

# 下請代金支払遅延等防止法

## Act against Delay in Payment of Subcontract Proceeds, etc. to Subcontractors

(昭和三十一年六月一日法律第百二十号)

(Act No. 120 of June 1, 1956)

(目的)

(Purpose)

第一条 この法律は、下請代金の支払遅延等を防止することによつて、親事業者の下請事業者に対する取引を公正ならしめるとともに、下請事業者の利益を保護し、もつて国民経済の健全な発達に寄与することを目的とする。

Article 1 The purpose of this Act is, by preventing a delay in payment of subcontract proceeds, etc., to ensure that transactions between large procuring enterprises and subcontractors are fair and, at the same time, to protect the interests of the subcontractors, thereby contributing to the sound development of the national economy.

(定義)

(Definitions)

第二条 この法律で「製造委託」とは、事業者が業として行う販売若しくは業として請け負う製造（加工を含む。以下同じ。）の目的物たる物品若しくはその半製品、部品、附属品若しくは原材料若しくはこれらの製造に用いる金型又は業として行う物品の修理に必要な部品若しくは原材料の製造を他の事業者に委託すること及び事業者がその使用し又は消費する物品の製造を業として行う場合にその物品若しくはその半製品、部品、附属品若しくは原材料又はこれらの製造に用いる金型の製造を他の事業者に委託することをいう。

Article 2 (1) The term "manufacturing consignment" as used in this Act means an entrepreneur's agreement that entrusts another entrepreneur the manufacture (including processing, the same applies hereinafter) of goods or its semi-finished components, parts, accessories or raw materials or metal dies used in the manufacture thereof which are the object of sales conducted on a regular basis or manufacturing contracted on a regular basis; or entrusts manufacture of parts or raw materials which are necessary for repair of goods conducted on a regular basis; or an entrepreneur's agreement that entrusts another entrepreneur the manufacture of goods or its semi-finished components, parts, accessories or raw materials or metal dies used in the manufacture thereof when the entrepreneur is engaging in the manufacture of the goods which it uses or consumes itself on a regular basis.

2 この法律で「修理委託」とは、事業者が業として請け負う物品の修理の行為の全部

又は一部を他の事業者に委託すること及び事業者がその使用する物品の修理を業として行う場合にその修理の行為の一部を他の事業者に委託することをいう。

(2) The term "repair consignment" as used in this Act means an entrepreneur's agreement that entrusts another entrepreneur all or a part of the repair of goods which the entrepreneur contracted on a regular basis; or an entrepreneur's agreement that entrusts another entrepreneur part of the repair of goods when the entrepreneur is engaging in the repair of the goods which it uses itself on a regular basis.

3 この法律で「情報成果物作成委託」とは、事業者が業として行う提供若しくは業として請け負う作成の目的たる情報成果物の作成の行為全部又は一部を他の事業者に委託すること及び事業者がその使用する情報成果物の作成を業として行う場合にその情報成果物の作成の行為の全部又は一部を他の事業者に委託することをいう。

(3) The term "information-based product creation consignment" as used in this Act means an entrepreneur's agreement that entrusts another entrepreneur all or part of the creation of information-based products which are the object of provision conducted on a regular basis or creation on a regular basis; or an entrepreneur's agreement that entrusts another entrepreneur all or part of the creation of those information-based products when the entrepreneur is engaging in the creation of those information-based products which that entrepreneur uses on a regular basis.

4 この法律で「役務提供委託」とは、事業者が業として行う提供の目的たる役務の提供の行為の全部又は一部を他の事業者に委託すること（建設業（建設業法（昭和二十四年法律第百号）第二条第二項に規定する建設業をいう。以下この項において同じ。）を営む者が業として請け負う建設工事（同条第一項に規定する建設工事をいう。）の全部又は一部を他の建設業を営む者に請け負わせることを除く。）をいう。

(4) The term "service contract" as used in this Act means an entrepreneur's agreement that entrusts another entrepreneur all or part of the provision of a service which is the object of provision conducted on a regular basis (excluding any contract by a person conducting a construction business (meaning a construction business as prescribed by Article 2 paragraph 2 of the Construction Business Act (Act No. 100 of 1949); hereinafter the same applies in this paragraph) of all or part of the construction work it contracts as a regular business (means construction work prescribed in paragraph 1 of the same Article) to other parties conducting a construction business of all or part of the construction work it contracts on a regular basis).

