

**THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED
BY JAPAN**

ARTICLE 9 UNCAC

PUBLIC PROCUREMENT

JAPAN (SEVENTH MEETING)

(1) In relation to integrity in public procurement and management of public finances (article 9)

- Utilize online platforms for the distribution of information relating to public procurement and tenders as a way to prevent corruption, enhance transparency and ensure competition and objective criteria in procurement decision-making.

JETRO (Japan External Trade Organization) provides an online database of Japanese government procurement to increase market access under the WTO agreement.

It covers notices and invitations, published in the Official Gazette or published on local governments' websites.

Users can search in English by publication date, product/service category as well as location.

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ARTICLE 9, PARAGRAPH 1 UNCAC

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JAPAN (SIXTH MEETING)

1. Please describe (cite and summarize) the measures/steps your country has taken has taken (or is planning to take) to implement this provision of the Convention.

**Please note that the following are measures undertaken by the national level only.*

In relation to integrity in public procurement processes, States parties and signatories may wish to cite and describe measures that:

- Ensure the national procurement system is based on principles of transparency, competition and objective criteria in decision-making; establishing in advance the conditions for participation, including selection and award criteria and tendering rules;

The Public Accounting Act ensures general public procurement process and open tendering in principle; it also permits selective tendering and single tendering in exceptional cases where open tendering is not appropriate in light of contract nature. The Act requires the Government to, in advance, set participation conditions for biddings and issue a public notice. Please refer to the following article.

Public Accounting Act

Article 29-3 Except in cases provided for in paragraph (3) and paragraph (4), before entering into a sale, lease, contract for work or other contract, a Contract Officer or officer responsible for actions authorizing expenditures (hereinafter referred to as a "Contract Officer, etc.") shall put the contract out to tender by issuing a public notice and having persons make offers in respect thereof.

(3) A contract that need not be put out to tender as referred to in paragraph (1) due to the small number of persons who would participate in the tender as a result of the nature or purpose of the contract, or a contract that it is determined would be disadvantageous to put out to tender as referred to in the same paragraph, must be put out to selective tender, pursuant to the provisions of Cabinet Order.

(4) A contract whose nature or purpose of does not permit tender, a contract that cannot be put out to tender due to urgent circumstances, or a contract that it is determined would be disadvantageous to put out to tender, must take the form of a discretionary contract, pursuant to the provisions of Cabinet Order.

- Provide for sufficient time to potential tenders to prepare and submit their tenders and using by default an open tender procedure;

The Public Accounting Act ensures open tendering in principle and requires a certain period between issuing a public notice and biddings. Please refer to the following Articles.

Cabinet Order on Budgets, the Settlement of Accounts, and Accounting

Article 74 If a Contract Officer, etc., seeks to put a contract out to Open Tender by bidding, the Contract Officer, etc., shall issue a public notice by Government Gazette, newspaper, posting, or in other ways at least ten days prior to the bid date; provided, however, that in urgent cases, this period may be shortened to five days.

- Provide for transparent publishing of all procurement decisions including publishing the invitations to tender;

Article 75 of the Cabinet order on Budgets, the Settlement of Accounts and Accounting prescribes the items of a public notice on biddings. Pursuant to the Act for Promoting Proper Tendering and Contracting for Public Works, all the information related to conclusion of contract shall be publicly disclosed with the exclusion of small amount contract.

Cabinet Order on Budgets, the Settlement of Accounts, and Accounting

Article 75 A public notice pursuant to the preceding Article must relate the following particulars:

- (i) the particulars of the tender bidding;*
- (ii) the particulars of the eligibility required of persons participating in the tender;*
- (iii) the location where the terms and conditions of the contract are displayed;*
- (iv) the location, time, and date of the tender;*
- (v) the particulars of the security deposit prescribed in Article 29-4, paragraph (1) of the Public Accounting Act (hereinafter referred to as a Bid Deposit).*

- Provide for a thorough selection of personnel responsible for procurement, including screening procedures; as well as establishing a conflict of interest management system with declarations of interest and methods to resolve conflicts in particular cases;

All public officers are selected by the Government with strict screening process and prohibited by law from engaging in side business. Therefore, in general, as the premise that all public officers are with discipline and with less risk of conflict of interest, an official responsible for procurement is selected considering his/her ability. That said, the Act on the Responsibility of Government Employees Executing the Budget requires

employee who execute budget with violation of laws, regulation or budget to recompense for a loss by the violation. This Act plays an important role to ensure the fairness of procurement process in light of internal process of the Government.

- Put in place other administrative practices promoting integrity in procurement (such as the rotation of personnel, debarment procedures, etc.).

For example, transparency of public procurement is secured by the witness of an officer who has no connection with the administrative affairs relating to the bidding in case of absence of bidders upon bid-opening. Please refer to the Article 81 of the Cabinet Order on Budgets, the Settlement of Accounts, and Accounting.

Cabinet Order on Budgets, the Settlement of Accounts, and Accounting

Article 81 The Contract Officer, etc. shall open the bids in the presence of the bidders at the place, time and date of the tender, as specified in the public notice. When this is the case, if no bidders are in attendance, an officer who has no connection with the administrative affairs relating to the bidding shall be in attendance.