

Order for Enforcement of the Act against Unjustifiable Premiums and Misleading Representations (Tentative translation)

(Cabinet Order No. 218 of August 14, 2009)

Article 1 The method prescribed by Cabinet Order for calculating the proceeds from sales as provided in Article 8, paragraph (1) of the Act against Unjustifiable Premiums and Misleading Representations (hereinafter referred to as the "Act"), is to aggregate the amounts of consideration for the goods delivered or services provided during the Subject Period prescribed in Article 8, paragraph (2) of the Act (hereinafter referred to simply as the "Subject Period"), excluding those prescribed in the following Article. In this, if any of the following items apply, the amount prescribed in that item is to be deducted:

- (i) if a full or partial deduction has been made from an amount of consideration due to shortage, inferior quality, or damage of goods; insufficiency or inferiority of services; or other reasons during the Subject Period: the amount deducted;
- (ii) if goods have been returned during the Subject Period: the amount of the consideration for the returned goods; or
- (iii) if there was a written agreement clearly indicating that the person delivering the goods or providing the services was to pay a rebate based on its performance in delivering or providing them (except if that agreement prescribes that a rebate will not be paid if its performance during a specific period does not reach a specific amount or quantity): the amount of the rebate calculated pursuant to the provisions of that agreement for its performance during the Subject Period (if the amount of the rebate is to be calculated using different percentages or amounts based on its performance during a specific period, the amount calculated using the lowest percentage or amount among these).

Article 2 (1) If the consideration for goods or services associated with an Act Subject to Surcharge as prescribed in Article 8, paragraph (1) of the Act (hereinafter referred to simply as an "act subject to surcharge") is established at the time of entry into an agreement for their sale or provision, and circumstances are found to exist that cause a significant difference between the total amount of consideration for goods delivered or services provided during the Subject Period and the total amount of consideration for the sale of goods or provision of services established in agreements entered into during the Subject Period, the method for calculating the proceeds from sales prescribed

in that paragraph is to aggregate the amounts of consideration for the sale of goods or provision of services as prescribed in the agreements entered into during the Subject Period.

- (2) The provisions of the preceding Article (but only the part involving item (iii)) apply mutatis mutandis if proceeds from sales are calculated by the method prescribed in the preceding paragraph.

(Specification of a General Consumer as Prescribed in Article 10, Paragraph (1) of the Act)

Article 3 A general consumer who has carried out a transaction involving the relevant goods or services during the Subject Period and who has been specified, as prescribed in Article 10, paragraph (1) of the Act means a general consumer who has either been delivered goods or provided services associated with an Act Subject to Surcharge (or who has entered into an agreement for the purchase of goods or provision of services associated with an Act Subject to Surcharge, if the provisions of paragraph (1) of the preceding Article apply with regard to the method for calculating the proceeds from sales prescribed in Article 8, paragraph (1) of the Act for a person who has received a notice under the provisions of Article 15, paragraph (1) of the Act) on a date that is specified as being during the Subject Period in the receipt for the money used to pay the consideration for the purchase of those goods or provision of those services, in a written agreement for the purchase of those goods or provision of those services, or in any other materials evidencing this fact (hereinafter referred to as a "specified consumer" in the following Article and Article 5, paragraph (1)).

(Method Prescribed by Cabinet Order for Calculating Purchase Price as Provided in Article 10, Paragraph (1) of the Act)

Article 4 The method prescribed by Cabinet Order for calculating purchase price as provided in Article 10, paragraph (1) of the Act, is to aggregate the amounts of consideration for the goods delivered or services provided during the Subject Period to specified consumers who have made an offer as provided in that paragraph, excluding those prescribed in the following Article. In this, if any of the following items apply, the amount prescribed in that item is to be deducted:

- (i) if a full or partial deduction has been made from an amount of consideration due to shortage, inferior quality, or damage of goods; insufficiency or inferiority of services; or other reasons during the Subject Period: the amount deducted;
- (ii) if goods have been returned during the Subject Period: the amount of the consideration for the returned goods; or
- (iii) if there was a written agreement clearly indicating that the person delivering the goods or providing the services was to pay a rebate based on

its performance in delivering or providing them (except if that agreement prescribes that a rebate will not be paid if its performance during a specific period does not reach a specific amount or quantity): the amount of the rebate calculated pursuant to the provisions of that agreement for its performance during the Subject Period (if the amount of the rebate is to be calculated using different percentages or amounts based on its performance during a specific period, the amount calculated using the lowest percentage or amount among these).

