

Act on Improving Transparency and Fairness of Digital Platforms (Tentative translation)

(Act No. 38 of June 3, 2020)

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Chapter I General Provisions

(Objectives)

Article 1 This Act provides for the creation of new data-based industries and changes in the socioeconomic structure on a global scale as a result of recent technological innovation in the field of information and telecommunications technology and for the increasing importance of the roles played by digital platforms. Taking into consideration of the autonomy and independence of digital platform providers and the need to protect the interests of User Providers of Goods, etc., the purpose of this Act is to improve the transparency and fairness of specified digital platforms by designating specified digital platform providers, disclosing the terms and conditions of provision by specified digital platform providers, evaluating the transparency and fairness of specified digital platforms, and taking other measures and contribute to the enhancement of the lives of the public and the sound development of the national economy by promoting fair and free competition in relation to specified digital platforms.

(Definitions)

Article 2 (1) "Digital Platform" in this Act means a service whereby a forum constructed through information processing by means of a computer with the intent of such forum being used by a large number of persons where information pertaining to goods, services, or rights (hereinafter referred to as "Goods etc.") of a person who intends to provide Goods, etc. is continuously displayed (limited to those using the relationships listed in any of the following items) is provided via the Internet or other advanced information and telecommunications network (excluding those used for broadcasting prescribed

in the Broadcast Act (Act No. 132 of 1950), Article 2, item (i)).

- (i) Relationships where as the number of person to intend to provide Goods, etc. by using the relevant services (hereinafter referred to as "Providers" in this item and the following item) increases, the benefits to persons who intend to receive the provision of such Goods, etc. (referred to in this item as "Recipients") increase substantially and as a result Recipients increase, and in conjunction with such increase, the benefits to Providers etc. increase and Providers further increase as a result; or
 - (ii) Relationships where as the number of users of such services (excluding Providers; the same shall apply hereinafter in this item) increases, the benefits to other persons who use of services increase substantially and as a result, the number of users of such services further increases and in conjunction with such increase, the benefits to Providers increase substantially and Providers further increase as a result.
- (2) "User" in this Act means a person who uses a digital platform.
 - (3) "User Provider of Goods, etc." in this Act means a person who uses a Digital Platform for the purpose of providing Goods, etc.
 - (4) "General User" in this Act means a user other than a User Provider of Goods, etc.
 - (5) "Digital Platform Provider" in this Act means a business operator that independently or jointly provides a Digital Platform.
 - (6) "Specified Digital Platform" in this Act means a Digital Platform pertaining to the designation of a Digital Platform Provider (herein referred to as a "Specified Digital Platform Provider") designated pursuant to the provisions of Article 4, paragraph (1).

(Fundamental Principles)

Article 3 In light of the recognition that Digital Platforms contribute to the enhancement of the benefits of users and play an important role in the vitality and sustainable development of Japan's economy and society, measures relating to enhancing the transparency and fairness of Digital Platforms shall be based on voluntary and proactive efforts by Digital Platform Providers to enhance the transparency and fairness of Digital Platforms and must be implemented with the objectives of enabling Digital Platform Providers to fully exercise their originality and ingenuity by keeping the involvement of the state and other regulation to the minimum necessary and of promoting mutual understanding in business relationships between Digital Platform Providers and the User Provider of Goods, etc.

Chapter II Measures, etc. regarding Improvement of the Transparency and Fairness of Specified Digital Platforms

(Specification of Specified Digital Platform Providers)

