

Act on Improving Transparency and Fairness of Specified Digital Platforms

(Act No. 38 of June 3, 2020)

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Chapter I General Provisions

(Objectives)

Article 1 The purpose of this Act is to improve the transparency and fairness of specified digital platforms, by designating specified digital platform providers, disclosing the provision conditions by specified digital platform providers, evaluating the transparency and fairness of specified digital platforms, and taking other measures, while taking into consideration of the context in which it has become an urgent issue to the need to protect the interests of user providing goods, etc., and also ensuring the autonomy and independency of digital platform providers, amid the increasing importance of the roles played by digital platforms, under the creation of new data -based industries and changes in the socioeconomic structure on a global scale as a result of recent technological innovation in the field of information and telecommunications technology, thereby contributing to the enhancement of the lives of the public and the sound development of the national economy by promoting fair and free competition in relation to specified digital platforms.

(Definitions)

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

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

- (i) a relationship where in conjunction with the increase of the number of a person who intends to provide goods, etc. by using the services (referred below to as "providers" in this item and the following item) increases, the benefits to persons who intend to receive the provision of the goods, etc. (referred to in this item as "recipients") increase significantly and as a result, the number of recipients increase, and in conjunction with the increase, the benefits to providers etc. increase and providers further increase as a result; or
 - (ii) a relationship where in conjunction with the increase of the number of users of the services (excluding providers; the same applies below in this item) increases, the benefits to other persons who use the service increase substantially and as a result, the number of users of the service further increases and in conjunction with the increase, the benefits to providers increase significantly and providers further increase as a result.
- (2) The term "user" in this Act means a person who uses a digital platform.
 - (3) The term "user providing goods, etc." in this Act means a person who uses a digital platform for the purpose of providing goods, etc.
 - (4) The term "general user" in this Act means a user other than a user providing goods, etc.
 - (5) The term "digital platform provider" in this Act means a business operator that solely or jointly provides a digital platform.
 - (6) The term "specified digital platform" in this Act means a digital platform related to the relevant designation of a digital platform provider (referred below to as a "specified digital platform provider") designated pursuant to the provisions of Article 4, paragraph (1).

(Fundamental Principles)

Article 3 The measures relating to enhancing the transparency and fairness of digital platform, in view of the fact that digital platform contributes to the enhancement of the benefits of users and play an important role in the increased vitality and sustainable development of Japan's economy and society, must be based on voluntary and proactive efforts by digital platform providers to enhance the transparency and fairness of digital platforms and must be implemented with the objectives of enabling digital platform providers to fully exercise their originality and ingenuity by keeping the involvement of the state and other regulation to the minimum necessary and of promoting mutual understanding in business relationships between digital platform providers and the user providing goods, etc.

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

(Designation of Specified Digital Platform Providers)

Article 4 (1) The Minister of Economy, Trade and Industry is to designate from among digital platforms those digital platform providers who provide the services whose business scale for each business category specified by Cabinet Order related to forums provided by Digital Platforms is at least the scale specified by Cabinet Order based on the total amount of sales of goods, etc. on the respective digital platform, the number of users, and other indicators of the scale of the business as digital platforms that are particularly necessary for making efforts to voluntarily enhance the transparency and fairness of digital platforms.

(2) If the digital platform provided by a digital platform provider falls under the category of a digital platform specified in the preceding paragraph, the relevant digital platform provider must notify the Minister of Economy, Trade and Industry of the particulars specified by Order of the Ministry of Economy, Trade and Industry for each business category specified by the Cabinet Order prescribed in the preceding paragraph, for the relevant digital platform, as provided by Order of the Ministry of Economy, Trade and Industry; provided, however, that this does not apply if the digital platform provided is a specified digital platform.

(3) The category and scale of business prescribed by the Cabinet Order specified in paragraph (1) is to be provided so that the designation pursuant to paragraph (1) may be made to the minimum extent necessary for the fundamental principles stated in the preceding article, in light of the state where digital platforms are broadly used in the lives of the public and where the use is concentrated on some digital platforms, taking into consideration actual state and trends of transactions between digital platform providers and user providing goods, etc. and the necessity of protecting the interests of user providing goods, etc. in accordance with this Act (including the implementation state of measures for the regulation and optimization of businesses involved in forums provided by digital platforms pursuant to other laws and other measures relating to businesses).