5 この法律で「製造委託等」とは、製造委託、修理委託、情報成果物作成委託及び役務提供委託をいう。

(5) The term "manufacturing consignment, etc." as used in this Act means manufacturing consignment, repair consignment, information-based product creation consignment and service contract.

6 この法律で「情報成果物」とは、次に掲げるものをいう。

(6) The term "information-based product" as used in this Act means any of the articles described in the following items.

一 プログラム（電子計算機に対する指令であつて、一の結果を得ることができるように組み合わされたものをいう。）

(i) programs (which mean those that are directives to a computer and arranged to achieve a single result);

二 映画、放送番組その他影像又は音声その他の音響により構成されるもの

(ii) films, broadcast programs, and other products composed of images or voice and other sounds;

三 文字、図形若しくは記号若しくはこれらの結合又はこれらと色彩との結合により構成されるもの

(iii) products composed from letters, figures or symbols or from their combination, or from a combination of them and colors;

四 前三号に掲げるもののほか、これらに類するもので政令で定めるもの

(iv) beyond what are set forth in the preceding three items, those that are similar thereto and are specified by Cabinet Order.

7 この法律で「親事業者」とは、次の各号のいずれかに該当する者をいう。

(7) The term "large procuring enterprise" as used in this Act means any entity that falls under any of the following items:

一 資本金の額又は出資の総額が三億円を超える法人たる事業者（政府契約の支払遅延防止等に関する法律（昭和二十四年法律第二百五十六号）第十四条に規定する者を除く。）であつて、個人又は資本金の額若しくは出資の総額が三億円以下の法人たる事業者に対し製造委託等（情報成果物作成委託及び役務提供委託にあつては、それぞれ政令で定める情報成果物及び役務に係るものに限る。次号並びに次項第一号及び第二号において同じ。）をするもの

(i) any person doing business as a corporation (excluding persons provided for in Article 14 of the Act on Prevention of Delay in Payment under Government Contracts, etc. (Act No. 256 of 1949) with the amount of stated capital or total contributions exceeding 300 million yen that concludes a manufacturing consignment, etc. agreements (in case of an information-based product creation consignment and a service contract, limited to agreements concerning an information-based product and service, respectively, specified by Cabinet Order; the same applies to the following item and items (i) and (ii) of the following paragraph) with any individual or with any person doing business as a corporation with the amount of stated capital or total contributions of not more than 300 million yen; or

二 資本金の額又は出資の総額が千万円を超え三億円以下の法人たる事業者（政府契約の支払遅延防止等に関する法律第十四条に規定する者を除く。）であつて、個人又は資本金の額若しくは出資の総額が千万円以下の法人たる事業者に対し製造委託等をするもの

(ii) any person doing business as a corporation (excluding persons provided for

in Article 14 of the Act on Prevention of Delay in Payment under Government Contracts, etc.) with the amount of stated capital or total contributions exceeding 10 million yen but not more than 300 million yen that concludes a manufacturing consignment, etc. agreements with any individual or any person doing business as a corporation with the amount of stated capital or total contributions of not more than 10 million yen.

三 資本金の額又は出資の総額が五千万円を超える法人たる事業者（政府契約の支払遅延防止等に関する法律第十四条に規定する者を除く。）であつて、個人又は資本金の額若しくは出資の総額が五千万円以下の法人たる事業者に対し情報成果物作成委託又は役務提供委託（それぞれ第一号の政令で定める情報成果物又は役務に係るものを除く。次号並びに次項第三号及び第四号において同じ。）をするもの

(iii) any person doing business as a corporation (excluding persons provided for in Article 14 of the Act on Prevention of Delay in Payment under Government Contracts, etc.) with the amount of stated capital or total contributions exceeding 50 million yen that concludes an information-based product creation consignment agreement or a service contract (respectively excluding any contract concerning any information-based product or any service specified by Cabinet Order of item 1; the same applies to the following item and items (iii) and (iv) of the following paragraph) to any individual or any person doing business as a corporation with the amount of stated capital or total contributions of not more than 50 million yen.

