

不当景品類及び不当表示防止法施行令（暫定版）

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

（平成二十一年八月十四日政令第二百十八号）
（Cabinet Order No. 218 of August 14, 2009）

第一条 不当景品類及び不当表示防止法（以下「法」という。）第八条第一項に規定する政令で定める売上額の算定の方法は、次条に定めるものを除き、法第八条第二項に規定する課徴金対象期間（以下単に「課徴金対象期間」という。）において引き渡した商品又は提供した役務の対価の額を合計する方法とする。この場合において、次の各号に掲げる場合に該当するときは、当該各号に定める額を控除するものとする。

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:

一 課徴金対象期間において商品の量目不足、品質不良又は破損、役務の不足又は不良その他の事由により対価の額の全部又は一部を控除した場合 控除した額

(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;

二 課徴金対象期間において商品が返品された場合 返品された商品の対価の額

(ii) if goods have been returned during the Subject Period: the amount of the consideration for the returned goods; or

三 商品の引渡し又は役務の提供を行う者が引渡し又は提供の実績に応じて割戻金の支払を行うべき旨が書面によって明らかな契約（一定の期間内の実績が一定の額又は数量に達しない場合に割戻しを行わない旨を定めるものを除く。）があった場合 課徴金対象期間におけるその実績について当該契約で定めるところにより算定した割戻金の額（一定の期間内の実績に応じて異なる割合又は額によって算定すべき場合にあっては、それらのうち最も低い割合又は額により算定した額）

(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).

第二条 法第八条第一項に規定する課徴金対象行為（以下単に「課徴金対象行為」という。）に係る商品又は役務の対価がその販売又は提供に係る契約の締結の際に定められる場合において、課徴金対象期間において引き渡した商品又は提供した役務の対価の額の合計額と課徴金対象期間において締結した契約により定められた商品の販売又は役務の提供の対価の額の合計額との間に著しい差異を生ずる事情があると認められるときは、同項に規定する売上額の算定の方法は、課徴金対象期間において締結した契約により定められた商品の販売又は役務の提供の対価の額を合計する方法とする。

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 前条（第三号に係る部分に限る。）の規定は、前項に規定する方法により売上額を算定する場合に準用する。

(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.

（法第十条第一項に規定する一般消費者の特定）

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

第三条 法第十条第一項に規定する課徴金対象期間において当該商品又は役務の取引を行った一般消費者であって特定されているものは、当該一般消費者が課徴金対象行為に係る商品の引渡し又は役務の提供を受けた日（法第十五条第一項の規定による通知を受けた者に係る法第八条第一項に規定する売上額の算定の方法について前条第一項の規定を適用する場合にあっては、当該一般消費者が課徴金対象行為に係る商品の購入又は役務の提供に係る契約を締結した日）が課徴金対象期間内であることが、当該

商品の購入又は役務の提供の対価の支払に充てた金銭に係る領収書、当該商品の購入又は役務の提供に係る契約に係る契約書その他の当該事実を証する資料により特定された者（次条及び第五条第一項において「特定消費者」という。）とする。

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)).

（法第十条第一項に規定する政令で定める購入額の算定の方法）

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

第四条 法第十条第一項に規定する政令で定める購入額の算定の方法は、次条に定めるものを除き、同項の申出をした特定消費者が課徴金対象期間において引渡しを受けた商品又は提供を受けた役務の対価の額を合計する方法とする。この場合において、次の各号に掲げる場合に該当するときは、当該各号に定める額を控除するものとする。

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:

一 課徴金対象期間において商品の量目不足、品質不良又は破損、役務の不足又は不良その他の事由により対価の額の全部又は一部が控除された場合 控除された額

(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;

二 課徴金対象期間において商品を返品した場合 返品した商品の対価の額

(ii) if goods have been returned during the Subject Period: the amount of the consideration for the returned goods; or

三 商品の引渡し又は役務の提供を行う者から引渡し又は提供の実績に応じて割戻金の支払を受けるべき旨が書面によって明らかな契約（一定の期間内の実績が一定の額又は数量に達しない場合に割戻しを受けない旨を定めるものを除く。）があった場合 課徴金対象期間におけるその実績について当該契約で定めるところにより算定した割戻金の額（一定の期間内の実績に応じて異なる割合又は額によって算定すべき場合にあっては、それらのうち最も低い割合又は額により算定した額）

(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).

