

Act on Special Measures Concerning Civil Court Proceedings for the Collective Redress for Damage Incurred by Consumers

(Act No. 96 of December 11, 2013)

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Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to protect the interests of consumers by enabling specified qualified consumer organizations to conduct court proceedings for the collective redress for the property and psychological damage (meaning property damage and damage due to mental suffering; the same applies hereinafter) incurred by consumers in connection with consumer contracts, given the fact that it is sometimes difficult for consumers to achieve redress of property and psychological damages on their own due to the disparity in the quality and quantity of information and negotiating power between consumers and business operators and by doing so, contributing to the stabilization and improvement of the general welfare and lives of the citizens and sound development of the national economy.

(Definitions)

Article 2 In this Act, the meanings of the terms set forth in the following items are as prescribed respectively in those items:

- (i) consumer: an individual (excluding the individual conducting a business);
- (ii) business operator: a corporation or any other association or foundation and an individual conducting a business;
- (iii) consumer contract: a contract entered into by and between a consumer and a business operator (excluding a labor contract);
- (iv) action for declaratory judgment on common obligations: if property and psychological damage is incurred by a considerable number of consumers in connection with consumer contracts, an action seeking a declaratory judgment whereby the business operator, a person that supervises a business on behalf of the business operator (referred to as "business supervisor" in paragraph (1), item (v), sub-item (b) and paragraph (3), item (iii), sub-item (b) of the next Article), or an employee of the business operator (hereinafter referred to as "business operator, etc.") has an obligation to pay money to these consumers based on factual and legal causes of action common to these consumers, except the cases in which a claim for a payment of money filed by a consumer who has no grounds due to circumstances specific to the consumer;
- (v) target claim: a claim for a payment of money filed against the business operator, etc. that became the defendant of an action for declaratory judgment on common obligations, which pertains to the obligation prescribed

- in the preceding item;
- (vi) target consumer: a consumer who holds a target claim;
 - (vii) simplified determination proceedings: court proceedings whereby, on the premise of the results of litigation pertaining to an action for declaratory judgment on common obligations (hereinafter referred to as "an action for declaratory judgment confirming the common obligations") and on the basis of the proofs of claims set forth in Article 33, paragraph (2), filed with the court under the provisions of this Act, the other party states its approval or disapproval, and the presence or absence what it entails of a target claim settlement claim as set forth in Article 11, paragraph (2) are determined based on the approval or disapproval as set forth in Article 46, paragraph (1) if no notice to dispute the approval or disapproval is made, and based on an order by the court if a notice to dispute approval or disapproval as set forth in the same paragraph is made;
 - (viii) litigation after objection: when a lawful objection is filed against an order to determine the presence or absence and what it entails of a target claim in simplified determination proceedings (hereinafter referred to as a "simplified determination order"), litigation pertaining to the claim after the filing of the objection;
 - (ix) court proceedings concerning redress for damage: the following proceedings:
 - (a) proceedings of an action for declaratory judgment confirming the common obligations, simplified determination proceedings, and proceedings of litigation after objection; and
 - (b) a civil execution procedure based on a title of obligation acquired with regard to a target claim by a specified qualified consumer organization (including litigation proceedings pertaining to the actions set forth in Article 33, paragraph (1), Article 34, paragraph (1), Article 35, paragraph (1), Article 38, paragraph (1), Article 90, paragraph (1), and Article 157, paragraph (1) of the Civil Execution Act (Act No. 4 of 1979) (referred to as "litigation proceedings pertaining to civil execution" in Article 66, paragraph (1), item (iii))) and a procedure for provisional seizure aimed at preserving the fulfillment of a target claim pertaining to a title of obligation which a specified qualified consumer organization has the possibility of acquiring (including litigation proceedings pertaining to the actions set forth in Article 33, paragraph (1), Article 34, paragraph (1), and Article 38, paragraph (1) of the Civil Execution Act as applied mutatis mutandis pursuant to the provisions of Article 46 of the Civil Provisional Remedies Act (Act No. 91 of 1989) (referred to as "litigation proceedings pertaining to execution of provisional seizure" in Article 66, paragraph (1), item (i))); and

- (x) specified qualified consumer organization: a corporation certified by the prime minister pursuant to the provisions of Article 71 as a qualified consumer organization (meaning the qualified consumer organization prescribed in Article 2, paragraph (4) of the Consumer Contract Act (Act No. 61 of 2000); the same applies hereinafter) which has the qualifications necessary for conducting court proceedings concerning redress for damage.

Chapter II Court Proceedings Concerning Redress for Damage

Section 1 Special Measures on Civil Litigation Proceedings Pertaining to an Action for Declaratory Judgment Confirming the Common Obligations

(Action for Declaratory Judgment on Common Obligations)

Article 3 (1) A specified qualified consumer organization may file an action for a declaratory judgment on common obligations with regard to monetary payment obligations borne by a business operator against a consumer which pertain to the claims concerning consumer contracts listed in items (i) through (iv) and monetary payment obligations borne by a person against a consumer as set forth in item (v), sub-items (a) through (c) which pertain to the claims in the same items (including claims for interest, damages, penalties, or expenses incidental thereto):

- (i) a claim for performance of a contractual obligation;
- (ii) a claim pertaining to unjust enrichment;
- (iii) a claim for damages based on nonperformance of a contractual obligation;
- (iv) a claim for damages based on a tortious act (limited to a claim based on the provisions of the Civil Code (Act No. 89 of 1896), excluding those in the following items (limited to the part pertaining to (a)));
- (v) a claim set forth in the following sub-items (a) through (c) against the persons in said items on the grounds that an employee of the business operator caused damage to a third party in the execution of services related to consumer contracts:
 - (a) the business operator (limited to cases caused by negligence of due care intentionally or through gross negligence regarding the appointment of the employee and their supervision of the business; same applies in paragraph (3), item (iii)): a claim for damages set forth in Article 715, paragraph (1) of the Civil Code;
 - (b) a business supervisor (limited to cases caused by negligence of due care intentionally or through gross negligence regarding the appointment of the employee and their supervision of the business; same applies in paragraph (3), item (iii), sub-item(b)): a claim for damages set forth in Article 715, paragraph (2) of the Civil Code; and

- (c) an employee (limited to cases in which there was intent or gross negligence when causing damage to a third party; same applies in paragraph (3), item (iii), sub-item (c)): a claim for damages based on a tortious act (limited to a claim based on the provisions of the Civil Code).
- (2) An action for declaratory judgment on common obligations with regard to monetary payment obligations pertaining to the claims set forth in items (iii) through (v) of the preceding paragraph may not be filed when the damage incurred is any of the following:
- (i) damage due to the loss or damage of property other than defective goods, right, or any other objects of a consumer contract resulting from the nonperformance of a contractual obligation, or a tortious act (excluding services; same applies in the following item):
 - (ii) damage due to the loss of profit which would have been gained through the disposition or use of the object of a consumer contract if the object had been provided;
 - (iii) damage due to the loss or damage of property other than goods pertaining to manufacturing, processing, repair, transport, or retention under a consumer contract or any other subject of the service which was the object of a consumer contract, resulting from the nonperformance of a contractual obligation or a tortious act;
 - (iv) damage due to the loss of profit which would have been gained through the use of the service which is the object of a consumer contract or through the disposition or use of the subject of the service if the service had been provided;
 - (v) damage due to harm done to the life or body of a person; or
 - (vi) damage due to mental suffering (excluding damage for which the major facts that are the basis for the calculation are common to a substantial number of consumers, and damage that falls under either sub-item (a) or sub-item (b)):
- (a) damage accompanied by a claim listed in any of the items in the previous paragraph resulting from a single action in an action for declaratory judgment on common obligations (limited to damage that does not include a claim pertaining to damage due to mental suffering for the claims listed in items (iii) through (v) of the same paragraph) based on de facto causes shared with a financial claim;
 - (b) damage caused intentionally by the business operator.
- (3) In an action for declaratory judgment on common obligations with regard to monetary payment obligations pertaining to the claims set forth in the following items, the person(s) specified respectively in those items are the defendant(s):
- (i) the claims set forth in paragraph (1), items (i) through (iii): the business

- operator that is the counterparty of the consumer contract;
- (ii) the claim set forth in paragraph (1), item (iv): the business operator that is the counterparty of the consumer contract, the business operator that is to perform the obligation under the consumer contract, or the business operator that solicits, has another person solicit, or encourages solicitation for the conclusion of the consumer contract;
 - (iii) the claims set forth in paragraph (1), item (v): the following persons:
 - (a) the business operator that is the counterparty of the consumer contract, the business operator that is to perform the obligation under the consumer contract, or the business operator that solicits, has another person solicit, or encourages solicitation for the conclusion of the consumer contract and has employed the employee who caused damage to a third party in the execution of services related to the business operator's consumer contract;
 - (b) a supervisor of the business operator in (a);
 - (c) an employee of the business operator as set forth in (a) who caused damage to a third party in the execution of services related to the business operator's consumer contract.
 - (4) If the court finds it difficult, even when the court makes a judgment upholding a claim pertaining to an action for declaratory judgment on common obligations, in consideration of the nature of the case, the contents of allegations expected to be made and proof expected to be submitted in the simplified determination proceedings conducted on the premise of the judgment, or any other circumstances, to determine the presence or absence and the contents of the target claim appropriately and promptly in the simplified determination proceedings, the court may dismiss the whole or part of the action for declaratory judgment on common obligations.

(Value of the Subject Matter of Litigation)

Article 4 For the purpose of calculating the value of the subject matter of litigation, an action for declaratory judgment on common obligations is deemed to be an action pertaining to a claim that is not a claim on a property right.

(Matters to Be Stated in the Complaint)

Article 5 In the complaint for filing an action for declaratory judgment on common obligations, the extent of the target claims and the target consumers must be stated, and the object and statement of claims must be specified.

(Jurisdiction and Change of Venue)

Article 6 (1) The provisions of Article 5 of the Code of Civil Procedure (Act No. 109 of 1996) (excluding the portion pertaining to item (v)) do not apply to an action for declaratory judgment confirming the common obligations.

- (2) An action for declaratory judgment on common obligations with regard to monetary payment obligations pertaining to the claims set forth in the following items may also be filed with the district court having jurisdiction over the places specified respectively in those items:
- (i) the claims set forth in Article 3, paragraph (1), items (i) through (iii): the place of performance of the obligation; and
 - (ii) the claims set forth in Article 3, paragraph (1), item (iv) and item (v): the place where the tort took place.
- (3) When the number of target consumers is expected to be 500 or more, an action for declaratory judgment on common obligations may also be filed with the district court having jurisdiction over the location of the high court having jurisdiction over the location of the court with jurisdiction under Article 4, paragraph (1) or Article 5, item (v) of the Code of Civil Procedure or the preceding paragraph.
- (4) When the number of target consumers is expected to be 1,000 or more, an action for declaratory judgment on common obligations may also be filed with the Tokyo district court or the Osaka district court.
- (5) When two or more district courts have jurisdiction pursuant to the provisions of Article 4, paragraph (1), Article 5, item (v), Article 11, paragraph (1) or Article 12 of the Code of Civil Procedure or the preceding three paragraphs, an action for declaratory judgment on common obligations is subject to the jurisdiction of the district court with which the action was filed first; provided, however, that when the district court finds it necessary in order to avoid substantial detriment or delay, it may, upon petition or by its own authority, transfer the whole or part of the litigation pertaining to the action for declaratory judgment on common obligations to another court with jurisdiction.
- (6) Even when an action for declaratory judgment confirming the common obligations is subject to the jurisdiction of a court, if an action for declaratory judgment confirming the common obligations for a claim based on the same kind of factual and statutory cause is pending before another court and the former court finds it reasonable in consideration of the addresses or locations of the parties, the addresses of the witnesses who are to be examined, similarity of issues or evidence, or any other circumstances, the former court may, upon petition or by its own authority, transfer the whole or part of the action for declaratory judgment confirming the common obligations to the relevant other court.

(Mandatory Consolidation of Oral Arguments)

Article 7 (1) When several cases of an action for declaratory judgment confirming the common obligations for a claim, as well as the adversaries of the same claim are pending simultaneously, the oral arguments and trial

proceedings must be carried out in a consolidated manner.

- (2) In the case referenced in the preceding paragraph, the parties must notify the court to that effect.

(Prohibition of Supporting Intervention)

Article 8 Notwithstanding the provisions of Article 42 of the Code of Civil

Procedure, consumers may not intervene in an action for declaratory judgment confirming the common obligations to support the specified qualified consumer organization, even when they have an interest in the results of the action for declaratory judgment confirming the common obligations.

(Conservation Disclosure Orders)

Article 9 (1) If the party to a case makes a prima facie showing of the following grounds, at the petition of a specified qualified consumer organization that is a party to the action for declaratory judgment confirming the common obligations, by a ruling, the court before which an action for declaratory judgment confirming the common obligations is pending may order the business operator, etc. that are parties to the action for declaratory judgment confirming the common obligations to disclose the documents prescribed in Article 31, paragraph (1) that the business operator, etc. must disclose to specified qualified consumer organizations as set forth in the same paragraph through a method prescribed in paragraph (2) of the same Article:

- (i) the business operator, etc. have an obligation as set forth in Article 2, item (iv); or
- (ii) if the documents are not disclosed in advance, there must be circumstances in which it is difficult to disclose them.

(2) A petition for the order (hereinafter referred to as "conservation disclosure order" in this Article) prescribed in the preceding paragraph must be filed by clearly indicating the documents in question.

(3) Before rendering a decision on a petition for a conservation disclosure order, the court must hold a hearing of the business operator, etc.

(4) An immediate appeal may be filed against a ruling on a petition for a conservation disclosure order.

(5) A conservation disclosure order is not enforceable.

(6) When a business operator, etc. fail to abide by a conservation disclosure order without a legitimate reason for failing to do so, the court issues a ruling sentencing the business operator, etc. to a civil fine of not more than 300,000 yen.

(7) An immediate appeal may be filed against the ruling set forth in the preceding paragraph.

(8) The provisions of Article 189 of the Code of Civil Procedure apply mutatis

mutandis to a judicial decision on a civil fine under paragraph (6).

(Extent of Persons Subject to the Effect of the Final and Binding Judgment)

Article 10 Notwithstanding the provisions of Article 115, paragraph (1) of the code of civil procedure, a final and binding judgment of an action for declaratory judgment confirming the common obligations is also to be effective against specified qualified consumer organizations which are not the parties to the action for declaratory judgment confirming the common obligations and the consumers holding the filed claims prescribed in article 33, paragraph (2), item (i) who fall within the extent of the target consumers pertaining to the action for declaratory judgment confirming the common obligations.

(Settlement in an Action for Declaratory Judgment Confirming the Common Obligations)

Article 11 (1) A party to an action for declaratory judgment confirming the common obligations, in the action for declaratory judgment confirming the common obligations, when entering into a settlement recognizing the presence of the obligation prescribed in Article 2, item (iv) that is the subject matter of the action for declaratory judgment confirming the common obligations with a business operator, etc. that are the defendants in the action for declaratory judgment on common obligations, must clarify the following matters with regard to the obligation:

- (i) the extent of the target claims and the target consumers; and
- (ii) the facts with respect to the obligation and the statutory cause;

(2) In the action for declaratory judgment confirming the common obligations, a party to it must, when entering into a settlement recognizing the presence of a right to demand a payment of money other than the target claim from a business operator, etc. that became the defendants of an action for declaratory judgment on common obligations (hereinafter referred to as "settlement claim") with regard to a settlement of a dispute pertaining to a target claim pertaining to the action for declaratory judgment confirming the common obligations, clarify the following items with regard to the settlement claim:

- (i) the extent of the right on which the resolution is established or the legal relationship;
- (ii) the amount of the settlement claim or the method of calculating it; and
- (iii) the scope of consumers that possess a settlement claim (hereinafter referred to as "settlement target consumers" in Article 26, paragraph (1), item (x)).

(3) If it is stipulated that, in the resolution of an action for declaratory judgment confirming the common obligations, a specified qualified consumer organization that is a party to the action for declaratory judgment confirming

the common obligations does not file an action for declaratory judgment on common obligations with regard to the obligation prescribed in Article 2, paragraph (4) which is the subject matter of the action for declaratory judgment confirming the common obligations, that stipulation also remains in force with regard to specified qualified consumer organizations other than those that are parties to the action for declaratory judgment confirming the common obligations.

(Action for Retrial)

Article 12 If an action for declaratory judgment on common obligations has been filed, if the plaintiff, in conspiracy with the defendant, caused the judgment to be made for the purpose of harming the rights of the target consumers pertaining to the action for declaratory judgment on common obligations, a different specified qualified consumer organization may enter an appeal against the final judgment which has become final and binding, by filing an action for a retrial.

Section 2 Proceedings for Determining the Target Claims
Subsection 1 Simplified Determination Proceedings
Division 1 General Rules

(Parties to Simplified Determination Proceedings)

Article 13 Upon petition by the specified qualified consumer organization (if a designation has been made under Article 93, paragraph (2), the designated specified qualified consumer organization; same applies in Article 15) that was a party concerned when a judgment upholding the claims in an action for declaratory judgment confirming the common obligations became final and binding or when the action for declaratory judgment confirming the common obligations was terminated through acknowledgement of the claim, etc. (meaning an acknowledgment of the claim, a settlement recognizing the presence of the obligation prescribed in Article 2, item (iv), or a settlement recognizing the presence of a settlement claim; hereinafter the same applies in this Article), simplified determination proceedings are carried out by the district court which made the final judgment in the first instance of the action for declaratory judgment confirming the common obligations (when the action for declaratory judgment confirming the common obligations is terminated through acknowledgment of the claim, etc. in the first instance, the district court before which the litigation seeking declaratory judgment on common obligations was pending), with the adversary being the business operator, etc. that were parties concerned when the judgment became final and binding or when the action for declaratory judgment confirming the common obligations

was terminated.

(Optional Oral Argument)

Article 14 (1) A judicial decision relating to a simplified determination proceedings may be made without oral argument.

(2) When oral argument is not to be conducted pursuant to the provisions of the preceding paragraph, the court may conduct a hearing of the parties.

Division 2 Commencement of Simplified Determination Proceedings

(Obligation to File Petition for Commencement of Simplified Determination Proceedings)

Article 15 (1) The specified qualified consumer organization that was a party concerned when a judgment upholding the claims in an action for declaratory judgment confirming the common obligations became final and binding or when the action for declaratory judgment confirming the common obligations was terminated through acknowledgment of the claim must file a petition for the commencement of simplified determination proceedings, unless there are justifiable grounds.

