

# Enforcement Regulation of the Consumer Contract Act

(Cabinet Office Order No. 17 of February 16, 2007)

(Definitions)

Article 1 The terms used in this Cabinet Office Order have the same meanings as the terms used in the Consumer Contract Act (hereinafter referred to as "the Act").

(Scope of Affiliated Persons of Specified Business Operators)

Article 2 (1) The special relationships specified by Cabinet Office Order provided in Article 13, paragraph (3), item (iv), sub-item (b) 1 of the Act (including as applied mutatis mutandis pursuant to Article 17, paragraph (6), Article 19, paragraph (6), and Article 20, paragraph (6) of the Act; the same applies hereinafter) are to be the relationships set forth below:

- (i) a relationship in which one business operator holds, either directly or indirectly, at least half of the number (or amount of money, in the case of capital contributions; the same applies hereinafter) of shares (including capital contributions; the same applies hereinafter) that constitute the total number (or total amount, in the case of capital contributions; the same applies hereinafter) of issued shares or capital contributions (excluding shares held by the other company in the original company; hereinafter referred to as "issued shares, etc.") of another business operator; or
  - (ii) a relationship between two business operators (excluding relationships as set forth in item (i)) in which each of them hold, either directly or indirectly, at least half of the total number of issued shares, etc., in the other business operator through the same person.
- (2) In the case referred to in item (i) of the preceding paragraph, determinations as to whether or not one of the business operators holds, either directly or indirectly, at least half of the total number of issued shares, etc., in the other business operator are to be made by adding the holding rate of the shares in the second business operator that are held directly by the first business operator (meaning the percentage of shares that the first business operator holds in the second business operator out of the total number of the second business operator's issued shares, etc.) and the holding rate of the shares in the second business operator that are held indirectly by the first business operator (meaning any of the percentages provided for in the following items in accordance with the classification provided in those items (where all of the cases set forth in the following items apply, this is to be the sum total of the

percentages provided for in each of the items)):

- (i) where at least half of the total number of issued shares, etc., in a corporation that is a shareholder, etc. (meaning a shareholder; the member of a general partnership company, limited partnership company, or limited liability company; or any other capital investor in a corporation; hereinafter the same applies in this paragraph) of the second business operator are held by the first business operator: the percentage of shares that the corporation that is a shareholder holds in the second business operator, out of the total number of the second business operator's issued shares, etc. (where there are two or more corporations that are shareholders, etc., the sum total of the percentages of shares obtained by calculating the percentage of shares held by each corporation); and
  - (ii) where one or more corporations (hereinafter referred to in this item as "corporations related through capital contributions") are interposed between a corporation that is a shareholder, etc., of the second business operator (excluding corporations that are shareholders, etc., provided for in the preceding item that fall under the case set forth in that item) and the first business operator, and are related thereto in a way that links them through the holding of issued shares (limited to where at least half of the total number of issued shares, etc., in a corporation related through capital contributions and in the corporation that is a shareholder, etc., are held by the first business operator or by a corporation related through capital contributions (limited to cases where at least half of the total number of issued shares, etc., of that corporation related through capital contributions are held by the first business operator or by another corporation related through capital contributions)): the percentage of shares that the corporation that is a shareholder holds in the second business operator, out of the total number of the second business operator's issued shares, etc., of the other business operator made up of those held by the corporation which is a shareholder, etc. (where there are two or more corporations that are shareholders, etc., the sum total of the percentages of shares obtained by calculating the percentage of shares held by each corporation).
- (3) The provisions of the preceding paragraph apply mutatis mutandis to the determination of a relationship under paragraph (1), item (ii).
  - (4) The persons specified by Cabinet Office Order referred to in Article 13, paragraph (3), item (iv), sub-item (b) 1 of the Act are to be the persons set forth as follows:
    - (i) the business operator and an officer or employee thereof; and
    - (ii) a person who has been a person set forth in the preceding item within the past two years.
  - (5) With regard to the determination of whether the requirements provided for in

Article 13, paragraph (3), item (iv), sub-item (b) 1 of the Act have been fulfilled, where the person has ceased to fulfill the requirement through no fault of their own, when, thereafter without delay, the person is found to fulfill the requirements, they are deemed to have continuously fulfilled the requirements.

(Business Classification)

- Article 3 (1) The classifications prescribed by Cabinet Office Order referred to in Article 13, paragraph (3), item (iv), sub-item (b) 2 of the Act are to be those categorized as follows. A business that belongs to the classification between 01 Agriculture and 79 Cooperative Associations (not classified elsewhere), or between 81 Scientific and Development Research Institutes and 99 Industries Unable to Classify, as listed in the Japan Standard Industry Classifications provided in the Establishment of the Nomenclature and Classification Table concerning Industries pursuant to the Provisions of the Cabinet Order Providing for Industrial Classification and Classification of Diseases, Injuries and Death to be used for Statistical Surveys (Ministry of Internal Affairs and Communications Notice No. 139 of 2002) are to be classified accordingly; a business that belongs to 80 Professional Services (not classified elsewhere) is to be classified under 80 Professional Services (not classified elsewhere) (limited to law firms and judicial scriveners' offices) or under 80 Professional Services (not classified elsewhere) (excluding those other than law firms and judicial scriveners' offices); provided, however, that, when the Prime Minister, in consideration of the nature of business activities, has found that there is no risk of hindering the fair and proper performance of services related to injunction demands and orders and has publicly notified a different classification, that classification.
- (2) The provisions of paragraph (5) of the preceding Article apply mutatis mutandis to the determination of the requirements set forth in Article 13, paragraph (3), item (iv), sub-item (b) 2 of the Act.