第五条 法第十五条第一項の規定による通知を受けた者に係る法第八条第一項に規定する売上額の算定の方法について第二条第一項の規定を適用する場合においては、法第十条第一項に規定する購入額の算定の方法は、同項の申出をした特定消費者が課徴金対象期間において締結した契約により定められた商品の購入又は役務の提供の対価の額を合計する方法とする。

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 前条（第三号に係る部分に限る。）の規定は、前項に規定する方法により購入額を算定する場合に準用する。

(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.

（法第十二条第三項の場合における法第八条第二項及び第三項並びに第九条から第十一条までの規定の適用）

(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)

第六条 法第十二条第三項の場合において、当該消滅した法人が行った法第八条第二項に規定する取引（以下この条及び第十条において「課徴金対象行為後取引」という。）又は同項に規定する措置（以下この条及び第十条において「不当顧客誘引解消措置」という。）は、法第十二条第三項の規定により合併後存続し、又は合併により設立された法人がしたとみなされる課徴金対象行為について、当該合併後存続し、又は合併により設立された法人が行った課徴金対象行為後取引又は不当顧客誘引解消措置とみなして、法第八条第二項の規定を適用する。

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.

第七条 法第十二条第三項の場合における法第八条第三項の規定の適用については、次項に定めるものを除き、同条第三項中「当該表示をした事業者」とあるのは「当該表示をした事業者との合併後存続し、又は当該事業者と他の事業者との合併により設立された法人」と、「当該事業者」とあるのは「当該合併後存続し、又は合併により設立された法人」とする。

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 法第十二条第三項の場合において、当該消滅した法人が法第八条第三項の規定による資料の提出の求めを受けたときにおける同項の規定の適用については、同項中「当該事業者」とあるのは、「当該事業者又は当該事業者との合併後存続し、若しくは当該事業者と他の事業者との合併により設立された法人のいずれも」とする。

(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".

第八条 法第十二条第三項の場合において、当該消滅した法人が行った法第九条の規定による報告は、同項の規定により合併後存続し、又は合併により設立された法人がしたとみなされる課徴金対象行為に該当する事実について、当該合併後存続し、又は合併により設立された法人が行った同条の規定による報告とみなして、同条の規定を適用する。

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.

第九条 法第十二条第三項の場合において、当該消滅した法人が行った法第十条第一項に規定する返金措置、同項の認定の申請、同条第四項の規定による報告、同条第六項の規定による変更の認定の申請若しくは法第十一条第一項の規定による報告（以下この条及び第十三条において「実施予定返金措置計画申請等」という。）又は当該消滅した法人が受けた法第十条第一項の認定、同条第六項の規定による変更の認定、同条第八項の規定による同条第一項の認定（同条第六項の規定による変更の認定を含む。）の取消し若しくは法第十五条第一項の規定による通知（以下この条及び第十三条において「実施予定返金措置計画認定等」という。）は、法第十二条第三項の規定により合併後存続し、又は合併により設立された法人がしたとみなされる課徴金対象行為について、当該合併後存続し、若しくは合併により設立された法人が行った実施予定返金措置計画申請等又は当該合併後存続し、若しくは合併により設立された法人が受けた実施予定返金措置計画認定等とみなして、法第十条及び第十一条の規定を適用する。

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.

(法第十二条第四項の場合における法第八条第二項及び第三項並びに第九条から第十一条までの規定の適用)

(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)

第十条 法第十二条第四項の場合において、当該消滅した法人が行った課徴金対象行為後取引又は不当顧客誘引解消措置は、同項の規定により同項に規定する特定事業承継子会社等（以下単に「特定事業承継子会社等」という。）がしたとみなされる課徴金対象行為について、当該特定事業承継子会社等が行った課徴金対象行為後取引又は不当顧客誘引解消措置とみなして、法第八条第二項の規定を適用する。

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.

