

Act on Emergency Measures against Acts of Buying Up or Holding Back Sales of Goods Related to Everyday Life

(Act No. 48 of July 6, 1973)

(Purpose)

Article 1 The purpose of this Act is to provide for emergency measures against acts of buying up or holding back sales of goods that are highly related to the lives of the citizenry or goods that are important for the national economy (hereinafter referred to as "Goods Related to Everyday Life, etc."), thereby contributing to achieving stability in the lives of the citizenry and smooth operation of the national economy.

(Designation of Goods)

Article 2 (1) When the price of Goods Related to Everyday Life, etc. rises or is likely to rise substantially and an act of buying up or holding back sales of the Goods Related to Everyday Life, etc. is conducted or is likely to be conducted, the Goods Related to Everyday Life, etc. are to be designated by Cabinet Order as goods that require a special investigation.

(2) When the situation provided in the preceding paragraph is found to no longer exist, the designation under the provisions of the paragraph is to be canceled.

(Investigation)

Article 3 The Prime Minister and the competent minister are to conduct a necessary investigation on the price trends and supply-demand situation of the goods designated pursuant to the provisions of paragraph (1) of the preceding Article (hereinafter referred to as "Specified Goods").

(Instruction and Order on Sale)

Article 4 (1) When the Prime Minister and the competent minister find that a person engaged in the business of producing, importing, or selling Specified Goods is possessing a large amount of the Specified Goods due to the person's act of buying up or holding back sales of the Specified Goods, the Prime Minister and the competent minister may instruct the person to sell a specified quantity of the Specified Goods within a specified period of time to a specified person (limited to a person from whom the Prime Minister and the competent minister have obtained consent about purchasing the Specified Goods).

(2) When a person who received an instruction under the preceding paragraph fails to comply with the instruction, the Prime Minister and the competent

minister may order the person to sell a specified quantity of the Specified Goods within a specified period of time to a specified person.

- (3) When an order is issued under the preceding paragraph, the money to be paid or received by the relevant parties and other details necessary with regard to the implementation of an order are decided through consultation between the parties.
- (4) When the relevant parties are unable to hold the consultation set forth in the preceding paragraph or are found to be unable to reach an agreement through the consultation by the time limit for sale specified by the order under paragraph (2), the Prime Minister and the competent minister may issue a ruling as provided for by Cabinet Order.
- (5) When having issued a ruling under the preceding paragraph, the Prime Minister and the competent minister must give the relevant parties notice to that effect without delay.
- (6) When the ruling set forth in paragraph (4) is issued, an agreement is deemed to have been reached between the relevant parties through consultation as determined by the ruling.
- (7) Either of the relevant parties who is dissatisfied with the amount of money to be paid or received by that party as determined by the ruling set forth in paragraph (4) may file an action to request an increase or decrease of the amount within six months from the day on which the party received the notice of the ruling.
- (8) In the action set forth in the preceding paragraph, the other party is to be the defendant.
- (9) When requesting an administrative review of the ruling set forth in paragraph (4), dissatisfaction with the amount of money to be paid or received by the relevant party may not be asserted as the reason for such request.

(On-site Inspection)

- Article 5 (1) The Prime Minister and the competent minister may, to the extent necessary for enforcement of the provisions of the preceding Article, cause a person engaged in the business of producing, importing, or selling Specified Goods to report on the person's operations, or cause the relevant officials to enter such person's office, factory, workplace, store, or warehouse and inspect books, documents, or any other articles or ask questions to persons concerned with regard to Specified Goods.
- (2) When the Prime Minister and the competent minister caused the minister's officials to conduct an on-site inspection or ask questions with regard to Specified Goods pursuant to the provisions of the preceding paragraph and find it particularly necessary, they may cause the relevant officials to enter a warehouse or any other place of a person who is found to store the Specified

Goods and inspect books, documents, or any other articles or ask persons concerned questions with regard to the Specified Goods.

(3) When an official conducts an on-site inspection or asks questions pursuant to the provisions of the preceding two paragraphs, the official must carry an identification card and present it to persons concerned.

(4) The authority to conduct an on-site inspection or ask questions under paragraph (1) or (2) must not be construed as being permitted for criminal investigation.