(Requirements for Persons with Expert Knowledge and Experience in Matters Related to Consumer Affairs)

Article 4 The requirements specified in Cabinet Office Order referred to in Article 13, paragraph (3), item (v), sub-item (a) of the Act are to fall under one of the following items:

- (i) the person has any of the following qualifications and has engaged in consumer affairs consultation services for a total period of at least one year:
- (a) a Consumer Affairs Expert Consultant qualification granted by the National Consumer Affairs Center of Japan, Incorporated Administrative Agency;
  - (b) a Consumer Affairs Advisor qualification granted by the Japan Industrial

- Association, Incorporated Foundation; or
- (c) a Consumer Affairs Consultant qualification granted by the Japan Consumers' Association, Incorporated Foundation.
- (ii) a requirement found by the Prime Minister to be equivalent to or higher than the requirements set forth in the preceding item.

(Requirement for Persons with Expert Knowledge and Experience in Laws)

Article 5 The requirements specified by Cabinet Office Order referred to in Article 13, paragraph (3), item (v), sub-item (b) of the Act are to fall under one of the following items:

- (i) an attorney at law;
- (ii) a judicial scrivener;
- (iii) a person working in a department at a university, an advanced studies course, or a graduate school provided for in the School Education Act (Act No. 26 of 1947) as a professor or associate professor who teaches Civil Law or any other subject in which students study the necessity of injunction demands and their content; or
- (iv) a requirement found by the Prime Minister to be equivalent to or higher than the requirements set forth in the preceding items.

(Matters to Be Entered in the Rules of Operation)

Article 6 The matters specified by Cabinet Office Order referred to in Article 13, paragraph (4) of the Act (including as applied *mutatis mutandis* pursuant to Article 17, paragraph (6), Article 19, paragraph (6), and Article 20, paragraph (6) of the Act) are as set forth below:

- (i) the matters set forth in the following sub-items as matters related to the methods of providing services related to injunction demands:
  - (a) the matters related to methods of providing the service of exercising the right to demand an injunction in the interest of many and unspecified consumers;
  - (b) the matters related to methods of providing the service of collecting information on the damage suffered by consumers (referred to as "consumer damage information collection services" in Article 21, paragraph (1), item (iii)) that is necessary for performing the services set forth in (a);
  - (c) the matters related to methods of providing services in connection with providing information on the results of exercising the right to demand an injunction that contribute to the prevention and remedy of damage suffered by consumers (referred to as "injunction demand information provision services" in Article 21, paragraph (1), item (iv));
  - (d) the matters related to measures for obtaining advice from and hearing the opinions of an expert advisor in the department that makes reviews

- provided for in Article 13, paragraph (3), item (v) of the Act; measures taken in cases where an officer, employee, or expert advisor has a special interest in the adverse party of an injunction demand; and other measures to ensure the fair provision of services;
- (e) the matters related to methods of making a prima facie showing that the organization is a qualified consumer organization; and
- (f) other necessary matters;
- (ii) the matters related to coordination among qualified consumer organizations (including matters related to methods of notification and reporting as provided in Article 23, paragraph (4) of the Act and matters related to policies on the notification and the reporting with regard to the acts provided for in Article 17, item (xv));
- (iii) the matters related to the appointment and dismissal of officers and expert advisors and other matters related to the organization, operations, and other systems connected to the services related to injunction demands;
- (iv) the matters related to the methods of managing and maintaining the confidentiality of information obtained in the course of performing services related to injunction demands;
- (v) the matters related to the management of books and documents as provided in Article 30 of the Act;
- (vi) the matters related to the appointment and dismissal of persons who perform the inspections provided for in Article 31, paragraph (2) of the Act;
- (vii) the matters related to methods of keeping the documents set forth in the items of Article 31, paragraph (3) of the Act and making them available for public inspection, etc.; and
- (viii) other necessary matters for providing services related to injunction demands.

(Matters to Be Entered in Written Applications for Certification)

Article 7 The matters specified by Cabinet Office Order referred to in Article 14, paragraph (1), item (iii) of the Act (including as applied mutatis mutandis pursuant to Article 17, paragraph (6), Article 19, paragraph (6), and Article 20 paragraph (6) of the Act; the same applies hereinafter) are to be the following matters:

- (i) the relevant party's telephone number, facsimile number and electronic mail address; and
- (ii) the telephone number, facsimile number and electronic mail address of the office provided for in Article 14, paragraph (1), item (ii) of the Act.

(Documents to Be Attached to Written Applications for Certification)

Article 8 (1) The matters specified by Cabinet Office Order referred to in Article

14, paragraph (2), item (vi), sub-item (b) of the Act are to be the telephone numbers and other contact information of officers, employees, and expert advisors.