第十一条 法第十二条第四項の場合における法第八条第三項の規定の適用については、次項に定めるものを除き、同条第三項中「当該表示をした事業者」とあるのは「第十二条第四項に規定する特定事業承継子会社等」と、「当該事業者」とあるのは「当該特定事業承継子会社等（当該特定事業承継子会社等が二以上ある場合にあっては、当該特定事業承継子会社等のいずれも）」とする。

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 法第十二条第四項の場合において、当該消滅した法人が法第八条第三項の規定による資料の提出の求めを受けたときにおける同項の規定の適用については、同項中「当該事業者」とあるのは、「当該事業者又は第十二条第四項に規定する特定事業承継子会社等（当該特定事業承継子会社等が二以上ある場合にあっては、当該特定事業承継子会社等のいずれも）のいずれも」とする。

(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)".

第十二条 法第十二条第四項の場合において、当該消滅した法人が行った法第九条の規定による報告は、同項の規定により特定事業承継子会社等がしたとみなされる課徴金対象行為に該当する事実について、当該特定事業承継子会社等が行った同条の規定による報告とみなして、同条の規定を適用する。

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.

第十三条 法第十二条第四項の場合において、当該消滅した法人が行った実施予定返金措置計画申請等又は当該消滅した法人が受けた実施予定返金措置計画認定等は、同項の規定により特定事業承継子会社等がしたとみなされる課徴金対象行為について、当該特定事業承継子会社等が行った実施予定返金措置計画申請等又は当該特定事業承継子会社等が受けた実施予定返金措置計画認定等とみなして、法第十条及び第十一条の規定を適用する。

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.

(消費者庁長官に委任されない権限)

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

第十四条 法第三十八条第一項の政令で定める権限は、法第二条第三項及び第四項、第三条第一項（消費者委員会からの意見の聴取に係る部分に限る。）及び第二項、第四条、第五条第三号、第六条第一項（消費者委員会からの意見の聴取に係る部分に限る。）及び第二項、第二十二條第二項並びに同条第三項及び第四項（これらの規定を同条第五項において準用する場合を含む。）の規定による権限とする。

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.

(公正取引委員会への権限の委任)

(Delegation of Authority to the Fair Trade Commission)

第十五条 法第三十八条第一項の規定により消費者庁長官に委任された権限のうち、法第二十五条第一項の規定による権限は、公正取引委員会に委任する。ただし、消費者庁長官が自らその権限を行使することを妨げない。

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.

(法第三十八条第三項の政令で定める事情)

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

第十六条 法第三十八条第三項の政令で定める事情は、次の各号のいずれかに該当する事情とする。

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:

一 緊急かつ重点的に不当な景品類又は表示に対処する必要があること。

(i) unjustifiable premiums or misleading representations need to be handled in an urgent and focused manner;

二 前号のほか、効果的かつ効率的に不当な景品類又は表示に対処するために事業者の事業を所管する大臣又は金融庁長官が有する専門的知見を特に活用する必要があること。

(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.

(事業所管大臣等への権限の委任)

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

第十七条 消費者庁長官は、法第三十八条第三項の規定により、法第二十五条第一項の規定による権限を委任する場合においては、委任しようとする事務の範囲及び期間を定めて、事業者の事業を所管する大臣又は金融庁長官に委任するものとする。ただし、消費者庁長官が自らその権限を行使することを妨げない。

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 消費者庁長官は、前項の規定により委任しようとする事務の範囲及び期間を定めようとするときは、あらかじめ、事業者の事業を所管する大臣又は金融庁長官に協議しなければならない。

(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.

(権限行使の結果の報告)

(Reporting Results of the Exercise of Authority)

第十八条 法第三十八条第四項の規定による報告は、速やかに、次に掲げる事項を記載した書面（電子的方式、磁気的方式その他の知覚によっては認識することができない方式で作られる記録を含む。）により行うものとする。

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:

一 報告若しくは物件の提出の命令又は立入検査若しくは質問を行った結果により判明した事実

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

二 その他参考となるべき事項

(ii) other information of reference.