- Article 5 (1) When the provisions of Article 2, paragraph (1) of the Act apply to the method for calculating the proceeds from sales prescribed in Article 8, paragraph (1) of the Act for a person receiving a notice under the provisions of Article 15, paragraph (1) of the Act, the method for calculating purchase price that is provided for in Article 10, paragraph (1) of the Act is to aggregate the amounts of consideration for the purchase of the goods or provision of the services prescribed in the agreements entered into by specified consumers who have made filings as provided in that paragraph during the Subject Period.
- (2) The provisions of the preceding Article (but only the part involving item (iii)) apply mutatis mutandis if purchase price is calculated by the method prescribed in the preceding paragraph.

(Application of the Provisions in Article 8, Paragraphs (2) and (3), and Articles 9 through 11 of the Act in the Case Referred to in Article 12, Paragraph (3) of the Act)

Article 6 In the case referred to in Article 12, paragraph (3) of the Act, transactions as prescribed in Article 8, paragraph (2) of the Act (hereinafter referred to as "transactions after the Act Subject to Surcharge" in this Article and Article 10) and measures as prescribed in the same paragraph (hereinafter referred to as "measures to eliminate unjustifiable inducement of customers" in this Article and Article 10) that have been undertaken by the corporation that has ceased to exist are deemed to be transactions after the Act Subject to Surcharge and measures to eliminate unjustifiable inducement of customers that have been undertaken by the corporation surviving the merger or incorporated in the merger in respect of any Act Subject to Surcharge that is deemed, pursuant to the provisions of Article 12, paragraph (3) of the Act, to have been committed by the corporation surviving the merger or incorporated in the merger; and the provisions of Article 8, paragraph (2) apply.

Article 7 (1) To apply the provisions of Article 8, paragraph (3) of the Act in the case referred to in Article 12, paragraph (3) of the Act, other than as prescribed in the following paragraph, the term "the relevant entrepreneur" in Article 8,

paragraph (3) of the Act is deemed to be replaced with "the corporation surviving the merger with the relevant entrepreneur or the corporation incorporated in the merger of the relevant entrepreneur with another entrepreneur" and the term "the entrepreneur" is deemed to be replaced with the "the corporation surviving the merger or incorporated in the merger".

(2) In the case referred to in Article 12, paragraph (3) of the Act, to apply the provisions of Article 8, paragraph (3) of the Act if the corporation ceasing to exist is required to submit data under the provisions of that paragraph, the term "the entrepreneur" in that paragraph is deemed to be replaced with "both the entrepreneur and either the corporation surviving the merger with the entrepreneur or the corporation incorporated in the merger of the Entrepreneur and another entrepreneur".

Article 8 In the case referred to in Article 12, paragraph (3) of the Act, a report under the provisions of Article 9 of the Act that has been made by the corporation that has ceased to exist is deemed to be a report under the provisions of that Article that has been made by the corporation surviving the merger or incorporated in the merger with respect to a fact constituting an Act Subject to Surcharge that is deemed, pursuant to the provisions of Article 12, paragraph (3) of the Act, to have been committed by the corporation surviving the merger or incorporated in the merger; and the provisions of Article 9 of the Act apply.