四 資本金の額又は出資の総額が千万円を超え五千万円以下の法人たる事業者（政府契約の支払遅延防止等に関する法律第十四条に規定する者を除く。）であつて、個人又は資本金の額若しくは出資の総額が千万円以下の法人たる事業者に対し情報成果物作成委託又は役務提供委託をするもの

(iv) any person doing business as a corporation (excluding persons provided for in Article 14 of the Act on Prevention of Delay in Payment under Government Contracts, etc.) with the amount of stated capital or total contributions exceeding 10 million yen but not more than 50 million yen that concludes an information-based product creation consignment agreement or a service contract with any individual or any person doing business as a corporation with the stated amount of capital or total contributions of not more than 10 million yen.

8 この法律で「下請事業者」とは、次の各号のいずれかに該当する者をいう。

(8) The term "subcontractor" as used in this Act means any entity that falls under any of the following items:

一 個人又は資本金の額若しくは出資の総額が三億円以下の法人たる事業者であつて、前項第一号に規定する親事業者から製造委託等を受けるもの

(i) an individual or any person doing business as a corporation, with the amount of stated capital or total contributions of not more than 300 million yen that receives a manufacturing consignment, etc. agreements from a large

- procuring enterprise provided for in item (i) of the preceding paragraph; or
- 二 個人又は資本金の額若しくは出資の総額が千万円以下の法人たる事業者であつて、前項第二号に規定する親事業者から製造委託等を受けるもの
- (ii) an individual or any person doing business as a corporation with the amount of stated capital or total contributions of not more than 10 million yen that receives a manufacturing consignment, etc. agreements from a large procuring enterprise provided for in item (ii) of the preceding paragraph.
- 三 個人又は資本金の額若しくは出資の総額が五千万円以下の法人たる事業者であつて、前項第三号に規定する親事業者から情報成果物作成委託又は役務提供委託を受けるもの
- (iii) an individual, or any person doing business as a corporation with the amount of stated capital or total contributions of not more than 50 million yen that receives an information-based product creation consignment agreement or a service contract from a large procuring enterprise provided for in item (iii) of the preceding paragraph; or
- 四 個人又は資本金の額若しくは出資の総額が千万円以下の法人たる事業者であつて、前項第四号に規定する親事業者から情報成果物作成委託又は役務提供委託を受けるもの
- (iv) an individual, or any person doing business as a corporation with the amount of stated capital or total contributions of not more than 10 million yen that receives an information-based product creation consignment agreement or a service contract from a large procuring enterprise provided for in item (iv) of the preceding paragraph
- 9 資本金の額又は出資の総額が千万円を超える法人たる事業者から役員の任免、業務の執行又は存立について支配を受け、かつ、その事業者から製造委託等を受ける法人たる事業者が、その製造委託等に係る製造、修理、作成又は提供の行為の全部又は相当部分について再委託をする場合（第七項第一号又は第二号に該当する者がそれぞれ前項第一号又は第二号に該当する者に対し製造委託等をする場合及び第七項第三号又は第四号に該当する者がそれぞれ前項第三号又は第四号に該当する者に対し情報成果物作成委託又は役務提供委託をする場合を除く。）において、再委託を受ける事業者が、役員の任免、業務の執行又は存立について支配をし、かつ、製造委託等をする当該事業者から直接製造委託等を受けるものとすれば前項各号のいずれかに該当することとなる事業者であるときは、この法律の適用については、再委託をする事業者は親事業者と、再委託を受ける事業者は下請事業者とみなす。
- (9) When a person doing business as a corporation, the appointment and dismissal of officers or the conduct or existence in business of which is controlled by another person doing business as a corporation whose amount of stated capital or total contributions exceeds 10 million yen, receives a manufacturing consignment, etc. agreements from the person and subcontracts all or a considerable part of the act of manufacture, repair, creation or provision pertaining to the manufacturing consignment, etc. agreements with a

third person (excluding the cases where a person coming under items (i) or (ii) of paragraph 7 above concludes the manufacturing consignment, etc. agreements with another person who falls under items (i) or (ii) respectively of the preceding paragraph and cases where a person falling under items (iii) and (iv) of the paragraph above concludes an information-based product creation consignment agreement or a service contract with another person who falls under items (iii) and (iv) respectively of the preceding paragraph), and when the person who receives the subcontract would fall under the items of the preceding paragraph if they were to receive that manufacturing consignment, etc. agreements directly from that person who controls the appointment and dismissal of officers, or conduct or existence in the business, the person who concludes such subcontract is to be deemed, in the application of this Act, a large procuring enterprise and the person who receives such subcontract is to be deemed a subcontractor.

