

# **Act against Unjustifiable Premiums and Misleading Representations (Article 15, paragraph (2) unenforced)**

(Act No. 134 of May 15, 1962)

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## **Chapter I General Provisions**

### **(Purpose)**

Article 1 The purpose of this Act is to protect the interests of general consumers by prescribing restrictions and prohibitions on acts that are likely to hinder voluntary and rational choice-making by general customers, to prevent the inducement of customers through unjustifiable premiums and misleading representations related to transactions of goods and services.

### **(Definitions)**

Article 2 (1) The term "business operator" as used in this Act means a person engaged in commerce, manufacturing industry, financial industry or other businesses, and for the purpose of applying the provisions of the following paragraph and Article 36, an officer, employee, agent, or other persons who acts for the benefit of a person engaged in those businesses is deemed to be a business operator.

- (2) The term "trade association" as used in this Act means an association of two or more business operators, or a federation of those associations, whose main purpose is to advance their common interest as business operators, and includes the following entities; provided, however, that this does not include an association or federation of two or more business operators, which has capital or contributions from their constituent business operators (meaning business operators that are members of the trade association; the same applies in Article 51), whose main purpose is to engage in commerce, manufacturing industry, financial business, or other businesses for a profit, and, is currently engaging in that business:
- (i) a general incorporated association or other incorporated associations for which two or more business operators are members (including those that are equivalent to members);
  - (ii) a general incorporated foundation or other incorporated foundations for which two or more business operators control the appointment and dismissal of directors or administrators, the execution of business, or the existence of the foundation; and
  - (iii) a partnership for which two or more business operators are members, or an association of two or more business operators under a contract.
- (3) The term "premiums" as used in this Act means articles, money, or other economic benefits supplied by a business operator to another party which are designated by the Prime Minister, incidental to a transaction of goods or services as a means of inducing customers (including transactions relating to real estate; the same applies below), irrespective of whether a direct or an indirect method is used, or whether or not a lottery method is used.
- (4) The term "representations" as used in this Act means an advertisement or other representations made by a business operator as a means of inducing customers for the content of the goods or services supplied by the business operator, or the trade conditions, or other matters concerning the transactions which are designated by the Prime Minister

(Public Hearings and Public Notices on the Designation of Premiums and Representations)

Article 3 (1) When the Prime Minister intends to make a designation under the provisions of paragraph (3) or (4) of the preceding Article, or amend or abolish the designation, the Prime Minister must hold a public hearing and request the opinions of the relevant business operator and the public, and also request the opinion of the Consumer Commission, pursuant to the provisions of Cabinet Office Order.

- (2) The designation and its amendment and abolition provided for in the preceding paragraph is to be made by public notice.

## **Chapter II Regulation on Premiums and Representations**

### **Section 1 Restrictions and Prohibition of Premiums, and Prohibition of Misleading Representations**

(Restrictions and Prohibition of Premiums)

Article 4 When the Prime Minister finds it necessary to prevent unfair inducement of customers and ensure voluntary and rational choice-making by general consumers, the Prime Minister may restrict the maximum value of premiums or the total amount of premiums, the type of premiums or method of providing premiums, or other matters relating to premiums, or prohibit the provision of premiums.

(Prohibition of Misleading Representations)

Article 5 A business operator may not make the representations that fall under any of the following items for the transaction of goods or services the business operator supplies:

- (i) a representation indicating that the quality, standard, or other content of the goods or services is significantly superior to that of the actual quality, standard, or content, or that contrary to the facts, the quality, standard, or other content is significantly superior to those of other business operators supplying the same type of or similar goods or services as those supplied by that business operator, to general customers, and is likely to unfairly induce customers and hinder the voluntary and rational choice-making by general consumers;
- (ii) a representation that causes misunderstanding by general consumers that the prices of goods or services or other trade conditions are significantly more advantageous than the actual prices or other trade conditions, or those of other business operators supplying the same of or similar goods or services as those supplied by the relevant business operator, which are found likely to unfairly induce customers and hinder the voluntary and rational choice-making by general consumers; or-
- (iii) beyond what is stated in the preceding two items, a representation for which matters relating to transactions of goods or services is likely to be misunderstood by general consumers, and is designated by the Prime Minister in finding that the representation is likely to unfairly induce customers and hinder voluntary and rational choice-making by general consumers.