(2) A specified qualified consumer organization that is a party concerned when a judgment upholding the claims in an action for declaratory judgment confirming the common obligations is terminated by a settlement recognizing the presence of the obligation prescribed in Article 2, item (iv) must file a petition for the commencement of simplified determination proceedings for a target claim pertaining to the obligation, unless there are justifiable grounds not to do so; provided, however, that this does not apply to target claims for which the amount of a settlement or the method of calculating the amount of a settlement are stipulated in said settlement (excluding those for which it is stipulated in a settlement that a petition for commencement of simplified determination proceedings must be filed).

(3) In the case that a judgment upholding the claims in an action for declaratory judgment confirming the common obligations is terminated by a settlement recognizing the presence of a settlement claim, when it is stipulated that a petition for commencement of simplified determination proceedings must be filed for all or part of the settlement claim in the settlement, the specified qualified consumer organization that was a party concerned at the time the action for declaratory judgment confirming the common obligations is terminated must file a petition for the commencement of simplified determination proceedings for a settlement claim pertaining to the stipulation, unless there are justifiable grounds not to do so.

(Period for Filing Petition for Commencement of Simplified Determination Proceedings)

Article 16 (1) In a case provided for in the preceding Article, a petition for the commencement of simplified determination proceedings must be filed within four months from the day on which a judgment upholding the claims in an action for declaratory judgment confirming the common obligations became final and binding or the day on which an action for declaratory judgment confirming the common obligations was terminated through acknowledgment of the claims, a settlement recognizing the presence of the obligation prescribed in Article 2, item (iv), or a settlement recognizing the presence of a settlement claim (if a designation has been made under Article 93, paragraph (2), the day on which the designation was made).

(2) If the court finds it necessary, the court may make an order of extension of the period set forth in the preceding paragraph by a fixed period not longer than two months through a petition filed by a specified qualified consumer organization that must file a petition for the commencement of simplified determination proceedings as prescribed in the preceding Article (in the case that the period is extended as a result of this paragraph, the extended period; the same applies in the following paragraph); provided, however, that the period may not exceed eight months.

(3) When the court makes an order of extension of a period set forth in paragraph (1) pursuant to the provisions in the preceding paragraph, the court must notify the specified qualified consumer organization that must file a petition for the commencement of simplified determination proceedings pursuant to the preceding paragraph, and the business operator, etc. prescribed in Article 13 to that effect.

(Method of Filing a Petition for Commencement of Simplified Determination Proceedings)

Article 17 A petition for the commencement of simplified determination proceedings must be filed by submitting a document stating the matters specified by the Rules of the Supreme Court.

(Prepayment of Expenses)

Article 18 When filing a petition for the commencement of simplified determination proceedings, the specified qualified consumer organization filing the petition must prepay the amount specified by the court as the expenses required for giving public notice under Article 23, paragraph (1) and giving notice under paragraph (2) of the same Article.

(Withdrawal of Petition for Commencement of Simplified Determination Proceedings)

Proceedings)

- Article 19 (1) A petition for the commencement of simplified determination proceedings may not be withdrawn without the permission of the court.
- (2) The provisions of Article 261, paragraph (3) and Article 262, paragraph (1) of the Code of Civil Procedure apply mutatis mutandis to the withdrawal of a petition under the preceding paragraph.

(Order of Commencement of Simplified Determination Proceedings)

- Article 20 (1) When a petition for the commencement of simplified determination proceedings is filed, the court is to make an order of commencement of simplified determination proceedings (hereinafter referred to as the "order of commencement of simplified determination proceedings"), unless it finds the petition to be unlawful or the expenses prescribed in article 18 have not been prepaid.
- (2) An immediate appeal may be filed against an order to dismiss a petition for the commencement of simplified determination proceedings.

(Method of Order of Commencement of Simplified Determination Proceedings)

- Article 21 An order of commencement of simplified determination proceedings must be made by preparing a written order stating the scope of the particulars specified in the following items for the respective categories set forth in those items:
- (i) when the obligation prescribed in Article 2, item (iv) is recognized in an action for declaratory judgment confirming the common obligations: the extent of target claims and target consumers pertaining to the obligation; and
 - (ii) when there is a resolution recognizing the presence of an action for declaratory judgment confirming the common obligations: the matters in Article 11, paragraph (2), items (i) and (iii) pertaining to the settlement claim.

(Matters to Be Specified upon Making Order of Commencement of Simplified Determination Proceedings)

- Article 22 Upon making an order of commencement of simplified determination proceedings, the court must specify the period during which the specified qualified consumer organization which filed the petition for the commencement of simplified determination proceedings pertaining to the order of commencement of simplified determination proceedings (if a designation has been made under Article 93, paragraph (1), the designated specified qualified consumer organization; hereinafter referred to as the "petitioner organization of the simplified determination proceedings") will file proofs of claims as

prescribed in Article 33, paragraph (2) (hereinafter referred to as the "period for filing proofs of claims") and the period during which the adversary of the simplified determination proceedings (hereinafter simply referred to as the "adversary" in this subsection) will state its approval or disapproval with regard to the filed proofs of claims (hereinafter referred to as the "period for approval or disapproval").

(Public Notice of Commencement of Simplified Determination Proceedings)

Article 23 (1) When the court makes an order of commencement of simplified determination proceedings, it must immediately give public notice of the following matters by publishing them in the official gazette:

- (i) the main text of the order of commencement of simplified determination proceedings;
 - (ii) the particulars specified in the items of Article 21 for the categories listed in the respective items;
 - (iii) the name and address of the petitioner organization of the simplified determination proceedings; and
 - (iv) the period for filing proofs of claims and the period for approval or disapproval.
- (2) The court must notify the petitioner organization of the simplified determination proceedings and the adversary of the matters subject to the public notice under the preceding paragraph.

(Prohibition of Filing Overlapped Petitions for Commencement of Simplified Determination Proceedings)

Article 24 With regard to a case for which an order of commencement of simplified determination proceedings has been made, a specified qualified consumer organization may not file another petition for the commencement of simplified determination proceedings.

(Extension of the Period for Filing Proofs of Claims or the Period for Approval or Disapproval)

- Article 25 (1) When the court finds it necessary, it may, upon petition or by its own authority, make an order of extension of the period for filing proofs of claims or the period for approval or disapproval.
- (2) When the court makes an order of extension of the period for filing proofs of claims or the period for approval or disapproval pursuant to the provisions of the preceding paragraph, it must notify the petitioner organization of the simplified determination proceedings and the adversary to that effect.
 - (3) When the court makes an order of extension of the period for filing proofs of claims or the period for approval or disapproval pursuant to the provisions of

paragraph (1), it must immediately give public notice to that effect by publishing it in an official gazette.

Division 3 Notice and Public Notice by the Petitioner Organization of the Simplified Determination Proceedings

(Public Notice by the Petitioner Organization of the Simplified Determination Proceedings)

Article 26 (1) When an order of commencement of simplified determination proceedings is made, the petitioner organization of the simplified determination proceedings, unless there are justifiable grounds, must issue a public notice with the following matters by a suitable method within one month prior to the last day of the period for filing proofs of claims:

- (i) the outline of the court proceedings concerning redress for damage;
- (ii) the contents of the case of the court proceedings concerning redress for damage;
- (iii) the contents of the final and binding judgment in the action for declaratory judgment confirming the common obligations (if claims have been acknowledged, and there is a settlement recognizing the presence of the obligations prescribed in Article 2, item (iv) or the presence of a settlement claim, the contents thereof);
- (iv) if the obligations prescribed in Article 2, item (iv) are recognized in the action for declaratory judgment confirming the common obligations, the extent of the target claims pertaining to the obligations and target consumers;
- (v) if a settlement is made recognizing the presence of a settlement claim in the action for declaratory judgment confirming the common obligations, the matters set forth in Article 11, paragraph (2), items (i) and (iii) pertaining to the settlement claims;
- (vi) if the amount of the target claim in the settlement in the action for declaratory judgment confirming the common obligations or the method of calculating said amount is stipulated, the amount or method of calculating it;
- (vii) the name and address of the petitioner organization of the simplified determination proceedings;
- (viii) the contact information of the petitioner organization of the simplified determination proceedings;
- (ix) when there is any remuneration or expenses payable to the petitioner organization of the simplified determination proceedings, the amount or the calculation method thereof, the method of payment thereof, and other necessary matters;
- (x) the period of the delegation of powers set forth in Article 34, paragraph (1)

- by the target consumers to the petitioner organization of the simplified determination proceedings;
- (xi) the period of the delegation of powers set forth in Article 34, paragraph (1) by the target consumers to the petitioner organization of the simplified determination proceedings; and
- (xii) other matters as specified by Cabinet Office Order.
- (2) If, after the public notice under the preceding paragraph has been given, there is a change to any of the matters set forth in item (vii) of the same paragraph during the period for filing proofs of claims, the petitioner organization of the simplified determination proceedings pertaining to the change must, without delay, give public notice to that effect by a reasonable method and notify the court and the adversary to that effect. In this case, the notified court must immediately give public notice to that effect by publishing it in an official gazette.
- (3) If, after the public notice under paragraph (1) has been given, there is a change to any of the matters set forth in items (viii) through (xi) of the same paragraph during the period for filing proofs of claims, the petitioner organization of the simplified determination proceedings pertaining to the change must, without delay, give public notice to that effect by a reasonable method.

(Notice by the Petitioner Organization of the Simplified Determination Proceedings)

- Article 27 (1) When an order of commencement of simplified determination proceedings is made, the petitioner organization of the simplified determination proceedings must, unless there are justifiable grounds, notify the known target consumers (excluding those that received a notification pursuant to the provisions in paragraph (1) of the following Article (referred to as "adversary notification" in this division and Article 98, paragraph (2), item (ii))) of the matters set forth in the items of paragraph (1) of the same Article in writing or by electronic or magnetic means (meaning the means of using an electronic data processing system or any other means of using information and communications technology; the same applies hereinafter) specified by Cabinet Office Order, within one month prior to the last day of the period for filing proofs of claims.
- (2) Notwithstanding the provisions of the preceding paragraph, if the following matters are described in the notification prescribed in the same paragraph, the matters set forth in paragraph (1), items (i), (iii), (vi), (ix), (x), and (xii) of the preceding paragraph do not need to be described:
- (i) the fact that the public notice pursuant to the provisions of paragraph (1) of the preceding paragraph was given;

- (ii) the method through which the public notice was given; and
- (iii) other matters specified by Cabinet Office Order.

(Notification from the Adversary)

Article 28 (1) When requested to do so by the petitioner organization of the simplified determination proceedings (limited to those made by the date specified by Cabinet Office Order in consideration of the period normally required for the adversary notification), the adversary must notify the known target consumers of the following matters in writing or by electronic or magnetic means specified by Cabinet Office Order at least two months before the last day of the period for filing proofs of claims and the date specified by Cabinet Office Order:

- (i) the details of the court proceedings concerning redress for damage;
 - (ii) if the obligations prescribed in Article 2, item (iv) are recognized in the action for declaratory judgment confirming the common obligations, the extent of the target claims and target consumers pertaining to the obligations;
 - (iii) if there is a settlement recognizing the presence of a settlement claim in the action for declaratory judgment confirming the common obligations, the matters set forth in Article 11, paragraph (2), items (i) and (iii) pertaining to the settlement claims;
 - (iv) the name, address, and contact information of the petitioner organization of the simplified determination proceedings;
 - (v) the period of the delegation of powers set forth in Article 34, paragraph (1) by the target consumers to the petitioner organization of the simplified determination proceedings;
 - (vi) the fact that the petitioner organization of the simplified determination proceedings gave a public notice pursuant to the provisions of Article 26, paragraph (1);
 - (vii) the method through which said public notice was given;
 - (viii) the adversary's name or name, address, and contact information; and
 - (ix) other matters as specified by Cabinet Office Order.
- (2) When making a request as set forth in the preceding paragraph, the petitioner organization of the simplified determination proceedings must notify the adversary of the contact information set forth in item (iv) of the same paragraph, the matters set forth in items (v) through (vii) of the same paragraph, and other matters as specified by Cabinet Order.
- (3) When an adversary notification is made, the adversary must notify the petitioner organization of the simplified determination proceedings that made a request as set forth in paragraph (1) of the following matters within one week after the adversary is notified:

- (i) the name and address or contact information of the target consumers that made the adversary notification;
- (ii) the date on which the adversary notification was made; and
- (iii) other matters as specified by Cabinet Office Order.

(Publication by the Adversary)

- Article 29 (1) When requested to do so by the petitioner organization of the simplified determination proceedings, the adversary must, without delay, publish the matters set forth in the items of paragraph (1) of the preceding Article (if there has been a change to any of the matters set forth in item (iv), (v), (viii), or (ix) of the same paragraph, the matters set forth in those items after such change) by using the internet, by the method of posting a notice in a manner readily recognizable by the public at its business office or any other place, or by other method similar thereto, until the end of the period for filing proofs of claims.
- (2) The provisions of paragraph (2) of the preceding paragraph apply mutatis mutandis if a petitioner organization of the simplified determination proceedings makes a request to the adversary as set forth in the preceding paragraph. In this case, "In this case, after the request is made, if there is a change to any of the matters set forth in item (iv) or (v) of the preceding paragraph or other matters as specified by Cabinet Order after the request is made during the period for filing proofs of claims, the petitioner organization of the simplified determination proceedings pertaining to the change must, without delay, notify the adversary of that fact" is deemed to be added to the preceding paragraph.

(Obligations to Respond Pertaining to Information Related to Target Consumers)

- Article 30 If a petitioner organization of the simplified determination proceedings makes an inquiry with regard to any of the following matters, the adversary must respond to the petitioner organization of the simplified determination proceedings in writing or by electronic or magnetic means specified by Cabinet Office Order within one week after the inquiry is made:
- (i) the prospects of the number of target consumers;
 - (ii) the number of known target consumers;
 - (iii) the prospects of the timing of the adversary notification; and
 - (iv) other matters as specified by Cabinet Office Order.

(Obligation to Disclose Information)

- Article 31 (1) When the adversary possesses documents stating the names and addresses or contacts (limited to those specified by Cabinet Office Order; the

same applies in the following paragraph) of the target consumers (including the electronic or magnetic records (meaning records used in computer data processing, which are created in electronic form, magnetic form, or any other form that cannot be perceived by the human senses; the same applies hereinafter) thereof in which the documents are prepared in the form of an electronic or magnetic record; hereinafter the same applies in this Article and the following Article), if requested to do so by the petitioner organization of the simplified determination proceedings during the period for filing proofs of claims, the adversary may not refuse to disclose the documents to the petitioner organization of the simplified determination proceedings; provided, however, that this does not apply when an unreasonable amount of expenses or time will be required for the adversary to specify the scope of the documents to be disclosed.

- (2) The disclosure of the documents prescribed in the preceding paragraph is made by delivering a copy thereof (in the case of an electronic or magnetic record, delivering a printout of the electronic or magnetic record or providing the information recorded in the electronic or magnetic record by electronic or magnetic means as specified by Cabinet Office Order). In this case, the adversary may disclose the information by excluding the portions other than the names and addresses or contacts of individuals (excluding those who are obviously not target consumers) are stated.
- (3) When the adversary does not disclose the documents prescribed in paragraph (1), it must promptly notify the petitioner organization of the simplified determination proceedings to that effect and the reason therefor in writing.

(Order to Disclose Information)

Article 32 (1) During the period for filing proofs of claims, the petitioner organization of the simplified determination proceedings may file with the court a petition for an order to disclose information (meaning an order requiring the adversary to disclose the documents prescribed in paragraph (1) of the preceding Article by the method prescribed in paragraph (2) of the same Article; hereinafter the same applies in this Article).

- (2) A petition for an order to disclose information must be filed by clearly indicating the documents in question.
- (3) When the court finds a petition for an order to disclose information to be in question, it is to issue an order to disclose information.
- (4) When the court makes an order with regard to a petition for an order to disclose information, it must conduct a hearing of the adversary.
- (5) An immediate appeal may be filed against an order made with regard to a petition for an order to disclose information.
- (6) An order to disclose information does not have any enforcement power.

- (7) When the adversary fails to comply with an order to disclose information without justifiable grounds, the court, by an order, is to punish the adversary by a non-criminal fine of not more than 300,000 yen.
- (8) An immediate appeal may be filed against the order set forth in the preceding paragraph.
- (9) The provisions of Article 189 of the Code of Civil Procedure apply mutatis mutandis to a judicial decision on a non-criminal fine under paragraph (7).

Division 4 Determination of Target Claims

(Filing of Proofs of Claims)

- Article 33 (1) Only the petitioner organization of the simplified determination proceedings may file proofs of the target claims pertaining to an order of commencement of simplified determination proceedings.
- (2) The filing under the preceding paragraph (hereinafter referred to as "filing of proofs of claims") must be carried out by submitting a document stating the following matters (hereinafter referred to as the "written proofs of claims" in this section) to the court which made the order of commencement of simplified determination proceedings, within the period for filing proofs of claims:
 - (i) the petitioner organization of the simplified determination proceedings which is to carry out the filing of proofs of claims with regard to the target claims, the adversary, and the consumers holding the filed claims (meaning consumers who are holders of claims for which the filing of proofs of claims has been carried out with the court as target claims (hereinafter referred to as "filed claims"); the same applies hereinafter), and their statutory agents;
 - (ii) the object of claim and the statement of claim (the statement of claim is limited to one premised on the factual or statutory cause pertaining to the obligation or settlement claim approved in the action for declaratory judgment confirming the common obligations); and
 - (iii) in addition to what is set forth in the preceding two items, matters specified by the Rules of the Supreme Court.
 - (3) If a target consumer chooses to file an action against the business operator based on the target claim at the time of the filing of proofs of claims, when a Japanese court does not have jurisdiction over the case pursuant to the provisions of Part I, Chapter II, Section 1 of the Code of Civil Procedure, the petitioner organization of the simplified determination proceedings may not carry out the filing of proofs of claims with regard to the target claim, notwithstanding the provisions of paragraph (1).
 - (4) When litigation filed by a target consumer based on the target claim is pending before a court, the petitioner organization of the simplified determination proceedings may not carry out the filing of proofs of claims with

regard to the target claim, notwithstanding the provisions of paragraph (1).