10 この法律で「下請代金」とは、親事業者が製造委託等をした場合に下請事業者の給付（役務提供委託をした場合にあっては、役務の提供。以下同じ。）に対し支払うべき代金をいう。

(10) The term "subcontract proceeds" as used in this Act means the charges to be paid (provision of services in case of service contract; the same applies hereinafter) by the large procuring enterprise for work performed by the subcontractor in cases where the large procuring enterprise concludes a manufacturing consignment, etc. agreements.

（下請代金の支払期日）

(Date of Payment of Subcontract Proceeds)

第二条の二 下請代金の支払期日は、親事業者が下請事業者の給付の内容について検査をするかどうかを問わず、親事業者が下請事業者の給付を受領した日（役務提供委託の場合は、下請事業者がその委託を受けた役務の提供をした日。次項において同じ。）から起算して、六十日の期間内において、かつ、できる限り短い期間内において、定められなければならない。

Article 2-2 (1) The date of payment of subcontract proceeds must be fixed within sixty days, and moreover within as short a period as possible, from the day on which a large procuring enterprise receives the work from a subcontractor (the day on which a subcontractor provides the service entrusted in the event of service contract. The same applies in the following paragraph), regardless of whether or not the large procuring enterprise inspects the work in detail.

2 下請代金の支払期日が定められなかったときは親事業者が下請事業者の給付を受領した日が、前項の規定に違反して下請代金の支払期日が定められたときは親事業者が下請事業者の給付を受領した日から起算して六十日を経過した日の前日が下請代金の支払期日と定められたものとみなす。

(2) The date of payment of subcontract proceeds is to be deemed the date on

which a large procuring enterprise receives the work from a subcontractor when the date of payment was not fixed, or the day prior to the date on which sixty days from the day on which a large procuring enterprise receives the work from the subcontractor have elapsed, when the date of payment of the subcontract proceeds was fixed in violation of the preceding paragraph.

(書面の交付等)

#### (Delivery of Documents)

第三条 親事業者は、下請事業者に対し製造委託等をした場合は、直ちに、公正取引委員会規則で定めるところにより下請事業者の給付の内容、下請代金の額、支払期日及び支払方法その他の事項を記載した書面を下請事業者に交付しなければならない。ただし、これらの事項のうちその内容が定められないことにつき正当な理由があるものについては、その記載を要しないものとし、この場合には、親事業者は、当該事項の内容が定められた後直ちに、当該事項を記載した書面を下請事業者に交付しなければならない。

Article 3 (1) A large procuring enterprise must, in cases where it has concluded a manufacturing consignment, etc. agreements with a subcontractor, immediately deliver to the subcontractor a document setting forth, pursuant to the provisions of the Rules of the Fair Trade Commission, the details of work of the agreement, the amount of subcontract proceeds, the date of payment, the method of payment and other matters; provided, however, that if there are reasonable grounds not to determine the details of a matter, the matter does not have to be stated. In that case, the large procuring enterprise must deliver to the subcontractor a document setting forth the matter immediately after the determination of the details.

2 親事業者は、前項の規定による書面の交付に代えて、政令で定めるところにより、当該下請事業者の承諾を得て、当該書面に記載すべき事項を電子情報処理組織を使用する方法その他の情報通信の技術を利用する方法であつて公正取引委員会規則で定めるものにより提供することができる。この場合において、当該親事業者は、当該書面を交付したものとみなす。

(2) In lieu of delivering the document prescribed by the preceding paragraph, a large procuring enterprise may, with the consent of a subcontractor and as specified by Cabinet Order, provide matters to be set forth in the document by information and communications technology means including electronic data processing system means provided by the Rules of the Fair Trade Commission. In this case, the large procuring enterprise is to be deemed to have delivered the necessary document.

