

Rules for Maintaining National Public Employees' Ethical Conduct

Overview on the Ethics Act and the Ethics Code

We would appreciate it very much if you, the people, understand the rules and cooperate with us.

National public employees abide by the rules stipulated in the National Public Service Ethics Act and the National Public Service Ethics Code so as not to arouse any suspicion or distrust of the people when doing their work. We are hoping you take these rules into consideration whenever you contact a national public employee.

Most of those rules are concerned with regulations on relationships between a national public employee and an "interested party"

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What is the meaning of the term “interested party”?

- In the Ethics Code, the term “interested party” with respect to a national public employee means an entity or an individual that falls under one of the following:

1 Business operators, etc. (or an individual) that conduct business, having received **permission, etc.**; business operators, etc. (or an individual) that are applying for permission, etc.; and business operators, etc. (or an individual) that are clearly going to apply for permission, etc.

2 Business operators, etc. (or an individual) that conduct business, having been provided **a subsidy, etc.**; business operators, etc. (or an individual) that are applying for a subsidy, etc.; and business operators, etc. (or an individual) that are clearly going to apply for a subsidy, etc.

An indirect subsidy provided by an entity other than the national government, such as a local government and a special corporation, is also considered as a “subsidy, etc.” if one of its revenue sources comes from a subsidy, etc. provided by the national government.

3 Business operators, etc. (or an individual) that can be under **an on-site investigation, an audit or an inspection.**

Generally speaking, business operators, etc. (or an individual) are regarded as an interested party when the business operators, etc. (or the individual) are in a state in which it could be under an on-site investigation, etc. pursuant to a statutory provision.

4 Business operators, etc. (or an individual) that are to be subject to **an adverse disposition.**

For example, the case where a penalty tax or an administrative sanction of business suspension is to be imposed on business operators.

5 Business operators, etc. (or an individual) that are currently required to take a certain action or not take a certain action by **an administrative guidance.**

6 Business operators, etc. that conduct business subject to **the work of promotion, improvement and adjustment of business** by each Ministry or Agency.

Profit-making business operators, etc. under the authority of a Ministry or Agency responsible for the works of promotion, improvement and adjustment of the said business.

7 Business operators, etc. that are under **a contract** with the national government; business operators, etc. that are applying for a contract; or business operators, etc. that are clearly going to apply for a contract.

8 A national agency with a budget, fixed number of officials in each grade of the salary schedule, or ceiling on the number of officials that is subject to the assessment by authorities concerned.

※ The term “business operators, etc.” means judicial persons and other organizations or groups that conduct business. (Individuals that conduct business are also included when they act for their business.)

However, the following points require attention.

- When the interested party is an enterprise, etc., and its executives, employees, etc. have contacted a national public employee obviously to seek advantage in its business, they are also regarded as interested parties. However, not all the employees of the enterprise, etc. is regarded as interested parties. For example, as to an enterprise that has been under a contract with the national government, only those who are in charge of sales and involved in the contract, etc. are mostly regarded as interested parties.
- The parties stipulated in an instruction/ordinance issued by each Ministry or Agency as those whose interest relations with certain national public employees are only latent, or as those that carry out duties for which there is little possibility of exercising discretion, are not regarded as interested parties.
(→ You can check the instruction/ordinance on the web site of the Ethics Board. If you need more detailed information, please directly refer to each Ministry or Agency.)
- Interested parties with respect to a national public employee's previous posts within a period of the past three years are still regarded as interested parties with respect to his/her current post.
- If a national public employee (A) is contacted by an interested party for another national public employee (B), and the party clearly seems to expect A's official influence on B, the party is regarded as an interested party also for A.

Q & A How about these cases?

Q | **When our company delivers products to a government office (A) through another wholesale company, is our company's salesperson who promotes the products regarded as an interested party with respect to the national public employees in charge of procurement contracts at A?**

A | Yes, the salesperson who promotes the products to a government office is regarded as an interested party with respect to the national public employees in charge of procurement contracts at A.