- Article 4 (1) The Ministry of Economy, Trade and Industry shall designate from among Digital Platforms those Digital Platform Providers whose business scale for each business category specified by Cabinet Order pertaining to forums provided by Digital Platforms is at least the scale specified by Cabinet Order based on the total amount of sales of Goods, etc. on the respective Digital Platform, the number of users, and other indicators of the scale of the business as Digital Platforms that are particularly necessary for making efforts to voluntarily enhance the transparency and fairness of Digital Platforms.
- (2) If the Digital Platform provided by a Digital Platform Provider falls under the category of a digital platform specified in the preceding paragraph, the relevant Digital Platform Provider must notify the Minister of Economy, Trade and Industry regarding the matters specified by Order of the Ministry of Economy, Trade and Industry for each business category specified by the Cabinet Order prescribed in the preceding paragraph as provided by Order of the Ministry of Economy, Trade and Industry; provided, however, that this shall not apply if the digital platform provided is a Specified Digital Platform.
- (3) The business categories and scale prescribed by the Cabinet Order specified in paragraph (1) shall be designated to the minimum extent necessary for specification pursuant to paragraph (1) in accordance with the fundamental principles set forth in the preceding article, in light of the conditions whereby digital platforms are broadly used in the lives of the public and where use is concentrated on some Digital Platforms and taking into consideration actual conditions and trends of transactions between Digital Platform Providers and User Providers of Goods, etc. and the necessity of protecting the interests of User Providers of Goods, etc. in accordance with this Act (including the implementation status of measures for the regulation and optimization of businesses involved in forums provided by digital platforms pursuant to other laws and measures relating to such other businesses).

(Disclosure of Conditions, etc. of Provision of Specified Digital Platforms)

- Article 5 (1) When a Specified Digital Platform Provider discloses the conditions for provision of Specified Digital Platforms (hereinafter referred to as "Provision Conditions" in this article and paragraph (1) of the following article) in this article and the following article to users (limited to users of Specified Digital Platforms; hereinafter the same shall apply in this paragraph, Article 9, paragraph (4), and Article 10, paragraph (1) and paragraph (2)), the Specified Digital Platform Provider must do so in accordance with the method prescribed by an Order of the Ministry of Economy, Trade and Industry in order to promote understanding of those Provision Conditions by users.

- (2) When a Specified Digital Platform Provider provides a Specified Digital Platforms to the persons listed in the following items, it must disclose the items specified in the respective items as the Provision Conditions of the relevant Specified Digital Platform.
- (i) User Providers of Goods, etc. (limited to persons who use the Specified Digital Platform; hereinafter the same shall apply in this Article, Article 7, paragraphs (1) and (3), Article 12, paragraph (3), and Article 13, items (i) and (ii)): The matters set forth below.
 - (a) In cases where provision of the relevant Digital Platform may be refused, the criteria for making a determination whether provision will be refused;
 - (b) In cases where, in conjunction with provision of the relevant Specified Digital Platform, requests are made to User Providers of Goods, etc. to purchase goods or rights of the Specified Digital Platform Providers designated by the Specified Digital Platform Providers or to obtain other services designated by the Specified Digital Platform Providers for a fee, the details and reasons therefor;
 - (c) In cases where information relating to Goods, etc. sought by General Users (limited to General Users who use the Specified Digital Platform; hereinafter the same shall apply in this article) through searches and other information relating to Goods, etc. is displayed with ranks indicated in a location provided by the relevant Specified Digital Platform, the main factors used to determine such ranks (in cases where payment of advertising and publicity expenses or other monies to the relevant Specified Digital Platform Provider by User Provider of Goods, etc. may have an influence on such rankings, including a statement to that effect);
 - (d) In cases where the relevant Specified Digital Platform Provider acquires or uses provided data on Goods, etc. (data pertaining to changes in sale prices for Goods, etc. provided by a User Provider of Goods, etc. and other data pertaining to Goods, etc. provided by the relevant User Provider of Goods, etc.; hereinafter the same shall apply in (d) and (e)), the particulars of the provided data on Goods, etc. and the conditions relating to its acquisition or use;
 - (e) Whether the User Provider of Goods, etc. may acquire provided data on Goods, etc. in the possession of the relevant Specified Digital Platform Provider or may cause the relevant Specified Digital Platform Provider to provide provided data on Goods, etc. to other persons and in cases where it is possible to acquire or provide such provided data on Goods, etc., the particulars of the provided data on Goods, etc. and the methods and conditions of acquisition or provision thereof;
 - (f) Methods for User Providers of Goods, etc. to submit complaints or request discussions with the relevant Specified Digital Platform Provider;