(親事業者の遵守事項)

#### (Matters to be Observed by Large Procuring Enterprises)

第四条 親事業者は、下請事業者に対し製造委託等をした場合は、次の各号（役務提供

委託をした場合にあっては、第一号及び第四号を除く。)に掲げる行為をしてはならない。

Article 4 (1) No large procuring enterprise may, in cases where it concludes a manufacturing consignment, etc. agreements with a subcontractor, conduct any one of the acts listed in the following items (excluding item (i) and (iv) in cases where it concludes a service contract):

一 下請事業者の責に帰すべき理由がないのに、下請事業者の給付の受領を拒むこと。

(i) refusing to receive the work from a subcontractor without reasons attributable to the subcontractor;

二 下請代金をその支払期日の経過後なお支払わないこと。

(ii) failing to make payment of subcontract proceeds after the lapse of the date of payment;

三 下請事業者の責に帰すべき理由がないのに、下請代金の額を減ずること。

(iii) reducing the amount of subcontract proceeds without reasons attributable to the subcontractor;

四 下請事業者の責に帰すべき理由がないのに、下請事業者の給付を受領した後、下請事業者にその給付に係る物を引き取らせること。

(iv) causing a subcontractor to take back the goods relating to its work after receiving the work from the subcontractor without reasons attributable to the subcontractor;

五 下請事業者の給付の内容と同種又は類似の内容の給付に対し通常支払われる対価に比し著しく低い下請代金の額を不当に定めること。

(v) unjustly setting subcontract proceeds at a level conspicuously lower than the price ordinarily paid for the same or similar content of work;

六 下請事業者の給付の内容を均質にし又はその改善を図るため必要がある場合その他正当な理由がある場合を除き、自己の指定する物を強制して購入させ、又は役務を強制して利用させること。

(vi) coercing the subcontractor to purchase designated goods or to use designated services except in such cases where it is necessary to standardize or to improve the content of the work performed by a subcontractor or where there are other reasonable grounds; or

七 親事業者が第一号若しくは第二号に掲げる行為をしている場合若しくは第三号から前号までに掲げる行為をした場合又は親事業者について次項各号の一に該当する事実があると認められる場合に下請事業者が公正取引委員会又は中小企業庁長官に対しその事実を知らせたことを理由として、取引の数量を減じ、取引を停止し、その他不利益な取扱いをすること。

(vii) reducing the volume of transactions, suspending transactions or giving some other disadvantageous treatment because the subcontractor informed the Fair Trade Commission or the Director-General of the Small and Medium Sized Enterprise Agency of such a fact, where a large procuring enterprise is conducting such acts as mentioned in item (i) or item (ii), or has conducted



such acts as mentioned in items (iii) to (vi), or where there exists a fact falling under any one of the items in the following paragraph as to the large procuring enterprise.

- 2 親事業者は、下請事業者に対し製造委託等をした場合は、次の各号（役務提供委託をした場合にあつては、第一号を除く。）に掲げる行為をすることによつて、下請事業者の利益を不当に害してはならない。

(2) No large procuring enterprise may, in cases where it concludes a manufacturing consignment, etc. agreements with a subcontractor, unjustly injure the interests of the subcontractor by conducting any one of the acts listed in the following items (excluding item (i) in the case of service contract):

一 自己に対する給付に必要な半製品、部品、附属品又は原材料（以下「原材料等」という。）を自己から購入させた場合に、下請事業者の責めに帰すべき理由がないのに、当該原材料等を用いる給付に対する下請代金の支払期日より早い時期に、支払うべき下請代金の額から当該原材料等の対価の全部若しくは一部を控除し、又は当該原材料等の対価の全部若しくは一部を支払わせること。

(i) in cases where the large procuring enterprise has caused the subcontractor to purchase from oneself semi-finished goods, parts, accessories or raw materials (hereinafter referred to as "raw materials, etc.") necessary for the work performed for the large procuring enterprise, without reasons attributable to the subcontractor, deducting all or part of the price of the raw materials, etc. from the amount of the subcontract proceeds to be paid, or causing the subcontractor to pay all or a part of the price of the raw materials, etc. at a time earlier than the date of payment of the subcontract proceeds for the work in which the raw materials, etc. are employed: or