Q | **When our company delivers products to a national agency, is our company regarded as an interested party with respect to all the employees of the agency?**

A | Not for all the employees, but only for those in charge of contracts at the agency. For instance, your company is regarded as an interested party with respect to the employees who are involved in the decision of concluding the procurement contract at the agency, or for the employees who are members of a committee that has the responsibility to choose suitable models when procuring goods, if there is such a committee at the agency.

Rules on relationships with an interested party



National public employees cannot accept gifts, such as money, goods or real estate, from interested parties.

However, the following cases are exceptionally permissible.

- **Acceptance of advertisement goods or commemorative items that are to be widely distributed to the public**

Example: a calendar with a company name on it, books, etc. which are to be distributed to commemorate a company's anniversary of foundation

- **Acceptance of congratulatory money for a wedding reception or acceptance of condolence money for a funeral for a national public employee's parent, within the realm of general social courtesy, under the condition it is given based on the relationship between the interested party and the national public employee's parent, etc. (Refer to Q&A below)**

Q & A How about these cases?

Q | I have been invited to a wedding reception for a national public employee. Can I bring congratulatory money to the reception?

A | National public employees can accept congratulatory money even from an interested party if the amount of the congratulatory money is equivalent to the actual cost of the reception for the guest. In addition, national public employees are not prohibited from accepting congratulatory money within the realm of general social courtesy from an interested party who attends the wedding reception based on the relationship with his/her spouse or parents.

Q | Can I bring condolence money for a funeral for which a national public employee is the chief mourner?

A | National public employees cannot accept condolence money for a funeral from an interested party if it is given based on the relationship with the national public employees. However, the acceptance of condolence money within the realm of general social courtesy, even from an interested party, is not prohibited if it is given based on the relationship between the interested party and the departed member of the family.

Q | How about sending a condolence telegram or offering a funeral wreath?

A | There is no problem with a national public employee accepting a condolence telegram which is sent based on the relationship between the national public employee and the interested party. However, the national public employee cannot accept a funeral wreath from interested parties because the act of accepting gifts is prohibited by the Ethics Code.

If a national public employee purchases goods or real estate or accepts a service from an interested party, under the conditions that its price is considerably lower than the market price, it is regarded that the national public employee has accepted an amount of money equivalent to the price difference.



National public employees cannot accept hospitality such as food and drinks from their interested parties.

National public employees may not have an interested party pay for food and drinks, or any other hospitality (including playing golf and theatergoing) as well.

In the following cases, however, national public employees can eat and drink at the expense of an interested party without paying their own expense.

● Attending a buffet-style party that has many participants (around 20 persons or more)

Example: Participating in a buffet-style party to exchange New Year's greetings held by a business or industry association, or participating in a party to commemorate the anniversary of a company's establishment.

Even when seats are provided, if they are not assigned in advance and a considerable number of people are to be present at the party, the party may be treated as a buffet-style one.

● Having a small amount of modest food and drinks served at a meeting which a national public employee attends as part of his/her duties

Example: Being served a box lunch during or before/after a meeting which a national public employee attends as part of duties.

National public employees also can have a small amount of modest food and drinks served before/after a lecture that they deliver after receiving approval from the ethics supervisory officer. (Refer to page 7)

● Having food and drinks served at a ceremonial meeting of a public nature

Example: In the case of attending a formal reception which is scheduled as an official program of an international conference.

National public employees may eat and drink with an interested party when they pay their own expenses.

National public employees can eat and drink with an interested party if they pay their own bill, or a third party other than an interested party pays for the expense.

However, notification to the ethics supervisory officer is required in advance if the expense for food and drinks exceeds 10,000 yen. (If they cannot make the notification in advance under unavoidable circumstances, they must do it as soon as possible after the event.)