(2) The documents specified by Cabinet Office Order referred to in Article 14, paragraph (2), item (xi) of the Act are to be the following documents:

(i) the applicant's certificate of registered information;

(ii) the documents set forth below that certify the domiciles or residences of officers and expert advisors, which were prepared no more than six months prior to the application date:

(a) where the officer or expert advisor is subject to the Basic Resident

Registry Act (Act No. 81 of 1967), a copy of the resident record provided for in Article 12, paragraph (1) of that Act or a document in lieu thereof;

(b) where the officer or expert advisor is not subject to the Basic Resident

Registry Act and the Alien Registration Act (Act No. 125 of 1952) is applicable, a document issued by the mayor or head of the municipality (or ward, in the areas in which the special wards of Tokyo are located and in the cities designated in Article 252-19, paragraph (1) of the Local Autonomy Act (Act No. 67 of 1947)) certifying the information recorded on their alien registration card prescribed in Article 4, paragraph (1) of that Act, or a document in lieu thereof;

(c) where the officer or expert advisor does not fall under (a) or (b), a document issued by a public agency with the authority to certify the domicile or residence of the officer or the expert advisor (where the document has been prepared in a foreign language, that document attached with a translation of the document that clearly identifies the translator) or a document in lieu thereof;

(iii) documents explaining that the constitution of the directors does not fall under Article 13, paragraph (3), item (iv), sub-item (b) 1 or 2 of the Act (including an explanation of the matters set forth below):

(a) whether each director is a business operator or their officer or employee, or was a business operator or their officer or employee in the past two years (referred to as "former affiliated persons" in (c)), and where a director is or was such a person, the name of the relevant business operator (hereinafter referred to as "business operators to which a director is affiliated" in this item), the location of its principal office and its business content;

(b) whether or not there exists a special relationship provided for in any of the items of Article 2, paragraph (1) among the business operators to which a director is affiliated, and details of the relationships;

(c) the business types to which the business activities carried out by the business operators to which a director is affiliated belong (where a

business operator conducts business activities that belong to two or more business types, the business type of the main business activities and the business type of the business activities that the directors perform (where a director is a former affiliated person, the business type of the current business activities of the business operator that the director has performed most recently)); and

- (d) where the application of the provisions of the second sentence of Article 13, paragraph (3), item (iv), sub-item (b) of the Act is sought, documents certifying that the business operator to which a director is affiliated who is subject to the application of the provisions satisfies the requirement set forth in item (ii) of that paragraph;
- (iv) documents certifying that expert advisors satisfy the requirements provided in Article 4 and Article 5.

(Method of Public Notice)

Article 9 Public notices as provided in Article 15, paragraph (1) of the Act (including as applied mutatis mutandis pursuant to Article 17, paragraph (6), Article 19, paragraph (6), and Article 20, paragraph (6) of the Act; hereinafter the same applies in this Article) are to provide to the public the matters set forth in Article 15, paragraph (1) of the Act and the period and place of public inspection of documents that should be provided for public inspection pursuant to the provisions of that paragraph by making them available for public inspection by posting them on the notice board of the Consumer Affairs Agency, by posting them on the internet, or by other methods.

(Method of Public Notice)

Article 10 Public notices provided in Article 16, paragraph (1) (including as applied mutatis mutandis pursuant to Article 17, paragraph (6), Article 19, paragraph (6), and Article 20 paragraph (6) of the Act; the same applies in Article 29, item (i)), Article 19, paragraph (8), Article 20, paragraph (8), Article 21, paragraph (2), Article 34, paragraph (5), and Article 35, paragraph (10) of the Act are to be made by publication in the Official Gazette.

(Notification that an Organization is a Qualified Consumer Organization)

Article 11 Notification referred to in Article 16, paragraph (2) of the Act must be made by displaying the name of the qualified consumer organization and the phrase "qualified consumer organization" in an easily visible location near the entrance or reception area of the organization's office.

(Notification of Changes)

Article 12 (1) A person who seeks to submit a notification of changes to the

matters set forth in the items of Article 14, paragraph (1) of the Act or the matters stated in the documents set forth in the items of Article 14, paragraph (2) of the Act (excluding item (ii) and item (xi); hereinafter the same applies in this Article) pursuant to the provisions of Article 18 of the Act must submit a written notification stating the following matters:

- (i) the name and address of the qualified consumer organization, and the name of its representative;
  - (ii) the details of the changes;
  - (iii) the date on which the changes have been made; and
  - (iv) the reasons the changes were necessary.
- (2) The documents set forth in the following items must be attached to the written notification provided for in the preceding paragraph in accordance with the cases set forth in each item:
- (i) where there has been a change in the matters stated in the documents set forth in the items of Article 14, paragraph (2) of the Act: the documents into which the changed matters have been entered; and
  - (ii) where a change has arisen in the content of the documents set forth in Article 8, paragraph (2) in conjunction with a change in the matters stated in the documents set forth in the items of Article 14, paragraph (1) or paragraph (2) of the Act: the documents into which the content changed have been entered (in the case of documents set forth in Article 8, paragraph (2) item (ii), limited to cases where an officer or an expert advisor has newly assumed the post (excluding cases of reappointment)).
- (3) The minor changes specified by Cabinet Office Order referred to in Article 18 of the Act, are to be the following changes to the matters stated in the documents set forth in Article 14, paragraph (2), item (vii) of the Act:
- (i) changes in the number of members (limited to individuals) of corporations that are qualified consumer organizations (excluding changes in the number of members (limited to individuals) for which certification provided in Article 13, paragraph (1) of the Act has been received, or for which renewal of term of validity provided in Article 17, paragraph (2) of the Act has been received, or for which approval provided for in Article 19, paragraph (3) of the Act or Article 20, paragraph (3) of the Act has been received, for which notification provided in Article 18 of the Act has been given, or for which submission provided in Article 31, paragraph (6) of the Act has been carried out, in which the number of members following the change has increased or decreased by at least one tenth of the number of members immediately preceding the change); and
  - (ii) where the member is a corporation or other organizations, changes in the number of members thereof.