二 下請代金の支払につき、当該下請代金の支払期日までに一般の金融機関（預金又は貯金の受入れ及び資金の融通を業とする者をいう。）による割引を受けることが困難であると認められる手形を交付すること。

(ii) with respect to the payment of subcontract proceeds, delivering a negotiable instrument which is found difficult to be discounted, by the date of payment of the subcontract proceeds, by a general financial institution (this term refers to a person who accepts deposits or savings and lends funds as a business).

三 自己のために金銭、役務その他の経済上の利益を提供させること。

(iii) causing a subcontractor to provide cash, services or other economic gains for oneself.

四 下請事業者の責めに帰すべき理由がないのに、下請事業者の給付の内容を変更させ、又は下請事業者の給付を受領した後に（役務提供委託の場合は、下請事業者がその委託を受けた役務の提供をした後に）給付をやり直させること。

(iv) causing a subcontractor to change the content of the work, or to re-work after the receipt of the work (after provision of service by the subcontractor in the case of service contract), without reasons attributable to the

subcontractor.

(遅延利息)

(Delayed Interest)

第四条の二 親事業者は、下請代金の支払期日までに下請代金を支払わなかつたときは、下請事業者に対し、下請事業者の給付を受領した日（役務提供委託の場合は、下請事業者がその委託を受けた役務の提供をした日）から起算して六十日を経過した日から支払をする日までの期間について、その日数に応じ、当該未払金額に公正取引委員会規則で定める率を乗じて得た金額を遅延利息として支払わなければならない。

Article 4-2 When a large procuring enterprise has not paid the subcontract proceeds to the subcontractor by the date of payment, it must, with respect to the period from the day on which sixty days from the day on which it received the work from the subcontractor (the day on which a subcontractor provided the service entrusted in the case of service contract.) to the day when the payment is made, pay as interest for the delay the amount of money obtained by multiplying the unpaid amount by the rate provided for in the Rules of the Fair Trade Commission according to the number of days.

(書類等の作成及び保存)

(Preparation and Preservation of Documents)

第五条 親事業者は、下請事業者に対し製造委託等をした場合は、公正取引委員会規則で定めるところにより、下請事業者の給付、給付の受領（役務提供委託をした場合にあっては、下請事業者がした役務を提供する行為の実施）、下請代金の支払その他の事項について記載し又は記録した書類又は電磁的記録（電子的方式、磁気的方式その他の人の知覚によつては認識することができない方式で作られる記録であつて、電子計算機による情報処理の用に供されるものをいう。以下同じ。）を作成し、これを保存しなければならない。

Article 5 A large procuring enterprise must, in cases where it concludes a manufacturing consignment, etc. agreements with a subcontractor, prepare and preserve, in accordance with the Rules of the Fair Trade Commission, document or electronic or magnetic record (meaning a record created in a form that cannot be recognized through one's sense of perception such as in an electronic form or magnetic form that is used for information processing by computer. The same applies hereinafter.), setting forth the work of the subcontractor, the receipt of work (conducting the act of service provision by the subcontractor in the case of service contract), payment of the subcontract proceeds and other matters.

(中小企業庁長官の請求)

(Request by Director-General of Small and Medium Sized Enterprise Agency)

第六条 中小企業庁長官は、親事業者が第四条第一項（親事業者の遵守事項）第一号、

第二号若しくは第七号に掲げる行為をしているかどうか若しくは同項第三号から第六号までに掲げる行為をしたかどうか又は親事業者について同条第二項各号の一に該当する事実があるかどうかを調査し、その事実があると認めるときは、公正取引委員会に対し、この法律の規定に従い適切な措置をとるべきことを求めることができる。

**Article 6 The Director-General of the Small and Medium Sized Enterprise Agency may investigate whether or not a large procuring enterprise is conducting such acts as provided for in item (i), item (ii) or item (vii) of paragraph (1) of Article 4 (Matters to be Observed by Large Procuring Enterprises ), whether or not it has conducted such acts as provided for in items (iii) to (vi) of the paragraph or with respect to the large procuring enterprise whether or not there exists a fact falling under any one of the items of paragraph 2 of the Article, and when the Director-General finds that such facts exist, they may request the Fair Trade Commission to take appropriate measures in accordance with the provisions of this Act.**