- (g) In addition to the matters listed in (a) to (f), among the conditions concerning provision of the relevant Specified Digital Platform to User Providers of Goods, etc., those matters designated by Order of the Ministry of Economy, Trade and Industry as particularly necessary to be disclosed.
- (ii) General Users: The matters set forth below.
 - (a) The matters set forth in sub-item (c) of the preceding item;
 - (b) In cases where the relevant Specified Digital Platform Provider acquires or uses purchase data concerning Goods, etc. (data pertaining to searches for or viewing of information relating to Goods, etc. or purchases of Goods, etc. by General Users; hereinafter the same shall apply in this sub item (b)), the particulars of the relevant purchase data concerning Goods, etc. and the conditions relating to the acquisition or use thereof;
 - (c) In addition to the matters listed in (a) to (b), among the conditions concerning provision of the relevant Specified Digital Platform to General Users, matters designated by Order of the Ministry of Economy, Trade and Industry as particularly necessary to be disclosed.
- (3) When engaging in the acts set forth in the following items, Specified Digital Platform Providers must disclose to the other party to the act the matters designated in the respective items as provided by an Order of the Ministry of Economy, Trade and Industry; provided, however, that this shall not apply in cases where disclosure would harm the interests of General Users and in other cases prescribed by Order of the Ministry of Economy, Trade and Industry.
 - (i) Requests to User Providers of Goods, etc. to conduct transactions that are not in accordance with the conditions of provision of the relevant Specified Digital Platform: The details and reasons therefor
 - (ii) Refusal to continue provision of the relevant Specified Digital Platform to User Providers of Goods, etc. who use the relevant Specified Digital Platform (excluding cases of refusal of all such provision): The details and reasons therefor
 - (iii) Beyond what is set forth in the preceding item, among acts conducted in accordance with the conditions of provision of the relevant Specified Digital Platform, those acts designated by Order of the Ministry of Economy, Trade and Industry as being particularly necessary to disclose the details, reasons, and other matters because of the risk of harming the interests of the other party to the relevant act: The details, reasons, and other matters designated by Order of the Ministry of Economy, Trade and Industry
- (4) When engaging in the acts set forth in the following items, Specified Digital Platform Providers must disclose to the other party to the act the matters designated in the respective items as provided by Order of the Ministry of Economy, Trade and Industry before the day when the relevant conduct is performed by the day designated by Order of the Ministry of Economy, Trade

and Industry; provided, however, that this shall not apply in cases where disclosure would harm the interests of General Users and in other cases prescribed by Order of the Ministry of Economy, Trade and Industry.

- (i) Changes to the conditions of provision of the relevant Specified Digital Platform to User Providers of Goods, etc.: The details and reasons thereof
 - (ii) Refusal to continue provision in its entirety of the relevant Specified Digital Platform to User Providers of Goods, etc. who use the relevant Specified Digital Platform: Notice to that effect and reasons thereof
- (5) The Minister of Economy, Trade and Industry must, when formulating or revising an Order of the Ministry of Economy, Trade and Industry set forth in paragraph (1), paragraph (2), item (i)(g) or item (ii)(c), or paragraph (3), item (iii), consult with the Minister of Internal Affairs in advance.

(Recommendations, Orders, etc. Concerning Disclosure)

- Article 6 (1) If the Minister of Economy, Trade and Industry finds that a Specified Digital Platform Provider is not in compliance with the provisions of paragraph (1) to paragraph (4) of the preceding Article, the minister may recommend to the relevant Specified Digital Platform Provider that it promptly disclose the provision conditions pursuant to the provisions of paragraph (1) of that article, disclose the matters specified in each item of paragraph (2), each item of paragraph (3), or each item of paragraph (4) of that article, or take other necessary measures.
- (2) When the Minister of Economy, Trade and Industry makes a recommendation prescribed in the preceding paragraph, if the particulars of such recommendation are related to electromagnetic communications of information, the minister must consult with the Minister of Internal Affairs in advance.
- (3) If the Minister of Economy, Trade and Industry has made a recommendation prescribed in paragraph (1), the minister shall issue a public announcement to that effect.
- (4) If a Specified Digital Platform Provider that has received a recommendation prescribed in paragraph (1) has failed to take the recommended measure without any justifiable grounds, the Minister of Economy, Trade and Industry may order the relevant Specified Digital Platform Provider to take the recommended measure.
- (5) When the Minister of Economy, Trade and Industry issues an order prescribed in the preceding paragraph, if the particulars of such recommendation are related to electromagnetic communications of information, the minister must consult with the Minister of Internal Affairs in advance.
- (6) When the Minister of Economy, Trade and Industry has issued an order pursuant to paragraph (4), the minister shall issue a public announcement to that effect.

