

Outline of the Act to Partially Amend the Act on Specified Commercial Transactions, etc. to Prevent Damage to and Promote the Recovery of Consumers

In order to fundamentally strengthen countermeasures against malicious business practices that exploit consumer vulnerabilities and respond to changes in socio-economic conditions under the new normal, institutional reforms promoting fair trade and the prevention of damage to consumers will be implemented through amendment of the Act on Specified Commercial Transactions and the Act on Deposit, etc. Transaction Agreements of Specified Commodities, etc.

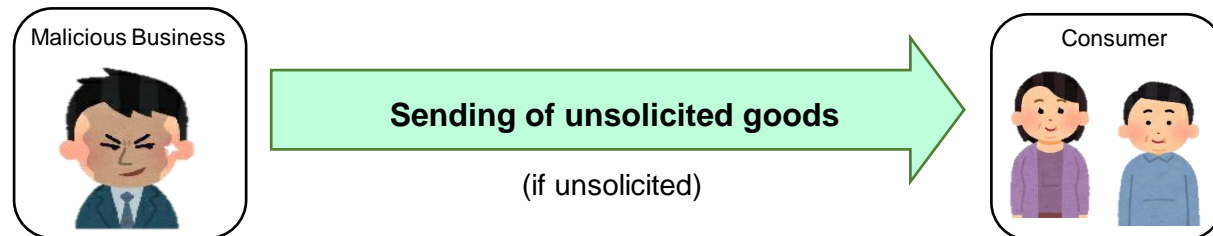
Content of major amendments to the Act on Specified Commercial Transactions

1 Countermeasures against "Fraudulent Subscription-Based Business Practices" in Mail Orders

- Direct punishment for indication services as not being subscription-based
- Establishment of a system that allows the cancellation of applications made based on the above indication
- Prohibition of obstructing the cancellation of mail order sales
- Addition of indication and obstruction as above to requests for injunctions by Qualified Consumer Organizations

2 Countermeasures against Negative Option

- Establishing provisions that business who send goods without a contract of sale cannot demand their return, etc. (currently consumers can dispose of the product after storing it for 14 days → after the revision products can be disposed of immediately)



3 Establishing Regulations to Promote the Protection of Consumer Interests

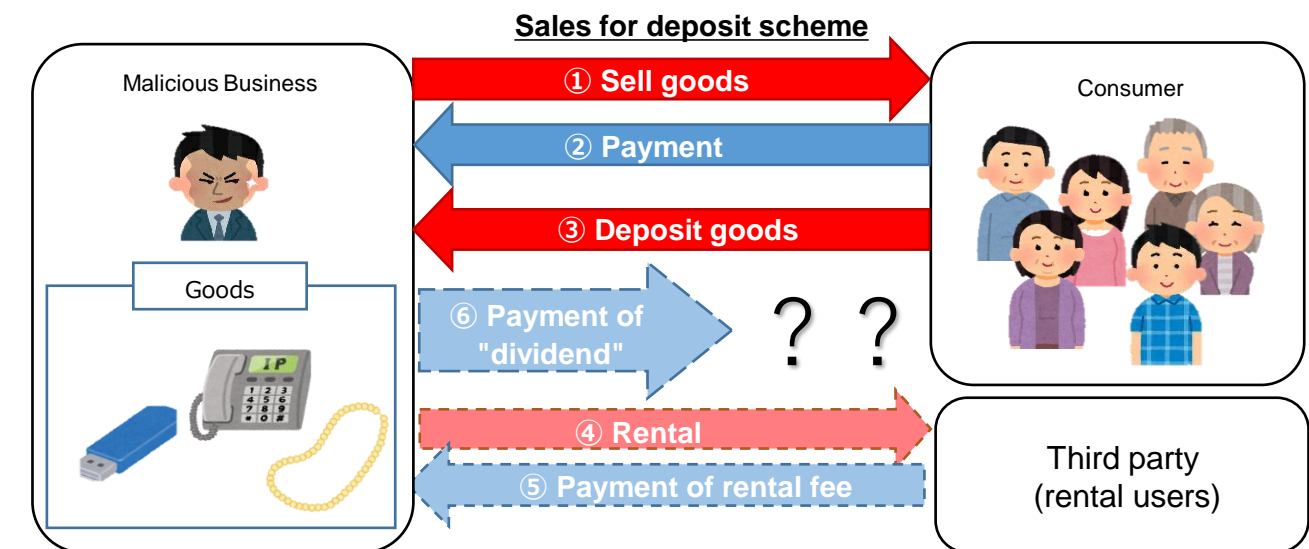
- Possible to notify consumers of cooling-off by electronic methods (by e-mail, etc.) (same for the Act on Deposit, etc. Transaction Agreements of Specified Commodities, etc.)
- Possible to send contract documents that must be delivered by business operators by electronic methods (by e-mail, etc.) with the consent of consumer (same for the Act on Deposit, etc. Transaction Agreements of Specified Commodities, etc.)
- Establishment of a system for providing information to foreign law enforcement authorities (same for the Act on Deposit, etc. Transaction Agreements of Specified Commodities, etc.)
- Strengthening administrative, etc.