(Delegation of Powers with Regard to Simplified Determination Proceedings by Target Consumers)

- Article 34 (1) In order for the petitioner organization of the simplified determination proceedings to carry out the filing of proofs of claims with regard to a target claim, and to conduct simplified determination proceedings with regard to the target claim, it must have received the delegation of powers pertaining to the target claim from the target consumer.
- (2) The target consumer set forth in the preceding paragraph may make the delegation of powers set forth in the same paragraph to only one petitioner organization of the simplified determination proceedings from among the petitioner organizations of the simplified determination proceedings.
 - (3) A target consumer who has made the delegation of powers set forth in paragraph (1) may revoke the delegation of powers.
 - (4) The revocation of the delegation of powers set forth in paragraph (1) under the preceding paragraph is not to be in effect unless the target consumer who has made the delegation of powers or the petitioner organization of the simplified determination proceedings which has received the delegation of powers notifies the adversary to that effect.
 - (5) When the certification as a specified organization prescribed in Article 71, paragraph (1) granted for the petitioner organization of the simplified determination proceedings which has received the delegation of powers set forth in paragraph (1) has lapsed due to any of the grounds set forth in the items of Article 80, paragraph (1) or been revoked due to any of the grounds set forth in the items of Article 92, paragraph (1) or the items of paragraph (2) of the same Article, the delegation of powers ceases to be effective.
 - (6) When the petitioner organization of the simplified determination proceedings lacks the delegation of powers set forth in paragraph (1) with regard to a filed claim by the time a simplified determination order is made (excluding if the delegation of powers has ceased to be effective pursuant to the provisions of the preceding paragraph), the filing of proofs of claims is deemed to have been withdrawn with regard to the filed claim.
 - (7) When the certification as a specified organization prescribed in Article 71, paragraph (1) granted for the petitioner organization of the simplified determination proceedings pertaining to the filing of proofs of claims (hereinafter referred to as the "organization filing proofs of claims") has lapsed due to any of the grounds set forth in the items of Article 80, paragraph (1) or been revoked due to any of the grounds set forth in the items of Article 92, paragraph (1) or the items of paragraph (2) of the same Article by the time a simplified determination order is made, a consumer holding the filed claim may,

notwithstanding the provisions of paragraph (2), make the delegation of powers set forth in paragraph (1) to the specified qualified consumer organization which has been designated under Article 93, paragraph (6), within a period of one month which is not extendable, from the day on which the public notice under paragraph (6) of the same Article was made.

- (8) When the consumer holding the filed claim set forth in the preceding paragraph fails to make the delegation of powers set forth in paragraph (1) within the period set forth in the preceding paragraph, the filing of proofs of claims is deemed to have been withdrawn with regard to the filed claim.
- (9) If a consumer holding the filed claim revokes the delegation of powers set forth in paragraph (1) pursuant to the provisions of paragraph (3) after a simplified determination order is made, the consumer holding the filed claim may not make the delegation of powers set forth in paragraph (1) again to a petitioner organization of the simplified determination proceedings.

(Obligation of Explanation)

Article 35 The petitioner organization of the simplified determination proceedings must, prior to the delegation of powers set forth in paragraph (1) of the preceding Article, explain to the person who intends to make the delegation of powers the outline of the court proceedings concerning redress for damage, the contents of the case, and other matters specified by Cabinet Office Order by delivering a document stating such matters or by providing an electronic or magnetic record containing such matters, pursuant to the provisions of Cabinet Office Order.

(Conclusion and Cancellation of Contracts for Delegation of Powers for Simplified Determination Proceedings)

- Article 36 (1) The petitioner organization of the simplified determination proceedings must not refuse to conclude a contract for delegation of powers for simplified determination proceedings (meaning a contract promising that the target consumer will make the delegation of powers set forth in Article 34, paragraph (1), and that the petitioner organization of the simplified determination proceedings will carry out the filing of proofs of claims and conduct simplified determination proceedings with regard to the target claim; the same applies hereinafter), unless there are unavoidable grounds.
- (2) The petitioner organization of the simplified determination proceedings which has received the delegation of powers set forth in Article 34, paragraph (1) must not cancel a contract for delegation of powers for simplified determination proceedings, unless there are unavoidable grounds.

(Obligation of Fairness and Good Faith)

Article 37 (1) The petitioner organization of the simplified determination proceedings which has received the delegation of powers set forth in Article 34, paragraph (1) must, on behalf of the target consumer who has made the delegation of powers, carry out the filing of proofs of claims, conduct simplified determination proceedings, conduct the civil execution procedure prescribed in Article 2, item (ix), (b) (including a non-judicial settlement concerning the claim pertaining to the delegation of powers), and manage money or any other property acquired in association with these acts, in fairness and good faith.

(2) The petitioner organization of the simplified determination proceedings which has received the delegation of powers set forth in Article 34, paragraph (1) must carry out the acts prescribed in the preceding paragraph with the due care of a prudent manager for the target consumer who has made the delegation of powers.

(Service of Written Proofs of Claims)

Article 38 When the court receives the submission of a written proofs of claims under Article 33, paragraph (2), it must serve the written proofs of claims upon the adversary without delay, except in the case of dismissing the filing of proofs of claims pursuant to the provisions of paragraph (1) of the following Article or Article 69, paragraph (1).

(Dismissal of Unlawful Filing of Proofs of Claims)

Article 39 (1) When the court finds the filing of proofs of claims to be unlawful or the expenses necessary for the service of the written proofs of claims have not been prepaid, it must dismiss the filing of proofs of claims by an order.

(2) An immediate appeal may be filed against the order set forth in the preceding paragraph.

(Settlement in Simplified Determination Proceedings)

Article 40 An organization filing proofs of claims may enter into a settlement with regard to a filed claim in simplified determination proceedings.

(Postponement of Expiry or Renewal of the Prescription Period When the Filing of Proofs Is Carried Out)

Article 41 When the filing of proofs of claims has been carried out, with regard to the expiry of and renewals to prescription, a demand by litigation is deemed to have been made when the action for declaratory judgment on common obligations which serves as the premise for the simplified determination proceedings has been filed or an action for declaratory judgment on common obligations have been filed in the documents set forth in Article 143, paragraph (2) of the Code of Civil Procedure.

(Limitation on Change to the Contents of the Filing of Proofs of Claims)

Article 42 An organization filing proofs of claims may make a change to the contents of the filing of proofs of claims only within the period for filing proofs of claims.

(Withdrawal of the Filing of Proofs of Claims)

Article 43 (1) The whole or part of the filing of proofs of claims may be withdrawn until a lawful objection is filed against the simplified determination order; provided, however, that, after the simplified determination order has been made, the withdrawal does not become effective unless the consent of the adversary is obtained.

(2) The provisions of Article 261, paragraph (3) and Article 262, paragraph (1) of the Code of Civil Procedure apply mutatis mutandis to the withdrawal of the filing of proofs of claims under the preceding paragraph.

(Preparation on the List of Consumers Holding the Filed Claims)

Article 44 (1) A court clerk must prepare a list of consumers holding the filed claims with regard to the filed claims concerned.

(2) In the list of consumers holding the filed claims set forth in the preceding paragraph, the contents of and other matters specified by the Rules of the Supreme Court with regard to each filed claim must be stated.

(3) When there is an error in the statement of a list of consumers holding the filed claims, a court clerk may, upon petition or by the court clerk's own authority, make a disposition to correct the statement at any time.

(Approval or Disapproval of the Filed Claim)

Article 45 (1) The adversary must, within the period for approval or disapproval, state its approval or disapproval with regard to the items of the filed claim for which the filing of proofs of claims was carried out within the period for filing proofs of claims.

(2) When the approval or disapproval set forth in the preceding paragraph (hereinafter referred to as the "approval or disapproval of the filed claim") is not stated within the period for approval or disapproval, the adversary is deemed to have approved the whole of the items of the filed claim for which the filing of proofs of claims was carried out within the period for filing proofs of claims.

(3) When the adversary approves the entirety of the contents on the filed claim within the period for approval or disapproval, the items of the filed claim are to become final and binding.

(4) A court clerk must state the contents of the approval or disapproval of the

filed claim in the list of consumers holding the filed claims.

- (5) With regard to a filed claim that has become final and binding pursuant to the provisions of paragraph (3), the statement in the list of consumers holding the filed claims is to have the same effect as a final and binding judgment. In this case, the organization filing proofs of claims may carry out a compulsory execution against the adversary with regard to the final and binding filed claim, based on the statement in the list of consumers holding the filed claims.

(Notice to Dispute the Approval or Disapproval)

Article 46 (1) An organization filing proofs of claims may, except the case in which the items of the filed claim have become final and binding pursuant to the provisions of paragraph (3) of the preceding article, give the court a notice of its intention to dispute the approval or disapproval of the filed claim (hereinafter simply referred to as a "notice to dispute the approval or disapproval") against the approval or disapproval of the filed claim concerned, within a period of one month which is not extendable from the last day of the period for approval or disapproval.

- (2) When the court finds a notice to dispute the approval or disapproval to be unlawful, it must be dismissed the same by an order.
- (3) An immediate appeal may be filed against the order set forth in the preceding paragraph.
- (4) A court clerk must state the presence or absence of a notice to dispute the approval or disapproval in the list of consumers holding the filed claims.

(Simplified Determination Order)

Article 47 (1) When the court receives a lawful notice to dispute the approval or disapproval, it must make a simplified determination order, except in the case of dismissing the filing of proofs of claims pursuant to the provisions of Article 39, paragraph (1) or Article 69, paragraph (1).

- (2) When the court makes a simplified determination order, it must conduct a hearing of both parties.
- (3) A simplified determination order must be made by preparing a written order stating the main text of the order and the outline of the reasons therefor.
- (4) With regard to a simplified determination order requiring payment of the filed claim (referred to as the "order for payment of the filed claim" in Article 59 and Article 89, paragraph (1), item (ii)), when the court finds it necessary, it may, upon petition or by its own authority, declare that a provisional execution may be enforced with or without security.
- (5) The written order set forth in paragraph (3) must be served upon the parties. In this case, the simplified determination order becomes effective when the written order is served upon the parties.

(Limitation on Examination of Evidence)

Article 48 (1) In proceedings for a simplified determination order, the examination of evidence is limited to documentary evidence.

- (2) The court may not order the submission of documents or submission of objects which contains handwriting or a seal impression to be used for comparison.
- (3) The provisions of the preceding two paragraphs do not apply to matters which the court will investigate by its own authority.

(Filing of Objection)

Article 49 (1) A party may file an objection against a simplified determination order with the court which has made the simplified determination order, within a period of one month which is not extendable from the day on which it received service thereof under Article 47, paragraph (5).

- (2) A consumer holding the filed claim may file an objection against a simplified determination order with the court which has made the simplified determination order, within a period of one month which is not extendable from the day on which the consumer received service thereof under Article 47, paragraph (5).
- (3) When the court finds the filing of an objection to be unlawful, it must dismiss the objection by an order.
- (4) An immediate appeal may be filed against the order set forth in the preceding paragraph.
- (5) When a lawful objection is filed, a simplified determination order ceases to be effective, unless a declaration of provisional execution has been attached thereto.
- (6) When no lawful objection is filed, a simplified determination order has the same effect as a final and binding judgment.
- (7) The provisions of Articles 358 and 360 of the Code of Civil Procedure apply mutatis mutandis to the objection set forth in paragraphs (1) and (2).

(Determination of a Filed Claim When No Notice to Dispute the Approval or Disapproval Is Given)

Article 50 (1) When no lawful notice to dispute the approval or disapproval is given, the contents of a filed claim become final and binding based on the contents of the approval or disapproval of the filed claim.

- (2) With regard to a filed claim that has become final and binding pursuant to the provisions of the preceding paragraph, the statement in the list of consumers holding the filed claims has the same effect as a final and binding judgment. In this case, the organization filing proofs of claims may carry out a compulsory execution against the adversary with regard to the final and

binding filed claim, based on the statement in the list of consumers holding the filed claims.

Division 5 Burden of Expenses

(Burden of Expenses of Simplified Determination Proceedings Excluding Individual Expenses)

- Article 51 (1) With regard to the expenses of simplified determination proceedings (excluding the fees for the filing of proofs of claims and the fees for filing a petition pertaining to a filed claim in simplified determination proceedings (collectively referred to as "individual expenses" in paragraphs (1) and (3) of the following Article); hereinafter the same applies in this Article), the parties bear their own expenses.
- (2) Notwithstanding the preceding paragraph, with regard to the expenses which will be borne by the respective parties according to that paragraph, the court may, depending on the circumstances, have a party other than those who will bear the expenses bear the whole or part of the expenses.
- (3) If the court finds it necessary, and a case pertaining to simplified determination proceedings has terminated, it may, upon petition or by its own authority, make an order requiring the bearing of expenses of simplified determination proceedings.
- (4) An immediate appeal may be filed against the order set forth in the preceding paragraph.
- (5) The provisions of Articles 69 through 72 of the Code of Civil Procedure apply mutatis mutandis to the burden of expenses of simplified determination proceedings.

(Burden of Individual Expenses)

- Article 52 (1) If a case pertaining to simplified determination proceedings has terminated with regard to a filed claim (when an action is deemed to have been filed pursuant to the provisions of Article 56, paragraph (1), the case in which litigation after objection has terminated), and the court finds it necessary, it may, upon petition or by its own authority, make an order requiring the bearing of individual expenses relating to the case.
- (2) An immediate appeal may be filed against the order set forth in the preceding paragraph.
- (3) The provisions of Part I, Chapter IV, Section 1 (excluding Articles 65 and 66, Article 67, paragraph (2), and Article 73) of the Code of Civil Procedure apply mutatis mutandis to the burden of Individual Expenses.

Division 6 Auxiliary Provisions

(Application Mutatis Mutandis of the Code of Civil Procedure)

Article 53 Except as otherwise provided, with regard to simplified determination proceedings, unless contrary to the nature thereof, the provisions of Articles 2, 14, 16, 21, and 22 of the Code of Civil Procedure, Part I, Chapter II, Section 3 of the Code, Chapter III of the same Part (excluding Article 30, Articles 40 through 49, and Articles 52 and 53), Chapter V of the same Part (excluding Article 87, Article 91, paragraphs (1) and (2), Article 92, paragraphs (6) through (8), Section 2, and Articles 116 and 118), and Chapter VII of the same Part, Part II, Chapter I of the Code (excluding Articles 134 and 134-2, Article 137, paragraphs (2) and (3), Article 138, paragraph (1), Articles 139 and 140, and Articles 143 through 146), Chapter III of the same Part (excluding Articles 156-2, 157-2, and 158, Article 159, paragraph (3), Article 161, paragraph (3), and Section 3), Chapter IV of the same Part (excluding Section 7), Chapter V of the same Part (Article 245, Articles 249 through 252, Article 253, paragraph (2), Articles 254 and 255, Article 258, paragraphs (2) through (4), and Article 259, paragraphs (1) and (2)), and Chapter VI of the same Part (excluding Articles 261 through 263 and Article 266), Part III, Chapter III of the Code, Part IV of the Code, and Part VIII of the Code (excluding Article 403, paragraph (1), item (ii) and items (iv) through (vi)) apply mutatis mutandis.

(Inspection of Case Records Pertaining to Simplified Determination Proceedings)

Article 54 A party to simplified determination proceedings and a third party who has made a prima facie showing of their interest may make a request to the court clerk to inspect the case records pertaining to the simplified determination proceedings.

(Special Measures on Service)

Article 55 When no notification under the first sentence of Article 104, paragraph (1) of the Code of Civil Procedure as applied mutatis mutandis pursuant to the provisions of Article 53 has been made, deliveries are to be made at the places specified in the following items for the categories of cases set forth respectively in those items:

- (i) when a notification under the first sentence of Article 104, paragraph (1) of the Code of Civil Procedure has been made in an action for declaratory judgment confirming the common obligations: the place pertaining to the notification; and
- (ii) when no notification under the first sentence of Article 104, paragraph (1) of the Code of Civil Procedure has been made in an action for declaratory judgment confirming the common obligations: the place prescribed in

paragraph (3) of the same Article in respect to the action for declaratory judgment confirming the common obligations.

Subsection 2 Special Measures on Civil Litigation Proceedings Pertaining to Litigation after Objection

(Constructive Filing of Action)

- Article 56 (1) When a lawful objection is filed against a simplified determination order, with regard to a claim pertaining to the filing of proofs of claims, an action is deemed to have been filed with the district court which has made the simplified determination order, at the time of the filing of proofs of claims, with the plaintiff being the organization filing proofs of claims pertaining to the filing of proofs of claims (when the consumer holding the filed claim pertaining to the filing of proof of claims files the objection, the consumer holding the filed claim). In this case, the written proofs of claims are deemed to be the complaint, and the service thereof under Article 38 is deemed to be the service of the complaint.
- (2) A case for which an action is deemed to have been filed pursuant to the provisions of the preceding paragraph is subject to the exclusive jurisdiction of the district court set forth in the same paragraph.
- (3) If a district court finds it necessary in order to avoid substantial detriment or delay, a case set forth before the district court in the preceding paragraph is pending may, transfer the litigation pertaining to the case to the district court which has jurisdiction pursuant to the provisions of Article 4, paragraph (1) or Article 5, item (i), (v), or (ix) of the Code of Civil Procedure, upon petition or by its own authority, notwithstanding the provisions of the preceding paragraph.

(Delegation of Powers with Regard to Litigation after Objection by the
Consumer Holding the Filed Claim)

- Article 57 (1) In order for an organization filing proofs of claims to conduct litigation after objection, it must have received the delegation of powers from the consumer holding the filed claim.
- (2) The consumer holding the filed claim may make the delegation of powers set forth in the preceding paragraph to the organization filing proofs of claims pertaining to the filed claim only.
- (3) When a consumer holding the filed claim has revoked the delegation of powers set forth in paragraph (1) pursuant to the provisions of Article 34, paragraph (3) as applied mutatis mutandis pursuant to the provisions of paragraph (8) or has personally conducted the litigation after objection, the consumer holding the filed claim may not make the delegation of powers set forth in paragraph (1) to another organization filing proofs of claims.

- (4) An organization filing proofs of claims must not refuse to conclude a contract for delegation of powers for litigation (meaning a contract promising that the consumer holding the filed claim will make the delegation of powers set forth in paragraph (1) and the organization filing proofs of claims will conduct the litigation after objection; the same applies hereinafter), unless there are justifiable grounds.
- (5) The organization filing proofs of claims which has received the delegation of powers set forth in paragraph (1) must not cancel a contract for delegation of powers for litigation, unless there are justifiable grounds.
- (6) The organization filing proofs of claims which has received the delegation of powers set forth in paragraph (1) must, on behalf of the consumer holding the filed claim who has made the delegation of powers, conduct the litigation after objection, conduct the civil execution procedure prescribed in Article 2, item (ix), (b) (including a non-judicial settlement concerning the claim pertaining to the delegation of powers), and manage money or any other property acquired in association with these acts, in fairness and good faith.
- (7) The organization filing proofs of claims which has received the delegation of powers set forth in paragraph (1) must carry out the acts prescribed in the preceding paragraph with the due care of a prudent manager for the consumer holding the filed claim who has made the delegation of powers.
- (8) The provisions of Article 34, paragraphs (3) through (5) and Article 35 apply mutatis mutandis to the delegation of powers set forth in paragraph (1).
- (9) The provisions of Article 58, paragraph (2) and Article 124, paragraph (1) (limited to the portion pertaining to item (vi)) of the Code of Civil Procedure apply mutatis mutandis to the case in which an organization filing proofs of claims lacks the delegation of powers set forth in paragraph (1) in litigation after objection.