(Measures to be Taken by Specified Digital Platform Providers)

- Article 7 (1) A Specified Digital Platform Provider must take measures necessary to promote mutual understanding in transactional relationships between the Specified Digital Platform Provider and User Providers of Goods, etc.
- (2) The Minister of Economy, Trade and Industry shall establish guidelines (hereinafter in this article and Article 9, paragraph (2) referred to simply as the "Guidelines") necessary to contribute to the appropriate and effective implementation of measures to be taken by Specified Digital Platform Providers pursuant to the provisions of the preceding paragraph.
- (3) In the Guidelines, the following particulars shall be prescribed:
- (i) fundamental matters relating to measures necessary to promote mutual understanding in transactional relationships between the Specified Digital Platform Provider and User Providers of Goods, etc.;
 - (ii) matters relating to the establishment of systems and procedures necessary to ensure that the provision of Specified Digital Platforms to Provider Users of Goods, etc. is performed fairly;
 - (iii) matters relating to the establishment of systems and procedures necessary for handling complaints from Provider Users of Goods, etc. regarding Specified Digital Platforms and the resolution of disputes between Specified Digital Platform Providers and Provider Users of Goods, etc.;
 - (iv) Matters relating to the appointment of persons who perform necessary management of business in Japan for Specified Digital Platform Providers to communicate closely with Provider Users of Goods, etc. and other related persons; and
 - (v) Beyond what is set forth in the preceding items, matters relating to measures necessary for adequate consideration by Specified Digital Platform Providers of the opinions and other circumstances Provider Users of Goods, etc.
- (4) When establishing the Guidelines, the Minister of Economy, Trade and Industry must consult in advance with the minister with administrative jurisdiction over the forums provided by Specified Digital Platform, the Fair Trade Commission and the Minister of Internal Affairs.
- (5) When establishing the Guidelines, the Minister of Economy, Trade and Industry must give public notice of that fact without delay.
- (6) The provisions of the preceding two paragraphs shall apply mutatis mutandis to revisions of the Guidelines.

(Recommendations, etc. relating to Measures to be Taken by Specified Digital Platform Providers)

Article 8 (1) If the Minister of Economy, Trade and Industry finds it particularly necessary for appropriate and effective implementation in relation to the measures to be taken by Specified Digital Platform Providers pursuant to the provisions of paragraph (1) of the preceding article, the minister may recommend to the relevant Specified Digital Platform Provider that it take necessary measures.

(2) The provisions of paragraphs (2) and (3) of Article 6 shall apply mutatis mutandis to the recommendations referenced in the preceding paragraph.

(Submission of Reports, Evaluation, etc. by Specified Digital Platform Providers)

Article 9 (1) A Specified Digital Platform Provider must submit a report stating the following information to the Minister of Economy, Trade and Industry once annually as provided by Order of the Ministry of Economy, Trade and Industry:

(i) matters relating to an overview of the business of the Specified Digital Platform;

(ii) matters relating to handling of complaints and resolution of disputes regarding the Specified Digital Platform;

(iii) matters relating to the status of disclosure pursuant to the provisions of Article 5, paragraphs (1) to (4);

(iv) matters relating to the measures to be taken pursuant to provisions of Article 7, paragraph (1); and

(v) matters relating to evaluations performed by the Specified Digital Platform Provider regarding the matters set forth in the preceding three items.

(2) When the Minister of Economy, Trade and Industry receives a report submitted pursuant to the preceding paragraph, the minister shall perform an evaluation concerning the transparency and fairness of the Specified Digital Platform, taking into consideration the Guidelines, based on the content of the report, facts reported pursuant to the provisions of paragraph (1) of the following article, and other facts known to the minister.

(3) When performing an evaluation prescribed in the preceding paragraph, the Minister of Economy, Trade and Industry shall consult with the Minister of Internal Affairs in advance.