(Methods of Notice and Reporting)

- Article 13 (1) Notices under Article 23, paragraph (4) of the Act (excluding those in cases set forth in item (x) of the same paragraph) must be given in writing.
- (2) Reports under Article 23, paragraph (4) of the Act (excluding those related to cases set forth in item (x) of the same paragraph) must be made in writing, and must be accompanied by a copy of the document provided in Article 41, paragraph (1) of the Act, a written complaint or written petition, a judgment document or a written ruling, a record of waiver or acknowledgement of claim, judicial settlement or conciliation, a written arbitration decision, a brief, or other documents indicating their content (referred to as "evidentiary documents" in Article 15, paragraph (1)).
- (3) Notices and reports under Article 23, paragraph (4) of the Act (each limited to those related to cases set forth in item (x) of the same paragraph) must be made in writing by documents in which the matters set forth in the following items have been stated, by no less than two weeks prior to the date on which the qualified consumer organization seeks to carry out an act set forth in Article 16:
- (i) the fact that the qualified consumer organization seeks to carry out the act;
  - (ii) the date on which the qualified consumer organization seeks to carry out the act; and
  - (iii) where the qualified consumer organization seeks to carry out an act set forth in Article 16, item (iii), item (vii), or item (viii) (excluding the case where the qualified consumer organization seeks to file a petition provided in Article 265, paragraph (1) of the Code of Civil Procedure (Act No. 109 of 1996)), details of the agreement pertaining to the settlement or conciliation that the qualified consumer organization is expected to reach with the adverse party.
- (4) The "date on which the qualified consumer organization seeks to carry out the act" prescribed in the preceding paragraph means the dates set forth in the following items in accordance with the cases provided in each item:
- (i) where the qualified consumer organization seeks to carry out an act set forth in Article 16, items (i) through (iii) (excluding the cases provided in the following item through item (iv)): the date of oral arguments, etc., (meaning the date of oral arguments, etc., as provided for in Article 261, paragraph (3) of the Code of Civil Procedure; hereinafter the same applies in this paragraph);
  - (ii) where the qualified consumer organization seeks to carry out the act provided in Article 16, item (iii) and seeks to submit a document stating that the organization accepts the proposed terms of settlement presented by the court, an authorized judge, or commissioned judge pursuant to the provisions of Article 264 of the Code of Civil Procedure: the date on which the qualified

- consumer organization seeks to submit the document;
- (iii) where the qualified consumer organization seeks to carry out the act set forth in Article 16, item (iii) and seeks to make an appearance on the date of oral arguments, etc., and accept the proposed terms of settlement set forth in the preceding item: the date of the oral arguments, etc.;
  - (iv) where the qualified consumer organization seeks to carry out the act set forth in Article 16, item (iii) and seeks to file a petition provided in Article 265, paragraph (1) of the Code of Civil Procedure: the date on which the qualified consumer organization seeks to file the petition;
  - (v) where the qualified consumer organization seeks to carry out an act set forth in Article 16, items (iv) through (vi): the date of oral arguments, etc., or a date other than that date on which the qualified consumer organization seeks to take those actions;
  - (vi) where the qualified consumer organization seeks to carry out the act set forth in Article 16, item (vii): the date of the conciliation that the parties seek to agree upon; and
  - (vii) where the qualified consumer organization seeks to carry out the act set forth in Article 16, item (viii): the date on which the qualified consumer organization seeks to file a petition pursuant to Article 38, paragraph (1) of the Arbitration Act (Act No. 138 of 2003) with an arbitral tribunal.
- (5) Where any change arises in matters set forth in the items of paragraph (3) (excluding where the change relates to an objectively clear clerical error, misprint or omission, or other changes that do not cause the sameness of the content to be lost) after the notification and reporting provided in that paragraph but before a final and binding judgment has been rendered or anything with the same effect as a final and binding judgment comes into effect, a new notice and report must be given in writing on each such occasion, which state the changed matters. In this case, the provisions of the preceding two paragraphs apply *mutatis mutandis*.

(Matters to Be Reported to the Commissioner of the Consumer Affairs Agency)

Article 14 The matters specified by Cabinet Office Order referred to in Article 23, paragraph (4) the Act are to be information related to the content and implementational timing (referred to as "information on improvement measures" in Article 28), where the qualified consumer organization has received notice from the adverse party to an injunction demand to the effect that the adverse party has suspended, prevented, or taken the necessary measures to suspend or prevent the acts set forth in Article 12 of the Act, Article 10 of the Act against Unjustifiable Premiums and Misleading Representations (Act No. 134 of 1962) or Articles 58-4 through Article 58-9 of the Act on Specified Commercial Transactions (Act No. 57 of 1976) in

connection with an injunction demand under Article 23, paragraph (4), items (iv) through (ix) of the Act or an act pursuant to item (xi) of that paragraph.