Article 9 In the case referred to in Article 12, paragraph (3) of the Act, refund policies as prescribed in the provisions of Article 10, paragraph (1) of the Act, application for the approval provided for in that paragraph, report under the provisions of paragraph (4) of that Article, application for the approval of an amendment under the provisions of paragraph (6) of that Article, or report under the provisions of Article 11, paragraph (1) of the Act (hereinafter referred to as an "application or report associated with the Implementation Plan for Refund Policy" in this Article and Article 13) which has been undertaken by the corporation that has ceased to exist; or an approval as provided in Article 10, paragraph (1) of the Act, approval of an amendment under the provisions of paragraph (6) of that Article, revocation under the provisions of paragraph (8) of that Article of an approval as provided in paragraph (1) of that Article (including an approval of an amendment under the provisions of paragraph (6) of that Article), or notice under the provisions of Article 15, paragraph (1) of the Act (hereinafter referred to as an "approval, revocation, or notice associated with the plan for implementing refund policies" in this Article and Article 13) to which the corporation that has ceased to exist has become subject; is deemed to be an application or report associated with

the Implementation Plan for Refund Policy that the corporation surviving the merger or incorporated in the merger has undertaken, or approval, revocation, or notice associated with the plan for implementing refund policies to which the corporation surviving the merger or incorporated in the merger has become subject, in respect of any Act Subject to Surcharge that is deemed, pursuant to the provisions of Article 12, paragraph (3) of the Act, to have been committed by the corporation surviving the merger or incorporated in the merger; and Articles 10 and 11 of the Act apply.

(Application of the Provisions in Article 8, paragraphs (2) and (3), and Articles 9 through 11 in the Case Referred to in Article 12, paragraph (4) of the Act)

Article 10 In the case referred to in Article 12, paragraph (4) of the Act, transactions after the Act Subject to Surcharge and measures to eliminate unjustifiable inducement of customers that have been undertaken by the corporation that has ceased to exist are deemed to be transactions after the Act Subject to Surcharge and measures to eliminate unjustifiable inducement of customers that have been undertaken by a Subsidiaries, etc. Succeeding to Specified Business as prescribed in that paragraph (hereinafter referred to as a "Subsidiaries, etc. Succeeding to Specified Business") in respect of any Act Subject to Surcharge that is deemed, pursuant to the provisions of Article 12, paragraph (4) of the Act, to have been committed by the Subsidiaries, etc. Succeeding to Specified Business; and the provisions of Article 8, paragraph (2) of the Act apply.

Article 11 (1) To apply the provisions of Article 8, paragraph (3) of the Act in a case as referred to in Article 12, paragraph (4) of the Act, other than as prescribed in the following paragraph, the term "the relevant entrepreneur" in Article 8, paragraph (3) of the Act is deemed to be replaced with "the Subsidiaries, etc. Succeeding to Specified Business prescribed in Article 12, paragraph (4)", and the term "the entrepreneur" is deemed to be replaced with "the Subsidiaries, etc. Succeeding to Specified Business (meaning all Subsidiaries, etc. Succeeding to Specified Business, if there are two or more Subsidiaries, etc. Succeeding to Specified Business)".

(2) In a case as referred to in Article 12, paragraph (4) of the Act, to apply the provisions of that paragraph if the corporation that has ceased to exist is required to submit data under the provisions of Article 8, paragraph (3) of the Act, the term "the entrepreneur" in that paragraph is deemed to be replaced with "both the entrepreneur and the Subsidiaries, etc. Succeeding to Specified Business prescribed in Article 12, paragraph (4) (meaning all Subsidiaries, etc. Succeeding to Specified Business, if there are two or more Subsidiaries, etc. Succeeding to Specified Business)".

Article 12 In the case referred to in Article 12, paragraph (4) of the Act, a report under the provisions of Article 9 of the Act that has been made by the corporation that has ceased to exist is deemed to be a report under the provisions of that Article that has been made by the Subsidiaries, etc. Succeeding to Specified Business with respect a fact constituting an Act Subject to Surcharge that that is deemed, pursuant to the provisions of Article 12, paragraph (4) of the Act, to have been committed by the Subsidiaries, etc. Succeeding to Specified Business; and the provisions of Article 9 of the Act apply.

