

## Appendix 5

# NATIONAL GOVERNMENT ORGANIZATION ACT

(Act No. 120 of 1948, as Amended)

### Article 1 (Purpose)

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 (hereinafter referred to as the "Administrative Organ(s) of the State"), thereby arranging the organization of national government which is necessary for the efficient performance of the administrative matters of the State.

### Article 2 (Structure of the Organization)

- (1) The organization of national government shall be, under the control and jurisdiction of the Cabinet and together with the organization of the Cabinet Office, 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 shall, 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 shall apply to coordination and liaison of their policies with the Cabinet Office.

### Article 3 (Establishment, Abolition, Duties and Affairs under Jurisdiction of Administrative Organs)

- (1) The organization of the Administrative Organs of the State shall be prescribed by this Act.
- (2) The Administrative Organs of the State to be established for the organization of the government shall be ministries, commissions and agencies, and the establishment and abolition thereof shall be prescribed separately by an Act.
- (3) A ministry shall be established as an organ that takes charge of administrative matters which are taken charge of and managed by a minister pursuant to the provisions of Article 5, paragraph (1) and which are administered by a minister pursuant to the provisions of Article 5, paragraph (2) under the control and jurisdiction of the Cabinet, and a commission and an agency shall 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 shall be those listed in 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 shall be prescribed separately by an Act.

### Article 5 (Heads of Administrative Organs)

- (1) The head of a ministry shall be a minister, and shall take charge of and manage the relevant administrative matters as the competent minister referred to in the Cabinet Act (Act No. 5 of 1947).
- (2) A minister shall take charge of and manage the relevant administrative matters pursuant to the provisions of the preceding paragraph and he/she shall administer the matters related to planning and drafting particular policy and general coordination that are necessary for unifying policy of an administrative department on the basis of the basic policy decided in a cabinet meeting about such an important policy about a specified important policy of the Cabinet which are related to the duties of the ministry which are related to taking charge of and managing the relevant administrative matters .

- (3) A minister shall be appointed by the Prime Minister from among the Ministers of State; provided, however, that this shall not preclude the Prime Minister from assuming such a position himself/herself.

#### **Article 6**

The head of a commission shall be a chairperson, and the head of an agency shall be a director-general.

#### **Article 7 (Internal Bureaus and Departments)**

- (1) A ministry shall establish 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 shall be specified by a Cabinet Order.
- (5) An agency, secretariat, bureau, and department (excluding one which is set forth in appended table 2 as an 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 shall be specified by a 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 a Cabinet Order, establish divisions and offices equivalent thereto, and the establishment and the scope of the affairs under the jurisdiction of such organs shall be specified by a Cabinet Order.
- (7) A commission may establish an executive office pursuant to the provisions of an Act. The provisions of paragraphs 3 to 5 inclusive shall apply mutatis mutandis to the internal organization of an executive office.
- (8) A commission may, when particularly necessary, establish a general executive office pursuant to the provisions of an Act.

#### **Article 8 (Councils, etc.)**

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

#### **Article 8-2 (Organs such as Facilities)**

An Administrative Organ of the State as set forth in Article 3 may, within the scope of the affairs under jurisdiction as prescribed by an Act, establish test and research laboratories, inspection and certification institutes, educational and training facilities (including organs and facilities similar thereto), medical and rehabilitation facilities, reformatory and internment facilities, and work facilities, pursuant to the provisions of an Act or a Cabinet Order.

#### **Article 8-3 (Extraordinary Organs)**

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 an Act, pursuant to the provisions of an Act.

**Article 9 (Local Branch Bureaus and Departments)**

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, pursuant to the provisions of an Act.

**Article 10 (Authority of Heads of Administrative Organs)**

A minister, the chairperson of a commission or the director-general of an agency shall superintend the affairs of the ministry, the commission or the agency, and supervise the public service offered by their officials.