Content of major amendments to the Act on Deposit, etc. Transaction Agreements of Specified Commodities, etc.

1 Prohibition of sales for deposit in principle

- In principle, transactions for deposit involving sales are prohibited and penalties will be stipulated.
- Establishment of a civil system to void contracts that are illegal in principle

- * Contracts for deposit involving sales: A contract to receive the deposit of goods for a period of 3 months or more and to provide economic benefit in return
- * Under exceptional circumstances, the Consumer Affairs Agency will confirm on an individual basis following strict procedures.



- * There are no records of profit from rentals or operations.
- * Almost no cases of goods said to have been deposited actually exist.

2 Expansion of the scope of the Act on the Deposit, etc. Transaction Agreements of Specified Commodities, etc.

- Discontinuation of only listed goods being subject to the current Act on the Deposit, etc. Transaction Agreements of Specified Commodities, etc. (Listed goods, etc. → All goods, etc.)

3 Establishing Regulations to Promote the Protection of Consumer Interests

- Strengthening administrative sanctions, etc.

Content of amendments to Act on Special Measures Concerning Consumer Court Proceedings

In order to assist court proceedings for redress for damages, it will become possible to provide Specified Qualified Consumer Organizations with documentation regarding administrative dispositions under the Act on Specified Commercial Transactions and the Act on Deposit, etc. Transaction Agreements of Specified Commodities, etc.

消費者被害の防止及びその回復の促進を図るための特定商取引に関する法律等の一部を改正する法律の概要

消費者の脆弱性につけ込む悪質商法に対する抜本的な対策強化、新たな日常における社会経済情勢等の変化への対応のため、特定商取引法・預託法等の改正による制度改革によって、消費者被害の防止・取引の公正を図る。

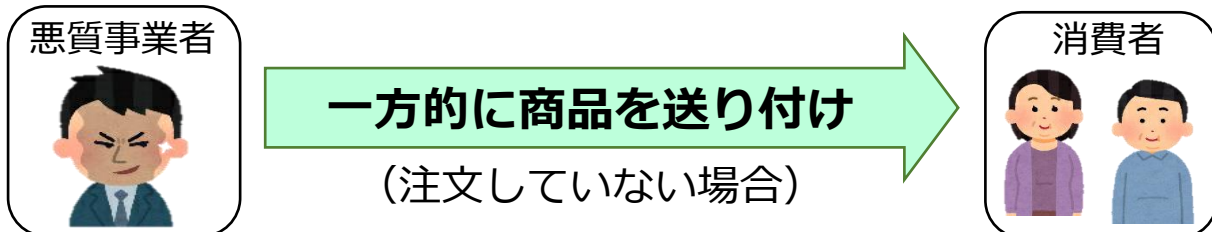
特定商取引法の主な改正内容

1 通販の「詐欺的な定期購入商法」対策

- 定期購入でないと誤認させる表示等に対する直罰化
- 上記の表示によって申込みをした場合に申込みの取消しを認める制度の創設
- 通信販売の契約の解除の妨害に当たる行為の禁止
- 上記の誤認させる表示や解除の妨害等を適格消費者団体の差止請求の対象に追加

