 of 1999) (excepting organs listed in the following item)
- (ii) Imperial Household Agency and organs prescribed in Article 49, paragraph 1 of Act for Establishment of the Cabinet Office (for National Public Safety Commission, except National Police Agency) and National Police Agency
- (iii) Ministries (for the Ministry of Internal Affairs and Communications, excepting the organs listed in the following item)
- (iv) Environmental Disputes Coordination Commission

(2) The term “Policy” used in this Act shall mean 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 its duties or affairs under the jurisdiction.

**Article 3** (Principles of Policy Evaluation)

- (1) An Administrative Organ shall study and acquire information on the Effects of Policy (i.e. 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 shall apply 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 of the said Policy may require, and appropriately reflect results of such evaluation in the planning and development of the said Policy.
- (2) Evaluation pursuant to the provisions of the preceding paragraph (hereinafter referred to as “Policy Evaluation”) shall 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 shall be 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 shall be acquired and utilized in accordance with the special characteristics of the Policy.

**Article 4** (Use made of the results of Policy Evaluation)

The Government shall, in addition to what is listed in the preceding Article, paragraph 1, endeavor to appropriately utilize the results of Policy Evaluation for the preparation of budgets and the planning and development of policies relating to jurisdiction of two or more Administrative Organs and requiring their comprehensive promotion.

**Chapter 2 Basic Guidelines for implementing Policy Evaluation**

**Article 5**

- (1) The Government shall 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 shall 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<sup>\*1</sup> (defined as Policy Evaluation conducted prior to taking decisions on the Policy; the same shall apply hereinafter)
  - (v) Basic matters related to the conduct of Ex-post Evaluation<sup>\*1</sup> (defined as Policy Evaluation conducted after taking decisions on the Policy; the same shall apply 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 shall stipulate in addition to 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 shall prepare a draft of the Basic Guidelines after asking The Opinions of A Council, etc. (one of the organs prescribed in Article 8 of the National Government Organization Act (Act No. 120 of 1948) and to be determined by Cabinet Order), and request the decision of the Cabinet.
- (5) When the decision of the Cabinet prescribed in the preceding paragraph is made, the Minister of Internal Affairs and Communications shall publicize the Basic Guidelines without delay.
- (6) The provisions of the preceding two paragraphs shall apply mutatis mutandis to the revision of the Basic Guidelines.

### **Chapter 3 Policy Evaluation by Administrative Organs**

#### **Article 6** (Basic plan)

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\*1 The translations of the Japanese legal term "事前評価" is "assessment in advance", and "事後評価" is "post facto assessment" in the Standard Bilingual Dictionary (March 2006 edition). However, since we shall standardize the translations of the legal term "評価" to "evaluation", "事前評価" shall be translated as "ex-ante evaluation", and "事後評価" shall be translated as "ex-post evaluation".

- (1) The Head of An Administrative Organ (when the organ is National Public Safety Commission, Fair Trade Commission or Environmental Dispute Coordination Commission, it is such commission) shall draw up based upon the Basic Guidelines a basic plan for Policy Evaluation (hereinafter referred to as the “basic plan”) for a term of longer than three years but not longer than five years for policies under the jurisdiction of the said Administrative Organ.
- (2) The basic plan shall prescribe 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 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 shall prescribe as the policies pursuant to the provision of preceding paragraph, item 6, 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, he/she shall notify the Minister of Internal Affairs and Communications of the plan and publicize it without delay.
- (5) The provisions of the preceding two paragraphs shall apply mutatis mutandis to the revision of the basic plan.

**Article 7** (Plan for the conduct of Ex-post Evaluation)

- (1) The Head of An Administrative Organ shall decide on the plan for the conduct of Ex-post Evaluation (hereinafter referred to as “Operational Plan”) for each year.
- (2) The Operational Plan shall stipulate 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 said policies.
  - ( i ) Policies set forth in the preceding Article, paragraph 2, item 6, 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, he/she shall notify the Minister of Internal Affairs and Communications of that plan and publicize it without delay.

**Article 8** (Conduct of Ex-post Evaluation)

An Administrative Organ shall carry out the Ex-post Evaluation based on the basic plan and the Operational Plan.

**Article 9** (Conduct of Ex-ante Evaluation)

An Administrative Organ shall carry out the Ex-ante Evaluation about affairs under their jurisdiction when they intend to take a decision on Policy pertaining to 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 administrative act pursuant to the Policy has considerable impact on the lives of people and/or society and the economy, or a large amount of expense is incurred before the aims of the said Policy are achieved.
- (ii) It is an 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.

**Article 10** (Evaluation report, etc.)

- (1) When The Head of An Administrative Organ has conducted the Policy Evaluation, he/she shall prepare a report containing the following items:
- (i) The Policy subjected to evaluation

- (ii) The department or organization that carried out the evaluation and the period that evaluation was carried out for
  - (iii) Standpoints adopted of the 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 the evaluation
  - (vii) Results of the evaluation
- (2) When The Head of An Administrative Organ has prepared a report on the evaluation pursuant to the provision of the preceding paragraph, he/she shall promptly forward the report to the Minister of Internal Affairs and Communications and publicize the report and its summary.

**Article 11** (Notification and publication of reflection of evaluation results in Policy planning and development)

The Head of An Administrative Organ shall inform the Minister of Internal Affairs and Communications of how the results of evaluation have been reflected in the Policy planning and development in the said Administrative Organ, and make such information public at least once a year.

#### **Chapter 4 Evaluation of Policy by the Ministry of Internal Affairs and Communications**

**Article 12** (Evaluation by the Ministry of Internal Affairs and Communications)

- (1) The Ministry of Internal Affairs and Communications shall carry 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 the 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 said 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 said Administrative Organ, it shall conduct evaluation of the Policy of the said Administrative Organ for the purpose of ensuring objective and rigorous implementation of Policy Evaluation in the government.