**Article 11**

A minister shall, when he/she finds it necessary to establish, revise or abolish any Act or Cabinet Order in respect of administrative matters under his/her charge, 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 an Act or a Cabinet Order in respect of administrative matters under his/her charge, or on the basis of a special delegation under an Act or a Cabinet Order, issue a Ministerial Ordinance 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 a Ministerial Ordinance together with a draft thereof to the competent minister.
- (3) Without delegation by an Act, no penal provisions or any provisions that impose obligations on or restrict the rights of citizens may be established in a Ministerial Ordinance.

**Article 13**

- (1) A commission or the director-general of an agency may, as separately prescribed by an Act, issue by itself rules and any other special orders other than a Cabinet Order and a Ministerial Ordinance.
- (2) The provisions of paragraph 3 of the preceding Article shall 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 officials.

**Article 15**

A minister, a commission or the director-general of an agency may, when he/she finds it necessary to achieve mutual coordination with limited to administrative matters which are taken charge of and are managed as the competent minister in the case of a ministry, administrative organs in respect of policies to accomplish the duties of the ministry, the commission or the agency, seek the submission of and explanation about the necessary materials from the heads of the relevant administrative organs by clarifying such necessity and state his/her opinion with respect to the policies of such relevant administrative organs.

#### **Article 15-2**

- (1) A minister may seek the submission of and explanation about the necessary materials from the heads of the relevant administrative organs if he/she finds it necessary in order to carry out the affairs provided for Article 5, paragraph(2)
- (2) A minister may make recommendations to the heads of the relevant administrative organs if he/she finds it particularly necessary in order to carry out the affairs provided for Article 5, paragraph(2)
- (3) If the minister makes recommendations to the heads of the relevant administrative organs pursuant to the provisions of the preceding paragraph, he/she may request reports from the heads of the relevant administrative organs with regard to the measures taken based on its recommendations.
- (4) If the minister makes recommendations pursuant to the provisions of paragraph (2) and finds it particularly necessary, he/she may offer his/her opinions to the Prime Minister to propose that the measures under the provisions of Article 6 of the Cabinet Act (Act No. 5 of 1947) be taken with regard to the matters for which he/she has made the recommendations.

#### **Article 16 (State Ministers)**

- (1) Each ministry shall establish State Ministers.
- (2) The fixed number of State Ministers shall be as prescribed respectively in the column of the fixed number of State Ministers in appended table 3.
- (3) A State Minister shall take charge of policies and planning and deal 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, perform the duties of the minister in the absence of said minister.
- (4) In a ministry where two State 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 State Minister shall be as specified by the minister who is the head of the ministry concerned.
- (5) Appointment or dismissal of a State Minister shall be effected by the Cabinet based on a proposal made by the minister who is the head of the ministry concerned and the Emperor will certify it.
- (6) The State Ministers shall, 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.

#### **Article 17 (Parliamentary Vice-Ministers)**

- (1) Each ministry shall establish Parliamentary Vice-Ministers.
- (2) The fixed number of Parliamentary Vice-Ministers shall be as prescribed respectively in the column of the fixed number of Parliamentary Vice-Ministers in appended table 3.
- (3) A parliamentary secretary shall assist the minister who is the head of the ministry concerned, participate in specified policies and planning, and deal with state affairs.
- (4) The scope of the duties set forth in the preceding paragraph to be carried out by each Parliamentary Vice-Minister shall be as specified by the minister who is the head of the ministry concerned.
- (5) Appointment or dismissal of a Parliamentary Vice-Minister shall be 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 shall apply mutatis mutandis to Parliamentary Vice-Ministers.

#### **Article 17-2 (Special Advisor to the Minister)**

- (1) A ministry shall, when particularly necessary, establish a Special Advisor to the Minister.
- (2) The Special Advisor to the Minister assist the minister who is the head of the ministry in respect of planning and drafting particular policy and dealing with particular state affairs which are made by the minister who is the head of the ministry by the order of the minister who is the head of the ministry concerned.
- (3) Appointment or dismissal of a special advisor to the minister shall be effected by the Cabinet based

on a proposal made by the minister who is the head of the ministry concerned.