(Disclosure of Terms and Conditions of Specified Digital Platforms)

Article 5 (1) When a specified digital platform provider discloses the terms and conditions for provision of specified digital platforms (referred below to as "terms and conditions" in this Article and paragraph (1) of the following Article) to users (limited to users of specified digital platforms; the same applies in this paragraph, Article 9, paragraph (4), and Article 10, paragraph

(1) and paragraph (2)), the specified digital platform provider must do so in accordance with the method prescribed by an Order of the Ministry of Economy, Trade and Industry in order to promote understanding of the terms and conditions by users.

(2) When a specified digital platform provider provides a specified digital platforms to the persons listed in the following items, it must disclose the items specified in the respective items as the terms and conditions of the relevant specified digital platform:

(i) user providing goods, etc. (limited to persons who use the specified digital platform; the same applies in this Article, Article 7, paragraphs (1) and (3), Article 12, paragraph (3), and Article 13, items (i) and (ii) below): the particulars stated below.

(a) If provision of the relevant specified digital platform may be refused, the criteria for making a determination whether or not to reject the provision;

(b) If, in conjunction with provision of the relevant specified digital platform, requests are made to user providing goods, etc. to purchase goods or rights designated by the specified digital platform providers or to receive other services designated by the specified digital platform providers for a fee, the details and reasons for them;

(c) If information relating to goods, etc. sought by general users (limited to general users who use the specified digital platform; the same applies in this Article below) through searches and other information relating to goods, etc. is displayed with ranks indicated in a forum provided by the relevant specified digital platform, the main factors used to determine such ranks (if payment of advertising expenses or other monies to the relevant specified digital platform provider by user providing goods, etc. may have an influence on such rankings, including a statement to that effect);

(d) If the relevant specified digital platform provider acquires or uses data on provided goods, etc. (data on changes in sales amount for goods, etc. provided by a user providing goods, etc. and other data on goods, etc. provided by the relevant user providing goods, etc.; the same applies in (d) and (e) below), the details of the data on provided goods, etc. and the conditions relating to its acquisition or use;

(e) Whether the user providing goods, etc. may acquire data on provided goods, etc. in the possession of the relevant specified digital platform provider or may cause the relevant specified digital platform provider to provide data on provided goods, etc. to other persons, and if it is possible to acquire or providethe data on provided goods, etc., the details of the data on provided goods, etc. and the methods and conditions of acquisition or provision of them;

(f) Methods for user providing goods, etc. to file complaints or request

- discussions with the relevant specified digital platform provider;
- (g) In addition to the particulars stated in (a) through (f), among the terms and conditions of the relevant specified digital platform to user providing goods, etc., those particulars prescribed by Order of the Ministry of Economy, Trade and Industry as particularly necessary to be disclosed.
- (ii) general users: the particulars stated below;
- (a) The particulars stated in sub-item (c) of the preceding item;
- (b) If the relevant specified digital platform provider acquires or uses purchase data concerning goods, etc. (data on search or viewing of information relating to goods, etc. or purchases of goods, etc. by general users; the same applies in this sub item (b)), the particulars of the relevant purchase data concerning goods, etc. and the conditions relating to the acquisition or use of them;
- (c) In addition to the particulars listed in (a) and (b), among the terms and conditions of the relevant specified digital platform to general users, particulars stated by Order of the Ministry of Economy, Trade and Industry as particularly necessary to be disclosed.
- (3) When engaging in the acts stated in the following items, specified digital platform providers must disclose to the other party to the act the particulars designated in the respective items as provided by an Order of the Ministry of Economy, Trade and Industry; provided, however, that this does not apply if disclosure would damage the interests of general users and in other cases prescribed by Order of the Ministry of Economy, Trade and Industry:
- (i) requests to user providing goods, etc. to conduct transactions that are not in accordance with the terms and conditions of the relevant specified digital platform: the details and reasons for them;
- (ii) refusal of provision of the relevant specified digital platform to user providing goods, etc. who continuously use the relevant specified digital platform (excluding cases of refusal of all the provision): the details and reasons for them;
- (iii) beyond what is stated in the preceding item, among acts conducted in accordance with the terms and conditions of the relevant specified digital platform, those acts designated by Order of the Ministry of Economy, Trade and Industry as being particularly necessary to disclose the details, reasons, and other particulars because of the risk of damaging the interests of the other party to the relevant act: the details, reasons, and other particulars designated by Order of the Ministry of Economy, Trade and Industry.
- (4) When engaging in the acts stated in the following items, specified digital platform providers must disclose to the other party to the act the particulars designated in the respective items as provided by Order of the Ministry of Economy, Trade and Industry before the day designated by Order of the