(地方支分部局の長への権限の委任)

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

第十九条 財務大臣は、法第三十八条第三項の規定により委任された権限及び同条第四項の規定による権限（いずれも国税庁の所掌に係るものを除く。）を、特定事業者（法第二十五条第一項に規定する当該事業者及びその者とその事業に関して関係のある事業者をいう。以下この条において同じ。）の事務所、事業所その他その事業を行う場所の所在地を管轄する財務局長（当該所在地が福岡財務支局の管轄区域内にある場合にあっては、福岡財務支局長）又は税関長に委任する。ただし、財務大臣が自らその権限を行使することを妨げない。

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 財務大臣は、法第三十八条第三項の規定により委任された権限及び同条第四項の規定による権限（いずれも国税庁の所掌に係るものに限る。）を、特定事業者の事務所、事業所その他その事業を行う場所の所在地を管轄する国税局長（当該所在地が沖縄県の区域内にある場合にあっては、沖縄国税事務所長）又は税務署長に委任する。ただし、財務大臣が自らその権限を行使することを妨げない。

(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 厚生労働大臣は、法第三十八条第三項の規定により委任された権限及び同条第四項の規定による権限を、特定事業者の事務所、事業所その他その事業を行う場所の所在地を管轄する地方厚生局長（当該所在地が四国厚生支局の管轄区域内にある場合にあっては、四国厚生支局長）又は都道府県労働局長に委任する。ただし、厚生労働大臣が自らその権限を行使することを妨げない。

(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 農林水産大臣は、法第三十八条第三項の規定により委任された権限及び同条第四項の規定による権限を、特定事業者の事務所、事業所その他その事業を行う場所の所在地を管轄する地方農政局長又は北海道農政事務所に委任する。ただし、農林水産大臣が自らその権限を行使することを妨げない。

(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 経済産業大臣は、法第三十八条第三項の規定により委任された権限及び同条第四項の規定による権限を、特定事業者の事務所、事業所その他その事業を行う場所の所在地を管轄する経済産業局長に委任する。ただし、経済産業大臣が自らその権限を行使することを妨げない。

(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 国土交通大臣は、法第三十八条第三項の規定により委任された権限及び同条第四項の規定による権限を、特定事業者の事務所、事業所その他その事業を行う場所の所在地を管轄する地方整備局長、北海道開発局長、地方運輸局長、運輸監理部長、運輸支局長又は地方航空局長に委任する。ただし、国土交通大臣が自らその権限を行使することを妨げない。

(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 環境大臣は、法第三十八条第三項の規定により委任された権限及び同条第四項の規定による権限を、特定事業者の事務所、事業所その他その事業を行う場所の所在地を管轄する地方環境事務所長に委任する。ただし、環境大臣が自らその権限を行使することを妨げない。

(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 General 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.

(証券取引等監視委員会への権限の委任等)

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

第二十条 金融庁長官は、法第三十八条第三項の規定により委任された権限（金融商品取引法（昭和二十三年法律第二十五号）第二条第九項に規定する金融商品取引業者が行う同条第八項に規定する金融商品取引業に係る商品又は役務の取引、同条第十二項に規定する金融商品仲介業者が行う同条第十一項に規定する金融商品仲介業に係る商品又は役務の取引及び同項に規定する登録金融機関が行う同法第三十三条の三第一項第六号イに規定する登録金融機関業務に係る商品又は役務の取引に関するものに限る。）を証券取引等監視委員会に委任する。ただし、金融庁長官が自らその権限を行使することを妨げない。

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.

第二十条 金融庁長官は、法第三十八条第三項の規定により委任された権限（金融商品取引法（昭和二十三年法律第二十五号）第二条第九項に規定する金融商品取引業者が行う同条第八項に規定する金融商品取引業に係る商品又は役務の取引、同条第十二項に規定する金融商品仲介業者が行う同条第十一項に規定する金融商品仲介業に係る商品又は役務の取引及び同項に規定する登録金融機関が行う同法第三十三条の三第一項第六号イに規定する登録金融機関業務に係る商品又は役務の取引並びに金融サービスの提供及び利用環境の整備等に関する法律（平成十二年法律第百一号）第十一条第六項に規定する金融サービス仲介業者が行う同条第四項に規定する有価証券等仲介業務に係る商品又は役務の取引に関するものに限る。）を証券取引等監視委員会に委任する。ただし、金融庁長官が自らその権限を行使することを妨げない。

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 証券取引等監視委員会は、前項の規定により委任された権限を行使したときは、速やかに、その結果について金融庁長官に報告しなければならない。

(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.