(勧告)

(Recommendation)

第七条 公正取引委員会は、親事業者が第四条第一項（親事業者の遵守事項）第一号、第二号又は第七号に掲げる行為をしていると認めるときは、その親事業者に対し、速やかにその下請事業者の給付を受領し、その下請代金若しくはその下請代金及び第四条の二（遅延利息）の規定による遅延利息を支払い、又はその不利益な取扱いをやめべきことその他必要な措置をとるべきことを勧告するものとする。

**Article 7 (1) The Fair Trade Commission may, when it finds that a large procuring enterprise is conducting such an act as provided for in item (i), item (ii) or item (vii) of paragraph (1) of Article 4 (Matters to be Observed by Large Procuring Enterprises), recommend to the large procuring enterprise that it promptly receive the work from a subcontractor, pay the subcontract proceeds or the subcontract proceeds and interest for delay pursuant to the provisions of Article 4-2 (Delayed Interest), or cease the disadvantageous treatment and take other necessary measures.**

2 公正取引委員会は、親事業者が第四条第一項第三号から第六号までに掲げる行為をしたと認めるときは、その親事業者に対し、速やかにその減じた額を支払い、その下請事業者の給付に係る物を再び引き取り、その下請代金の額を引き上げ、又はその購入させた物を引き取るべきことその他必要な措置をとるべきことを勧告するものとする。

**(2) The Fair Trade Commission may, when it finds that a large procuring enterprise has conducted such acts as provided for in items (iii) to (vi) of paragraph (1) of Article 4, recommend to the large procuring enterprise that it promptly pay the amount so reduced, accept the goods pertaining to the work of the subcontractor, increase the amount of such subcontract proceeds or take back the goods that the subcontractor was forced to purchase and take other**

necessary measures.

3 公正取引委員会は、親事業者について第四条第二項（親事業者の遵守事項）各号のいずれかに該当する事実があると認めるときは、その親事業者に対し、速やかにその下請事業者の利益を保護するため必要な措置をとるべきことを勧告するものとする。

(3) The Fair Trade Commission may, when it finds that with respect to the large procuring enterprise, there exists a fact falling under any of the items of paragraph (2) of Article 4 (Matters to be Observed by Large Procuring Enterprises), recommend to the large procuring subcontractor that it promptly take the measures necessary to protect the interests of the subcontractor.

（私的独占の禁止及び公正取引の確保に関する法律との関係）

(Relation with the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade)

第八条 私的独占の禁止及び公正取引の確保に関する法律（昭和二十二年法律第五十四号）第二十条（不公正な取引方法に係る排除措置）の規定は、公正取引委員会が前条第一項から第三項（勧告）までの規定による勧告をした場合において、親事業者がその勧告に従ったときに限り、親事業者のその勧告に係る行為については、適用しない。

Article 8 In the event the Fair Trade Commission has rendered a recommendation under the provisions of paragraphs (1) to (3) (Recommendation) of the preceding Article, and to the extent that the large procuring enterprise has complied with the recommendation, the provisions of Article 20 (Elimination Measures against Unfair Trade Practices) of the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade (Act No. 54 of 1947) do not apply to the act of that large procuring enterprise pertaining to the recommendation.

（報告及び検査）

(Collection of Reports and Inspection)

第九条 公正取引委員会は、親事業者の下請事業者に対する製造委託等に関する取引（以下単に「取引」という。）を公正ならしめるため必要があると認めるときは、親事業者若しくは下請事業者に対しその取引に関する報告をさせ、又はその職員に親事業者若しくは下請事業者の事務所若しくは事業所に立ち入り、帳簿書類その他の物件を検査させることができる。

Article 9 (1) When it finds it necessary to make transactions with respect to a manufacturing consignment, etc. agreements of a large procuring enterprise with a subcontractor (hereinafter simply referred to as "transactions") fair, the Fair Trade Commission may cause a large procuring enterprise or a subcontractor to submit a report on its transactions, or may cause its officials to enter an office or place of business of a large procuring enterprise or a subcontractor and to inspect books and documents and other objects.