(Limitation on Amendment of Claims)

- Article 58 (1) In litigation after objection, the plaintiff may not make an amendment of the claim (excluding an amendment to change the consumer holding the filed claim or the amount of the claim).
- (2) No counterclaim may be filed in litigation after objection.

(Judgment after Objection)

- Article 59 (1) When an action is deemed to have been filed pursuant to the provisions of Article 56, paragraph (1) with regard to a claim pertaining to an order for payment of the filed claim with a declaration of provisional execution, if the judgment to be made for the action is consistent with the order for payment of the filed claim, the court must approve the order for payment of the filed claim in the judgment; provided, however, that this does not apply when

the proceedings for making the order for payment of the filed claim are in violation of any Act.

- (2) When an action is deemed to have been filed pursuant to the provisions of Article 56, paragraph (1) with regard to a claim pertaining to an order for payment of the filed claim with a declaration of provisional execution, except in the case of approving an order for payment of the filed claim pursuant to the provisions of the preceding paragraph, the court must revoke the order for payment of the filed claim in the judgment to be made for the action.

(Restrictions on Withdrawal of Action)

Article 60 In a litigation after objection, a withdrawal of action does not become effective unless the consent of the adversary is obtained.

Section 3 Provisional Seizure by Specified Qualified Consumer Organizations

(Provisional Seizure by Specified Qualified Consumer Organizations)

Article 61 (1) A specified qualified consumer organization may file a petition for an order for provisional seizure pursuant to the provisions of the civil provisional remedies act in order to preserve the fulfillment of the target claim pertaining to a title of obligation which the specified qualified consumer organization has the possibility of acquiring.

- (2) A specified qualified consumer organization can file the petition set forth in the preceding paragraph only when it can file an action for declaratory judgment on common obligations with regard to the monetary payment obligations pertaining to the right to be preserved.

- (3) In filing the petition set forth in paragraph (1), it is sufficient to clarify the range of the target claims, the target consumer and the total amount of target claims pertaining to the title of obligation which the specified qualified consumer organization has the possibility of acquiring, with regard to the right to be preserved.

- (4) A specified qualified consumer organization may not file a petition for an order for a provisional remedy with regard to target claims, except for a petition under paragraph (1).

(Jurisdiction)

Article 62 (1) With regard to the application of Article 11 of the Civil Provisional Remedies Act to the petition set forth in paragraph (1) of the preceding Article, an action for declaratory judgment on common obligations is deemed to be an action on the merits.

- (2) With regard to the application of Article 12, paragraphs (1) and (3) of the

Civil Provisional Remedies Act, the court with jurisdiction over an action for declaratory judgment confirming the common obligations is deemed to be the court with jurisdiction over the merits of the case.

(Special Measures on the Merits of the Case Concerning Revocation of Provisional Remedy)

- Article 63 (1) With regard to the application of Article 37, paragraphs (1), (3), and (4) of the Civil Provisional Remedies Act to an order for provisional seizure pertaining to the petition set forth in Article 61, paragraph (1) (hereinafter simply referred to as an "order for provisional seizure"), the filing of an action for declaratory judgment on common obligations by the specified qualified consumer organization which is a party to the procedure for provisional seizure pertaining to the petition is deemed to be the filing of an action on the merits.
- (2) When a judgment upholding a claim pertaining to the action for declaratory judgment on common obligations set forth in the preceding paragraph became final and binding or when litigation pertaining to the action for declaratory judgment on common obligations set forth in the same paragraph pursuant to a settlement recognizing the presence of the obligations set forth in Article 2, item (iv) or a resolution recognizing the presence of a settlement claim was terminated through acknowledgment of the claims, the action on the merits is deemed to be pending with regard to the application of Article 37, paragraphs (1) and (3) of the Civil Provisional Remedies Act, during the period in which the specified qualified consumer organization set forth in the preceding paragraph may file a petition for the commencement of simplified determination proceedings and while simplified determination proceedings or litigation after objection to which the specified qualified consumer organization is a party is pending.
- (3) With regard to the application of Articles 38 and 40 of the Civil Provisional Remedies Act, the court of first instance for the action for declaratory judgment confirming the common obligations filed by the specified qualified consumer organization which is a party to the procedure for provisional seizure pertaining to the petition set forth in Article 61, paragraph (1) (when the action for declaratory judgment confirming the common obligations is pending before the court of second instance, the court of second instance) is deemed to be the court hearing the case on the merits.

(Obligation of Specified Qualified Consumer Organizations That Has Enforced Provisional Seizure)

- Article 64 When a specified qualified consumer organization files a petition for compulsory execution with regard to property for which a provisional seizure pertaining to an order for provisional seizure has been executed, or makes a

demand for liquidating distribution if the procedure for compulsory execution or exercise of a security interest has been carried out for the property, the specified qualified consumer organization must treat the filed claims pertaining to the title of obligation already acquired and those pertaining to the title of obligation to be acquired in the future by the specified qualified consumer organization equally.

Section 4 Auxiliary Provisions

(Non-Extinction of Authority of Representation in Litigation)

Article 65 The authority of representation in litigation is not to become extinct when the certification as a specified organization prescribed in Article 71, paragraph (1) of the specified qualified consumer organization which is a party to court proceedings concerning redress for damage lapses under the grounds set forth in the items of Article 80, paragraph (1) or is revoked under the grounds set forth in the items of Article 92, paragraph (1) or the items of paragraph (2) of the same Article.

(Discontinuation and Taking Over of Proceedings)

Article 66 (1) When the certification as a specified organization prescribed in Article 71, paragraph (1) of the specified qualified consumer organization which is a party to the proceedings set forth in the following items lapses under the grounds set forth in the items of Article 80, paragraph (1) or is revoked under the grounds set forth in the items of Article 92, paragraph (1) or the items of paragraph (2) of the same Article, the proceedings are discontinued. In this case, the persons specified respectively in those items must take over the proceedings:

- (i) proceedings of an action for declaratory judgment confirming the common obligations, simplified determination proceedings (excluding the simplified determination proceedings set forth in the following item), or the procedure for provisional seizure pertaining to an order for provisional seizure (including litigation proceedings pertaining to execution of provisional seizure): the specified qualified consumer organization designated under Article 93, paragraph (1);
- (ii) simplified determination proceedings (limited to proceedings after a simplified determination order is made) or proceedings of litigation after objection: the specified qualified consumer organization designated under Article 93, paragraph (1) (limited to the case of having received the delegation of powers set forth in Article 34, paragraph (1) or Article 57, paragraph (1)) or the consumer holding the filed claim; and
- (iii) litigation proceedings pertaining to civil execution pertaining to the title of

obligation acquired with regard to a target claim by a specified qualified consumer organization: the specified qualified consumer organization designated under Article 93, paragraph (3).

- (2) The provisions of the preceding paragraph do not apply while there is a counsel.
- (3) The provisions of paragraph (1) (limited to the portion pertaining to item (i)) do not apply when there is another specified qualified consumer organization which is a party in an action for declaratory judgment confirming the common obligations or simplified determination proceedings (excluding the case in which a corporation which had been a specified qualified consumer organization carried out the filing of proofs of claims).

(Suspension of Litigation Proceedings Pertaining to Related Claims)

- Article 67 (1) When an action for declaratory judgment confirming the common obligations is pending, if another pending litigation between the business operator, etc. that are parties to the action for declaratory judgment confirming the common obligations and the target consumers and the relevant other litigation pertains to the claim that is the subject matter of the action for declaratory judgment confirming the common obligations or the claim connected with the allegations and evidence for the defense, the court in charge of the case of the relevant other litigation may order the suspension of such litigation proceedings, by an order, after hearing the opinions of the parties.
- (2) The court in charge of the case set forth in the preceding paragraph may revoke the order set forth in the same paragraph.

(Postponement of Expiry of Prescription Period When an Action Is Filed by a Target Consumer)

- Article 68 In any of the cases in the left-hand column of the following table, if there are grounds as set forth in the items of Article 147, paragraph (1) of the Civil Code pertaining to the target claim set forth in the right-hand column, if an action for declaratory judgment on common obligations with regard to the postponement of expiry of the prescription period of the target claim is filed, or an action for declaratory judgment on common obligations is filed in the documents set forth in Article 143, paragraph (2) of the Code of Civil Procedure within six months of the date in the middle column of the same table, it is deemed that there are relevant grounds.

| | | |
|--|---|---|
| (i) In the event that a withdrawal of an Action for Declaratory Judgment on Common Obligations becomes effective | The date on which the withdrawal becomes effective | The Target Claims pertaining to the Action for Declaratory Judgment on Common Obligations that is withdrawn |
| (ii) in the event that a judicial decision to dismiss the Action for Declaratory Judgment on Common Obligations becomes final and binding | The date on which the judicial decision becomes final and binding | The Target Claims pertaining to the Action for Declaratory Judgment on Common Obligations that was dismissed |
| (iii) in the event that a Specified Qualified Consumer Organization prescribed in Article 15, paragraph (1) does not file a Petition for Commencement of Simple Determination Proceedings within the period set forth in Article 16, paragraph (1) (if the period set forth in paragraph (2) of the same Article is extended, the extended period; same applies in the following item) | The date on which the period expires | The Target Claims pertaining to the recognized obligations in the Litigation Seeking Declaratory Judgment on Common Obligations |
| (iv) in the event that the Specified Qualified Consumer Organization prescribed in Article 15, paragraph (2) does not file a Petition for Commencement of Simple Determination Proceedings within the period set forth in Article 16, paragraph (1) | The date on which the period expires | The Target Claims pertaining to the recognized obligations in the settlement (excluding the parts prescribed in the proviso to Article 15, paragraph (2)) |

| | | |
|--|---|--|
| (v) if the withdrawal of a Petition for Commencement of Simple Determination Proceedings becomes effective (excluding those filed after the period for filing is expired) | The date on which the withdrawal becomes effective | The Target Claims pertaining to the petition of the withdrawal |
| (vi) if a judicial decision dismissing a Petition for Commencement of Simple Determination Proceedings as prescribed in Article 13 becomes final and binding (excluding those on the grounds that it violates Article 16, paragraph (1) or Article 24) | The date on which the judicial decision becomes final and binding | The Target Claims pertaining to the dismissed petition |

(Treatment If Judgment of an Action for Declaratory Judgment Confirming the Common Obligations Has Been Revoked)

Article 69 (1) When a judgment of an action for declaratory judgment confirming the common obligations which served as a premise for an order of commencement of simplified determination proceedings has been revoked by a retrial, the court before which the simplified determination proceedings are pending must dismiss the filing of proofs of claims (limited to the portion of which premise will be lost as a result of the revocation of the judgment of an action for declaratory judgment confirming the common obligations which served as a premise for the order of commencement of simplified determination proceedings) by an order.

(2) An immediate appeal may be filed against the order set forth in the preceding paragraph.

(3) In the case set forth in paragraph (1), the court, before which an action deemed to have been filed pursuant to the provisions of Article 56, paragraph (1) is pending, must dismiss the action (limited to the part which has become lacking the prerequisite due to the vacation of the judgment in the action seeking to confirm the common obligations, upon which the decision to commence the instant summary confirmation proceedings had been predicated.

(Rules of the Supreme Court)

Article 70 In addition to what is provided for in this chapter, necessary matters concerning court proceedings concerning redress for damage are to be specified

by the Rules of the Supreme Court.

Chapter III Specified Qualified Consumer Organization

Section 1 Certification of Specified Qualified Consumer Organizations

(Certification of Specified Qualified Consumer Organizations)

Article 71 (1) A qualified consumer organization may provide services related to redress for damage only if it has received certification from the prime minister (hereinafter referred to as the "certification as a specified organization").

(2) The "services related to redress for damage" prescribed in the preceding paragraph mean the following services:

- (i) services related to court proceedings concerning redress for damage (including a non-judicial settlement concerning a claim pertaining to the delegation of powers set forth in Article 34, paragraph (1) or Article 57, paragraph (1));
- (ii) services pertaining to the collection of information concerning the damage incurred by consumers which is necessary for performing the services set forth in the preceding item; and
- (iii) services pertaining to the provision of information to target consumers, management of money or any other property incidental to the services set forth in item (i).

(3) A qualified consumer organization which intends to receive certification as a specified organization must file an application for certification as a specified organization with the prime minister.

(4) The prime minister may grant certification as a specified organization only when the qualified consumer organization which has filed the application set forth in the preceding paragraph satisfies all of the following requirements:

- (i) the organization is found to have provided services related to demanding cease and desist or seeking injunctive relief (meaning the services related to demanding cease and desist or seeking injunctive relief prescribed in Article 13, paragraph (1) of the Consumer Contract Act; the same applies hereinafter) continuously and properly for a reasonable period of time;
- (ii) the organization appropriately has prepared the organization for implementing services related to redress for damage as prescribed in paragraph (2) (hereinafter simply referred to as "services related to redress for damage"), the method of providing services related to redress for damage, the method of managing information and keeping secrets that have been acquired in relation to services related to redress for damage, the method of managing money or any other property related to the provision of services related to redress for damage, or any other systems for properly performing services related to redress for damage, as well as operational rules;

- (iii) the directors of the organization satisfy the following requirements:
 - (a) there is a council consisting of directors as an organ that makes decisions on the provision of services related to redress for damage, and the method of making such decisions as specified in the articles of incorporation is found to satisfy the following requirements:
 - 1. a resolution of the council is adopted by a majority of directors or by a majority vote exceeding this proportion;
 - 2. decisions on the filing of actions for declaratory judgment on common obligations and any other important matters pertaining to the performance of services related to redress for damage are not delegated to the directors or any other persons;
 - (b) there is one or more director who is an attorney;
 - (iv) the organization is found to have expert knowledge and experience in regards to properly performing services related to redress for damage, in light of the fact that it has a system whereby the persons set forth in Article 13, paragraph (3), item (v), (a) and (b) of the Consumer Contract Act (hereinafter collectively referred to as "expert advisors") are able to jointly provide necessary advice and state their opinions based on their expert knowledge and experience in a department that reviews the filing of actions for declaratory judgment on common obligations and any other court proceedings concerning redress for damage, or in light of any other system of human resources which the organization has for performing services related to redress for damage;
 - (v) the organization has sufficient financial basis for properly performing services related to redress for damage;
 - (vi) when there is any remuneration or expenses payable with regard to services related to redress for damage, the organization has specified the amount or the calculation method thereof, the method of payment thereof, and other necessary matters, and these are not unreasonable from the viewpoint of protecting consumer interests; and
 - (vii) even if the organization provides services other than services related to redress for damage, this is not likely to impede the proper performance of services related to redress for damage.
- (5) The operational rules set forth in item (ii) of the preceding paragraph must provide for the method of providing services related to redress for damage, the method of managing information and keeping secrets that have been acquired in relation to services related to redress for damage, the method of managing money or any other property related to the provision of services related to redress for damage, or any other matters specified by Cabinet Office Order. In this case, the method of providing services related to redress for damage provided for in the operational rules must include measures for confirming the

intention of the person who made the delegation of powers set forth in Article 34, paragraph (1) or Article 57, paragraph (1) (simply referred to as the "person who made the delegation of powers" in Article 82 ,paragraph (1)) in the case of waiving the contents of or claims pertaining to a contract for delegation of powers for simplified determination proceedings or a contract for delegation of powers for litigation, entering into a settlement, or withdrawing an appeal, measures concerning receiving advice, or hearing the opinions from expert advisors in the department that conducts the review set forth in item (iv) of the preceding paragraph, measures for the case in which an officer, employee, or an expert advisor has a special interest in the adversary in court proceedings concerning redress for damage, and other measures for ensuring the fair provision of services.

(6) A qualified consumer organization to which any of the following items applies may not receive certification as a specified organization:

(i) an organization which has been sentenced to a fine for violating the provisions of this Act, the Consumer Contract Act, and other Acts for protecting consumer interests which are specified by Cabinet Order, or of an order based on any of these Acts, or a disposition based on any of these provisions, and for which three years have yet to pass from the day on which the execution of the sentence was completed, or the day on which the organization ceased to be subject to the execution of the sentence;

(ii) an organization of which certification as a specified organization was revoked under the grounds set forth in the items of Article 92, paragraph (1) or the items of paragraph (2) of the same Article and for which three years have yet to pass from the day of the revocation; or

(iii) an organization which has a director who falls under either (a) or (b) below:

(a) a person who has been sentenced to a fine for violating the provisions of this Act, the Consumer Contract Act, and other Acts for protecting consumer interests which are specified by Cabinet Order, or of an order based on any of these Acts, or a disposition based on any of these provisions, and for which three years have yet to pass from the day on which the execution of the sentence was completed or the day on which the person ceased to be subject to the execution of the sentence;

(b) when the certification as a specified organization of a specified qualified consumer organization is revoked under the grounds set forth in the items of Article 92, paragraph (1) or the items of paragraph (2) of the same Article, a person who was an officer of the specified qualified consumer organization within six months prior to the day of the revocation and for whom three years have yet to pass from the day of the revocation.