- (4) The special advisor to the minister can serve on a part-time basis.
- (5) The provisions of Article 96-1, 98-1, 99, 100-1 and 100-2 of the National Public Service Act ((Act No. 120 of 1947) apply mutatis mutandis to the special advisor to the minister offered by his official.
- (6) While in office, a full-time special advisor to the minister must not engage in any other service for remuneration, operate a business for profit, or carry out any other operations for monetary profit, except when the Officer obtains the approval of the minister who is the head of the ministry .

**Article 18 (Administrative Vice-Ministers and Deputy Directors-General, etc. of Agencies)**

- (1) Each ministry shall establish one administrative vice-minister.
- (2) An administrative vice-minister shall assist the minister who is the head of the ministry concerned, coordinate the affairs of the ministry, and supervise the affairs of the relevant bureaus, departments and organs.
- (3) Each agency shall, when particularly necessary, establish deputy directors-general as being the positions that assist the director-general and coordinate the affairs of the agency, and the establishment of such positions and the fixed number thereof shall be specified by a 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 shall be specified by an Act (a Cabinet Order in the case of an Agency).

**Article 19 (Private Secretaries)**

- (1) Each ministry shall establish private secretaries.
- (2) The fixed number of private secretaries shall be specified by a Cabinet Order.
- (3) A private secretary shall take charge of the affairs concerning confidential matters by order of the minister of the ministry concerned or assist in the affairs of the relevant bureaus and departments by temporary order of the minister.

**Article 20 (Positions that Take Charge of Affairs not under the Jurisdiction of the Secretariat and Bureaus, etc.)**

- (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 such affairs, and the establishment, the duties and the fixed number of such positions shall be specified by a 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 such affairs, and the establishment, the duties and the fixed number of such positions shall be specified by a 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 undertaken by those in the positions set forth in the preceding two paragraphs, and the establishment, the duties and the fixed number of such positions shall be specified by a 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 undertaken by those in the positions set forth in paragraph 2 within the limits of the number specified by a Cabinet Order, and the establishment, the duties and the fixed number of such positions shall be specified by a Ministerial Ordinance.

**Article 21 (Positions in Internal Bureaus and Departments)**

- (1) The executive office of a commission, a bureau, a department, a division and an office equivalent

to a division shall respectively establish 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 shall be specified by a 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 shall be specified by a 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, which are equivalent to those of directors of divisions, 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) for the efficient performance of such affairs, and the establishment, the duties and the fixed number of such positions shall be specified by a Cabinet Order. The same shall apply 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 a Cabinet Order, establish positions, which are equivalent to directors of divisions, 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) for the efficient performance of such affairs, and the establishment, the duties and the fixed number of such positions shall be specified by a Cabinet Order. The same shall apply to the case where an Implementing Agency that does not have a secretariat or departments establishes positions corresponding to those positions.

**Article 22 Deleted.**

**Article 23 (Number of Secretariats and Bureaus)**

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), shall be 97 or less.

**Article 24 Deleted.**

**Article 25 (Report, etc. to the Diet)**

- (1) When the government has newly established, revised or abolished any organization established by a Cabinet Order pursuant to the provisions of Article 7, paragraph 4 (including the cases where it is 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 shall report such situation to the next session of the Diet.
- (2) The government shall publicly notify the organization of the Administrative Organs of the State listed in an official gazette at least once a year.

**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	Public Security Intelligence Agency
Ministry of Foreign Affairs		
Ministry of Finance		National Tax Agency
Ministry of Education, Culture, Sports, Science and Technology		Agency for Cultural Affairs Japan Sports Agency
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 and Transport	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 and Logistics Agency

**Appended table 2 (Re: Article 7)**

Public Security Intelligence Agency National Tax Agency Japan Patent Office Japan Meteorological Agency Japan Coast Guard
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**Appended table 3 (Re: Article 16 and 17)**

Ministry	Fixed number of State Ministers	Fixed number of the Parliamentary Vice-Ministers
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 and Transport	2 persons	3 persons
Ministry of the Environment	1 person	1 person
Ministry of Defense	1 person	2 persons