Article 13 In the case referred to in Article 12, paragraph (4) of the Act, the application or report associated with the Implementation Plan for Refund Policy that has been undertaken by the corporation that has ceased to exist, or approval, revocation, or notice associated with the Implementation Plan for Refund Policy to which the corporation that has ceased to exist has become subject; is deemed to be an application or report associated with the Implementation Plan for Refund Policy that the Subsidiaries, etc. Succeeding to Specified Business has undertaken or approval, revocation, or notice associated with the Implementation Plan for Refund Policy to which the Subsidiaries, etc. Succeeding to Specified Business has become subject, in respect of any Act Subject to Surcharge that is deemed, pursuant to the provisions of that paragraph, to have been committed by the Subsidiaries, etc. Succeeding to Specified Business; and the provisions of Articles 10 and 11 of the Act apply.

(Authority Not Delegated to the Secretary General of the Consumer Affairs Agency)

Article 14 The authority prescribed by Cabinet Order in Article 38, paragraph (1) of the Act means the authority under the provisions of Article 2, paragraphs (3) and (4) of the Act; Article 3, paragraph (1) (but only the part that involves hearing the opinion of the Consumer Commission) and paragraph (2) of the Act; Article 4 of the Act; Article 5, item (iii) of the Act; Article 6, paragraph (1) (but only the part that involves hearing the opinion of the Consumer Commission) and paragraph (2) of the Act; Article 22, paragraph (2) of the Act; and Article 26, paragraphs (3) and (4) (including as applied mutatis mutandis pursuant to that Article, paragraph (5) of the Act) of the Act.

(Delegation of Authority to the Fair Trade Commission)

Article 15 Among the authority delegated to the Secretary General of the Consumer Affairs Agency pursuant to the provisions of Article 38, paragraph

(1) of the Act, the authority under the provisions of Article 25, paragraph (1) of the Act is delegated to the Fair Trade Commission; provided, however, that this does not preclude the Secretary General of the Consumer Affairs Agency from personally exercising that authority.

(Circumstances Prescribed by Cabinet Order Referred to in Article 38, Paragraph (3) of the Act)

Article 16 The circumstances prescribed by Cabinet Order which are referred to in Article 38, paragraph (3) of the Act means circumstances that fall under one of the following items:

- (i) unjustifiable premiums or misleading representations need to be handled in an urgent and focused manner;
- (ii) other than as in the preceding item, there is a particular need to make use of the expert knowledge of the minister with jurisdiction over the business of the entrepreneur or the Commissioner of the Financial Services Agency in order to deal with unjustifiable premiums or misleading representations in an effective and efficient manner.

(Delegation of Authority to the Minister with Jurisdiction over the Business)

Article 17 (1) When delegating the authority under the provisions of Article 25, paragraph (1) of the Act pursuant to the provisions of Article 38, paragraph (3) of the Act, the Secretary General of the Consumer Affairs Agency is to establish the scope and term of the administrative processes being delegated, and delegate them to the minister with jurisdiction over the business or the Commissioner of the Financial Services Agency; provided, however, that this does not preclude the Secretary General of the Consumer Affairs Agency from personally exercising that authority.

(2) Before establishing the scope and term of administrative processes being delegated pursuant to the provisions of the preceding paragraph, the Secretary General of the Consumer Affairs Agency must first consult with the minister with jurisdiction over the business or the Commissioner of the Financial Services Agency.

(Reporting Results of the Exercise of Authority)

Article 18 A report under the provisions of Article 38, paragraph (4) of the Act is to be promptly made in writing ("in writing" includes the use of records created by electronic means, magnetic means, or any other means that cannot be perceived with the human senses) giving the following information:

- (i) facts ascertained as a result of an order to submit a report or other items, on-site inspections, or questioning; and
- (ii) other information of reference.