(Application for Certification as a Specified Organization)

Article 72 (1) The application set forth in paragraph (3) of the preceding Article must be filed by submitting a written application stating the following particulars to the prime minister:

- (i) the applicant's name, address, and the name of the representative;
 - (ii) the location of the office where services related to redress for damage are to be provided; and
 - (iii) in addition to what is provided for in the preceding two items, particulars specified by Cabinet Office Order.
- (2) The following documents must be attached to the written application set forth in the preceding paragraph:
- (i) the articles of incorporation;
 - (ii) a document showing that the organization has been providing services related to the right to take action for injunction continuously and properly for a reasonable period of time;
 - (iii) documented business plans concerning services related to redress for damage;
 - (iv) a document proving that the organization has systems for properly performing services related to redress for damage;
 - (v) the operational rules;
 - (vi) the following documents concerning officers, employees, and expert advisors:
 - (a) a document stating their names, titles, occupations;
 - (b) a document stating their addresses, brief biographical outlines, and other particulars specified by Cabinet Office Order;
 - (vii) the inventories of property, balance sheets, income and expenditure statements for recent business years, documents specified in (a) or (b) below in accordance with the category of corporations (referred to as "inventories of property" in Article 99, paragraph (2), item (7) and Article 110, paragraph (1)) or any other document proving that the organization has sufficient financial basis:
 - (a) corporations engaging in specified non-profit activities as set forth in Article 2, paragraph (2) of the Act on Promotion of Specified Non-profit Activities (Act No. 7 of 1998) (referred to as "corporations engaging in specified non-profit activities" in Article 98, paragraphs (1) and (2)): activity statements prescribed in Article 27, item (iii) of the same Act;
 - (b) general incorporated associations or general incorporated foundations: profit and loss statements prescribed in Article 123, paragraph (2) (including as applied mutatis mutandis pursuant to Article 199 of the same Act) of the Act on General Incorporated Associations and General Incorporated Foundations (Act No. 48 of 2006) (in the case that public

interest corporation authorization was granted as set forth in Article 5 of the Act on Authorization of Public Interest Incorporated Associations and Public Interest Incorporated Foundation (Act. No. 49 of 2006), documents specified by Cabinet Office Order);

- (viii) when there are any remuneration or expenses payable with regard to services related to redress for damage, a document stating the amount or the calculation method thereof, the method of payment thereof, and other necessary particulars;
- (ix) a document pledging that the organization does not fall under any of the items of paragraph (6) of the preceding Article;
- (x) a document stating the kinds and outlines of services to be provided other than services related to redress for damage; and
- (xi) other documents specified by Cabinet Office Order.

(Public Notice and Public Inspection Concerning Application for Certification as a Specified Organization)

Article 73 When an application for certification as a specified organization is filed, the prime minister must, without delay, give public notice of such fact and the matters set forth in paragraph (1), items (i) and (ii) of the preceding Article pursuant to the provisions of Cabinet Office Order, and make the documents set forth in the items of paragraph (2) of the same Article (excluding item (vi), (b), item (ix), and item (xi)) available for public inspection for two weeks from the day of the public notice.

(Public Notice of Certification as a Specified Organization)

Article 74 (1) When the prime minister grants certification as a specified organization, the prime minister is to give public notice of the name and address of the specified qualified consumer organization, the location of the office where services related to redress for damage are provided, and the day of the grant of the certification as a specified organization pursuant to the provisions of Cabinet Office Order, and notify the specified qualified consumer organization to that effect in writing.

- (2) A specified qualified consumer organization must post a notice to the effect that the specified qualified consumer organization is in a manner readily recognizable at the office where services related to redress for damage are provided, pursuant to the provisions of Cabinet Office Order.
- (3) A person who is not a specified qualified consumer organization must not use any letters or characters in the name thereof which would likely cause the person to be mistaken for a specified qualified consumer organization or make an indication with regard to the person's services which would likely cause the person to be mistaken for a specified qualified consumer organization.

(Validity Period of Certification as a Specified Organization)

- Article 75 (1) The validity period of certification as a specified organization is the same period as the remaining period of the validity period of Article 13, paragraph (1) of the consumer contract act pertaining to the certification as a specified organization on the date that the certification as a specified organization is granted.
- (2) A specified qualified consumer organization which intends to continue providing services related to redress for damage after the expiration of the validity period of certification as a specified organization must receive a renewal of the validity period.
- (3) A specified qualified consumer organization which intends to receive the renewal of the validity period set forth in the preceding paragraph must file an application for the renewal of the validity period set forth in the preceding paragraph with the prime minister during the period from 90 days prior to the day of the expiration of the validity period until 60 days prior to the day (hereinafter referred to as the "period for renewal application" in this paragraph); provided, however, that this does not apply when the application cannot be filed during the period for renewal application due to a disaster and on other unavoidable grounds.
- (4) The validity period of a certification as a specified organization in the case that a validity period of the approval set forth in paragraph (2) is renewed is six years from the day after the expiry of the validity period of the renewed certification as a specified organization.
- (5) If the application set forth in paragraph (3) has been filed, and a disposition on the application is not made by the day of the expiration of the validity period, the former certification as a specified organization remains effective after the expiration of the validity period until the disposition is made.
- (6) In the case referenced in the preceding paragraph, if the validity period set forth in paragraph (2) has been renewed, the validity period of the renewed certification as a specified organization is to be calculated from the day following the expiration date of the validity period of the former certification as a specified organization.
- (7) The provisions of Article 71 (excluding paragraphs (1), (2) and (6), item (ii)), Articles 72 and 73, and paragraph (1) of the preceding Article apply mutatis mutandis to the renewal of the validity period set forth in paragraph (2). In this case, the term "hereinafter)" in Article 71, paragraph (4), item (i) is deemed to be replaced with "hereinafter), services related to redress for damage, or a considerable number of services for the settlement of disputes related to consumer contracts between consumers and business operators"; "paragraph" in Article 72, paragraph (2) is deemed to be replaced with

"paragraph; provided, however, that for those with the same contents as documents already attached and submitted to the prime minister, the attachments may be omitted"; and "services related to demanding cease and desist or seeking injunctive relief" in item (ii) of the same paragraph is deemed to be replaced with "services related to demanding cease and desist or seeking injunctive relief, services related to redress for damage, or services for the settlement of disputes related to consumer contracts between business operators and a considerable number of consumers".

(Notification of Change)

Article 76 If there has been a change to any of the matters set forth in the items of Article 72, paragraph (1) or particulars stated in the documents set forth in the items of paragraph (2) of the same Article (excluding items (ii) and (xi)), the specified qualified consumer organization must, without delay, notify the prime minister to that effect, pursuant to the provisions of Cabinet Office Order; provided, however, that this does not apply when such change is a minor one as specified by Cabinet Office Order.

(Notification and Approval of Merger)

Article 77 (1) When a corporation which is a specified qualified consumer organization merges with another corporation which is a specified qualified consumer organization, the corporation surviving the merger or the corporation established by the merger succeeds to the status of the corporation that has disappeared by the merger as a specified qualified consumer organization under the provisions of this Act.

(2) A corporation which has, pursuant to the provisions of the preceding paragraph, succeeded to the status of the corporation that has disappeared due to a merger as a specified qualified consumer organization under the provisions of this act must notify the prime minister to that effect without delay.

(3) When a corporation which is a specified qualified consumer organization merges (excluding those in which a corporation that is a specified qualified consumer organization survives; same applies hereinafter in this Article and Article 80, paragraph (1), item (ii)) with a corporation which is not a specified qualified consumer organization (limited to a corporation which is a qualified consumer organization; same applies in the following paragraph), the corporation surviving the merger or the corporation established by the merger succeeds to the status of the corporation that has disappeared due to a merger as a specified qualified consumer organization under the provisions of this Act, only if the prime minister has approved the merger.

(4) A corporation that is a specified qualified consumer organization which intends to obtain the approval set forth in the preceding paragraph and a

corporation that is not a specified qualified consumer organization must jointly file an application for the approval with the prime minister during the period from 90 days prior to the day on which the merger becomes effective until 60 days prior to the day (hereinafter referred to as the "period for application for approval" in this paragraph); provided, however, that this does not apply when the application cannot be filed during the period for application for approval due to a disaster and on other unavoidable grounds.

- (5) If the application set forth in the preceding paragraph has been filed, and a disposition on the application is not made by the day on which the merger becomes effective, the corporation surviving the merger or the corporation established by the merger is deemed to have succeeded to the status of the corporation extinguished by the merger as a specified qualified consumer organization under the provisions of this Act until the disposition is made.
- (6) The provisions of Article 71 (excluding paragraphs (1) and (2)), Articles 72 and 73, and Article 74, paragraph (1) apply mutatis mutandis to the approval set forth in paragraph (3).
- (7) When a corporation which is a specified qualified consumer organization does not file the application set forth in paragraph (4) in the case of merging with a corporation which is not a specified qualified consumer organization, it must notify the prime minister to that effect by the day on which the merger becomes effective.
- (8) When notification under paragraph (2) or the preceding paragraph is made, the prime minister is to give public notice to that effect pursuant to the provisions of Cabinet Office Order.

(Notification and Approval of a Business Transfer)

- Article 78 (1) When a corporation which falls under the category of a specified qualified consumer organization transfers all of its business pertaining to services related to redress for damage to another corporation under the category of a specified qualified consumer organization, the transferee corporation succeeds to the status of the transferor corporation as a specified qualified consumer organization under the provisions of this Act.
- (2) A corporation which has, pursuant to the provisions of the preceding paragraph, succeeded to the status of the transferor corporation as a specified qualified consumer organization under the provisions of this Act must notify the prime minister to that effect without delay.
 - (3) When a corporation is a specified qualified consumer organization, transfers all of its business pertaining to services related to redress for damage to a corporation which is not a specified qualified consumer organization (limited to a corporation which is a qualified consumer organization; same applies in the following paragraph), the transferee corporation succeeds to the status of the

transferor corporation as a specified qualified consumer organization under the provisions of this Act, only if the prime minister has approved the transfer.

- (4) A specified qualified consumer organization which intends to obtain the approval set forth in the preceding paragraph and a corporation that is not a specified qualified consumer organization must jointly file an application for the approval with the prime minister during the period from 90 days prior to the day of the transfer until 60 days prior to the day (hereinafter referred to as the "period for application for approval" in this paragraph); provided, however, that this does not apply when the application cannot be filed during the period for application for approval due to a disaster and on other unavoidable grounds.
- (5) If the application set forth in the preceding paragraph has been filed, and a disposition on the application is not made by the day of the transfer, the transferee corporation is deemed to have succeeded to the status of the transferor corporation as a specified qualified consumer organization under the provisions of this Act until the disposition is made.
- (6) The provisions of Article 71 (excluding paragraphs (1) and (2)), Articles 72 and 73, and Article 74, paragraph (1) apply mutatis mutandis to the approval set forth in paragraph (3).
- (7) When a corporation which is a specified qualified consumer organization does not file the application set forth in paragraph (4) in the case of transferring all of its business pertaining to services related to redress for damage to a corporation which is not a specified qualified consumer organization, it must notify the prime minister to that effect by the day of the transfer.
- (8) When a notification under paragraph (2) or the preceding paragraph is made, the prime minister is to give public notice to that effect pursuant to the provisions of Cabinet Office Order.

(Notification of Discontinuance of Services)

- Article 79 (1) When a specified qualified consumer organization discontinues services related to redress for damage, the representative of the corporation must notify the prime minister to that effect without delay.
- (2) When a notification under the preceding paragraph is made, the prime minister is to give public notice to that effect pursuant to the provisions of Cabinet Office Order.

(Lapse of Certification as a Specified Organization)

- Article 80 (1) When any of the grounds in any of the following items arise with regard to a specified qualified consumer organization, the certification as a specified organization ceases to be effective:
- (i) when the validity period of the certification as a specified organization expires (in the case prescribed in Article 75, paragraph (5), when a

- disposition to refuse the renewal is made);
- (ii) when a corporation which is a specified qualified consumer organization merges with a corporation which is not a specified qualified consumer organization, and the merger becomes effective without the approval set forth in Article 77, paragraph (3) (in the case prescribed in paragraph (5) of the same Article, when a disposition to disapprove the merger is made);
 - (iii) when a corporation which is a specified qualified consumer organization transfers all of its business pertaining to services related to redress for damage to a corporation which is not a specified qualified consumer organization, and the transfer is made without the approval set forth in Article 78, paragraph (3) (in the case prescribed in paragraph (5) of the same Article, when a disposition to disapprove the transfer is made);
 - (iv) when a specified qualified consumer organization discontinues services related to redress for damage; or
 - (v) when the certification set forth in Article 13, paragraph (1) of the consumer contract act lapses or is revoked.
- (2) When the prime minister finds out that any of the grounds set forth in the items of the preceding paragraph have arisen, if the corporation which was a specified qualified consumer organization is a party to any pending court proceedings concerning redress for damage, the prime minister must notify the court before which the court proceedings concerning redress for damage are pending of the lapse of the certification as a specified organization in writing.

Section 2 Services Related to Redress for Damage

(Responsibilities of Specified Qualified Consumer Organizations)

- Article 81 (1) A specified qualified consumer organization must provide services related to redress for damage appropriately for the interest of the target consumers.
- (2) A specified qualified consumer organization must not file an action for declaratory judgment on common obligations or provide any other services related to redress for damage for unjust purposes and without due cause.
 - (3) A specified qualified consumer organization must strive to cooperate with other specified qualified consumer organizations with regard to services related to redress for damage while coordinating with each other.
 - (4) A specified qualified consumer organization, qualified consumer organization, and other related parties must cooperate and coordinate with one another so as to facilitate the smooth and reliable implementation of the services related to redress for damage carried out by the specified qualified consumer organization.
 - (5) A specified qualified consumer organization, the National Consumer Affairs

Center of Japan, and other related parties must cooperate and coordinate with one another so as to facilitate the smooth and reliable implementation of the services carried out by the National Consumer Affairs Center of Japan set forth in Article 10, item (viii) of the Act on National Consumer Affairs Center of Japan (Act No. 123 of 2002);

(Remuneration)

- Article 82 (1) A specified qualified consumer organization can receive remuneration for the provision of services related to redress for damage pursuant to the provisions of the contract for delegation of powers for simplified determination proceedings or the contract for delegation of powers for litigation concluded with the person who made the delegation of powers.
- (2) A specified qualified consumer organization that carries out a settlement in an action for declaratory judgment confirming the common obligations may receive remuneration for the provision of services related to redress for damage as set forth in the contract concluded with a consumer pertaining to the settlement (excluding contracts for delegation of powers for simplified determination proceedings and contracts for delegation of powers for litigation).

(Obligation to Have Attorney Conduct Proceedings)

- Article 83 When a specified qualified consumer organization provides services related to redress for damage, it must have an attorney conduct the proceedings concerning civil litigation (including simplified determination proceedings), proceedings concerning an order for provisional seizure, and proceedings pertaining to an appeal against a disposition of execution (including an appeal against a judicial decision concerning proceedings for the execution of provisional seizure).

(Notice to Other Specified Qualified Consumer Organizations)

- Article 84 (1) In any of the following cases, a specified qualified consumer organization, pursuant to the provisions of Cabinet Office Order, must notify other specified qualified consumer organizations to that effect and report such fact, the contents thereof, and other matters specified by Cabinet Office Order to the prime minister without delay. In this case, if, in lieu of the notice and report, the specified qualified consumer organization takes a measure specified by Cabinet Office Order to make the same information available for inspection by all specified qualified consumer organizations and the prime minister via electronic or magnetic means, it is deemed to have made the notice and report:
- (i) when the specified qualified consumer organization filed an action for declaratory judgment on common obligations or filed the petition set forth in Article 61, paragraph (1);

- (ii) when a judgment of an action for declaratory judgment confirming the common obligations has been rendered or an order with regard to the petition set forth in Article 61, paragraph (1) has been announced;
 - (iii) when an appeal has been filed against the judgment set forth in the preceding item or an objection has been filed against the order set forth in the same item;
 - (iv) when the judgment set forth in item (ii) or the order set forth in the same item has become final and binding;
 - (v) when a settlement has been reached in an action for declaratory judgment confirming the common obligations;
 - (vi) in addition to the cases set forth in the preceding two items, when an action for declaratory judgment confirming the common obligations or proceedings concerning an order for provisional seizure has terminated;
 - (vii) when the specified qualified consumer organization intends to conduct an act pertaining to a waiver of claims, settlement, withdrawal of an appeal, or any other proceedings specified by Cabinet Office Order with regard to an action for declaratory judgment confirming the common obligations which will result in a final and binding judgment and a document which has the same effect thereto;
 - (viii) upon receiving notice under Article 16, paragraph (3);
 - (ix) when the specified qualified consumer organization filed a petition for the commencement of simplified determination proceedings or withdrew such a petition;
 - (x) when an order of commencement of simplified determination proceedings has been made;
 - (xi) when the specified qualified consumer organization has given public notice under Article 26, paragraph (1), the first sentence of paragraph (2), or paragraph (3);
 - (xii) upon receiving notice under Article 27, paragraph (i); or
 - (xiii) when any other act pertaining to the proceedings specified by Cabinet Office Order has been conducted with regard to services related to redress for damage.
- (2) When the prime minister receives a report under the preceding paragraph, the prime minister is to notify the date and time of the report, the outline of the report, or any other particulars specified by Cabinet Office Order to other specified qualified consumer organizations, by a measure to make the same information available for inspection by all specified qualified consumer organizations and the prime minister via electronic or magnetic means or by any other method specified by Cabinet Office Order.

(Handling of Personal Information)

Article 85 (1) With regard to services related to redress for damage, when a specified qualified consumer organization retains and uses personal information (meaning information about an individual which can identify the specific individual (including information that can identify the specific individual by comparing it with other information); the same applies in paragraph (3)) of a consumer, it must retain and use it within the extent necessary for attaining the purpose of the services; provided, however, that this does not apply when the consent of the consumer has been obtained or there are other justifiable grounds.

(2) With regard to services related to redress for damage, when a specified qualified consumer organization collects information from a consumer concerning the damage incurred by the consumer, and then uses such information with a method which enables the adversary pertaining to court proceedings concerning redress for damage or any other third party to identify the consumer pertaining to the damage, it must obtain the consent of the consumer in advance.

(3) A specified qualified consumer organization must take the necessary measures to properly manage personal information of consumers in services related to redress for damage.

(Obligation of Confidentiality)

Article 86 An officer, employee or expert advisor of a specified qualified consumer organization or a person who was formerly in such a position must not disclose any secret that has come to their knowledge with regard to services related to redress for damage, without justifiable grounds.

(Clear Indication of the Name)

Article 87 When a person who engages in services related to redress for damage of a specified qualified consumer organization provides services related to redress for damage, if requested to do so by the adversary pertaining to court proceedings concerning redress for damage, the person must clarify the name of the specified qualified consumer organization, the person's name and title or position in the specified qualified consumer organization, and other matters specified by Cabinet Office Order to the adversary.

(Provision of Information)

Article 88 In order to contribute to the redress for the property and psychological damage incurred by target consumers, a specified qualified consumer organization, must strive to provide the target consumers with information on the filing of an action for declaratory judgment on common obligations, the contents of the final and binding judgment in an action for

declaratory judgment confirming the common obligations, and other necessary information.