Ministry of Economy, Trade and Industry, which is prior to the day when the relevant conduct is performed; provided, however, that this does not apply if disclosure would damage the interests of general users and in other cases prescribed by Order of the Ministry of Economy, Trade and Industry:

- (i) changes to the terms and conditions of the relevant specified digital platform to user providing goods, etc.: the details and reasons of them;
 - (ii) refusal of provision in its entirety of the relevant specified digital platform to user providing goods, etc. who continuously use the relevant specified digital platform: the relevant effect and its reasons.
- (5) The Minister of Economy, Trade and Industry, when formulating or revising an Order of the Ministry of Economy, Trade and Industry stated in paragraph (1), paragraph (2), item (i), (g) or item (ii), (c), or paragraph (3), item (iii), must deliberate with the Minister of Internal Affairs and Communications in advance.

(Recommendations, Orders Concerning Disclosure)

Article 6 (1) If the Minister of Economy, Trade and Industry finds incompliance with the provisions of paragraphs (1) through (4) of the preceding Article by a specified digital platform provider, the Minister may recommend to the relevant specified digital platform provider that it promptly disclose the terms and conditions pursuant to the provisions of paragraph (1) of that Article, disclose the particulars stated in each item of paragraph (2), each item of paragraph (3), or each item of paragraph (4) of that Article, or take other necessary measures.

- (2) When the Minister of Economy, Trade and Industry makes a recommendation prescribed in the preceding paragraph, if the content of the recommendation are related to electromagnetic communications of information, the Minister must deliberate with the Minister of Internal Affairs and Communications in advance.
- (3) When the Minister of Economy, Trade and Industry has made a recommendation prescribed in paragraph (1), the minister must make a public announcement to that effect.
- (4) If a specified digital platform provider that has received a recommendation prescribed in paragraph (1) has failed to take the recommended measures without any justifiable grounds, the Minister of Economy, Trade and Industry may order the relevant specified digital platform provider to take the recommended measures.
- (5) When the Minister of Economy, Trade and Industry issues an order prescribed in the preceding paragraph, if the particulars of such recommendation are related to electromagnetic communications of information, the minister must deliberate with the Minister of Internal Affairs and

Communications in advance.

- (6) When the Minister of Economy, Trade and Industry has issued an order pursuant to paragraph (4), the minister must issue a public announcement to that effect.

(Measures to be Taken by Specified Digital Platform Providers)

Article 7 (1) A specified digital platform provider must take measures necessary to promote mutual understanding in transactional relationships between the specified digital platform provider and user providing goods, etc.

- (2) The Minister of Economy, Trade and Industry establishes guidelines (in this Article and Article 9, paragraph (2) referred to below simply as the "guidelines") necessary to contribute to the appropriate and effective implementation of measures to be taken by specified digital platform providers pursuant to the provisions of the preceding paragraph.

- (3) In the guidelines, the following particulars are prescribed:

- (i) fundamental particulars relating to measures necessary to promote mutual understanding in transactional relationships between the specified digital platform provider and user providing goods, etc.;
- (ii) particulars relating to the establishment of systems and procedures necessary to ensure that the provision of specified digital platforms to user providing goods, etc. is performed fairly;
- (iii) particulars relating to the establishment of systems and procedures necessary for processing complaints from user providing goods, etc. regarding specified digital platforms and the resolution of disputes between specified digital platform providers and user providing goods, etc.;
- (iv) particulars relating to the appointment of persons who perform necessary management of business in Japan for specified digital platform providers to communicate closely with user providing goods, etc. and other related persons; and
- (v) beyond what are stated in the preceding items, particulars relating to measures necessary for adequate consideration by specified digital platform providers of the opinions and other circumstances of user providing goods, etc.