(Measures for Notification and Reporting by Electronic or Magnetic Means)

- Article 15 (1) The measures specified by Cabinet Office Order that allow all qualified consumer organizations and the Prime Minister to inspect the same information through electronic or magnetic means referred to in Article 23, paragraph (4) of the Act are to be measures for recording, on a storage medium in a telecommunications facility managed by the Commissioner of the Consumer Affairs Agency, the matters provided for in the first sentence of Article 23, paragraph (4) of the Act, the matters stated in evidentiary documents provided for in Article 13, paragraph (2) and matters set forth in the items of Article 13, paragraph (3) (including as applied *mutatis mutandis* pursuant to Article 13, paragraph (5)), and that allow all qualified consumer organizations and the Commissioner of the Consumer Affairs Agency to record the information and receive the information recorded on the storage medium.
- (2) When a qualified consumer organization implements the measures provided for in the preceding paragraph, the qualified consumer organization must, either in advance or at the time of implementing the measures, send an electronic mail message to the electronic mail address specified in advance by the Commissioner of the Consumer Affairs Agency in order to notify all qualified consumer organizations and the Commissioner of the Consumer Affairs Agency that it will implement or has implemented those measures.
- (3) When a notification or report provided for in Article 23, paragraph (4) of the Act has been given in accordance with the measures set forth in paragraph (1), the notice or report is deemed to have been delivered to all qualified consumer organizations and the Commissioner of the Consumer Affairs Agency at the time when the information was recorded on to the storage medium in a telecommunications facility managed by the Commissioner of the Consumer Affairs Agency.

(Acts Connected with Proceedings Involved in an Injunction Demand)

Article 16 The acts connected with proceedings specified by Cabinet Office Order referred to in Article 23, paragraph (4), item (x) of the Act are to be as follows:

- (i) waiver of claim;
- (ii) acknowledgement of claim;
- (iii) judicial settlement;
- (iv) waiver of rights pursuant to the provisions of Article 284 of the Code of Civil Procedure (including as applied *mutatis mutandis* pursuant to Article 313 of that Code);
- (v) an agreement not to file an appeal to an intermediate court or file a final

- appeal;
- (vi) withdrawal of an appeal to an intermediate court, a final appeal, or a petition under Article 318, paragraph (1) of the Code of Civil Procedure;
- (vii) a conciliation agreement; and
- (viii) a petition under Article 38, paragraph (1) of the Arbitration Act.

Article 17 The acts connected with proceedings specified by Cabinet Office Order referred to in Article 23, paragraph (4), item (xi) of the Act are to be as follows:

- (i) an order for correction of a complaint (including petitions for appeal to the intermediate court and petitions for final appeal), a correction based on the order, or an order to dismiss a complaint;
- (ii) an immediate appeal, special appeal against a ruling to the Supreme Court, or an appeal with permission against the order to dismiss the complaint provided for in the preceding item, a special appeal against a ruling to the Supreme Court or appeal with permission against the decision of the court in charge of the appeal's decision on that immediate appeal, or the announcement of a decision in relation to those appeals;
- (iii) the filing of an action for a retrial or a petition for a retrial for a case that has become final and binding through an order to dismiss the complaint provided for in item (i), or an announcement of a decision pertaining to the action or petition for retrial;
- (iv) an immediate appeal, a special appeal against a ruling to the Supreme Court, or an appeal with permission against the decision provided for in the preceding item, a special appeal or appeal with permission against the decision of the court in charge of the appeal's decision on that immediate appeal, or the announcement of a decision in relation to those appeals;
- (v) the judicial decision on the merits, where an order to commence a retrial has become final and binding;
- (vi) the announcement of a decision concerning a petition for rescission of an arbitral award;
- (vii) an immediate appeal, special appeal against a ruling to the Supreme Court, or an appeal with permission against the decision provided for in the preceding item, a special appeal against a ruling to the Supreme Court or appeal with permission against the decision of the court in charge of the appeal's decision on that immediate appeal, or the announcement of a decision in relation to those appeals;
- (viii) the announcement of a decision concerning petition for an objection to provisional remedy or for the revocation of provisional remedy;
- (ix) an appeal pertaining to provisional remedy against a decision provided for in the preceding item or the announcement of a decision concerning the appeal.

- (x) the amendment of a claim, the filing of a counterclaim, or the filing of an interlocutory confirmation suit;
- (xi) the filing of an incidental appeal to the intermediate court or the court of final appeal;
- (xii) the announcement of a decision concerning a transfer;
- (xiii) an immediate appeal, special appeal against a ruling to the Supreme Court, or an appeal with permission against the decision provided for in the preceding item, a special appeal against a ruling to the Supreme Court or appeal with permission against the decision of the court in charge of the appeal's decision on that immediate appeal, or the announcement of a decision in relation to those appeals;
- (xiv) an agreement on a waiver or acknowledgement of claim, judicial settlement, or conciliation, the commencement of proceedings to contest the force of a settlement provided for in Article 38, paragraph (1) of the Arbitration Act, or the termination of the proceedings; and
- (xv) the presentation of allegations and evidence or other acts in connection with the proceedings involved in an injunction demand of which the qualified consumer organization finds it appropriate to give notification and to report pursuant to Article 23, paragraph (4) of the Act, from the standpoint of the proper exercise of the right to demand an injunction or to promote mutual coordination among the qualified consumer organizations.