(4) When performing an evaluation prescribed in the paragraph (2), the Minister of Economy, Trade and Industry may seek the opinions of users, organizations organized by users, persons with relevant knowledge and experience, or other persons deemed necessary by the minister.

(5) The Minister of Economy, Trade and Industry must give public notice of the results of the evaluation performed pursuant to the provisions of paragraph (2) along with a summary of the report referenced in paragraph (1).

(6) A Specified Digital Platform Provider must endeavor under its own initiative

to improve the transparency and fairness of its Specified Digital Platform based on the results of the evaluation public announced pursuant to the provisions of the preceding paragraph.

(Reports, etc. to the Minister of Economy, Trade and Industry)

- Article 10 (1) If a user find that a Specified Digital Platform Provider is not taking the measures that should be taken pursuant to the provisions of Article 5, paragraph (1) to paragraph (4) and Article 7, paragraph (1), such user may make a report to that effect to the Minister of Economy, Trade and Industry and request that appropriate measures be taken.
- (2) A Specified Digital Platform Provider may not refuse to provide a Specified Digital Platform to or otherwise disadvantageously treat a user on the grounds that the user make a report and request referenced in the preceding paragraph.
- (3) If the Minister of Economy, Trade and Industry finds that a Specified Digital Platform Provider engaged in conduct in violation of the provisions of the preceding paragraph, the minister shall make a recommendation to the relevant Specified Digital Platform Provider to promptly cease its disadvantageous treatment and take other necessary measures.
- (4) The provisions of Article 6, paragraphs (2) and (3) shall apply mutatis mutandis to the recommendations referenced in the preceding paragraph.

(Cancellation of Specification of Specified Digital Platform Providers)

- Article 11 (1) A Specified Digital Platform Provider may, where any of the events listed in the following items has occurred, make a proposal to the Minister of Economy, Trade and Industry to the effect that the designation made pursuant to the provisions of Article 4, paragraph (1) be cancelled as provided by an Order of the Ministry of Economy, Trade and Industry:
- (i) if the Specified Digital Platform Provider no longer provides the Specified Digital Platform; or
- (ii) if the scale of the Specified Digital Platform business falls below the scale prescribed by the Cabinet Order referenced in Article 4, paragraph (1) and a clear finding is made that the business will not return to at least the prescribed scale.
- (2) Upon receiving a proposal specified in the preceding paragraph, the Minister of Economy, Trade and Industry shall, upon finding the proposal is well grounded, cancel the designation pursuant to the provisions of Article 4, paragraph (1) without delay as provided by an Order of the Ministry of Economy, Trade and Industry. The same shall apply where, in the absence of a proposal made pursuant to the preceding paragraph, a finding made that any of the events set forth in the items of that paragraph has occurred.

(Reporting and Inspection)

Article 12 (1) To the extent necessary for designation pursuant to the provisions of Article 4, paragraph (1) and cancellation of that designation pursuant to the provisions of paragraph (2) of the preceding article, the Minister of Economy, Trade and Industry may cause a Specified Digital Platform Provider to report on the status of business relating to provision of the Specified Digital Platform or cause ministry personnel to enter the Specified Digital Platform Provider's offices or other workplaces and inspect books, documents and other items.

(2) The Minister of Economy, Trade and Industry may require a Specified Digital Platform Provider to report on its business activities or cause ministry personnel to enter the Specified Digital Platform Provider's offices or other workplaces and inspect books, documents and other items to the extent necessary for the enforcement of the provisions of Article 6, paragraph (1) and paragraph (4), Article 8, paragraph (1) and Article 10, paragraph (3).

(3) The Minister of Economy, Trade and Industry may require a User Provider of Goods, etc. to submit reports on its business activities to the extent necessary for the enforcement of Article 6, paragraph (1) and paragraph (4), Article 8, paragraph (1), and Article 10, paragraph (3).

(4) An official carrying out an on-site inspection pursuant to the provisions of paragraph (1) and (2) must carry identification and present it to the persons concerned.

(5) The authority to conduct on-site inspections pursuant to paragraph (1) and paragraph (2) shall not be construed as permitted for the purpose of criminal investigations.