- (4) When establishing the guidelines, the Minister of Economy, Trade and Industry must deliberate in advance with the minister with administrative jurisdiction over the forums provided by specified digital platform, the Fair Trade Commission and the Minister of Internal Affairs and Communications.
- (5) When establishing the guidelines, the Minister of Economy, Trade and Industry must give public notice of that fact without delay.
- (6) The provisions of the preceding two paragraphs apply mutatis mutandis to revisions of the guidelines.

(Recommendations Relating to Measures to be Taken by Specified Digital Platform Providers)

Article 8 (1) If the Minister of Economy, Trade and Industry finds it particularly necessary for appropriate and effective implementation in relation to the measures to be taken by specified digital platform providers pursuant to the provisions of paragraph (1) of the preceding article, the Minister may recommend to the relevant specified digital platform provider that it take necessary measures.

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

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

Article 9 (1) A specified digital platform provider must submit a report stating the following particulars to the Minister of Economy, Trade and Industry once annually as provided by Order of the Ministry of Economy, Trade and Industry:

- (i) particulars relating to an outline of the business of the specified digital platform;
- (ii) particulars relating to handling of complaints and resolution of disputes regarding the specified digital platform;
- (iii) particulars relating to the status of disclosure pursuant to the provisions of Article 5, paragraphs (1) through (4);
- (iv) particulars relating to the measures to be taken pursuant to provisions of Article 7, paragraph (1); and
- (v) particulars relating to self-evaluations by the specified digital platform provider regarding the particulars stated in the preceding three items.

(2) When the Minister of Economy, Trade and Industry receives a report submitted pursuant to the preceding paragraph, the Minister is to perform an evaluation concerning the transparency and fairness of the specified digital platform, taking into consideration the guidelines, based on the content of the report, facts reported pursuant to the provisions of paragraph (1) of the following Article, and other facts known to the Minister.

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

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

(5) The Minister of Economy, Trade and Industry must give public notice of the results of the evaluation performed pursuant to the provisions of paragraph (2)

along with an outline of the report referred to in paragraph (1).

- (6) A specified digital platform provider must endeavor under its own initiative to improve the transparency and fairness of its specified digital platform based on the results of the evaluation publicly announced pursuant to the provisions of the preceding paragraph.

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

Article 10 (1) If a user find that a specified digital platform provider is not taking the measures that should be taken pursuant to the provisions of Article 5, paragraphs (1) through (4) and Article 7, paragraph (1), the user may make a report to that effect to the Minister of Economy, Trade and Industry and request that appropriate measures be taken.

- (2) A specified digital platform provider must not refuse to provide a specified digital platform to or otherwise disadvantageously treat a user on the grounds that the user made a report and request referred to in the preceding paragraph.

- (3) If the Minister of Economy, Trade and Industry finds that a specified digital platform provider engaged in conduct in violation of the provisions of the preceding paragraph, the minister makes a recommendation to the relevant specified digital platform provider to promptly cease its disadvantageous treatment and take other necessary measures.

- (4) The provisions of Article 6, paragraphs (2) and (3) apply mutatis mutandis to the recommendations referred to in the preceding paragraph.

(Revocation of Designation of Specified Digital Platform Providers)

Article 11 (1) A specified digital platform provider may, if any of the events listed in the following items has occurred, make a proposal to the Minister of Economy, Trade and Industry to the effect that the designation made pursuant to the provisions of Article 4, paragraph (1) be revoked as provided by an Order of the Ministry of Economy, Trade and Industry:

- (i) if the provider has ceased to provide the specified digital platform; or

- (ii) if the scale of the specified digital platform business of the provider falls below the scale prescribed by the Cabinet Order referred to in Article 4, paragraph (1) and it is clearly recognized that the business will not return to at least the prescribed scale.

- (2) Upon receiving a proposal specified in the preceding paragraph, the Minister of Economy, Trade and Industry, upon finding the proposal is well grounded, revokes the designation pursuant to the provisions of Article 4, paragraph (1) without delay as provided by an Order of the Ministry of Economy, Trade and Industry. The same applies when, in the absence of a proposal made pursuant to the preceding paragraph, a finding is made that any of the events stated in the items of that paragraph has occurred.