(Delegation of Authority to the Head of a Local Branch Office)

Article 19 (1) The Minister of Finance delegates the authority delegated thereto pursuant to the provisions of Article 38, paragraph (3) of the Act and the authority under the provisions of paragraph (4) of that Article (both of these exclude that which falls under the jurisdiction of the National Tax Administration Agency) to the Director General of the Local Finance Bureau or the director of the customs house with jurisdiction over the locality of the office, place of business, or other place where a specified entrepreneur (meaning the entrepreneur in question and any other entrepreneur affiliated with that entrepreneur and its business as prescribed in Article 25, paragraph (1) of the Act; hereinafter the same applies in this Article) does business (if that locality is within the area under the jurisdiction of the Fukuoka Local Finance Branch Bureau, to the Director General of the Fukuoka Local Finance Branch Bureau); provided, however, that this does not preclude the Minister of Finance from personally exercising that authority.

(2) The Minister of Finance delegates the authority delegated thereto pursuant to the provisions of Article 38, paragraph (3) of the Act and the authority under the provisions of paragraph (4) of that Article (both of these are limited to that which falls under the jurisdiction of the National Tax Administration Agency) to the Chief of the Taxation Administration Agency or the director of the tax office with jurisdiction over the locality of the office, place of business, or other place where a specified entrepreneur does business (if that locality is within the area of Okinawa Prefecture, to the office manager of Okinawa Regional Taxation Office); provided, however, that this does not preclude the Minister of Finance from personally exercising that authority.

(3) The Minister of Minister of Health, Labour and Welfare delegates the authority delegated thereto pursuant to the provisions of Article 38, paragraph (3) of the Act and the authority under the provisions of paragraph (4) of that Article to the chief of the relevant Regional Bureau of Health and Welfare or the Director General of Prefectural Labour Bureau with jurisdiction over the locality of the office, place of business, or other place where a specified entrepreneur does business (if that locality is within the area of the Shikoku Regional Bureau of Health and Welfare, to a branch manager of the Shikoku Regional Bureau of Health and Welfare); provided, however, that this does not preclude the Minister of Minister of Health, Labour from personally exercising that authority.

(4) The Minister of Agriculture, Forestry and Fisheries delegates the authority delegated thereto pursuant to the provisions of Article 38, paragraph (3) of the Act and the authority under the provisions of paragraph (4) of that Article to the Director of a Regional Agricultural Administration Office or the Chief of

Hokkaido Regional Agricultural Administration Office with jurisdiction over the locality of the office, place of business, or other location where a specified entrepreneur does business; provided, however, that this does not preclude the Minister of Agriculture, Forestry and Fisheries from personally exercising that authority.

- (5) The Minister of Economy, Trade and Industry delegates the authority delegated thereto pursuant to the provisions of Article 38, paragraph (3) of the Act and the authority under the provisions of paragraph (4) of that Article to the Director General of Bureaus of Economy, Trade and Industry with jurisdiction over the locality of the office, place of business, or other place where a specified entrepreneur does business; provided, however, that this does not preclude the Minister of Economy, Trade and Industry from personally exercising that authority.
- (6) The Minister of Land, Infrastructure and Transport delegates the authority delegated thereto pursuant to the provision of Article 38, paragraph (3) of the Act and the authority under the provisions of paragraph (4) of that Article to the Directors of Regional Development Bureaus, Director General of the Hokkaido Development Bureau, Directors of the District Transport Bureaus, Chief of Transport Administration Department, Assistant Directors of the Transport Bureau Branches or the Directors of the Regional Civil Aviation Bureaus with jurisdiction over the localities of the offices, places of business, and other places where specified entrepreneurs do business; provided, however, that this does not preclude the Minister of Land, Infrastructure and Transport from personally exercising that authority.
- (7) The Minister of the Environment delegates the authority delegated thereto pursuant to the provisions of Article 38, paragraph (3) of the Act and the authority under the provisions of paragraph (4) of that Article to the Director Generals of the Regional Environment Offices with jurisdiction over the localities of the offices, places of business, and places where specified entrepreneurs do business; provided, however, that this does not preclude the Minister of the Environment from personally exercising that authority.