(Requests for Measures to the Fair Trade Commission)

Article 13 The Minister of Economy, Trade and Industry may, when a Specified Digital Platform Provider is found to have engaged in conduct impeding the transparency and fairness of Specified Digital Platforms and that fact is in violation of the provisions of Article 19 of the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade (Act No. 54 of 1947), request that the Fair Trade Commission take appropriate measures in accordance with the provisions of that Act; provided, however, that in the cases set forth below, such request shall be made.

(i) if a finding is made that the relevant conduct was performed against multiple User Providers of Goods, etc.;

(ii) if a finding is made that the extent of the detriment incurred by User Providers of Goods, etc. as a result of the relevant conduct is substantial; or

(iii) beyond what is set forth in the preceding two items, if a finding is made that there are material facts that impede the transparency and fairness of Specified Digital Platforms.

(Exclusions from application)

Article 14 The provisions of Article 4 to the preceding article shall not apply to the provision of services that constitute a digital platform prescribed by Cabinet Order as services regarding which the interests of User Providers of Goods, etc. are deemed to be protected by the provisions of other laws.

(Request, etc. for Submission of Materials)

Article 15 (1) The Minister of Economy, Trade and Industry may request that digital platform providers or User Providers of Goods, etc. submit necessary materials or provide explanations to the extent necessary to propose enactment or amendment of the Cabinet Order referenced in Article 4, paragraph (1).

(2) When requesting submission of necessary materials or provision of explanations pursuant to the preceding paragraph, the Minister of Economy, Trade and Industry must consult in advance with the minister with administrative jurisdiction over the forums provided by the digital platforms relating to the request and the Minister of Internal Affairs.

(Drafting, etc. Cabinet Orders)

Article 16 (1) The Minister of Economy, Trade and Industry shall propose enactment or amendment of the Cabinet Order referenced in Article 4, paragraph (1) and shall take measures necessary for the effective implementation of this Act based on the materials and explanations referenced in paragraph (1) of the preceding article.

(2) When the Minister of Economy, Trade and Industry takes the measures specified in the preceding paragraph, the minister must consult in advance with the minister with administrative jurisdiction over the forums provided by digital platforms and the Minister of Internal Affairs.

(3) In the case of paragraph (1), due consideration must be given to international trends relating to digital platforms and the opinions of digital platform providers and users.

Chapter III Miscellaneous Provisions

(Relationship with Other Policies)

Article 17 When taking measures pursuant to the provisions of this Act, the Minister of Economy, Trade and Industry must endeavor to take the minimum necessary measures while taking into consideration the regulation of business relating to forums provided by digital platforms under other laws, measures for optimization, and the status of implementation of measures relating to such business.

(Transitional Measures)

Article 18 When enacting, revising or abolishing an order pursuant to this Act, necessary transitional measures (including transitional measures concerning penal provisions) may be provided for by that order to the extent considered reasonably necessary for the enactment, revision or abolition.

(Documents to be Served)

Article 19 (1) Designations pursuant to the provisions of Article 4, paragraph (1), recommendations made pursuant to the provisions of Article 6, paragraph (1), orders issued pursuant the provisions of Article 6, paragraph (4), and the collection of reports pursuant to the provisions of Article 12, paragraph (1) to paragraph (3) shall be made, issued, or collected by serving the documents prescribed by Order of the Ministry of Economy, Trade and Industry.

(2) Notice pursuant to the provisions of Article 30 of the Administrative Procedure Act (Act No. 88 of 1993) pertaining to designation pursuant to the provisions of Article 4, paragraph (1) and an order pursuant to the provisions of Article 6, paragraph (4) shall be made by serving the documents specified in Article 30 of that Act. In this case, the provisions of Article 15, paragraph (3) of that Act applied mutatis mutandis pursuant to Article 31 of that Act following the deemed replacement of terms shall not apply.

(Application Mutatis Mutandis of the Code of Civil Procedure Concerning Service)

Article 20 With regard to delivery pursuant to the provisions of the preceding paragraph, the provisions of Article 99, Article 101, Article 103, Article 105, Article 106, Article 108, and Article 109 of the Code of Civil Procedure (Act No. 109 of 1996) shall apply mutatis mutandis. In this case, the phrase "court execution officer" in Article 99, paragraph (1) of the Code is deemed to be replaced with "personnel of the Ministry of Economy, Trade and Industry" and the phrase "presiding judge" in Article 108 of the Code and the phrase "court" in Article 109 of the Code is deemed to be replaced with "the Minister of Economy, Trade and Industry."