(Means of Communication)

Article 18 The means specified by Cabinet Office Order referred to in Article 23, paragraph (5) of the Act are to be as set forth in the following items:

- (i) measures that allow all qualified consumer organizations, the Commissioner of the Consumer Affairs Agency, and the Minister of Economy, Trade and Industry to inspect the same information using electronic or magnetic means; and
- (ii) issuance of copies of the documents, issuance of magnetic disks, transmission of message using a facsimile device, and other means that the Commissioner of the Consumer Affairs Agency finds appropriate.

(Matters to Be Communicated)

Article 19 The matters specified by Cabinet Office Order referred to in Article 23, paragraph (5) of the Act are to be the fact that the information provided for in Article 39, paragraph (1) of the Act has been made public and the date of the publication.

(Matters that Should Be Disclosed in Performing Services Related to Injunction Demands)

Article 20 The matters set forth by a Cabinet Office Order referred to in Article 26 of the Act are to be the matters set forth as follows:

- (i) qualification as an attorney at law or other qualifications held by the person engaged in the services; and
- (ii) in the case of an injunction demand provided in Article 23, paragraph (4), item (ii) of the Act, the gist of the claim and the points of the dispute.

(Books and Documents Related to Services and Accounting)

Article 21 (1) The books and documents related to the services and accounting that are specified by Cabinet Office Order referred to in Article 30 of the Act are to be the following books and documents:

- (i) books and documents on which the progress of negotiations with the adverse party regarding the exercise of the right to demand an injunction has been recorded;
- (ii) if the qualified consumer organization becomes party to a petition for a lawsuit, conciliation, arbitration, settlement, compulsory execution, provisional disposition order or other procedures pertaining to the exercising of the right to demand an injunction, books and documents on which an outline and the results of the procedures have been recorded;
- (iii) books and documents on which an outline of the consumer damage information collection services has been recorded;
- (iv) books and documents on which an outline of the injunction demand information provision services has been recorded;
- (v) a file of relevant materials used to prepare the books and documents provided in the preceding items;
- (vi) the minutes of the council and books and documents on which the proceedings and results of reviews conducted by the section responsible for reviewing provided in Article 13, paragraph (3), item (v) of the Act have been recorded;
- (vii) account books;
- (viii) books and documents on which the names, addresses, and occupations of persons that paid, donated, or otherwise delivered (hereinafter referred to as "payment, etc." in this item and Article 25, item (i), sub-item (a) 3 and 4) membership fees, donations and other similar monies (hereinafter referred to as "membership fees, etc." in this item and Article 25, item (i)) (where a person who has made such a payment, etc., is a corporation or other organizations, the name of the organization, the location of its principal office, the name of its representative, and the type of its business), as well as the amounts of the membership fees, etc., the dates of the payments, etc., and provisions in the articles of incorporation, constitution, or similar document in relation to membership fees, etc., (hereinafter referred to as

- "provisions related to membership fees, etc." in Article 25, item (i), sub-item (a) 2); and
- (ix) books and documents on which the receipt of economic benefits provided for in the items of Article 28, paragraph (1) of the Act has been recorded.
- (2) Qualified consumer organizations are to close the books and documents provided for in the items of the preceding paragraph on the final day of each business year, and must keep the books and documents for five years following their closing.

#### (Appointment of Persons Who Perform Inspections)

- Article 22 (1) The persons who perform inspections provided in Article 31, paragraph (2) of the Act (hereinafter referred to as "inspectors" in this Article) are to be persons (excluding officers, employees, and expert advisors of the qualified consumer organization, and persons who have held those posts in the past two years) appointed by the qualified consumer organization from among persons who, in consideration of their occupations and professional histories, their qualifications, existence of any vested interest in the qualified consumer organization, and all other circumstances, are deemed to have the relevant expertise as provided in Article 31, paragraph (2) of the Act and the ability to make fair judgments.
- (2) When a qualified consumer organization has appointed an inspector pursuant to the provisions of the preceding paragraph, the qualified consumer organization must, without delay, enter into a contract (hereinafter referred to as "inspection contract" in this Article) with the inspector, stipulating that the organization will undergo inspections as provided in Article 31, paragraph (2) of the Act and receive inspection reports that state the methods and results of the inspections.
- (3) Inspection contracts must contain clauses stipulating that, in the event that an inspector finds it necessary in order to perform the inspections set forth in Article 31, paragraph (2) of the Act and asks questions, demands reports, or seeks to inspect books and documents, and other objects to the extent required, the qualified consumer organization must comply with them.
- (4) In implementing the inspection contracts, inspectors must constantly remain fair and unbiased, and carry out inspections on their own judgment and responsibility.

#### (Keeping of Financial Statements)

- Article 23 Qualified consumer organizations must keep the documents provided for in Article 31, paragraph (3) of the Act in their offices for five years.

