

Cabinet Office Order on Certified Association for Payment Service Providers

(Cabinet Office Order No. 6 of March 1, 2010)

The Prime Minister hereby issues the Cabinet Office Order on Certified Association for Payment Service Providers based on the provisions of and for the purpose of enforcing the Payment Services Act (Act No. 59 of 2009) and the Order for Enforcement of the Payment Services Act (Cabinet Order No. 19 of 2010).

(Definition)

Article 1 (1) The terms "issuer of prepaid payment instruments", "funds transfer services", "cryptoasset exchange services", and "certified association for payment service providers" as used in this Cabinet Office Order mean issuer of prepaid payment instruments, funds transfer services, cryptoasset exchange services, and certified association for payment service providers as prescribed in Article 2 of the Payment Services Act (hereinafter referred to as the "Act"), respectively.

(2) The term "prepaid payment instruments" as used in this Cabinet Office Order means prepaid payment instruments as prescribed in Article 3, paragraph (1) of the Act.

(Documents to be Attached to Written Application for Certification)

Article 2 Documents specified by Cabinet Office Order as prescribed in Article 23, paragraph (2) of the Order for Enforcement of the Payment Services Act (hereinafter referred to as "Order") are the following documents:

- (i) a document containing the description of the method for implementing the certified businesses (meaning the certified businesses prescribed in Article 87 of the Act; the same applies hereinafter);
- (ii) a document demonstrating that the applicant has the knowledge and ability sufficient for the proper and secure provision or conduct of the certified businesses;
- (iii) the inventory of property for the latest business year (in the case of a corporation established in the business year that includes the date of the application, as of the date of incorporation) and any other documents demonstrating that the applicant has the sufficient financial basis;
- (iv) the curricula vitae of the officers and extracts of their resident records or documents that substitute for them;
- (v) if the former surname (meaning the former surname prescribed in Article 30-13 of the Order for Enforcement of the Act for Basic Register of Residents

(Cabinet Order No. 292 of 1967)) and the given name of an officer are stated together with the current surname and the given name of the officer in a written application referred to in Article 23, paragraph (1) of the Order, and the document set forth in the preceding item does not prove the former surname and the given name, a document to prove the former surname and the given name; and

(vi) other documents containing other relevant matters.

(Public Inspection of Membership List)

Article 3 A certified association for payment service providers is to keep its membership list at its office and make it available for public inspection.

(Making Information About Members Known to Users)

Article 4 (1) Particulars specified by Cabinet Office Order as prescribed in Article 90, paragraph (1) of the Act are the particulars set forth in the items of Article 22, paragraph (2) of the Cabinet Office Order on Prepaid Payment Instruments (Cabinet Office Order No. 3 of 2010) and the items of Article 23-2, paragraph (1) of the Cabinet Office Order.

(2) If a certified association for payment service providers, pursuant to the provisions of Article 90, paragraph (1) of the Act, makes public the particulars listed in Article 13, paragraph (1), item (iv) of the Act and the particulars prescribed in the preceding paragraph pertaining to the members (meaning the members prescribed in Article 87, item (ii) of the Act; the same applies hereinafter) that are issuers of prepaid payment instruments to the users of the prepaid payment instruments, it must make them public by any of the following methods:

(i) a method in which information is transmitted through telecommunications lines connecting the electronic equipment used by the certified association for payment service providers with the electronic equipment used by the user of the prepaid payment instruments and recorded in a file installed in the electronic equipment used by the relevant user;

(ii) a method in which information recorded in a file installed in the electronic equipment used by the certified association for payment service providers is made available for inspection by the user of the prepaid payment instruments through telecommunications lines and recorded in a file installed in the electronic equipment used by the relevant user; or

(iii) a method in which information recorded in a file installed in the electronic equipment used by the certified association for payment service providers is made available for inspection by the user through electronic telecommunications lines.