(Prohibition of Receiving Economic Benefits)

- Article 89 (1) Except in the following cases, a specified qualified consumer organization must not receive, from the adversary pertaining to the court proceedings concerning redress for damage, money or any other economic benefit with regard to the conduct of court proceedings concerning redress for damage, whether as a donation, a grant, or any other remuneration:
- (i) when receiving a payment of money or other economic benefit as a performance of an obligation based on the approval or disapproval of the filed claim, a simplified determination order, a judgment or acknowledgment of the claims in litigation after objection, or a settlement;
 - (ii) when receiving an economic benefit as a reimbursement of an amount equivalent to court costs (including expenses of simplified determination proceedings, expenses of settlement, and expenses of mediation proceedings) from the adversary who is required to bear the court costs pursuant to a judgment in court proceedings concerning redress for damage (including a document which has the same effect as a final and binding judgment, an order for payment of the filed claim with a declaration of provisional execution, and a judgment with regard to the petition set forth in Article 61, paragraph (1); the same applies in the following item) or the order set forth in Article 51, paragraph (3), Article 52, paragraph (1) of this Act or Article 73, paragraph (1) of the Code of Civil Procedure; and
 - (iii) when receiving an economic benefit as a reimbursement of the amount equivalent to execution costs of a civil execution based on a judgment in court proceedings concerning redress for damage.
- (2) Except when having the target consumer or support corporations for consumer organization collective litigations as prescribed in Article 98, paragraph (2) receive a payment of money or other economic benefit as a performance of obligation as prescribed in item (i) of the preceding paragraph, a specified qualified consumer organization must not have a third party receive, money or any other economic benefit with regard to the conduct of court proceedings concerning redress for damage from the adversary pertaining to the court proceedings concerning redress for damage.
- (3) An officer or employee of, or expert advisor to a specified qualified consumer organization must not receive, or have a third party receive, from the adversary of the specified qualified consumer organization pertaining to the court proceedings concerning redress for damage, money or any other economic benefit with regard to the conduct of court proceedings concerning redress for damage, whether as a donation, grant, or any other remuneration.

- (4) The economic benefit that must not be received or have a third party receive from the adversary pertaining to court proceedings concerning redress for damage with regard to the conduct of court proceedings concerning redress for damage prescribed in the preceding three paragraphs does not include the economic benefits to be received or have a third party receive as compensation for damage caused by a tortious act committed by the adversary in relation to the conduct of court proceedings concerning redress for damage.

(Separate Accounting)

Article 90 A specified qualified consumer organization must separate the accounting pertaining to services related to redress for damage from accounting pertaining to other services.

Section 3 Supervision

(Compliance Order and Improvement Order)

Article 91 (1) When the prime minister finds that a specified qualified consumer organization no longer satisfies any of the requirements set forth in Article 71, paragraph (4), items (ii) through (vii), the prime minister may order the specified qualified consumer organization to take the necessary measures for satisfying these requirements.

- (2) In addition to what is provided for in the preceding paragraph, when the prime minister finds that a specified qualified consumer organization has fallen under article 71, paragraph (6), item (iii), or that a specified qualified consumer organization or an officer or employee thereof, or expert advisor thereto has violated the provisions of this Act with regard to the performance of services related to redress for damage, or otherwise finds it to be necessary for ensuring the proper operation of the services of a specified qualified consumer organization, the prime minister may order the specified qualified consumer organization to improve the human resources systems, suspend the violation, change the operational rules, or take any other necessary measures for improving the operation of services.

(Revocation of Certification as a Specified Organization)

Article 92 (1) When any of the grounds in the following items exist with regard to a specified qualified consumer organization, the prime minister may revoke the certification as a specified organization:

- (i) when the organization has received the certification as a specified organization, the renewal of the validity period set forth in Article 75, paragraph (2), or the approval set forth in Article 77, paragraph (3) or Article 78, paragraph (3) by fraudulent and other wrongful means;

- (ii) when the organization no longer satisfies any of the requirements set forth in the items of Article 71, paragraph (4);
 - (iii) when the organization has fallen under Article 71, paragraph (6), item (i) or (iii); or
 - (iv) in addition to what is provided for in the preceding three items, when the organization violated the provisions of this Act or of an order based on this Act or a disposition based on any of these provisions (excluding the case that falls under item (ii) of the following paragraph).
- (2) In addition to the revocation under the preceding paragraph, when there are any of the grounds in the following items with regard to a specified qualified consumer organization, the prime minister may revoke the certification as a specified organization or the certification set forth in Article 13, paragraph (1) of the Consumer Contract Act:
- (i) when, in court proceedings concerning redress for damage, the specified qualified consumer organization has conspired with the adversary to waive claims or enter into a settlement detrimental to the interests of target consumers or when it is otherwise found that the organization has conducted litigation or any other proceedings which are materially contrary to the interests of target consumers;
 - (ii) when the specified qualified consumer organization has violated the provisions of Article 89, paragraph (1) or (2); or
 - (iii) when an officer or employee of, or expert advisor to the specified qualified consumer organization has violated Article 89, paragraph (3) or (3).
- (3) When a specified qualified consumer organization conducts the act prescribed in Article 84, paragraph (1), item (vii) with regard to an action for declaratory judgment on common obligations without making the notice or report set forth in the same paragraph in violation of the provisions of the same paragraph, the prime minister may deem that there are grounds as set forth in item (i) of the preceding paragraph with regard to the specified qualified consumer organization.
- (4) When the prime minister carries out the revocation under paragraph (1) or (2), , pursuant to the provisions of Cabinet Office Order, the prime minister is to give public notice of the fact and the date of the revocation, and notify the corporation which was a specified qualified consumer organization to that effect in writing. In this case, if the corporation which was a specified qualified consumer organization is a party to any pending court proceedings concerning redress for damage, the prime minister must also notify the court before which the court proceedings concerning redress for damage are pending of the revocation in writing.

(Designation of the Specified Qualified Consumer Organization Which Will

Take Over the Proceedings)

- Article 93 (1) When certification as a specified organization pertaining to a specified qualified consumer organization which is a party to court proceedings concerning redress for damage (excluding the civil execution procedure prescribed in Article 2, item (ix), (b)) lapses under the grounds set forth in the items of Article 80, paragraph (1) or is revoked under the grounds set forth in the items of paragraph (1) of the preceding article or the items of paragraph (2) of the same article, or when it has already lapsed or been revoked under these grounds, the prime minister is to designate another specified qualified consumer organization as the specified qualified consumer organization which will substitute the court proceedings concerning redress for damage; provided, however, that this does not apply when, in an action for declaratory judgment confirming the common obligations or simplified determination proceedings (excluding the case where the corporation which was a specified qualified consumer organization has filed proof of claim), there is another specified qualified consumer organization which is a party in the action.
- (2) When certification as a specified organization pertaining to a specified qualified consumer organization as prescribed in Article 13 lapses under the grounds set forth in the items of Article 81, paragraph (1) or is revoked under the grounds set forth in the items of paragraph (1) of the preceding Article or the items of paragraph (2), or when it has already lapsed or been revoked under these grounds, the prime minister is to designate another specified qualified consumer organization as the specified qualified consumer organization prescribed in Article 13; provided, however, that this does not apply when there is another specified qualified consumer organization prescribed in the same Article.
- (3) When certification as a specified organization pertaining to a specified qualified consumer organization which has acquired the title of obligation with regard to the target claims or that pertaining to a specified qualified consumer organization which is the successor prescribed in Article 23, paragraph (1), item (iii) of the Civil Execution Act lapses under the grounds set forth in the items of Article 80, paragraph (1) or is revoked under the grounds set forth in the items of paragraph (1) of the preceding Article or the items of paragraph (2), or when it has already lapsed or been revoked under these grounds, the prime minister is to designate another specified qualified consumer organization as the specified qualified consumer organization that will become the successor prescribed in Article 23, paragraph (1), item (iii) of the same Act.
- (4) When certification as a specified organization of the specified qualified consumer organization designated under the preceding three paragraphs (hereinafter referred to as the "designated specified qualified consumer organization" in this paragraph and the following paragraph) lapses or has

already lapsed under the grounds set forth in the items of Article 80, paragraph (1), or is revoked under the grounds set forth in the items of paragraph (1) of the preceding Article or the items of paragraph (2) of the same Article, the prime minister must revoke the designation pertaining to the designated specified qualified consumer organization.

- (5) Designation under paragraphs (1) through (3) may not be revoked based on the reason that any of the grounds in the following items have arisen for the person who had been conducting the proceedings which were to be taken over by the designated specified qualified consumer organization prior to the designation:
- (i) when a disposition to revoke certification as a specified organization, a disposition to refuse the renewal of the validity period of certification as a specified organization, or a disposition to disapprove the merger set forth in Article 77, paragraph (3) or the transfer of all of the business set forth in Article 78, paragraph (3) (hereinafter referred to as a "disposition to revoke certification as a specified organization, etc." in this item) is revoked, or a judgment revoking or confirming the nullity or non-existence of a disposition to revoke certification as a specified organization, etc. becomes final and binding; or
 - (ii) when a disposition to revoke the certification set forth in Article 13, paragraph (1) of the Consumer Contract Act, a disposition to refuse the renewal of the validity period of the certification set forth in the same paragraph, or a disposition to disapprove the merger set forth in Article 19, paragraph (3) of the same Act or the transfer of all of the business set forth in Article 20, paragraph (3) of the same Act (hereinafter referred to as a "disposition to revoke certification, etc." in this item) is revoked, or a judgment revoking or confirming the nullity or non-existence of a disposition to revoke certification, etc. becomes final and binding.
- (6) When the prime minister makes a designation under paragraphs (1) through (3), pursuant to the provisions of Cabinet Office Order, the prime minister is to give public notice of the fact and the day of the designation, and notify the designated specified qualified consumer organization to that effect in writing. The same applies when the prime minister revokes the designation pursuant to the provisions of paragraph (4).
- (7) In the case referenced in the first sentence of the preceding paragraph, if the corporation which was a specified qualified consumer organization is a party to any pending court proceedings concerning redress for damage, the prime minister must also notify the court before which the court proceedings concerning redress for damage are pending of the designation in writing.
- (8) In the cases set forth in the following items, the specified qualified consumer organization which received the designation set forth respectively in those

items must individually notify the known consumers holding the filed claims to that effect without delay:

- (i) when a designation under paragraph (1) is made (limited to the case where the corporation which was a specified qualified consumer organization was a party to simplified determination proceedings (limited to the case where the corporation which was a specified qualified consumer organization carried out the filing of proofs of claims) or proceedings of litigation after objection); and
 - (ii) when a designation under paragraph (3) is made.
- (9) When a designation under paragraphs (1) through (3) is made, the corporation which was a specified qualified consumer organization must, with regard to the case subject to the designation, transfer to the designated specified qualified consumer organization any articles retained on behalf of the target consumers and documents concerning services related to redress for damage, and conduct any and all acts necessary for handing over services related to redress for damage to the designated specified qualified consumer organization, without delay.

Section 4 Auxiliary Provisions

(Special Measures Concerning the Consumer Contract Act)

Article 94 With regard to the application of the provisions of the consumer contract act to a qualified consumer organization which is a specified qualified consumer organization, the terms and phrases set forth in the middle column of the following table in the provisions of the same Act set forth in the left column of the table are replaced with the terms and phrases set forth respectively in the right column of the table.

| | | |
|---------------------------|--|--|
| Article 29, paragraph (1) | [affect] Services Related to Demanding Cease and Desist or Seeking Injunctive Relief | [affect] Services Related to Demanding Cease and Desist or Seeking Injunctive Relief and the Services Related to Recovery of Damage prescribed in Article 71, paragraph (2) of the Act on Special Measures Concerning Consumer Litigation Procedure (hereinafter simply referred to as "Services Related to Recovery of Damage") |
|---------------------------|--|--|

| | | |
|---------------------------------------|--|---|
| | [other than] Services Related to Demanding Cease and Desist or Seeking Injunctive Relief | [other than] Services Related to Demanding Cease and Desist or Seeking Injunctive Relief and Services Related to Recovery of Damage |
| Article 31, paragraph (2), item (vii) | Services Related to Demanding Cease and Desist or Seeking Injunctive Relief | Services Related to Demanding Cease and Desist or Seeking Injunctive Relief and Services Related to Recovery of Damage |
| Article 32, paragraph (1) | this Act | this Act or the Act on Special Measures Concerning Consumer Litigation Procedure |

(Publication of Information Concerning Judgments)

- Article 95 (1) In order to contribute to the prevention of and redress for property and psychological damage. incurred by consumers, when the prime minister receives a report under Article 84, paragraph (1) (excluding parts pertaining to items (i) and (vii)) from a specified qualified consumer organization, the prime minister is to promptly publish the outline of the final and binding judgment of an action for declaratory judgment confirming the common obligations (including a document which has the same effect as a final and binding judgment), the outline of the order of commencement of simplified determination proceedings, the outline of the public notice pursuant to the provisions of Article 26, paragraph (1), the first sentence of paragraph (2), and paragraph (3), the outline of the notice pursuant to the provisions of Article 27, paragraph (1), the name of the specified qualified consumer organization, the name of the adversary of the action for declaratory judgment confirming the common obligations, and other matters specified by Cabinet Office Order, via the internet and by other methods that are appropriate.
- (2) In addition to the particulars prescribed in the preceding paragraph, the prime minister may, in order to provide information concerning services related to redress for damage to a wide range of citizens, publish the name and address of the specified qualified consumer organization, the location of the office where services related to redress for damage are provided, and other necessary information specified by Cabinet Office Order via the internet and by other methods that are appropriate.
- (3) The prime minister may have the National Consumer Affairs Center of Japan provide services concerning the publication of information prescribed in the preceding two paragraphs.

(Cooperation to Specified Qualified Consumer Organizations)

Article 96 (1) In response to the request of a specified qualified consumer organization, the prime minister may, pursuant to the provisions of Cabinet Office Order, provide the specified qualified consumer organization with prepared documents related to disposals based on the Act on Specified Commercial Transaction (Act No. 57 of 1976) or the Act on Deposit Transaction Agreements (Act No. 62 of 1986) within the extent necessary for the specified qualified consumer organization to perform court proceedings concerning redress for damage appropriately.

(2) A specified qualified consumer organization which receives the provision of documents pursuant to the provisions of the preceding paragraph must not use or provide the documents for a purpose other than the purpose of providing it for use in court proceedings concerning redress for damage.

Article 97 (1) In response to the request of a specified qualified consumer organization, the National Consumer Affairs Center of Japan and local public entities may, pursuant to the provisions of Cabinet Office Order, provide the specified qualified consumer organization with information specified by Cabinet Office Order concerning consultations pertaining to complaints that have arisen between consumers and business operators with regard to consumer affairs, within the extent necessary for the specified qualified consumer organization to perform services related to redress for damage appropriately.

(2) A specified qualified consumer organization which receives the provision of information pursuant to the provisions of the preceding paragraph must not use or provide the information for a purpose other than the purpose of providing it for use in services related to redress for damage.

Chapter IV Support Corporations for Consumer Organization Collective Litigations

Section 1 Authorization of Support Corporations for Consumer Organization Collective Litigations

(Authorization of Support Corporations for Consumer Organization Collective Litigations)

Article 98 (1) The prime minister may certify a corporation engaging in specified non-profit activities or general incorporated association, or a general incorporated foundation that is deemed to fall under the following conditions (excluding qualified consumer organizations) to conduct the services specified in the following item (hereinafter referred to as "support services" in this

Chapter and Article 117, paragraph (2), item (ii)) upon an application filed thereby:

- (i) its primary purpose is to engage in activities that support qualified consumer organizations or specified qualified consumer organizations, and it is found to have been properly carrying out those activities for a reasonable period of time;
 - (ii) it has extensively engaged in the prevention of property and psychological damage incurred by consumers, awareness-raising activities for contributing to their relief, and public relations activities;
 - (iii) it has properly established an organization pertaining to the implementation of support services, methods of implementing support services, management of information learned in the course of support services, methods of maintaining confidentiality, methods of managing money related to the implementation of support services and other property, and other systems and operational rules;
 - (iv) it has a sufficient financial basis for properly conducting support services; and
 - (v) carrying out services other than support services is not likely to interfere with the proper execution of support services.
- (2) A corporation engaging in specified non-profit activities, general incorporated association, or general incorporated foundation that receives the certification set forth in the preceding paragraph (hereinafter referred to as "support certification" in this Chapter and Article 117, paragraph (1)) (hereinafter referred to as "consumer organization collective litigation support corporation") is to carry out the following operations:
- (i) upon being commissioned by a specified qualified consumer organization, provide information to target consumers, manage money, and perform other services and business incidental to services related to redress for damage conducted by specified qualified consumer organizations that are specified by Cabinet Office Order;
 - (ii) upon agreement between a specified qualified consumer organization and its adversary pertaining to its court proceedings concerning redress for damage, notify the adversary and perform other services in court proceedings concerning redress for damage that must be performed by the adversary that are specified by Cabinet Office Order;
 - (iii) provide advice or guidance to specified qualified consumer organizations, publicize information related to services related to redress for damage, and perform other services to ensure that services related to redress for damage are carried out smoothly and effectively, pursuant to the provisions of Cabinet Office Order;
 - (iv) in addition to what is set forth in the preceding three items, carry out the

- following services on commission by the prime minister:
- (a) publication under the provisions of Article 95, paragraphs (1) and (2);
 - (b) collection of information necessary for the implementation of this Act and other services specified by Cabinet Office Order.
- (3) The operational rules set forth in paragraph (1), item (iii) must provide for the method of providing support services, the method of managing information and keeping secrets that have been acquired in relation to support services, the method of managing money or any other property related to the provision of support services related, or any other matters specified by Cabinet Office Order.
- (4) A person who falls under any of the following items may not receive support certification:
- (i) a corporation which has been sentenced to a fine for violating the provisions of this Act, the Consumer Contract Act, and other Acts for protecting consumer interests which are specified by Cabinet Order, or of an order based on any of these Acts, or a disposition based on any of these provisions, and for which three years have yet to pass from the day on which the execution of the sentence was completed, or the day on which the organization ceased to be subject to the execution of the sentence;
 - (ii) a corporation of which support certification was revoked under the grounds set forth in the items of Article 113, paragraph (1) and for which three years have yet to pass from the day of the revocation;
 - (iii) a corporation whose business activities are controlled by a member of an organized crime group as provided for in Article 2, item (vi) of the Act on Prevention of Unjust Acts by Organized Crime Group Members (Act No. 77 of 1991) or a person for which five years have not yet elapsed since the day on which the person was no longer an organized crime group member as defined in the same item (referred to as "former or current member of an organized crime group" in the following item and item (vi));
 - (iv) a corporation that is likely to have a former or current member of an organized crime group, engage in its business activities or to employ such a person as an assistant in its business operations;
 - (v) a political organization (meaning a political organization as provided under Article 3, paragraph (1) of the Political Funds Control Act (Act No. 194 of 1948));
 - (vi) a corporation with an officer falling under any of the following (a) to (c):
 - (a) a person sentenced to imprisonment without work or a heavier punishment, or a person sentenced to a fine for violating this Act, the Consumer Contract Act, or any other consumer protection law prescribed by Cabinet Order, an order based on this Act or on such a law, or measures based on such an order, if it has not yet been three years since the day on

which the person completed the sentence or ceased to be subject to its enforcement;

- (b) if a consumer organization collective litigation support corporation had its support certification revoked due to the grounds specified in the items of Article 113, paragraph (1), a person who was an officer of the consumer organization collective litigation support corporation within six months prior to the day of the revocation and for whom three years have yet to pass from the day of the revocation; or
- (c) a current or former member of an organized crime group.