#### (Matters to Be Entered in the List of Officers and Employees)

Article 24 The matters specified by Cabinet Office Order referred to in Article 31, paragraph (3), item (iii) of the Act are to be the matters set forth in the following items:

- (i) whether or not remuneration was paid in the preceding business year; and
- (ii) where measures in cases where an officer, employee or expert advisor provided for in the rules of operation for has a special interest in an adverse party to an injunction demand are implemented with regard to the officer, employee, or expert advisor, the content of the measures.

(Matters Related to Accounting)

Article 25 The matters specified by Cabinet Office Order referred to in Article 31, paragraph (3), item (vi) of the Act are to be the following matters:

- (i) for all revenues, the total amount of the revenues, the amount of each revenue for membership fees, etc., business revenue, borrowings, and other revenues, as well as the following matters:
  - (a) the type of membership fees, etc., and the following matters for each type of fees:
    - 1. the total amount;
    - 2. the provisions on membership fees, etc.;
    - 3. the total number of people who made the payments, etc., and whether those persons were individuals, corporations, or other organizations; and
    - 4. the names of persons who made the payments, etc., (limited to persons whose total payment, etc., of membership fees, etc., within the business year exceeded fifty thousand yen), the amount of the membership fees, etc., and the dates of payments, etc.
  - (b) for business revenue, the types of business and the amount of revenue for each of those types, and for transactions for which revenue was earned for each of those types, the parties to and amounts of transactions, and other matters related to the content of the transactions, regarding transactions ranked first to the fifth among those with the highest transaction amount; and
  - (c) for borrowings, the lenders, and the amount borrowed from each lender;
- (ii) for all expenditures, the total amount of expenditure, and for transactions involving expenditures, the parties to and amounts of transactions, and other matters related to the content of the transactions, regarding transactions ranked first to the fifth among those with the highest amount of expenditure.

(Means of Displaying Matters Recorded in Electronic or Magnetic Records)

Article 26 The means specified by Cabinet Office Order referred to in Article 31, paragraph (4), item (iii) of the Act is to be the display on paper or a screen of



the matters recorded in the electronic or magnetic record.

(Electronic or Magnetic Means for Providing Matters Recorded in Electronic or Magnetic Records)

Article 27 (1) The electronic or magnetic means specified by Cabinet Office Order referred to in Article 31, paragraph (4), item (iv) of the Act is to be, among the following means, those provided for in the qualified consumer organization's rules of operation.

- (i) the means whereby an electronic data processing system that connects a computer used by the qualified consumer organization with a computer used by the person who has made a request set forth in Article 31, paragraph (4), item (iv) of the Act (hereinafter referred to as the "requester" in this Article) via a telecommunications line is used and the information is sent via the telecommunications line and recorded into a file stored on the computer used by the requester; and
  - (ii) the means of delivering information recorded into a file that has been prepared in the form of a magnetic disk or other equivalent means that is capable of recording or reliably storing certain matters to the requester.
- (2) The means set forth in the items of the preceding paragraph must be a means that allow the requester to prepare written documents by outputting the content recorded on the file.

(Information to Be Publicized)

Article 28 The matter specified by Cabinet Office Order referred to in Article 39, paragraph (1) of the Act is to be an outline of the information on improvement measures in relation to the judgment or out-of-court settlement.

Article 29 The necessary information specified by Cabinet Office Order referred to in Article 39, paragraph (2) of the Act is to be the following information:

- (i) information related to matters for which public notice has been given pursuant to the provisions of Article 16, paragraph (1), Article 19, paragraph (8), Article 20, paragraph (8), Article 21, paragraph (2), Article 34, paragraph (5), and Article 35, paragraph (10) of the Act; and
- (ii) information related to matters stated in the following documents:
  - (a) documents submitted pursuant to the provisions of Article 31, paragraph (6) of the Act;
  - (b) articles of incorporation;
  - (c) rules of operation; and
  - (d) where the qualified consumer organization is engaged in business other than services related to injunction demands, documents stating the type of business and its outline.

(Requests for Provision of Information)

Article 30 (1) Qualified consumer organizations that seek to receive information under Article 40, paragraph (1) of the Act must submit a written application stating the following matters to the National Consumer Affairs Center of Japan, Incorporated Administrative Agency, or a local public entity:

- (i) the name and address of the qualified consumer organization, and the name of its representative;
  - (ii) the name and address of the adverse party to the injunction demand;
  - (iii) the reasons for application;
  - (iv) the purpose of using the information to be provided, the method of managing the information, and the scope of persons who will handle the information;
  - (v) the desired scope of information to be provided; and
  - (vi) the desired method of provision of information.
- (2) For the reasons for application referred to in item (iii) of the preceding paragraph, the qualified consumer organization must specifically state an outline of the information it has collected and other facts, etc., that justify the application.
- (3) Where the written application referred to in paragraph (1) has been submitted and the National Consumer Affairs Center of Japan, Incorporated Administrative Agency or a local public entity finds that there are adequate grounds for the application, the National Consumer Affairs Center of Japan or the local public is to provide the information to the extent found necessary among the information prescribed in items of paragraph (1) of the following Article.
- (4) In providing information, the National Consumer Affairs Center of Japan, Incorporated Administrative Agency, or the local public entity is to make it clear that the information related to the consumer affairs consultation is a summary of a complaint by a consumer and that the veracity of the complaint has not necessarily been confirmed.
- (5) In providing information, the National Consumer Affairs Center of Japan, Incorporated Administrative Agency, or the local public entity may restrict the purpose for using the information, and may impose conditions, such as requiring the qualified consumer organization to report the results of the use of the information that has been provided or any other necessary conditions.
- (6) The National Consumer Affairs Center of Japan, Incorporated Administrative Agency, or the local public entity is not to provide the information if it finds it likely that the information requested pursuant to paragraph (1) will be used in violation of the provisions of Article 40, paragraph (2) of the Act or in violation of the restrictions or conditions that the National Consumer Affairs Center of