(3) The methods listed in the preceding paragraph must satisfy the following

technical criteria:

- (i) The method listed in item (i) or (ii) of the preceding paragraph is one that enables the users to create a document by outputting the information recorded in the file (including outputting the relevant recorded information by transmitting it to another electronic equipment or any other methods); and
- (ii) The method listed in item (iii) of the preceding paragraph is the one in which information recorded in the file prescribed in the item cannot be deleted or changed during three months from the time when the information is recorded in the relevant file.

(Information Pertaining to Members That Is Necessary for the Protection of the Interests of Users)

Article 5 Information specified by Cabinet Office Order as prescribed in Article 92, paragraph (1) of the Act is the following information:

- (i) when a member comes to know a person engaging in the business of issuing prepaid payment instruments for own business (meaning the prepaid payment instruments for own business prescribed in Article 3, paragraph (4) of the Act) without submitting the written notice under Article 5, paragraph (1) of the Act is likely to have exceeded the standard amount (meaning the standard amount prescribed in Article 14, paragraph (1) of the Act) of unused balance on the base date (meaning the unused balance on the base date prescribed in Article 3, paragraph (2) of the Act) of the prepaid payment instruments for own business, the name, address, and telephone number of the person (in the case of a corporation, the trade name or other name, address, telephone number of the person, the name of its representative person, and other information about the person, and information about prepaid payment instruments issued by the corporation (hereinafter referred to as "information about the person and prepaid payment instruments issued by the person" in this Article));
- (ii) when a member comes to know a person engaging in the business of issuing prepaid payment instruments for third-party business (meaning the prepaid payment instruments for third-party business prescribed in Article 3, paragraph (5) of the Act), information about the person and prepaid payment instruments issued by the person;
- (iii) when a member comes to know that goods or services that one can purchase or lease or those of which one can receive the delivery or provision by using prepaid payment instruments will harm or likely to cause harm to public order or morals; information to that effect;
- (iv) when an issuer of prepaid payment instruments who is a member of a certified association for payment service providers makes a refund pursuant

- to the provisions of Article 20, paragraph (1) of the Act, the type of the prepaid payment instruments pertaining to the refund, the method for the refund, and the scheduled date of the commencement of the procedure;
- (v) when a member comes to know a person other than deposit-taking institutions (meaning the deposit-taking institutions prescribed in Article 2, paragraph (29) of the Act) that carries out funds transfer transactions without obtaining the registration under Article 37 of the Act, information about the person and the funds transfer transactions carried out by the person;
 - (vi) when a member comes to know a person who carries out cryptoasset exchange services without obtaining the registration under Article 63-2 of the Act, information about the person and the cryptoasset exchange services carried out by the person; and
 - (vii) other information found to be necessary by a certified association for payment service providers for the protection of the interests of the users.

(Provision of Information to Certified Association for Payment Service Providers)

Article 6 Information specified by Cabinet Office Order as prescribed in Article 97 of the Act is the following information:

- (i) matters concerning the construction of the Act;
- (ii) matters concerning the results and contents of any written reports or materials requested, inquiries made, or on-site inspections conducted based on the Act;
- (iii) matters concerning the contents of the Act, orders based on the Act, or dispositions made based on them;
- (iv) matters concerning the contents of complaints from the users concerning the business of issuing prepaid payment instruments, the funds transfer services or the cryptoasset exchange services, and how these complaints were processed;
- (v) statistical information concerning the business of issuing prepaid payment instruments, the funds transfer services and the cryptoasset exchange services, and other information on which it is based; and
- (vi) other information found to be necessary by the Commissioner of the Financial Services Agency for ensuring the proper provision or conduct of certified businesses.

(Method of Public Notice)

Article 7 The public notice prescribed in Article 98 of the Act is to be given in the official gazette.

(Standard Processing Period)

Article 8 (1) The Commissioner of the Financial Services Agency is to endeavor to process any application for certification made pursuant to the provisions of Article 87 of the Act within one month from the day on which the application has arrived at the office.

(2) The period prescribed in the preceding paragraph does not include the following period:

(i) the period required to amend the application;

(ii) the period required for the applicant to change the contents of the application; and

(iii) the period required for the applicant to add materials that are found to be necessary for the examination pertaining to the application.