(Application for Support Certification)

Article 99 (1) To apply for certification as referenced in paragraph (1) of the preceding Article, a person must submit a written application stating the following information to the prime minister:

- (i) the person's name and address, and the name of its representative;
 - (ii) the location of the office where support services are to be provided; and
 - (iii) in addition to what is provided for in the preceding two items, particulars specified by Cabinet Office Order.
- (2) The following documents must accompany the written application referenced in the preceding paragraph:
- (i) the articles of incorporation;
 - (ii) a document proving that the applicant has properly taken activities aimed at supporting qualified consumer organizations or specified qualified consumer organizations for a considerable period of time;
 - (iii) a document proving that the applicant has extensively engaged in the prevention of property and psychological damage incurred by consumers, awareness-raising activities for contributing to their relief, and public relations activities;
 - (iv) a document proving that the applicant has systems for properly performing support services;
 - (v) the operational rules;
 - (vi) a roster of officers and employees (including the names and titles of officers and employees and other matters prescribed by Cabinet Office Order; the same applies in Article 110, paragraph (2), item (iii));
 - (vii) inventories of property for the latest business year and other document proving that the applicant has a financial basis;
 - (viii) a document pledging that the organization does not fall under any of the items of paragraph (4) of the preceding Article;
 - (ix) if the applicant performs services other than support services, a document describing the type and outline of the services; and
 - (x) other documents specified by Cabinet Office Order.

(Public Notice and Inspection of Applications for Support Certification)

- Article 100 (1) When an application for support certification is made, the prime minister must, without delay, give the public notice of such application and matters listed in items (i) and (ii) of paragraph (1) of the preceding Article pursuant to the provision of a Cabinet Office Order, and make documents listed in each item of paragraph (2) of the Article (excluding item (viii) and item (x) available for public inspection for two weeks after the public notice.
- (2) If the prime minister suspects a person applying for support certification under the preceding Article to fall under Article 98, paragraph (4), item (iii), (iv), or (vi)(c), the prime minister is to seek the opinion of the commissioner general of the National Police Agency.

(Public Notice of Support Certification)

- Article 101 (1) When the prime minister grants support certification, the prime minister is to give public notice of the name and address of the consumer organization collective litigation support corporation, the location of the office where support services are provided, and the day of the grant of the support certification pursuant to the provisions of Cabinet Office Order, and notify the consumer organization collective litigation support corporation to that effect in writing.
- (2) A consumer organization litigation support corporation must post an easily visible indication that it is a consumer organization litigation support corporation in the office at which it provides support services, pursuant to the provisions of Cabinet Office Order.
- (3) A person who is not a consumer organization litigation support corporation must not use any letters or characters in the name thereof which would likely cause the person to be mistaken for a consumer organization litigation support corporation or make an indication with regard to the person's services which would likely cause the person to be mistaken for a consumer organization litigation support corporation.

(Notification of Changes)

- Article 102 If the matters as set forth in any of the items of Article 99, paragraph (1) or the matters stated in the document as set forth in any of the items of paragraph (2) of the same Article (excluding items (ii), (iii), and (x)) is changed, a consumer organization collective litigation support corporation must file a written notification of this with the prime minister without delay and pursuant to the provisions of Cabinet Office Order; provided, however, that this does not apply if the change is prescribed by Cabinet Office Order as being minor.

(Notification and Approval of Merger)

Article 103 (1) When a corporation which is a consumer organization collective litigation support corporation merges with another corporation which is a consumer organization collective litigation support corporation, the corporation surviving the merger or the corporation established by the merger succeeds to the status of the corporation that has disappeared by the merger as a consumer organization collective litigation support corporation under the provisions of this Act.

(2) A corporation which has, pursuant to the provisions of the preceding paragraph, succeeded to the status of the corporation that has disappeared due to a merger as a consumer organization collective litigation support corporation under the provisions of this Act must notify the prime minister to that effect without delay.

(3) When a corporation which is a consumer organization collective litigation support corporation merges with a corporation which is not a consumer organization collective litigation support corporation (except when that corporation that is a consumer organization collective litigation support corporation is to be succeeded; same applies hereinafter in this Article and Article 106, item (i)), the corporation surviving the merger or the corporation established by the merger succeeds to the status of the corporation that has disappeared due to a merger as a consumer organization collective litigation support corporation under the provisions of this Act, only if the prime minister has approved the merger.

(4) A consumer organization collective litigation support corporation which intends to obtain the approval set forth in the preceding paragraph must, jointly with a corporation that is not a consumer organization collective litigation support corporation, file an application for the approval with the prime minister during the period from 90 days prior to the day on which the merger becomes effective until 60 days prior to the day (hereinafter referred to as the "period for application for approval" in this paragraph); provided, however, that this does not apply when the application cannot be filed during the period for application for approval due to a disaster and on other unavoidable grounds.

(5) If the application set forth in the preceding paragraph has been filed, and a disposition on the application is not made by the day on which the merger becomes effective, the corporation surviving the merger or the corporation established by the merger is deemed to have succeeded to the status of the corporation extinguished by the merger as a consumer organization collective litigation support corporation under the provisions of this Act until the disposition is made.

- (6) The provisions of Article 98 (excluding paragraph (2)), Articles 99 and 100, and Article 101, paragraph (1) apply mutatis mutandis to the approval set forth in paragraph (3).
- (7) If a corporation that is a consumer organization collective litigation support corporation merges with a corporation that is not a consumer organization collective litigation support corporation but does not apply for the approval referenced in paragraph (4), it must file a notification to that effect with the prime minister by the day on which the merger takes effect.
- (8) When a notification under paragraph (2) or the preceding paragraph is made, the prime minister is to give public notice to that effect pursuant to the provisions of Cabinet Office Order.

(Notification and Approval of a Business Transfer)

- Article 104 (1) If a corporation that is a consumer organization collective litigation support corporation transfers the entirety of its business involving support services to another corporation that is a consumer organization collective litigation support corporation, the transferee succeeds to the status that the transferor held as a consumer organization collective litigation support corporation under this Act.
- (2) A corporation which has, pursuant to the provisions of the preceding paragraph, succeeded to the status of the transferor corporation as a consumer organization collective litigation support corporation under the provisions of this Act must notify the prime minister to that effect without delay.
 - (3) When a corporation that is a consumer organization collective litigation support corporation transfers all of its business pertaining to support services to a corporation which is not a consumer organization collective litigation support corporation, the transferee corporation succeeds to the status of the transferor corporation as a consumer organization collective litigation support corporation under the provisions of this Act only if the prime minister has approved the transfer.
 - (4) A corporation which is a consumer organization litigation support corporation which intends to obtain the approval set forth in the preceding paragraph must file an application for the approval with the prime minister during the period from 90 days prior to the day of the transfer until 60 days prior to the day (hereinafter referred to as the "period for application for approval" in this paragraph); provided, however, that this does not apply when the application cannot be filed during the period for application for approval due to a disaster and on other unavoidable grounds.
 - (5) If the application set forth in the preceding paragraph has been filed, and a disposition on the application is not made by the day of the transfer, the transferee corporation is deemed to have succeeded to the status of the

transferor corporation as a consumer organization collective litigation support corporation under the provisions of this Act until the disposition is made.

- (6) The provisions of Article 98 (excluding paragraph (2)), Articles 99 and 100, and Article 101, paragraph (1) apply mutatis mutandis to the approval set forth in paragraph (3).
- (7) When a corporation which is a consumer organization collective litigation support corporation does not file the application set forth in paragraph (4) in the case of transferring all of its business pertaining to support services to a corporation which is not a consumer organization collective litigation support corporation, it must notify the prime minister to that effect by the day of the transfer.
- (8) When a notification under paragraph (2) or the preceding paragraph is made, the prime minister is to give public notice to that effect pursuant to the provisions of Cabinet Office Order.

(Notification of Dissolution)

Article 105 (1) If a consumer organization collective litigation support corporation comes to fall under any of the following items, the person set forth in that item must file a notification to that effect with the prime minister without delay:

- (i) it undergoes a dissolution due to an order commencing bankruptcy proceedings: the bankruptcy trustee;
 - (ii) it undergoes a dissolution for any reason other than a merger or a bankruptcy commencement ruling: the liquidator; or
 - (iii) it discontinues its support services: the representative of the corporation.
- (2) When the notification under the provisions of the preceding paragraph is made, the prime minister must publicly notify that fact as provided for in Cabinet Office Order.

(Public Notice of Support Certification)

Article 106 When any of the following grounds arise with regard to a consumer organization collective litigation support corporation, the support certification ceases to be effective:

- (i) when a corporation which is a consumer organization collective litigation support corporation merges with a corporation which is not a consumer organization collective litigation support corporation, and the merger is made effective without the approval set forth in Article 103, paragraph (3) (in the case prescribed in paragraph (5) of the same Article, when a disposition to disapprove the transfer is made);
- (ii) when a corporation which is a consumer organization collective litigation support corporation transfers all of its businesses pertaining to support

services to a corporation which is not a consumer organization collective litigation support corporation, and the transfer is made without the approval set forth in Article 104, paragraph (3) (in the case prescribed in paragraph (5) of the same Article, when a disposition to disapprove the transfer is made); or

(iii) when a consumer organization collective litigation support corporation falls under any of the cases set forth in the items of paragraph (1) of the preceding Article.

Section 2 Support Services

(Obligation of Confidentiality)

Article 107 An officer or employee of a consumer organization collective litigation support corporation, or a person that was employed as such must not disclose any secret that has come to their knowledge with regard to support services without justifiable grounds.

(Scope of Services and Separate Accounting)

Article 108 (1) A consumer organization collective litigation support corporation may provide services other than support services as specified in the articles of incorporation as long as it does not hinder the support services it conducts.

(2) A consumer organization collective litigation support corporation must separate the accounting for each of the services set forth below:

(i) support services;

(ii) services pertaining to activities supporting qualified consumer organizations or specified qualified consumer organizations (excluding services set forth in the preceding item); and

(iii) services other than those set forth in the preceding two items.

Section 3 Supervision

(Preparation and Preservation of Books and Documents)

Article 109 A consumer organization collective litigation support corporation must, pursuant to the provisions of Cabinet Office Order, prepare and preserve books and documents concerning its services and accounting.

(Preparation, Keeping, and Submission of Financial Statements)

Article 110 (1) A consumer organization collective litigation support corporation must prepare inventories of property and a business report for the business year (including electronic or magnetic record when such electronic or magnetic record is prepared in lieu of their preparation; referred to as "financial

statements" in item (iv) of the following paragraph and Article 122, item (xi)) within three months from the last day of each business year.

- (2) The following documents must be kept in the office of the consumer organization collective litigation support corporation pursuant to the provisions of Cabinet Office Order:
 - (i) articles of incorporation;
 - (ii) operational rules;
 - (iii) list of employees and officers;
 - (iv) financial statements;
 - (v) a document stating the matters specified by a Cabinet Office Order concerning accounting; and
 - (vi) when conducting any services other than support services, a document stating the type and a brief description of the services.
- (3) A consumer organization collective litigation support corporation must submit the documents pursuant to the provisions of items (iii) and (iv) of the preceding paragraph to the prime minister within three months from the last day of each business year.

(Reporting and On-site Inspections)

Article 111 (1) The prime minister may have a consumer organization collective litigation support corporation report on its operational and accounting conditions, and may have relevant officials enter its offices, inspect its operational conditions or books, documents, and other objects, and question the persons concerned, to the extent necessary for the implementation of the provisions of this Chapter.

- (2) If an official enters a site pursuant to the provisions of the preceding paragraph, the official must carry identification and present it to the relevant persons.
- (3) The authority for an on-site inspection pursuant to the provisions of paragraph (1) must not be considered as having been granted for the investigation of a crime.

(Compliance Orders and Improvement Orders)

Article 112 (1) When the prime minister finds that a consumer organization collective litigation support corporation no longer satisfies any of the requirements set forth in the items of Article 98, paragraph (1), the prime minister may order the consumer organization collective litigation support corporation to take necessary measures to meet the requirements.

- (2) In addition to what is provided for in the preceding paragraph, when the prime minister finds that a consumer organization collective litigation support corporation has fallen under Article 98, paragraph (4), items (iii) through (vi),

or that a consumer organization collective litigation support corporation or an officer or employee thereof has violated the provisions of this act with regard to the performance of support services, or otherwise finds it to be necessary for ensuring the proper operation of the services of a consumer organization collective litigation support corporation, the prime minister may order the consumer organization collective litigation support corporation to improve the human resources systems, suspend the violation, change the operational rules, or take any other necessary measures for improving the operation of services.

(Revocation of Support Certification)

Article 113 (1) When any of the grounds in the following items exist with regard to a consumer organization collective litigation support corporation, the prime minister may revoke the support certification:

- (i) when the corporation has received the support certification, or the approval set forth in Article 103, paragraph (3) or Article 104, paragraph (3) by fraudulent or other wrongful means;
 - (ii) when the corporation's certification of incorporation is revoked pursuant to the provisions of Article 43, paragraph (1) or paragraph (2) of Act on promotion of specified non-profit activities;
 - (iii) when the corporation no longer satisfies any of the requirements set forth in the items of Article 98, paragraph (1);
 - (iv) when the corporation has fallen under any of the items of Article 98, paragraph (4) (excluding item (ii));
 - (v) when the corporation is deemed to have performed an act relating to support services that goes against the interests of target consumers; or
 - (vi) when the corporation has violated this Act, an order based on this Act, or a disposition based on this Act or such an order, in addition to what is provided in the preceding items.
- (2) When the prime minister carries out the revocation of support certification under the items of the preceding paragraph, pursuant to the provisions of Cabinet Office Order, the prime minister is to give public notice of such fact and the day of the revocation, and notify the consumer organization collective litigation support corporation to that effect in writing.

Chapter V Miscellaneous Provisions

(Request for Cooperation of Public Offices)

Article 114 When the prime minister finds it necessary for the enforcement of this Act, the prime minister may make inquiries to government agencies, other public entities, or any other persons and request their cooperation.

(Delegation of Authority)

Article 115 The prime minister is to delegate the authority under the provisions of the previous two Chapters and the previous Article (excluding those specified by Cabinet Order) to the secretary general of the Consumer Affairs Agency.

Chapter VI Penal Provisions

Article 116 (1) When an officer or employee of, or expert advisor to a specified qualified consumer organization receives or has a third party (including the specified qualified consumer organization) receive money or any other economic benefit in remuneration for any of the following acts conducted by the specified qualified consumer organization from the adversary of the specified qualified consumer organization pertaining to court proceedings concerning redress for damage, whether as a donation, a grant, or any other remuneration, the person is to be punished by imprisonment with required labor of not more than three years or a fine of not more than three million yen:

- (i) not carrying out or having not carried out the filing of an action for declaratory judgment on common obligations, the filing of a petition for starting simplified determination proceedings, the filing of proofs of claims, the filing of a petition for civil execution concerning simplified determination proceedings or litigation after objection, or the filing of the petition set forth in Article 61, paragraph (1);
 - (ii) entering into or having entered into a non-judicial settlement pertaining to the claims relating to the delegation of powers set forth in Article 34, paragraph (1) or Article 57, paragraph (1); or
 - (iii) terminating or having terminated court proceedings concerning redress for damage.
- (2) The preceding paragraph also applies to a person who provides benefits set forth in the same paragraph.
- (3) In the case referenced in paragraph (1), the economic benefit received by the criminal or third parties with knowledge of the circumstances is confiscated. When the whole or part of the economic benefit cannot be confiscated, an amount equivalent to the value thereof is collected.
- (4) The crime set forth in paragraph (1) also applies to a person who commits such crime outside Japan.
- (5) The crime set forth in paragraph (2) is governed by the provisions of Article 2 of the Penal Code (Act No. 45 of 1907).

Article 117 (1) When a person has received certification as a specified organization, the renewal of the validity period set forth in Article 75,

paragraph (2), or the approval set forth in Article 77, paragraph (3), Article 78, paragraph (3), Article 103, paragraph (3) or Article 104, paragraph (3) by a fraudulent and other wrongful means, the person conducted such violation is to be punished by a fine of not more than one million yen.

(2) A person who falls under either of the following items is punished by a fine of not more than one million yen:

- (i) a person who has disclosed confidential information obtained during the course of providing services related to redress for damage in violation of Article 86; or
- (ii) a person who has disclosed confidential information obtained during the course of providing support services in violation of Article 107.

Article 118 A person who falls under any of the following items, the person conducted such violation is to be punished by a fine of not more than 500,000 yen:

- (i) a person who made false statements in the written application set forth in Article 72, paragraph (1) (including the cases where applied *mutatis mutandis* pursuant to the provisions of Article 75, paragraph (7), Article 77, paragraph (6), and Article 78, paragraph (6)) or Article 99, paragraph (1) (including the cases where applied *mutatis mutandis* pursuant to the provisions of Article 103, paragraph (6) and Article 104, paragraph (6)), or documents set forth in the items of Article 72, paragraph (2) (including the cases where applied *mutatis mutandis* pursuant to the provisions of Article 75, paragraph (7), Article 77, paragraph (6), and Article 78, paragraph (6)) or in the items of Article 99, paragraph (2) (including the cases where applied *mutatis mutandis* pursuant to the provisions of Article 103, paragraph (6) and Article 104, paragraph (6)) and submitted it;
- (ii) a person who, in violation of the provisions of Article 74, paragraph (3), used any letters or characters in the name thereof which would likely cause the person to be mistaken for a specified qualified consumer organization or made an indication with regard to the person's services which would likely cause the person to be mistaken for a specified qualified consumer organization;
- (iii) when letters or characters are used in a person's name that are likely to cause it to be mistaken for a consumer organization collective litigation support corporation, or give an indication in connection with its services that is likely to cause it to be mistaken for a consumer organization collective litigation support corporation, in violation of Article 101, paragraph (3);
- (iv) when a person fails to prepare or retain books and documents or prepares false books and documents, in violation of Article 109; or
- (v) when a person fails to make a report pursuant to the provisions of Article

111, paragraph (1) or has made a false report, or refused, obstructed or evaded inspection as prescribed in the same paragraph, or has failed to make a statement in reply to a question as prescribed in the same paragraph or has made a false statement.