(Delegation of Authority to the Securities and Exchange Surveillance Commission)

Article 20 The Commissioner of the Financial Services Agency delegates the authority delegated thereto pursuant to the provisions of Article 38, paragraph (3) of the Act (this is limited to that which relates to transactions involving goods or services associated with the financial instruments business as prescribed in Article 2, paragraph (8) of the Financial Instruments and Exchange Act (Act No. 25 of 1948) carried on by a financial instruments business operator as prescribed in paragraph (9) of that Article, transactions

involving goods or services associated with the financial instruments intermediary service as prescribed in paragraph (11) of that Article that is carried on by a financial instruments intermediary service provider as prescribed in paragraph (12) of that Article, and transactions involving goods or services associated with the registered financial institution business as prescribed in Article 33-3, paragraph (1), item (vi)(a) of that Act that is carried on by a registered financial institution as prescribed in that paragraph) to the Securities and Exchange Surveillance Commission; provided, however, that this does not preclude the Commissioner of the Financial Services Agency from personally exercising that authority.

- Article 20 (1) The Commissioner of the Financial Services Agency delegates the authority delegated thereto pursuant to the provisions of Article 38, paragraph (3) of the Act (this is limited to that which relates to transactions involving goods or services associated with the financial instruments business as prescribed in Article 2, paragraph (8) of the Financial Instruments and Exchange Act (Act No. 25 of 1948) carried on by a financial instruments business operator as prescribed in paragraph (9) of that Article, transactions involving goods or services associated with the financial instruments intermediary service as prescribed in paragraph (11) of that Article that is carried on by a financial instruments intermediary service provider as prescribed in paragraph (12) of that Article, and transactions involving goods or services associated with the registered financial institution business as prescribed in Article 33-3, paragraph (1), item (vi)(a) of that Act that is carried on by a registered financial institution as prescribed in that paragraph, and transactions involving goods or services associated with securities, etc. intermediary business operations as prescribed in Article 11, paragraph (4) of the Act on Provision of Financial Services and the Development of the Accessible Environment (Act No.101 of 2000) that is carried on by a financial service intermediary as prescribed in paragraph (6) of that Article) to the Securities and Exchange Surveillance Commission; provided, however, that this does not preclude the Commissioner of the Financial Services Agency from personally exercising that authority.
- (2) Having exercised the authority delegated thereto pursuant to the provisions of the preceding paragraph, the Securities and Exchange Surveillance Commission must promptly report the results of this to the Commissioner of the Financial Services Agency.

(Delegation of Authority to the Director General of the Local Finance Bureau)
Article 21 (1) The Commissioner of the Financial Services Agency delegates the authority delegated thereto pursuant to the provisions of Article 38, paragraph

(3) of the Act (excluding the authority delegated to the Securities and Exchange Surveillance Commission pursuant to the provisions of that Article, paragraph (6)) and the authority under the provisions of paragraph (4) of that Article (excluding that which involves the authority delegated to the Securities and Exchange Surveillance Commission pursuant to the provisions of paragraph (6) of that Article) to the Director General of the Local Finance Bureau with jurisdiction over the locality of the main office or place of business (hereinafter referred to as the "main office or place of business" in this and the following Articles) of the entrepreneur prescribed in Article 25, paragraph (1) (hereinafter referred to simply as "the entrepreneur") (or, if that locality is within the area under the jurisdiction of the Fukuoka Local Finance Branch Bureau, to the Director General of the Fukuoka Local Finance Branch Bureau); provided, however, that this does not preclude the Commissioner of the Financial Services Agency from personally exercising that authority.