(Reporting and Inspection)

- Article 12 (1) To the extent necessary for designation pursuant to the provisions of Article 4, paragraph (1) and revocation of that designation pursuant to the provisions of paragraph (2) of the preceding Article, the Minister of Economy, Trade and Industry may cause a specified digital platform provider to report on the status of business relating to provision of the specified digital platform or cause ministry personnel to enter the specified digital platform provider's offices or other workplaces and inspect books, documents and other items.
- (2) The Minister of Economy, Trade and Industry may require a specified digital platform provider to report on its transactions or cause ministry personnel to enter the specified digital platform provider's offices or other workplaces and inspect books, documents and other items to the extent necessary for the enforcement of the provisions of Article 6, paragraph (1) and paragraph (4), Article 8, paragraph (1) and Article 10, paragraph (3).
- (3) The Minister of Economy, Trade and Industry may require a user providing goods, etc. to submit reports on its transactions to the extent necessary for the enforcement of Article 6, paragraph (1) and paragraph (4), Article 8, paragraph (1), and Article 10, paragraph (3).
- (4) An official carrying out an on-site inspection pursuant to the provisions of paragraph (1) and (2) must carry identification and present it to the persons concerned.
- (5) The authority granted for the on-site inspection pursuant to the provisions of paragraph (1) and paragraph (2) must not be construed as the authorization for a criminal investigation.

(Requests for Measures to the Fair Trade Commission)

- Article 13 If the Minister of Economy, Trade and Industry finds that a specified digital platform provider engaged in conduct impeding the transparency and fairness of specified digital platforms and that it is in violation of the provisions of Article 19 of the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade (Act No. 54 of 1947), may request that the Fair Trade Commission take appropriate measures pursuant to the provisions of that Act; provided, however, that in the cases stated below, such request must be made:
- (i) if it is recognized that the relevant conduct was performed against multiple users providing goods, etc.;
- (ii) if it is recognized that the extent of the detriment incurred by user providing goods, etc. as a result of the relevant conduct is substantial; or
- (iii) beyond what is stated in the preceding two items, if a finding is made that there are material facts that impede the transparency and fairness of

specified digital platforms.

(Exclusions from Application)

Article 14 The provisions of Article 4 through the preceding Article do not apply to the provision of services that constitute a digital platform prescribed by Cabinet Order as services regarding which the interests of a user providing goods, etc. are recognized to be protected by the provisions of other laws.

(Request for Submission of Materials)

Article 15 (1) The Minister of Economy, Trade and Industry may request that digital platform providers or users providing goods, etc. submit necessary materials or provide explanations to the extent necessary to make a draft enactment or amendment of the Cabinet Order referred to in Article 4, paragraph (1).

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

(Drafting Cabinet Orders)

Article 16 (1) The Minister of Economy, Trade and Industry is, based on the materials and explanations referred to in paragraph (1) of the preceding Article, to make a draft of enactment or amendment of the Cabinet Order referred to in Article 4, paragraph (1) and takes measures necessary for the effective implementation of this Act.

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

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

Chapter III Miscellaneous Provisions

(Relationship with Other Policies)

Article 17 When taking measures pursuant to the provisions of this Act, the Minister of Economy, Trade and Industry must endeavor to take the minimum

necessary measures while taking into consideration the regulation of business relating to forums provided by digital platforms under other laws, measures for optimization, and the status of implementation of measures relating to such business.

(Transitional Measures)

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

(Documents to Be Served)

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

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

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

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

(Service by Publication)

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

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

(Use of Electronic Information Processing System)

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

Chapter IV Penal Provisions

Article 23 If an order under the provisions of Article 6, paragraph (4) has been

violated, the person who has committed the relevant act in violation is punished by a fine of not more than one million yen.

Article 24 In a case that falls under any of the following items, the person who has committed the violation is subject to a fine of up to five hundred thousand yen:

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

Article 25 When the representative of a corporation, or an agent, employee or other worker of a corporation or of any person, has committed a violation of the preceding two Articles with regard to the business of the corporation or the person, beyond the offender being subject to punishment, the corporation or the person is to be subject to the punishment stated in the relevant Articles.

Supplementary Provisions

(Effective Date)

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

(Review)

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

Reasons

In light of the situation where it has become an issue to protect the interests of user providing goods, etc. while giving consideration to the autonomy and independency of digital platform providers has become an issue, it is necessary to designate specified digital platform providers, disclose the terms and conditions by specified digital platform providers, evaluate the transparency and fairness of specified digital platforms, and take other measures. This is the

reason for submission of this proposed bill.