Article 119 (1) When a representative or an administrator of a corporation (including an organization that is not a corporation but which has representatives or administrators; hereinafter the same applies in this paragraph), or an agent, employee or any other worker of a corporation or an individual violates the provisions Article 116, Article 117, paragraph (1), or the preceding Articles in relation to the services of the corporation or individual, not only the offender, but also the corporation or individual is punished with the fines prescribed in the respective Articles.

(2) When the provisions of the preceding paragraph are applied to an organization that is not a corporation, its representative or administrator represents it with respect to procedural acts, and the provisions of Acts concerning criminal proceedings when a corporation is an accused or a suspect apply *mutatis mutandis*.

Article 120 A person who falls under any of the following items is punished by a non-criminal fine of not more than one million yen:

- (i) a person who, in violation of the provisions of Article 15, failed to file a petition for the commencement of simplified determination proceedings without justifiable grounds;
- (ii) a person who, in violation of the provisions of Article 36, paragraph (1), refused to conclude a contract for delegation of powers for simplified determination proceedings without unavoidable grounds; or
- (iii) a person who, in violation of the provisions of Article 36, paragraph (2), cancelled a contract for delegation of powers for simplified determination proceedings without unavoidable grounds.

Article 121 A person who falls under either of the following items is punished by a non-criminal fine of not more than 500,000 yen:

- (i) a person who has failed to give notice under Article 26, paragraph (1) or the first sentence of paragraph (2) or paragraph (3) of the same Article or who has given false public notice; or
- (ii) a person who has failed to give public notice under the first sentence of paragraph (2) of the Article 26, or Article 27, paragraph (1) or who has given false notice.

Article 122 A person who falls under any of the following items is punished by a

non-criminal fine of not more than 300,000 yen:

- (i) a person who, in violation of the provisions of Article 57, paragraph (4), refused to conclude a contract for delegation of powers for litigation without justifiable grounds;
- (ii) a person who, in violation of the provisions of Article 57, paragraph (5), cancelled a contract for delegation of powers for litigation without justifiable grounds;
- (iii) a person who has failed to post a notice under Article 74, paragraph (2) or Article 101, paragraph (2) who has posted a false notice;
- (iv) a person who has failed to make a notification under Article 76, Article 77, paragraph (2) or (7), Article 78, paragraph (2) or (7), Article 79, paragraph (1), Article 102, Article 103, paragraph (2) or (7), Article 104, paragraph (2) or (7), or Article 105, paragraph (1), or who has made a false notification;
- (v) a person who has failed to give notice or make a report under the first sentence of Article 84, paragraph (1) or who has given false notice or made a false report;
- (vi) a person who, in violation of the provisions of Article 85, paragraph (2), used information pertaining to the damages incurred by a consumer;
- (vii) a person who, in violation of the provisions of Article 87, refused the request set forth in the same Article;
- (viii) a person who failed to carry out the handing over of services related to redress for damage under Article 93, paragraph (9);
- (ix) a person who, in violation of the provisions of Article 96, paragraph (2), used or provided documents for a purpose other than the purpose specified in the same paragraph;
- (x) a person who, in violation of the provisions of Article 97, paragraph (2), used or provided information for a purpose other than the purpose specified in the same paragraph;
- (xi) a person who, in violation of Article 110, paragraph (1), fails to prepare financial statements, fails to state or record the required information in its financial statements, or states or records false information in its financial statements;
- (xii) a person failing to keep documents, in violation of Article 110, paragraph (2); or
- (xiii) a person failing to submit a document, or stating or recording false information in a document and submitting it, in violation of Article 110, paragraph (3).

Supplementary Provisions [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding three years from the date of promulgation; provided, however, that the provisions of Articles 3, 4, and 7 of the Supplementary Provisions come into effect as of the date of promulgation.

(Transitional Measure)

Article 2 This Act does not apply to monetary payment obligations pertaining to claims concerning consumer contracts concluded prior to the enforcement of this Act (with regard to the claim set forth in Article 3, paragraph (1), item (v), a claim pertaining to a wrongful act committed prior to the enforcement of this Act).

(Review)

Article 3 The government, in conformity with the purport of this Act, is to promptly review ways to prevent specified qualified consumer organizations from having an undue influence on the business activities of business operators by abusing their authority, based on the opinions of business operators, consumers, or any other interested persons, and take the necessary measures based on the results of the review.

Article 4 The government is to promptly review the securing of funds, provision of information, or any other support to specified qualified consumer organizations that is necessary for the proper performance of services related to redress for damage by specified qualified consumer organizations, and take the necessary measures based on the results of the review.

Article 5 (1) When three years have passed from the enforcement of this Act, the government, in consideration of the circumstances concerning the occurrence of, or the spread of property damage incurred by consumers, the circumstances concerning the performance of services related to redress for damage by specified qualified consumer organizations, and other state of the enforcement of this Act, etc., is to review the provisions of this Act, including measures for securing the proper performance of services related to redress for damage and the scope of claims and damage pertaining to monetary payment obligations based on which an action for declaratory judgment on common obligations can be filed, and, if it finds it necessary, take the required measures based on the results of the review.

(2) In addition to the matters provided for in the preceding paragraph, when three years have passed from the enforcement of this Act, the government is to review the status of the enforcement of this Act, and, if it finds it necessary, take the required measures based on the results of the review.

Article 6 With regard to monetary payment obligations pertaining to the claims set forth in the items of Article 3, paragraph (1) which pertain to the claims prescribed in Article 2 of the Supplementary Provisions, in order that appropriate redress can be achieved for the property damage incurred by consumers pertaining to the claims, the government is to promote the use of alternative dispute resolution procedures (meaning the alternative dispute resolution procedures prescribed in Article 1 of the Act on Promotion of Use of Alternative Dispute Resolution (Act No. 151 of 2004)), such as the important consumer dispute resolution proceedings (meaning the important consumer dispute resolution proceedings prescribed in Article 11, paragraph (2) of the Act on the National Consumer Affairs Center of Japan), or take any other necessary measures.

Article 7 In order to ensure the smooth enforcement of this Act, the government is to strive to thoroughly inform citizens of the purport and the contents of this Act through publicity activities, etc. and to gain their understanding and cooperation.

Supplementary Provisions [Act No. 43 of June 2, 2017 Extract] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of October 1, 2017; provided, however, that the provisions of Article 5 of the Supplementary Provisions come into effect as of the date of promulgation.

(Transitional Measure upon Partial Revision of Act on Special Measures Concerning Civil Court Proceedings for the Collective Redress for Property Damage Incurred by Consumers)

Article 3 Regarding the validity periods of certification as a specified organization pertaining to a person who has received the certification set forth in Article 65, paragraph (1) of the Act on Special Measures Concerning Civil Court Proceedings for the Collective Redress for Property Damage Incurred by Consumers as of the time of the enforcement of this Act before its revision pursuant to the provisions of Article 3, and the certification as a specified organization when existing qualified consumer organization has received the certification until the expiration date of the validity period which is to continue to be governed by the provisions of the preceding Article, set forth in Article 65, paragraph (1) of the Act on Special Measures Concerning Civil Court Proceedings for the Collective Redress for Property Damage Incurred by Consumers (hereinafter referred to as "New Act on Special Measures

Concerning Consumer Court Proceedings" in this Article) as revised by the provisions of Article 3, it continues to govern, notwithstanding the provisions of Article 69, paragraph (1) of New Act on Special Measures Concerning Consumer Court Proceedings.

(Transitional Measures Concerning Penal Provisions)

Article 4 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions in force at that time remain applicable.

(Delegation to Cabinet Order)

Article 5 In addition to what is provided for in the preceding three Articles, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

Supplementary Provisions [Act No. 45 of June 2, 2017]

This Act comes into effect on the effective date of the Civil Code Amendment Act; provided however, that the provisions of Article 103-2, Article 103-3, Article 267-2, Article 267-3, and Article 362 comes into effect as of the date of promulgation.

Supplementary Provisions [Act No. 72 of June 16, 2021] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding one year from the date of promulgation; provided, however, that provisions set forth in the following item come into effect on the date prescribed in that item:

(i) the provisions in Article 1 for revising Article 64, paragraph (2) of the Act on Specified Commercial Transactions in Article 1 (limited to the part that adds ", Article 13, paragraph (2)" under "Article 6, paragraph (4)") and the provisions of paragraph (1) of the following Article, paragraph (1) of Article 3 of the Supplementary Provisions and Article 5 of the Supplementary Provisions: the date of promulgation.

(Transitional Measures Concerning Penal Provisions)

Article 4 With regard to the application of penal provisions to acts committed on or after the effective date in cases where the provisions prior to revision remain applicable pursuant to the provisions of preceding two Articles, the provisions prior to revision continues to govern.

(Delegation to Cabinet Order)

Article 5 In addition to what is provided for in the preceding three Articles, any necessary transitional measures as required with the enforcement of this Act, provided for by Cabinet Order.

(Review)

Article 6

(2) In addition to what is set forth in the preceding paragraph, the government is, when five years have passed since the enforcement of this Act, to review the status of enforcement of the provisions after revision pursuant to this Act, and if it finds it to be necessary, take any necessary measures based on the results of its review.

Supplementary Provisions [Act No. 48 of May 25, 2022] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding four years from the date of promulgation; provided, however, that provisions set forth in the following items come into effect on the date prescribed in each item:

- (i) the provisions of Article 3, the revised provisions of Article 52, paragraph (2) of the Commercial Registration Act (Act No. 125 of 1963) in Article 60 of the Supplementary Provisions, and the provisions of Article 125 of the Supplementary Provisions: the day of promulgation;
- (ii) the provisions of Article 1, the amended provisions of Article 28-2, paragraph (1) of the Act on the Costs of Civil Proceedings in Article 4, and the amended provisions in the Appended Table 1, Row (17), (a)-a of the same Act (limited to the part for adding petition seeking protective ruling, petition seeking an order to limit the persons who may make a request for inspection, etc. of the portion of the statements of the protective ruling to the target person of protective ruling, petition for revocation of protective ruling, etc., and petition for seeking permission to inspect the portion limiting inspection pursuant to a protective ruling" under the "petition for revocation") , amended provisions in Article 35 of the Personal Status Litigation Act in Article 5, provisions of Article 6, and amended provisions in Article 156 of the Civil Execution Act in Article 9, amended provisions in Article 157, paragraph (4) of the same Act, amended provisions in Article 161, paragraph (1) of the same Act, amended provisions that add one Article after Article 161 of the same Act, amended provisions in Article 165, item (i) of the same Act, amended provisions in Article 166, paragraph (1), item (i) of the same Act,

amended provisions in Article 167-10, paragraph (1) of the same Act, amended provisions in Article 167-14, paragraph (1) of the same Act, provisions in Article 45 and Article 48 of Supplementary Provisions, amended provisions in Article 50, paragraph (5) of the Civil Provisional Remedies Act (No 91 of 1989) in Article 71 of Supplementary Provisions, provisions in Article 73 of Supplementary Provisions, amended provisions in Article 30, paragraph (4) of the Act on Punishment of Organized Crimes and Control of Proceeds of Crime (Act No. 136 of 1999) in Article 82, amended provisions in Article 36, paragraph (5) of the same Act, and provisions in Articles 86, 91, 98, 102, 115, and 117 of Supplementary Provisions: the day specified by Cabinet Order within a period not exceeding nine months from the date of promulgation;

(iii) omitted; and

(iv) amended provisions that add one Article after Article 87 of the Code of Civil Procedure in Article 2, provisions in Article 8, and provisions in Articles 4, 49, 65, 70, 78, and 83 of Supplementary Provisions, amended provisions of Article 40 of the Act on Measures Incidental to Criminal Proceedings for Protecting the Rights and Interests of Crime Victims (Act No. 75 of 2000) in Article 83 of Supplementary Provisions (limited to the part that adds ", Article 87-2" under "Article 87"), provisions in Articles 88, 93, 96, and 103 of Supplementary Provisions, and Article 53 of amended provisions of Act on Special Measures Concerning Civil Court Proceedings for the Collective Redress for Damage Incurred by Consumers (Act No. 75 of 2013) in Article 118 of Supplementary Provisions (limited to the part that adds ", Article 87-2" under "Article 87"): the day specified by Cabinet Order within a period not exceeding two years from the date of promulgation.

(Delegation to Cabinet Order)

Article 125 In addition to what is provided for in these Supplementary Provisions, any necessary transitional measures as required with the enforcement of this Act, provided for by Cabinet Order.

Supplementary Provisions [Act No. 59 of June 1, 2022] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date on which one year has passed since the date of promulgation; provided, however, that provisions set forth in the following items come into effect on the date prescribed in each item:

(i) amended provisions in Article 13, paragraph (5) of the Consumer Contract Act in Article 1, amended provisions in Article 14, paragraph (2), item (viii) of the same Act, amended provisions in Article 18 of the same Act, amended

- provisions in Article 19 of the same Act, amended provisions in Article 20, paragraph (4) of the same Act, amended provisions in Article 34 of the same Act, amended provisions in Article 35 of the same Act, amended provisions in Article 50 of the same Act, amended provisions in Article 51 of the same Act, amended provisions in Article 52, paragraph (1) of the same Act, amended provisions in Article 53 of the same Act, and provisions in Article 2, and provisions in the following Article, paragraphs (5) through (7) and provisions in Article 3, Article 4, and Articles 7 through 9 of the Supplementary Provisions: the date specified by Cabinet Order within a period not exceeding one year and six months from the date of promulgation;
- (ii) the provisions of Article 5 of the Supplementary Provisions: the date of promulgation.

(Transitional Measure upon Partial Revision of Act on Special Measures Concerning Civil Court Proceedings for the Collective Redress for Property Damage Incurred by Consumers)

- Article 3 (1) The provisions in Article 3, paragraphs (1) and (3) (limited to the part pertaining to item (iii)) of the Act on Special Measures Concerning Civil Court Proceedings for the Collective Redress for Damage Incurred by Consumers (hereinafter referred to as "New Act on Special Measures Concerning Consumer Court Proceedings" in this Article) as amended by the provisions of Article 2 apply to the monetary payment obligations regarding a claim pertaining to a harmful act committed on or after the effective date in item (i), and for the monetary payment obligations regarding a claim pertaining to a harmful act committed before the effective date, the provisions then in force continue to govern.
- (2) The provisions in Article 3, paragraph (2) (limited to the part pertaining to item (vi)) of the New Act on Special Measures Concerning Consumer Court Proceedings apply to the monetary payment obligations regarding the claim related to the Consumer Contract set forth in Article 2, item (iii) of the New Act on Special Measures Concerning Consumer Court Proceedings concluded on or after the effective date in item (i) (regarding claims set forth in Article 3, paragraph (1), items (iv) and (v) of the New Act on Special Measures Concerning Consumer Court Proceedings, the claim related to the harmful act committed on or after the effective date in item (i)), and for the monetary payment obligations regarding the claim related to the Consumer Contract set forth in Article 2 item (iii) of the Former Act on Special Measures Concerning Consumer Court Proceedings (hereinafter referred to as "Former Act on Special Measures Concerning Consumer Court Proceedings" in this Article) concluded before the effective date in item (i) (regarding claims set forth in Article 3, paragraph (1), item (iv) of the Former Act on Special Measures Concerning

Consumer Court Proceedings, the claim related to the harmful act committed before the effective date in item (i)), the provisions then in force continue to govern.

- (3) The provisions of Articles 13, 15, and 16, and Article 93, paragraph (2) of the new Act on Special Measures Concerning Consumer Court Proceedings apply to the petition for the commencement of simplified determination proceedings on the premise of the results of an action for declaratory judgment confirming the common obligations terminated on or after the effective date in item (i), and with regard to the petition for the commencement of simplified determination proceedings on the premise of the results of an action for declaratory judgment confirming the common obligations terminated before the effective date in item (i) remain applicable.
- (4) The provision of Article 68 of the New Act on Special Measures Concerning Consumer Court Proceedings applies to target claims for which the date set forth in the middle column of the table in the same Article falls on or after the effective date in item (i).
- (5) The validity period of certification as a specified organization pertaining to the persons receiving certification as a specified organization as of the effective date in item (i) (meaning the certification as a specified organization set forth in Article 75, paragraph (1) of the Former Act on Special Measures Concerning Consumer Court Proceedings; hereinafter the same applies in this paragraph and the following paragraph) remains applicable.
- (6) The provision of the second sentence of Article 75, paragraph (7) of the New Act on Special Measures Concerning Consumer Court Proceedings applies to the application in the same Article, paragraph (3) submitted on or after the effective date in item (i) and requirements for the renewal of the validity period of certification as a specified organization and the documents to be attached to the written application pertaining to the application set forth in Article 69, paragraph (3) in the Former Act on Special Measures Concerning Consumer Court Proceedings submitted before the effective date in item (i) remain applicable.
- (7) The provision of Article 77, paragraph (4) of the New Act on Special Measures Concerning Consumer Court Proceedings applies to the application in the same paragraph submitted on and after the effective date in item (i) and the application set forth in Article 71, paragraph (4) in the Former Act on Special Measures Concerning Consumer Court Proceedings submitted before the effective date in item (i) remains applicable.
- (8) The provision of Article 78, paragraph (4) of the New Act on Special Measures Concerning Consumer Court Proceedings applies to the application in the same paragraph submitted on and after the effective date in item (i) and the application set forth in Article 72, paragraph (4) in the Former Act on Special

Measures Concerning Consumer Court Proceedings submitted before the effective date in item (i) remains applicable.

(Transitional Measures Concerning Penal Provisions)

Article 4 Prior laws continue to govern the applicability of penal provisions to acts committed prior to the effective date in item (i) or acts committed on or after the date of enforcement in item (i) for case the provisions previously in force are to remain applicable pursuant to the provisions of these Supplementary Provisions (excluding Article 2, paragraph (2) of the Supplementary Provisions).

(Delegation to Cabinet Order)

Article 5 In addition to what is provided for in the preceding three Articles, any necessary transitional measures (including transitional measures concerning penal provisions) for the enforcement of this Act are specified by Cabinet Order.

(Review)

Article 6 Once five years have passed after this Act enters into effect, the government is to review the status of enforcement of the provisions revised by this Act and take necessary measures based on the results of the review.

Supplementary Provisions [Act No. 68 of June 17, 2022] [Extract]

(Effective Date)

- (1) This Act comes into effect as of the date on which the Act on the Partial Amendment of the Penal Code, etc. comes into effect; provided, however, that provisions set forth in the following item come into effect on the date prescribed in that item:
- (i) the provisions of Article 509: the date of promulgation.

Supplementary Provisions [Act No. 99 of December 16, 2022] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date on which 20 days have passed since the date of promulgation.