（財務局長等への権限の委任）

(Delegation of Authority to the Director General of the Local Finance Bureau)

第二十一条 金融庁長官は、法第三十八条第三項の規定により委任された権限（同条第六項の規定により証券取引等監視委員会に委任されたものを除く。）及び同条第四項の規定による権限（同条第六項の規定により証券取引等監視委員会に委任された権限に係るものを除く。）を、法第二十五条第一項に規定する当該事業者（次項及び次条において単に「当該事業者」という。）の主たる事務所又は事業所（次項及び次条第一項において「主たる事務所等」という。）の所在地を管轄する財務局長（当該所在地が福岡財務支局の管轄区域内にある場合にあっては、福岡財務支局長）に委任する。ただし、金融庁長官が自らその権限を行使することを妨げない。

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 前項の規定により委任された権限で、当該事業者の主たる事務所等以外の事務所、事業所その他その事業を行う場所（以下この項及び次条第二項において「従たる事務所等」という。）に関するものについては、前項に規定する財務局長又は福岡財務支局長のほか、当該従たる事務所等の所在地を管轄する財務局長（当該所在地が福岡財務支局の管轄区域内にある場合にあっては、福岡財務支局長）も行うことができる。

(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.

第二十二条 証券取引等監視委員会は、法第三十八条第六項の規定により委任された権限を、当該事業者の主たる事務所等の所在地を管轄する財務局長（当該所在地が福岡財務支局の管轄区域内にある場合にあっては、福岡財務支局長）に委任する。ただし、証券取引等監視委員会が自らその権限を行使することを妨げない。

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 前項の規定により委任された権限で、当該事業者の主たる事務所等以外の事務所、事業所その他その事業を行う場所（以下この項及び次条第二項において「従たる事務所等」という。）に関するものについては、前項に規定する財務局長又は福岡財務支局長のほか、当該従たる事務所等の所在地を管轄する財務局長（当該所在地が福岡財務支局の管轄区域内にある場合にあっては、福岡財務支局長）も行うことができる。

(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.

（都道府県が処理する事務）

(Administrative Processes Handled by Prefectures)

第二十三条 法第三十八条第一項の規定により消費者庁長官に委任された権限に属する事務のうち、法第七条第一項及び第二項並びに第二十五条第一項の規定による権限に属する事務（同項の規定による権限に属する事務にあっては、法第七条第一項の規定による命令を行うため必要があると認める場合におけるものに限る。）は、不当な景品類の提供又は表示がされた場所又は地域を含む都道府県の区域を管轄する都道府県知事が行うこととする。ただし、二以上の都道府県の区域にわたり一般消費者による

自主的かつ合理的な選択を阻害するおそれがあり、消費者庁長官（法第二十五条第一項の規定による権限について、法第三十八条第二項の規定により公正取引委員会に委任された場合にあつては公正取引委員会、同条第三項の規定により事業者の事業を所管する大臣又は金融庁長官に委任された場合にあつては当該事業者の事業を所管する大臣又は金融庁長官、同条第六項の規定により証券取引等監視委員会に委任された場合にあつては証券取引等監視委員会。以下この項において同じ。）がその事態に適正かつ効率的に対処するため特に必要があると認めるとき、又は都道府県知事から要請があつたときは、消費者庁長官が自らその事務を行うことを妨げない。

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 前項本文の規定により同項本文に規定する事務を行った都道府県知事は、速やかに、その結果を消費者庁長官に報告しなければならない。

(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 第一項本文の場合においては、法中同項本文に規定する事務に係る内閣総理大臣に関する規定は、都道府県知事に関する規定として都道府県知事に適用があるものとする。

(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.