2 中小企業庁長官は、下請事業者の利益を保護するため特に必要があると認めるとき

は、親事業者若しくは下請事業者に対しその取引に関する報告をさせ、又はその職員に親事業者若しくは下請事業者の事務所若しくは事業所に立ち入り、帳簿書類その他の物件を検査させることができる。

(2) The Director-General of the Small and Medium Sized Enterprise Agency may, when they find it particularly necessary to protect the interests of a subcontractor, cause a large procuring enterprise or a subcontractor to submit a report on its transactions, or may cause their officials to enter an office or place of business of a large procuring enterprise or a subcontractor and to inspect books and documents and other objects.

3 親事業者又は下請事業者の営む事業を所管する主務大臣は、中小企業庁長官の第六条（中小企業庁長官の請求）の規定による調査に協力するため特に必要があると認めるときは、所管事業を営む親事業者若しくは下請事業者に対しその取引に関する報告をさせ、又はその職員にこれらの者の事務所若しくは事業所に立ち入り、帳簿書類その他の物件を検査させることができる。

(3) The competent minister having administrative jurisdiction over the business in which a large procuring enterprise or a subcontractor engages may, when they find it particularly necessary to cooperate with the investigation pursuant to the provisions of Article 6 (Request by Director-General of Small and Medium Sized Enterprise Agency) by the Director-General of the Small and Medium Sized Enterprise Agency, cause a large procuring enterprise or a subcontractor engaging in the business under their jurisdiction to submit a report on its transactions, or may cause their officials to enter an office or place of business of these enterprises and to inspect books and documents and other objects.

4 前三項の規定により職員が立ち入るときは、その身分を示す証明書を携帯し、関係人に提示しなければならない。

(4) The officials who enter the offices pursuant to the provisions of the preceding three paragraphs must carry their identification cards and produce them to relevant persons.

5 第一項から第三項までの規定による立入検査の権限は、犯罪捜査のために認められたものと解釈してはならない。

(5) The authority to enter and inspect under the provisions of paragraphs (1) to (3) may not be construed as granted for criminal investigation.

（罰則）

(Penal Provisions)

第十条 次の各号のいずれかに該当する場合には、その違反行為をした親事業者の代表者、代理人、使用人その他の従業者は、五十万円以下の罰金に処する。

Article 10 A representative, agent, employee or any other worker of a large procuring enterprise who has committed a violation that falls under any of the following items is punished by a fine not more than five hundred thousand yen.

一 第三条第一項（書面の交付等）の規定による書面を交付しなかつたとき。

(i) in cases where a document is not delivered in accordance with the provision of paragraph (1) of Article 3 (Delivery of Documents) or,

二 第五条（書類等の作成及び保存）の規定による書類若しくは電磁的記録を作成せず、若しくは保存せず、又は虚偽の書類若しくは電磁的記録を作成したとき。

(ii) in case a document or electronic or magnetic record under the provision of Article 5 (Preparation and Preservation of Documents) is not prepared or preserved, or a false document or electronic or magnetic record is prepared.

第十一条 第九条第一項から第三項（報告及び検査）までの規定による報告をせず、若しくは虚偽の報告をし、又は検査を拒み、妨げ、若しくは忌避した者は、五十万円以下の罰金に処する。

Article 11 A person who has failed to submit a report under the provisions of paragraphs (1) to (3) of Article 9 (Report and Inspection) or submitted a false report, or refused, disturbed or evaded inspection is punished by a fine of not more than five hundred thousand yen.

第十二条 法人の代表者又は法人若しくは人の代理人、使用人その他の従業者が、その法人又は人の業務に関し、前二条の違反行為をしたときは、行為者を罰するほか、その法人又は人に対して各本条の刑を科する。

Article 12 When a representative of a corporation, or an agent, employee or any other worker in the service of a corporation or of an individual, has, with regard to the business of the corporation or individuals, committed a violation under the preceding two Articles, not only the offender is punished but also the corporation or the individual is punished by the fines as described in the respective Articles.