(Competent Minister)

Article 6 The competent minister under this Act is to be the minister having jurisdiction over the business of producing, importing, or selling Specified Goods, as provided for by Cabinet Order.

(Price Investigators)

Article 7 The Cabinet Office and the competent ministry are to have price investigators who will perform duties concerning one-site inspections and the asking of questions under Article 5, paragraphs (1) and (2).

(Affairs to Be Processed by Local Governments)

Article 8 A part of the affairs under the authority granted to the Prime Minister and the competent minister under this Act may be carried out by the head of a local government, as provided for by Cabinet Order.

(Penal Provisions)

Article 9 A person who violates an order under Article 4, paragraph (2) is to be punished by imprisonment with required labor for not more than three years or a fine of not more than one million yen.

Article 10 A person who fails to make a report under Article 5, paragraph (1), makes a false report, refuses, obstructs, or evades an inspection under the paragraph or paragraph (2) of the Article, fails to answer questions under these provisions, or gives false answers is to be punished by imprisonment with required labor for not more than one year or a fine of not more than 200,000 yen.

Article 11 When a representative of a corporation, or an agent, employee, or any other worker of a corporation or an individual commits an act of violation set forth in the preceding two Articles with regard to the business of the corporation or individual, not only the offender but also the corporation or individual is to be punished by the fines prescribed in the respective Articles.

Supplementary Provisions

This Act is to come into effect as of the date of promulgation.

Supplementary Provisions [Act No. 121 of December 22, 1973] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date of promulgation.

(Review)

Article 2 The government is to review the provisions of this Act and the status of implementation thereof within one year from when this Act comes into effect, and is to take necessary measures based on the review results.

Supplementary Provisions [Act No. 87 of July 16, 1999] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2000; provided, however, that the provisions set forth in the following items come into effect as of the dates specified respectively in those items:

- (i) the provisions of Article 1 adding five Articles, a Section title, two Subsections, and Subsection titles after Article 250 of the Local Autonomy Act (limited to the part relating to Article 250-9, paragraph (1) of the Act (limited to the part relating to the gaining of consent of both Houses)), the provisions of Article 40 amending paragraphs (9) and (10) of the Supplementary Provisions of the Natural Parks Act (limited to the part relating to paragraph (10) of the Supplementary Provisions of the Act), the provisions of Article 244 (excluding the part relating to the provisions amending Article 14-3 of the Agricultural Improvement Promotion Act), the provisions of Article 472 (excluding the part relating to the provisions amending Articles 6, 8, and 17 of the Act on Special Provisions Concerning Merger of Municipalities), and the provisions of Articles 7, 10, and 12, the proviso to Article 59, Article 60, paragraphs (4) and (5), Articles 73 and 77, Article 157, paragraphs (4) through (6), and Articles 160, 163, 164, and 202 of the Supplementary Provisions: the date of promulgation.

(Affairs of the National Government)

Article 159 Beyond what is provided for in the respective Acts prior to the amendment by this Act, affairs to be managed or performed by an organ of a local government organ on behalf of the national government, another local

government, or other public entity pursuant to Acts or Cabinet Orders based thereon prior to the enforcement of this Act (hereinafter referred to as "Affairs of the National Government, etc." in Article 161 of the Supplementary Provisions) are, after the enforcement of this Act, to be processed by the local public entity as its own affairs pursuant to Acts or Cabinet Orders based thereon.

(Transitional Measures Concerning Dispositions, Applications)

Article 160 (1) With regard to dispositions to grant licenses, etc. and other acts conducted, prior to the enforcement of this Act (or the respective provisions set forth in the items of Article 1 of the Supplementary Provisions; hereinafter the same applies in this Article and Article 163 of the Supplementary Provisions), pursuant to the respective Acts prior to the amendment (hereinafter referred to as "Dispositions and Other Acts" in this Article) or applications for licenses, etc. and other acts conducted, prior to the enforcement of this Act, pursuant to the respective Acts prior to the amendment (hereinafter referred to as "Applications and Other Acts" in this Article), if administrative affairs pertaining to these acts come under the jurisdiction of different persons on the date of enforcement of this Act, these acts, except those prescribed in Article 2 of the Supplementary Provisions through the preceding Article or in the provisions of the respective amended Acts (including orders issued based thereon) concerning transitional measures, are deemed, with regard to the application of the respective amended Acts after the date of enforcement of this Act, as Dispositions and Other Acts or Applications and Other Acts conducted pursuant to the relevant provisions of the respective amended Acts.