Japan or the local public entity seeks to impose pursuant to the preceding paragraph.

- (7) In providing information, the National Consumer Affairs Center of Japan, Incorporated Administrative Agency, or the local public entity must take care to protect the personal information of consumers involved in the consumer affairs consultation.

(Information Provided by the National Consumer Affairs Center of Japan)

Article 31 (1) The information specified by Cabinet Office Order referred to in Article 40, paragraph (1) of the Act is to be the information set forth in the following items in accordance with the classification set forth in each of those items:

- (i) The National Consumer Affairs Center of Japan, Incorporated

Administrative Agency: information on consumer affairs consultations that has been stored on the Practical Living Information Online Network System (meaning the system managed and operated by the National Consumer Affairs Center of Japan, Incorporated Administrative Agency, that allows the National Consumer Affairs Center of Japan and local public entities to store and use information related to consumer affairs by means of online processing in order to promptly address damage incurred by consumers; hereinafter the same applies in this paragraph) for the whole country or for an area that covers multiple prefectures (excluding information pertaining to individual prefectures and other similar information); and

- (ii) local public entities: information on consumer affairs consultations that has been stored on the Practical Living Information Online Network System, and that is provided by the local public entity to the National Consumer Affairs Center of Japan, Incorporated Administrative Agency (including provision through prefectural governments) (hereinafter referred to as "information from a local public entity" in this item and including information that has been provided by other local public entities to the National Consumer Affairs Center of Japan (including provision through prefectural governments), which the local public entity finds appropriate to provide together with the information from a local public entity, pursuant to the provisions of Article 40, paragraph (1) of the Act, and for which the local government entity has obtained consent of other local government entities).

- (2) The provisions of the preceding Article and the preceding paragraph do not preclude the provision of information other than that provided in the items of the preceding paragraph by the National Consumer Affairs Center of Japan, Incorporated Administrative Agency or local public entities, pursuant to the provisions of laws and regulations other than the Act (including prefectural and municipal ordinances).

(Matters to Be Entered in Documents)

Article 32 (1) The matters specified by Cabinet Office Order referred to in Article 41, paragraph (1) of the Act (including as applied mutatis mutandis pursuant to Article 41, paragraph (3) of the Act; hereinafter the same applies in this Article) are to be as follows:

- (i) the name and address of the qualified consumer organization, and the name of its representative;
  - (ii) the telephone number and facsimile number of the qualified consumer organization;
  - (iii) the name and address of the prospective defendant;
  - (iv) the date of the demand;
  - (v) the fact that the demand is a demand provided for in Article 41, paragraph (1) of the Act; and
  - (vi) the gist of the claim and the points of the dispute.
- (2) For the demands set forth in paragraph (1) of Article 41 of the Act, wherever possible, the court to which the qualified consumer organization seeks to file an action, file an action after petitioning for a provisional disposition order, or file a petition for a provisional disposition order must be clarified.

(Notice on Suspension of Court Proceedings)

Article 33 The notice pursuant to the provisions of Article 46, paragraph (1) of the Act is to be given by attaching a copy of documents certifying the content of the final and binding judgment, etc., provided for in the main clause of Article 12-2, paragraph (1), item (ii) of the Act to which the other qualified consumer organization is a party (where measures provided in Article 15, paragraph (1) have been implemented, the documents prepared by outputting the part of the information that has been recorded on a storage medium provided in the same paragraph that is pertinent to the matters included in the documents).

**Supplementary Provisions**

This Cabinet Office Order comes into effect as of the date on which the Act for the Partial Revision of the Consumer Contract Act (Act No. 56 of 2006) comes into effect (June 7, 2007).

**Supplementary Provisions [Cabinet Office Order No. 72 of November 21, 2008]**

This Cabinet Office Order comes into effect as of December 1, 2008.

**Supplementary Provisions [Cabinet Office Order No. 6 of March 26, 2009]**

This Cabinet Office Order comes into effect as of April 1, 2009.

**Supplementary Provisions [Cabinet Office Order No. 46 of August 28, 2009]**

This Cabinet Office Order comes into effect as of the date on which the Act on the Establishment of the Consumer Affairs Agency and the Consumer Commission (Act No. 48 of 2009) comes into effect (September 1, 2009).

**Supplementary Provisions [Cabinet Office Order No. 70 of November 27, 2009]**

This Cabinet Office Order comes into effect as of the date on which the Act for the Partial Revision of the Act on Specified Commercial Transactions and the Installment Sales Act (Act No. 74 of 2008) comes into effect (December 1, 2009).