(Service by Publication)

Article 21 (1) The Minister of Economy, Trade and Industry may make service by publication in the following cases:

- (i) when the domicile or residence of the person to be served or any other place to which the service should be made is unknown;
- (ii) for service that should be made in a foreign country, if the provisions of Article 108 of the Code of Civil Procedure as applied mutatis mutandis

pursuant to the preceding Article following the deemed replacement of terms cannot be applied, or if it is recognized that service cannot be made based on the provisions; and

- (iii) if, after the lapse of six months from the date on which a competent foreign government agency was commissioned to make service pursuant to the provisions of Article 108 of the Code of Civil Procedure as applied mutatis mutandis pursuant to the preceding Article following the deemed replacement of terms, documents certifying that service was made are not received.
- (2) Service by publication is made by way of a posting on the notice board of the Ministry of Economy, Trade and Industry to the effect that the documents to be served shall be delivered at any time to the person to be served.
- (3) Service by publication shall take effect when two weeks have elapsed from the day on which the posting under the provisions of the preceding paragraph was commenced.
- (4) The period set forth in the preceding paragraph shall be six weeks for service by publication concerning service to be effected in a foreign state.

(Use of Electronic Information Processing System)

Article 22 Whenever a personnel of the Ministry of Economy, Trade and Industry engage in administrative affairs related to notice of a disposition, etc. specified in Article 3, item (ix) of the Act on the Promotion of Administrative Affairs through the Use of Information and Communications Technology (Act No. 151 of 2002) concerning which documents are to be served pursuant to the provisions of Article 19, if an electronic data processing system specified in Article 6, paragraph (1) of that Act is used pursuant to the provisions of Article 7, paragraph (1) of that Act, in lieu of preparing and submitting a document stating matters concerning service pursuant to the provisions of Article 109 of the Code of Civil Procedure as applied mutatis mutandis by deemed replacement of terms in Article 20, ministry personnel shall use the electronic data processing system to record those matters in a file stored on a computer (including input and output devices) used by the Minister of Economy, Trade and Industry.

Chapter IV Penal Provisions

Article 23 In the case where an order under the provisions of Article 6, paragraph (4) has been violated, the person who have committed said act in violation shall be punished by a fine of not more than one million yen.

Article 24 In a case that falls under any of the following items, the person who

committed such violation is subject to a fine of up to five hundred thousand yen:

- (i) If a person fails to submit a notification pursuant to the provisions of Article 4, paragraph (2) or submits a false notification;
- (ii) If a person failed to submit a report pursuant to Article 9, paragraph (1) or submitted a report without including matters to be recorded or with false statements; or
- (iii) If a person failed to submit a report pursuant to Article 12, paragraph (1) to paragraph (3) or submitted a report with false statements or refused, interrupted, or evaded an inspection under the provisions of paragraph (1) or paragraph (2) of the same Article.

Article 25 When the representative of a juridical person, or an agent, worker or other employee of a juridical person or of an individual, has committed a violation of the preceding two articles with regard to the business of said juridical person or individual, not only the violator, but also said juridical person or individual shall be punished in accordance with said articles.

Supplementary Provisions

(Effective Date)

- (1) This Act shall come into force as from the date specified in the applicable cabinet order within a period not exceeding one year from the day of promulgation.

(Review)

- (2) Approximately three years after the implementation of this Act, the national government shall review the provisions of this Act, taking into consideration the status of enforcement of the provisions of this Act and changes in economic and social conditions, and shall take necessary measures on the basis of the result of the review.

Reasons

In light of the situation where protection of the interests of User Providers of Goods, etc. while giving consideration to the autonomy and self-governance of digital platform providers has become an issue, it is necessary to designate Specified Digital Platform Providers, disclose the conditions of provision by Specified Digital Platform Providers, evaluate the transparency and fairness of Specified Digital Platforms, and take other measures. This is the reason for submission of this proposed bill.