

The Cabinet Office Order on the Commitment Procedures under the Provisions of the Act against Unjustifiable Premiums and Misleading Representations (Tentative translation)

(Cabinet Office Order No. 55 of April 18, 2024)

Pursuant to the provisions of Article 27, paragraph (1), paragraph (2), item (iii) and paragraph (8), Article 31, paragraph (1), paragraph (2), item (iii) and paragraph (7), Article 39, paragraph (1) and Article 42 of the Act against Unjustifiable Premiums and Misleading Representations (Act No. 134 of 1962), the Cabinet Office Order on commitment procedures pursuant to the provisions of the Act against Unjustifiable Premiums and Misleading Representations shall be established as follows.

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Chapter I General Provisions

(Purpose)

Article 1 The commitment procedures (meaning the procedures provided for in Section 6, Chapter II of the Act against Unfair Premiums and Misleading Representations; the same applies hereinafter) pursuant to the provisions of the Act against Unfair Premiums and Misleading Representations (hereinafter referred to as the "Act") shall be governed by this Cabinet Office Order in addition to what is provided for in the Act.

(Terms)

Article 2 The terms used in this Cabinet Office Order shall be in accordance with the examples of terms used in the Act.

Chapter II Notice Pursuant to the Provisions of Article 26 of the Act

Article 3 The notice pursuant to the provisions of Article 26 of the Act shall be made by serving a document stating the matters listed in each item of the same Article to the person prescribed in the same Article.

Chapter III Corrective Action Plan

(Application Method for Approval of Corrective Action Plan)

Article 4 (1) A person who intends to make an application pursuant to the provisions of Article 27, paragraph (1) of the Act must submit a written application (including electromagnetic records (records made in electronic, magnetic, or other formats that cannot be recognized by human perception and that are used for information processing by computer; the same applies below) that record the matters to be entered in the written application) using Form 1 to the Secretary General of the Consumer Affairs Agency.

(2) The materials listed in the following items shall be attached to the written application set forth in the preceding paragraph:

- (i) materials indicating that the corrective action is sufficient to correct the deeds that have caused the suspicion and the effects thereof;
- (ii) materials indicating that corrective action is expected to be implemented reliably; and
- (iii) other materials for reference.

Article 5 A person who has filed a written application pursuant to the provisions of Article 27, paragraph (1) of the Act (referred to as the "Applicant" in Article 7) may, if there are any changes to the information contained in the written application under paragraph(1) of the preceding Article and the materials under paragraph (2) of the same Article, submit a report stating the details of the changes to the Secretary General of the Consumer Affairs Agency, up until the day on which the period under Article 27, paragraph (1) of the Act has elapsed. However, this shall not apply if a disposition pertaining to the application has already been made.

Article 6 A document to be submitted pursuant to the provisions of the preceding two Articles shall be submitted to the Secretary General of the Consumer Affairs Agency by any of the methods listed in the following items, or a combination of such methods:

- (i) the method to bring it in person;
- (ii) the method using registered mail, or using the services of correspondence delivery as defined in Article 2, paragraph (2) of the Act on Correspondence Delivery by Private Business Operators (Act No. 99 of 2002) made by a

- general correspondence delivery operator prescribed in paragraph (6) of that Article or a specified correspondence delivery operator prescribed in paragraph (9) of that Article, in which the general correspondence delivery operator or the specified correspondence delivery operator records acceptance and delivery, or using a method similar to these; or
- (iii) the method of transmitting an electronic or magnetic record by using an electronic data processing system prescribed in Article 6, paragraph (1) of the Act on the Promotion of Utilizing Information and Communications Technology in Administrative Procedures (Act No. 151 of 2002).

Article 7 An Applicant may, at any time from the date of filing an application pursuant to the provisions of Article 27, paragraph (1) of the Act up until the disposition pertaining to the application is made, additionally submit materials prescribed in Article 4, paragraph (2), item (iii).

(Matters to Be Stated in a Written Non-Approval Pertaining to Approval of a Corrective Action Plan)

Article 8 The written non-approval prescribed in Article 27, paragraph (5) of the Act as applied mutatis mutandis by replacing the terms in Article 27, paragraph (7) of the Act, shall contain the following items:

- (i) the fact that the application for approval pertaining to the corrective action plan has been rejected; and
- (ii) reasons for rejection.

(Application Method for Approval of Changes to an Approved Corrective Action Plan)

Article 9 (1) A person who has been approved under Article 27, paragraph (3) of the Act and who intends to change the corrective action plan (referred to as the "Approved Corrective Action Plan" in Article 11, paragraph (1)) pertaining to the approval pursuant to the provisions of paragraph (8) of the same Article must submit a written application using Form 2 (including electromagnetic records that record the matters to be entered in the written application) to the Secretary General of the Consumer Affairs Agency.

(2) A copy of the approval form prescribed in Article 27, paragraph (5) of the Act and other reference materials for the approval set forth in paragraph (8) of the same Article shall be attached to the written application set forth in the preceding paragraph.

Article 10 The provisions of Article 6 and Article 7 shall apply mutatis mutandis to the submission of the written application under the provision of paragraph (1) of the preceding Article and the attachment of materials under the

provision of paragraph (2) of the same Article.