Even in the case that a third party, other than an interested party, pays for the expense, national public employees are not allowed to eat and drink beyond the level of general social norms. (Refer to page 7)

Note

Even in the case when a national public employee pays for his/her own expense by way of sharing among the participants, and the payment allotted to the national public employee is not enough compared to the actual cost and the balance was made up by an interested party, it is regarded that the national public employee has accepted hospitality from the interested party to the extent of the difference from the actual cost.

Example: A national public employee paid 5,000 yen in advance as his/her share for the payment but the actual cost per person turned out to be 7,800 yen and the interested party made up the balance (2,800 yen).

→ The national public employee is regarded as having accepted hospitality worth 2,800 yen from the interested party, which is a violation of the Ethics Code.



National public employees cannot accept a service that is free of charge from an interested party.

However, the following cases are exceptionally permissible.

- To ride in a company's vehicle, etc. when a national public employee visits an interested party as part of his/her duties, under the condition that there is a rational reason such as that public transportation is unavailable.



National public employees cannot play golf, travel or play games (mahjong, etc.) with an interested party even if they pay their own expense.

However, the following cases are exceptionally permissible.

● Golf

- ① When a national public employee is a member of a golf club and he/she happens to have a chance to play golf with an interested party in the same monthly competition of the golf club.
- ② When a national public employee happens to have a chance to play golf with an interested party in a golf competition among former or present members of the department which the employee belongs to, or in a golf competition held by an association of the people from the same prefecture (in such a case that there are about 30 to 40 participants and only a few of them are interested parties.)

● Traveling

- ① Travel for official duty
- ② When a national public employee participates in a tour arranged by a travel agent, and an interested party happens to be on the same tour.



National public employees cannot borrow money, borrow goods or real estate for free, or receive unlisted stocks from an interested party.

However, the following cases are exceptionally permissible.

- To borrow money from a financial institution as a customer (when the financial institution is an interested party with respect to the national public employee)
- To borrow goods (stationery, etc.) when a national public employee visits an interested party as part of his/her duties

The above-mentioned acts (refer to pages 4-6) are exceptionally permissible, if there is a “private relationship” between a national public employee and an interested party, under the condition that the act does not invite any suspicion or distrust of the people, taking into account the circumstances of the relation of interest and the private relationship, and the characteristics and status of the act, etc.

The term “Private relationship” refers to a relationship that is not related to the status of national public employees.

For example, a national public employee can accept condolence money for a funeral of his/her family member within the realm of general social courtesy, from an interested party with whom the national public employee has a private relationship (such as a close friend from schooldays).



National public employees cannot ask an interested party to perform the above-mentioned acts (refer to pages 4-6) for a third party.

For example, national public employees cannot ask business operators that are interested parties to deliver a gift to their boyfriend or girlfriend, or to make a deal as a subcontractor with a company that is managed by their relative.

National public employees cannot ask an interested party to provide advertisement goods or commemorative items even if they are widely distributed to the public, or to provide food and drinks or commemorative items at a buffet-style party.

※ A request as part of the official duty of a Ministry or Agency, such as a request to business operators within its jurisdiction to provide relief goods to local governments after a large scale disaster, does not fall under the prohibited acts.

Before national public employees conduct a lecture, etc. with remuneration at the request of an interested party, they have to obtain approval from the ethics supervisory officer.

Note

※ The term “lecture, etc.” means a lecture, discussion, instruction or teaching at a workshop or a training program, writing, compilation, editorial supervision, or appearances on a radio or TV program.

The standards for permissible remuneration amounts are to be set for reference by each Ministry or Agency.

When the lecture, etc. is at the request of an interested party without remuneration, or at the request of those who are not interested parties, the approval of the ethics supervisory officer is not required.