(2) In addition to the Director General of the Local Finance Bureau or the Director General of the Fukuoka Local Finance Branch Bureau prescribed in the preceding paragraph, the Director General of the Local Finance Bureau with jurisdiction over the locality of an office, place of business, or other location where the entrepreneur does business that is other than its main office or place of business (hereinafter referred to as the "secondary office or business location" in this paragraph and paragraph (2) of the following Article) (or, if that locality is within the area under the jurisdiction of Fukuoka Local Finance Branch Bureau, the Director General of the Fukuoka Local Finance Branch Bureau) may also exercise the authority that has been delegated pursuant to the provisions of the preceding paragraph with respect to such a secondary office or business location.

Article 22 (1) The Securities and Exchange Surveillance Commission delegates the authority delegated thereto pursuant to the provisions of Article 38, paragraph (6) of the Act to the Director General of the Local Finance Bureau with jurisdiction over the locality of the entrepreneur's main office or place of business (or, if that locality is within the area under the jurisdiction of the Fukuoka Local Finance Branch Bureau, to the Director General of the Fukuoka Local Finance Branch Bureau); provided, however, that this does not preclude the Securities and Exchange Surveillance Commission from personally exercising that authority.

(2) In addition to the Director General of the Local Finance Bureau or the Director General of the Fukuoka Local Finance Branch Bureau prescribed in the preceding paragraph, the Director General of the Local Finance Bureau with jurisdiction over the locality of an office, place of business, or other location where the entrepreneur does business that is other than its main office

or place of business (hereinafter referred to as the "secondary office or business location" in this paragraph and paragraph (2) of the following Article) (or, if that locality is within the area under the jurisdiction of Fukuoka Local Finance Branch Bureau, the Director General of the Fukuoka Local Finance Branch Bureau) may also exercise the authority that has been delegated pursuant to the provisions of the preceding paragraph with respect to such a secondary office or business location.

(Administrative Processes Handled by Prefectures)

- Article 23 (1) Among the administrative processes that are part of the authority delegated to the Secretary General of the Consumer Affairs Agency pursuant to the provisions of Article 38, paragraph (1) of the Act, those that are part of the authority under the provisions Article 7 paragraph (1) and (2), and Article 25, paragraph (1) of the Act (with respect to administrative processes that are part of the authority under the provisions of that paragraph, this is limited to when it is found to be necessary to carry out such a process in order to issue an order under the provisions in Article 7, paragraph (1) of the Act) are to be undertaken by the prefectural governor with jurisdiction over the prefectural area that includes a place or region where an unjustifiable premium was offered or a misleading representation was made; provided, however, that if it is likely to interfere with general consumers' voluntary and rational choice-making over two or more prefectures and the Secretary General of the Consumer Affairs Agency (or, with respect to the authority under the provisions in Article 25, paragraph (1) of the Act, in cases of delegation to the Fair Trade Commission pursuant to the provisions of Article 38, paragraph (2) of the Act, the Fair Trade Commission; in cases of delegation to the minister with jurisdiction over the business of an entrepreneur or the Commissioner of the Financial Services Agency pursuant to the provisions of paragraph (3) of that Article, the minister with jurisdiction over the business of an entrepreneur or the Commissioner of the Financial Services Agency; in cases of delegation to the Securities and Exchange Surveillance Commission pursuant to the provisions of paragraph (6) of that Article, the Securities and Exchange Surveillance Commission; hereinafter the same applies in this paragraph) finds it especially necessary to do so in order to handle the situation appropriately and effectively, or at the request of the prefectural governors, this does not preclude the Secretary General of the Consumer Affairs Agency from personally undertaking those administrative processes.
- (2) A prefectural governor who has undertaken an administrative process prescribed in the main text of the preceding paragraph pursuant to the provisions of the main text of that paragraph must promptly report the results of this to the Secretary General of the Consumer Affairs Agency.

(3) In a case as referred to in the main text of paragraph (1), the provisions of the Act regarding the Prime Minister as concerns the administrative processes prescribed in the main text of that paragraph apply to prefectural governors as provisions regarding the prefectural governors.