(Matters to Be Stated in a Written Non-Approval Pertaining to Approval of Changes to an Approved Corrective Action Plan)

Article 11 The following matters shall be stated in the written non-approval prescribed in Article 27, paragraph (5) of the Act as applied mutatis mutandis by replacing the terms in paragraph (7) of the same Article as applied mutatis mutandis in paragraph (9) of the same Article:

- (i) the fact that the application for approval pertaining to changes to the Approved Corrective Action Plan has been rejected; and
- (ii) reasons for rejection.

(Matters to Be Stated in a Written Rescission Pertaining to Rescission of Approval of a Corrective Action Plan)

Article 12 The following matters shall be stated in the written rescission prescribed in Article 27, paragraph (5) of the Act as applied mutatis mutandis by replacing terms in Article 29, paragraph (2) of the Act:

- (i) the fact that the approval pertaining to the corrective action plan has been rescinded; and
- (ii) reasons for rescission.

Chapter IV Notice Pursuant to the Provisions of Article 30 of the Act

Article 13 The notice pursuant to the provisions of Article 30 of the Act shall be made by serving a document stating the matters listed in item (ii) of the same Article to the person listed in item (i) of the same Article.

Chapter V Impact Corrective Action Plan

(Application Method for Approval of Impact Corrective Action Plan)

Article 14 (1) A person who intends to file a written application pursuant to the provisions of Article 31, paragraph (1) of the Act shall submit the written application using Form 3 (including electromagnetic records that record the matters to be entered in the written application).

- (2) The materials listed in the following items shall be attached to the written application set forth in the preceding paragraph:
 - (i) materials indicating that impact corrective action is sufficient to correct the acts that have caused the suspicion by the impacts thereof;
 - (ii) materials indicating that corrective action is expected to be implemented reliably; and
 - (iii) other materials for reference.

Article 15 The provisions of Articles 5 to 7 shall apply mutatis mutandis to the submission of a written application under the provision of paragraph (1) of the preceding Article and the attachment of materials under the provision of paragraph (2) of the same Article.

(Matters to Be Stated in a Written Non-Approval Pertaining to Approval of an Impact Corrective Action Plan)

Article 16 The following matters shall be stated in the written non-approval prescribed in Article 27, paragraph (5) of the Act as applied mutatis mutandis by replacing terms in Article 31, paragraph (6) of the Act:

- (i) the fact that the application for approval pertaining to the impact corrective action plan has been rejected; and
- (ii) reasons for rejection.

(Application Method for Approval of Changes to Approved Impact Corrective Action Plan)

Article 17 (1) A person who has been approved under Article 31, paragraph (3) of the Act and who intends to change the impact corrective action plan (referred to as the "Approved Impact Corrective Action Plan" in Article 19, paragraph (1)) pertaining to the approval pursuant to the provisions of paragraph (7) of the same Article must submit a written application using Form 4 (including electromagnetic records that record the matters to be entered in the written application) to the Secretary General of the Consumer Affairs Agency.

(2) A copy of the written approval prescribed in Article 27, paragraph (5) of the Act as applied mutatis mutandis of Article 31, paragraph (4) of the Act and other reference materials for the approval set forth in Article 31, paragraph (7) of the Act shall be attached to the written application set forth in the preceding paragraph.

Article 18 The provisions of Article 6 and Article 7 shall apply mutatis mutandis to the submission of the written application under the provision of paragraph (1) of the preceding Article and the attachment of materials under the provision of paragraph (2) of the same Article.

(Matters to Be Stated in a Written Non-Approval Pertaining to Approval of Changes to the Approved Impact Corrective Action Plan)

Article 19 The following matters shall be stated in the written non-approval prescribed in Article 27, paragraph (5) of the Act as applied mutatis mutandis by replacing terms in Article 31, paragraph (6) of the Act as applied mutatis mutandis in Article 31, paragraph (8):

- (i) the fact that the application for approval pertaining to changes to the Approved Impact Corrective Action Plan has been rejected; and
- (ii) reasons for rejection.

(Matters to Be Stated in a Written Rescission Pertaining to Rescission of an Impact Corrective Action Plan)

Article 20 The following matters shall be stated in the written rescission prescribed in Article 27, paragraph (5) of the Act as applied mutatis mutandis by replacing terms in Article 33, paragraph (2) of the Act:

- (i) the fact that the approval of the impact corrective action plan has been rescinded; and
- (ii) reasons for rescission.

Chapter VI Auxiliary Provisions

(Withdrawal of Application)

Article 21 (1) An application for commitment proceedings may be withdrawn at any time until the disposition pertaining to the application is made.

(2) The withdrawal of the application pursuant to the provision of the preceding paragraph must be done in the manner that a document stating that the fact that the application is withdrawn (including electromagnetic records) is submitted to the Secretary General of the Consumer Affairs Agency.

(3) The provision of Article 6 shall apply mutatis mutandis to the submission of documents under the provision of the preceding paragraph.

(Preparation of Materials to Be Submitted to the Secretary General of the Consumer Affairs Agency)

Article 22 Materials to be submitted to the Secretary General of the Consumer Affairs Agency in commitment procedures shall be prepared in Japanese.

Supplementary Provisions

This Cabinet Office Order shall come into effect as of the date of enforcement of the Act Partially Amending the Act against Unjustifiable Premiums and Misleading Representations (Act No. 29 of 2023).

Form No.1 Omitted

Form No.2 Omitted

Form No.3 Omitted

Form No.4 Omitted