- (3) The evaluation pursuant to provisions of the preceding two paragraphs shall be 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 said Policy may require.

**Article 13** (Plan on evaluation by the Ministry of Internal Affairs and Communications)

- (1) The Minister of Internal Affairs and Communications shall draw up each year the plan related to the evaluation pursuant to the provisions of preceding Article, paragraph 1 and 2 for a term of three years.
- (2) The plan set forth in the preceding paragraph shall stipulate the following matters:
  - ( i ) Basic Policy on the conduct of evaluation pursuant to the provisions of preceding Article, paragraph 1 and 2
  - ( ii ) Policies to be subjected to the evaluation pursuant to the provisions of preceding Article, paragraph 1 during the planning
  - ( iii ) Policies to be subjected to the evaluation pursuant to the provisions of preceding Article, paragraph 1 in the first year
  - ( iv ) Other important matters related to the evaluation pursuant to the provisions of preceding Article, paragraph 1 and 2
- (3) When the Minister of Internal Affairs and Communications has decided on or revised the plan set forth in the paragraph 1, he/she shall publicize it without delay.

**Article 14**

The Ministry of Internal Affairs and Communications shall carry out evaluation of the Policy pursuant to the provisions of Article 12, paragraphs 1 and 2, in accordance with the plan set forth in the preceding Article, paragraph 1.

**Article 15** (Demand for submission of materials and investigation, etc.)

- (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 pursuant to 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 pursuant to the provisions of Article 12, paragraphs 1 and 2. In this case, those subjected to investigation shall 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 legal persons established directly by act, or the legal persons required by individual act to be established by a special procedure (except the legal persons to whom the provisions of Article 4, paragraph 15 of Act for Establishment of the Ministry of Internal Affairs and Communications (Act No. 91 of 1999) do not apply)
  - ( iii ) Operations of legal persons established by individual act and establishment of which 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 4 of the preceding paragraph), to the minimum extent necessary for the attainment of objectives of the evaluation pursuant to the provisions of Article 12, paragraphs 1 and 2. In this case, the Minister of Internal Affairs and Communications shall ask in advance the opinions of the local public entities concerned.
- (4) The Minister of Internal Affairs and Communications may ask public or private organizations as well as other persons concerned for cooperation in submitting materials as he/she may deem it necessary for the conduct of evaluation pursuant to the provisions of Article 12, paragraphs 1 and 2.

**Article 16** (Evaluation report, etc.)

- (1) The Minister of Internal Affairs and Communications shall prepare a report on the evaluation containing the provisions listed in each items in Article 10, paragraph 1, when he/she has conducted the evaluation pursuant to 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 provision of the preceding paragraph,

the Minister shall promptly forward the report to heads of related Administrative Organs with necessary opinions attached, and publicize the report, its summary and the opinions.

**Article 17** (Recommendation, etc.)

- (1) The Minister of Internal Affairs and Communications shall recommend that heads of related Administrative Organs take necessary measures to reflect the results of the said evaluation in Policy planning and development when he/she find it necessary as a result of the evaluation pursuant to the provisions of Article 12, paragraphs 1 and 2, and shall publicize the said recommendations.
- (2) When the Minister of Internal Affairs and Communications makes recommendations pursuant to the provisions of preceding paragraph, he/she 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 he/she finds it is particularly necessary, shall offer an opinion for the Prime Minister to take necessary measures pursuant to the provision of Article 6 of the Cabinet Act (Act No. 5 of 1947), with regard to reflecting results of the evaluation pursuant to the provisions of Article 12, paragraphs 1 and 2 in the Policy planning and development.

**Article 18** (Ensuring linkage between Policy Evaluation and evaluation and inspection)

When the Minister of Internal Affairs and Communications carries out the evaluation pursuant to the provisions of Article 12, paragraphs 1 and 2, he/she shall endeavor to ensure that appropriate links be maintained between the evaluation and inspection conducted pursuant to the provisions of Article 4, paragraph 18 of Act for Establishment of the Ministry of Internal Affairs and Communications.

**Chapter 5 Miscellaneous provisions**

**Article 19** (Report to the Diet)

The Government shall prepare each year a report on the status of Policy Evaluation and the evaluation pursuant to 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 publicize it.

**Article 20** (Promoting, etc. studies on methods of Policy Evaluation, etc.)

The Government shall promote studies on methods of Policy Evaluation, etc., and

take necessary measures, including training to ensure the acquisition of capable personnel as Policy Evaluation staffs and the enhancement of staff capabilities.

**Article 21** (Utilization of information related to Policy Evaluation, etc.)

The Minister of Internal Affairs and Communications shall take necessary measures in relation to 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.

**Article 22** (Provision of guidance on information location)

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

**Supplementary provisions**(Extract)

**Article 1** (Date of enforcement)

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

**Article 2** (Review)

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

**Article 3** (Transitional measures for Operational Plan for Ex-post Evaluation)

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 as, the term “for each year” in the paragraph shall be deemed to be replaced with “for a planning period of 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”.

**Article 4** (Transitional measures for the Operational Plan for Ex-post Evaluation)

The provisions of Article 7, paragraph 2 (limited to the part pertaining to item 2) shall be also applied to the Policy on which the decisions have been taken before

enforcement of the Act but 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 2003)(Extract)**

**Article 1** (Date of enforcement)

This Act shall come into force as from the day of promulgation.

**Article 3**

In addition to the matters prescribed in the preceding Article, necessary transitional measures concerning the enforcement of this Act shall be specified by Cabinet Order.