

Outline of the Act for the Protection of Consumers who use Digital Platforms

Problems such as **the distribution of unsafe products, etc.**, and **difficulty in identifying sellers in resolving disputes** exist on "digital platforms" such as online marketplaces. In response to this, **a new Act was prepared to protect consumer interests.**

Content of the New Act

(1) Obligations of Digital Platform Providers (Article 3)

- In order to contribute to the optimization of mail-order transactions (Business to Customer transactions) conducted using digital platforms and the promotion of dispute resolution, digital platform providers are **obligated to make efforts to implement and disclose an outline of the following measures** listed in ① to ③ below (and the Prime Minister draws up **guidelines** for specific content).
 - ① Measures **that enable smooth communication** between sellers and consumers
 - ② **Implementation of investigations, etc. as necessary** of complaints regarding the presentation of sales conditions, etc.
 - ③ Requesting sellers to provide information on **their identity** as necessary

(2) Suspension of Listing Products (Article 4)

- The Prime Minister **requests** that digital platform providers **remove listings, etc.** of unsafe products (* 1) when it is difficult to enforce relevant Individual Acts due to reasons such as that the seller cannot be specified (* 2)
⇒ Exemption of digital platform provider liability for damages to sellers caused in response to requests

(* 1) Products, etc. that have particularly false or misleading information on important particulars on their labelling (those regarding product safety, etc.)

(* 2) If the seller can be identified, etc., handling will be in accordance with the Special Commercial Code, etc.

(3) Right to Request Disclosure of Information on Distributors (Article 5)

- Establishes **the right to request the disclosure of seller information** as necessary when consumers make a claim for damages, etc.

* 1 Digital platform providers are not liable to sellers in responding to requests for disclosure in accordance with appropriate procedures.

* 2 Not applicable if the amount of damages claimed for is less than a certain amount or the claim has been brought for an unjustifiable purpose

(4) Public-Private Council (Articles 6-9) / Reporting System (Article 10)

- **A public-private council** consisting of national government agencies, groups consisting of digital platform providers, consumer groups, etc. **will be organized to discuss matters that each entity is responsible for handling, such as dealing with malicious sellers.**
- Establishing of **a reporting system** in which **consumers, etc.** can report the risk of damage to consumers and request that **the Prime Minister** (Consumer Affairs Agency) takes appropriate measures in response to this

* Comes into force as of the date specified by Cabinet Order within one year from the date of promulgation.

* The review is to be made in the 3rd year of enforcement of this Act in light of the status of its enforcement and changes to economic and social conditions.

取引デジタルプラットフォームを利用する消費者の利益の保護に関する法律 概要

オンラインモールなどの「取引デジタルプラットフォーム（取引DPF）」においては、危険商品等の流通や販売業者が特定できず紛争解決が困難となる等の問題が発生。これに対応し消費者利益の保護を図るための新法を整備

新法の内容

(1) 取引DPF提供者の努力義務（第3条）

- 取引DPFを利用して行われる通信販売取引（Bto C取引）の適正化及び紛争の解決の促進に資するため、以下の①～③の措置の実施及びその概要等の開示についての努力義務（具体的内容については指針を策定）
 - ① 販売業者と消費者との間の円滑な連絡を可能とする措置
 - ② 販売条件等の表示に関し苦情の申出を受けた場合における必要な調査等の実施
 - ③ 販売業者に対し必要に応じ身元確認のための情報提供を求める

(2) 商品等の出品の停止（第4条）

- 内閣総理大臣は、危険商品等（※1）が出品され、かつ、販売業者が特定不能など個別法の執行が困難な場合（※2）、取引DPF提供者に出品削除等を要請

⇒ 要請に応じたことにより販売業者に生じた損害について取引DPF提供者を免責

（※1）重要事項（商品の安全性の判断に資する事項等）の表示に著しい虚偽・誤認表示がある商品等

（※2）販売業者が特定可能等の場合は特商法等により対応

(3) 販売業者に係る情報の開示請求権（第5条）

- 消費者が損害賠償請求等を行う場合に必要な範囲で販売業者の情報の開示を請求できる権利を創設

※1 取引DPF提供者は、適切な手順に従って開示請求に応じた場合、販売業者に対し責任を負わない

※2 損害賠償請求額が一定金額以下の場合や不正目的の場合は対象外

(4) 官民協議会（第6条～第9条）・申出制度（第10条）

- 国の行政機関、取引DPF提供者からなる団体、消費者団体等により構成される官民協議会を組織し、悪質な販売業者等への対応など各主体が取り組むべき事項等を協議
- 消費者等が内閣総理大臣（消費者庁）に対し消費者被害のおそれを申し出て適当な措置の実施を求める申出制度を創設

※公布の日から起算して1年を超えない範囲内において政令で定める日から施行

※あわせて、施行状況及び経済社会情勢の変化を勘案した施行後3年目途の見直しを規定