2 送り付け商法対策

- 売買契約に基づかないで送付された商品について、送付した事業者が返還請求できない規定の整備等（現行では消費者が14日間保管後処分等が可能→改正後は直ちに処分等が可能に）



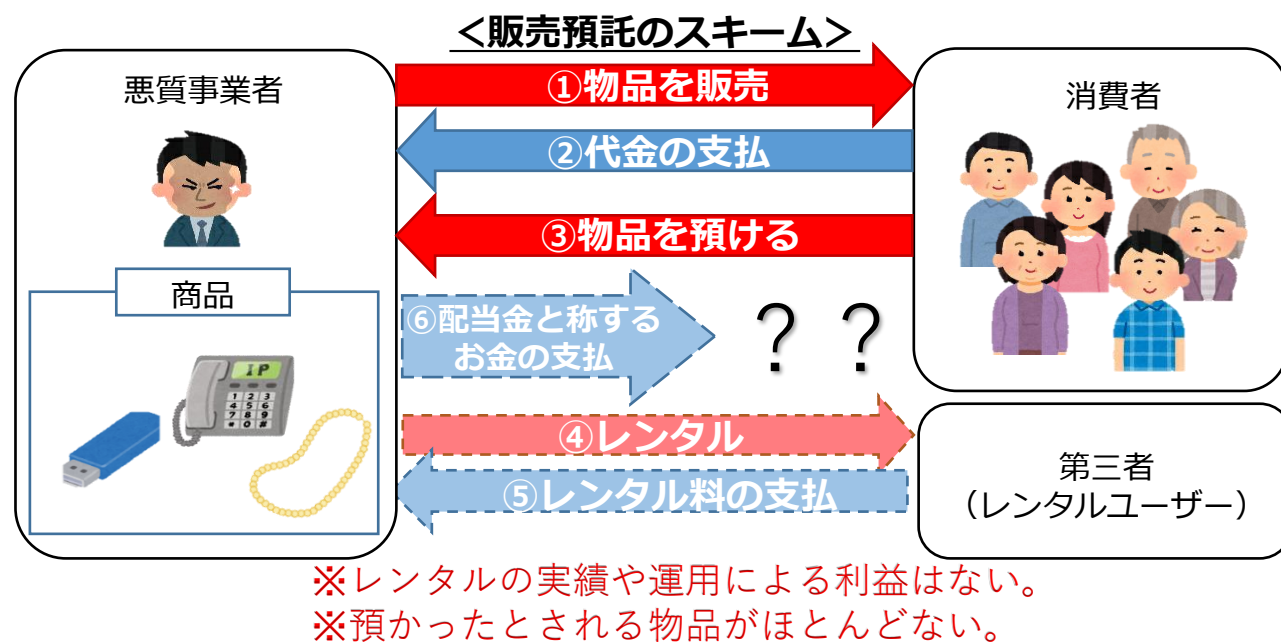
3 消費者利益の擁護増進のための規定の整備

- 消費者からのクーリング・オフの通知について、電磁的方法（電子メールの送付等）で行うことを可能に（預託法も同様）
- 事業者が交付しなければならない契約書面等について、消費者の承諾を得て、電磁的方法（電子メールの送付等）で行うことを可能に（預託法も同様）
- 外国執行当局に対する情報提供制度の創設（預託法も同様）
- 行政処分の強化等

預託法の主な改正内容

1 販売預託の原則禁止

- 販売を伴う預託等取引を原則禁止とし、罰則を規定
- 原則禁止の対象となる契約を民事的に無効とする制度の創設
- ※ 預託等取引契約：3か月以上の期間にわたり物品の預託を受けること及び当該預託に関し財産上の利益の供与を約するもの
- ※ 例外的に認める場合には、厳格な手続の下、消費者庁が個別に確認



2 預託法の対象範囲の拡大

- 現行の預託法の対象の限定列挙の廃止→全ての物品等を対象に

3 消費者利益の擁護増進のための規定の整備

- 行政処分の強化等

消費者裁判手続特例法の改正内容

被害回復裁判に資するため、特定適格消費者団体に対し、特定商取引法及び預託法の行政処分に関して作成した書類の提供を可能に