(2) With regard to matters for which reports, notification, submission or any other procedures are required to be made or taken with organs of the national government or local governments, prior to the enforcement of this Act, pursuant to the respective Acts prior to the amendment, if these procedures have not yet been taken by the date of enforcement of this Act, the provisions of the respective Acts amended by this Act apply to such procedures, except those otherwise provided by this Act or Cabinet Order based thereon, by deeming that reports, notification, submission or any other procedures have not yet been made or taken with regard to matters for which such procedures are to be taken with the corresponding organs of the national government or local governments pursuant to the corresponding provisions of the respective amended Acts.

(Transitional Measures Concerning Appeals)

Article 161 (1) With regard to an appeal filed under the Administrative Appeal Act against a disposition pertaining to Affairs of the National Government, etc.

prior to the enforcement date of this Act by an administrative agency (hereinafter referred to as an "administrative agency reaching the disposition" in this Article) that has been subordinated to a higher administrative agency as prescribed by the Act (hereinafter referred to as a "higher administrative agency" in this Article) prior to the enforcement date of this Act, the provisions of the Administrative Appeal Act apply to the appeal, by deeming that the administrative agency reaching the disposition remains subordinate to the higher administrative agency after the enforcement date of this Act. In this case, the administrative agency that is deemed to be the higher administrative agency of the administrative agency reaching the disposition is to be the administrative agency which had been the higher administrative agency of the administrative agency reaching the disposition prior to the enforcement date of the Act.

- (2) In the case referred to in the preceding paragraph, if the administrative agency that is deemed to be a higher administrative agency is an organ of a local government, the affairs to be processed by the organ pursuant to the provisions of the Administrative Appeal Act are to be the item (i) statutory entrusted functions as prescribed in Article 2, paragraph (9), item (i) of the new Local Autonomy Act.

(Transitional Measures Concerning Fees)

Article 162 With regard to any fees which should have been paid, prior to the enforcement date of this Act, pursuant to the provisions of the respective Acts (including orders based thereon) prior to the amendment by this Act, the provisions then in force remain applicable, unless otherwise provided for by this Act or Cabinet Order based thereon.

(Transitional Measures Concerning Penal Provisions)

Article 163 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force remain applicable.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 164 (1) Beyond what is provided for in these Supplementary Provisions, transitional measures necessary for the enforcement of this Act (including transitional measures concerning penal provisions) are prescribed by Cabinet Order.

- (2) Matters necessary for application of the provisions of Articles 18, 51, and 184 of the Supplementary Provisions are prescribed by Cabinet Order.

(Review)

Article 250 Adding new functions to the item (i) statutory entrusted functions prescribed in Article 2, paragraph (9), item (i) of the new Local Autonomy Act is to be avoided as much as possible, and the functions set forth in appended table 1 of the new Local Autonomy Act and those provided by Cabinet Order based on the new Local Autonomy Act are to be reviewed from the perspective of promoting decentralization and to be revised as appropriate whenever necessary.

Article 251 In order to enable local governments to execute their affairs and services voluntarily and independently, the government is to consider how to secure adequate sources of local tax revenue based on the sharing of roles between the national government and local governments, taking into account the prevailing economic trends, and take the necessary measures based on the results of the consideration.

Article 252 In line with reforms of the medical insurance system, the pension system, and other systems, the government is to consider an ideal administrative processing system for social insurance and a desirable personnel system therefor from the viewpoint of ensuring convenience for the insured and increasing efficiency in administrative processing, and take measures as required based on the results of the consideration when it finds it necessary.

Supplementary Provisions [Act No. 160 of December 22, 1999] [Extract]

(Effective Date)

Article 1 This Act (excluding Articles 2 and 3) comes into effect as of January 6, 2001.

Supplementary Provisions [Act No. 84 of June 9, 2004] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

(Review)

Article 50 The government is to review the status of enforcement of the new Act when five years have elapsed from when this Act comes into effect, and is to take required measures based on the review results when it finds it necessary.

Supplementary Provisions [Act No. 69 of June 13, 2014] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the day on which the Administrative Appeal Act (Act No. 68 of 2014) comes into effect.