Rules on relationships with those who are not interested parties

- The following acts are not allowed even with business operators, etc. that are not interested parties.
- Acceptance of hospitality or gifts beyond the level of general social norms, such as repeated acceptance of hospitality or gifts from the same interested party, or acceptance of expensive hospitality or gifts.
- Having someone that is not present pay for food, drinks or other hospitality charges (Tsukemawashi).

Note

National public employees that are at the rank of assistant director of headquarters and above have to submit a report on the receipt of gifts, etc. to the heads of each Ministry or Agency they belong to, when they accept food, drinks or gifts such as money or goods, or receive remuneration for a lecture, etc. that exceeds 5,000 yen per case.

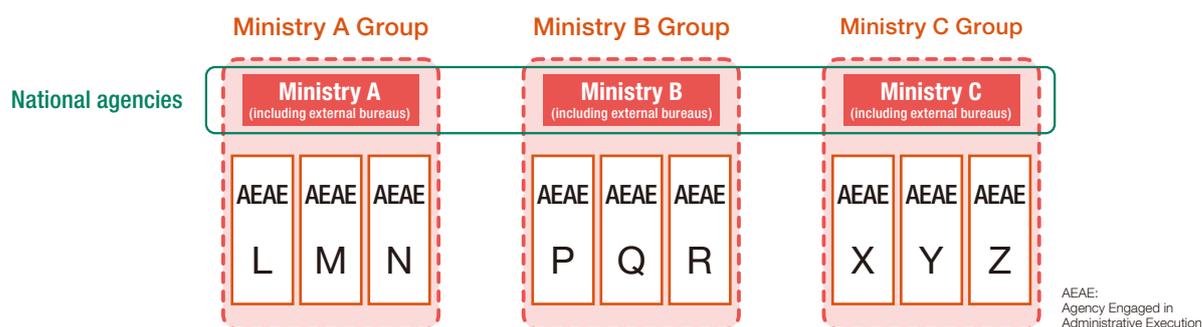
Rules on the receipt of remuneration for the compilation or editorial supervision of specific books, etc.



National public employees cannot receive remuneration for the compilation or editorial supervision of specific books, etc. which are produced through accepting national subsidies or expenses, or the majority of which are going to be purchased by the national government.

※ The term “books, etc.” means not only printed materials such as books and magazines, but also includes videotapes, CDs and DVDs.

Outline of the regulation on the receipt of remuneration for compilation or editorial supervision



● Books, etc. produced through accepting national subsidies or expenses

- ① When a Ministry or Agency provides a subsidy, etc. for producing a book, etc., an employee that belongs to the same Ministry group cannot receive remuneration for the compilation or editorial supervision of the book.
Example: When AEAE L pays the expense for producing a book, an employee of Ministry A cannot receive remuneration for the compilation or editorial supervision of the book.
- ② When a Ministry (including an external bureau) provides a subsidy, etc. for producing a book, etc., national public employees who belong to any Ministries (including their external bureaus) cannot receive remuneration for the compilation or editorial supervision of the book.
Example: When Ministry B pays the expense for producing a book, an employee of Ministry A cannot receive remuneration for the compilation or editorial supervision of the book.

● Books, etc. the majority of which are going to be purchased by the national government

When a Ministry or Agency that belongs to the same Ministry group, independently or jointly, purchases the majority of the produced copies of the books, etc., a national public employee that belongs to the same Ministry group cannot receive remuneration for the compilation or editorial supervision of the book, etc.
Example: When the majority of the copies of the book are purchased by Ministry C, AEAE X and AEAE Y, an employee of Ministry C cannot receive remuneration for the compilation or editorial supervision of the book.

Note

When a national public employee violates the rules as explained in this pamphlet, disciplinary action is to be taken.

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If you find a suspicious act that might be a violation of the Ethics Act or the Ethics Code, please inform us on the “Public Service Ethics Hotline.” We take all possible measures to protect whistleblowers from receiving disadvantageous treatment, such as maintaining confidentiality and not disclosing whistleblowers’ names, etc.

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