(Public Hearings and Public Notices on Restriction or Prohibition of Premiums, and Designations on Prohibition of Misleading Representations)

- Article 6 (1) When the Prime Minister intends to make restrictions or prohibitions under the provisions of Article 4, or designations under the provisions of item (iii) of the preceding Article, or to amend or abolish the designations, the Prime Minister must hold a public hearing and hear the opinions of relevant business operators and the public as well as the opinion of the Consumer Commission, pursuant to the provisions of Cabinet Office Order,
- (2) The restrictions and prohibitions, and designations, and amendment and abolition prescribed in the preceding paragraph are to be made by public notice.

## **Section 2 Order for Measures**

- Article 7 (1) When a business operator commits an act in violation of the restrictions or prohibition under the provisions of Article 4 or the provisions of Article 5, the Prime Minister may give an order to the business operator on the matters necessary to suspend that act or prevent them from once again committing that act, or giving a public notice relating to giving the order. The order may be given to the following persons even if the act of violation has already ceased:
- (i) the business operator who has committed the act of violation;
  - (ii) when the business operator who has committed the violation is a corporation and the corporation has ceased to exist as a result of a merger: the corporation that continues to exist after the merger, or is incorporated by the merger;
  - (iii) when the business operator who committed the violation is a corporation: the corporation which has succeeded to all or part of the business concerning the violation from the corporation as a result of a split; and
  - (iv) the business operator who has acquired all or part of the business concerning the act of violation from the business operator who committed the act of violation.
- (2) When the Prime Minister finds it necessary for determining whether a representation that a business operator has made falls under Article 5, item (i), regarding the order given under the provisions of the preceding paragraph (referred to as "order for measures" below), the Prime Minister may specify a period of time and request the business operator who has made that representation to submit materials indicating reasonable grounds that support the representation. In such a case, if the business operator has failed to submit the materials, the representation is deemed to fall under that item, when applying the provisions of that paragraph.
- (3) An order for measures is issued by serving a certified copy of the written order for measures.

### **Section 3 Administrative Monetary Penalty**

(Payment Order for Administrative Monetary Penalty)

Article 8 (1) If a business operator commits an act in violation of the provisions of Article 5 (excluding acts concerning representations that fall under item (iii) of that Article; referred to as the "acts subject to administrative monetary penalty" below), the Prime Minister must order the business operator to pay administrative monetary penalty to the national treasury in an amount equivalent to the amount obtained by multiplying the sales amount calculated by the method specified by Cabinet Order for the goods or services related to the acts subject to administrative monetary penalty which were traded during the period subject to administrative monetary penalty; provided, however, that the Prime Minister may not order the payment if it is found that the business operator had no knowledge of the fact that the representations related to the acts subject to administrative monetary penalty falls under one of the following items throughout the period when the acts subject to administrative monetary penalty has been committed, and, that the lack of knowledge was not due to gross negligence, or if the amount of the penalty is one million five hundred thousand yen or less:

- (i) a representation indicating that the quality, standard, or other content of the goods or services is significantly superior to the actual quality, standard, or content, or that contrary to the facts, indicated as being significantly superior to the quality, standard, or content of other business operators supplying the same type of or similar goods or services as those supplied by that business operator; or
  - (ii) a representation indicating that the price of goods or services and other trade conditions are significantly more advantageous for the other party to the transaction than the actual price or trade conditions, or that contrary to the facts, are significantly more advantageous for the other party to the transaction than those of other business operators supplying the same type of or similar goods or services as that business operator.
- (2) The "period subject to administrative monetary penalty" prescribed in the preceding paragraph means the period during which acts subject to administrative monetary penalty have been committed (if the business operator has conducted transactions of goods or services related to the acts subject to administrative monetary penalty in the period between the day when they discontinued the acts subject to administrative monetary penalty and the day on which six months have passed after discontinuing those acts (if the business operator has taken the measures specified by Cabinet Office Order as measures for eliminating the risk of representations related to the acts subject to administrative monetary penalty to unfairly induce customers and hinder

the voluntary and rational choice-making by general consumers before that day, that day) the period to which the period until the transaction was last conducted after the acts subject to administrative monetary penalty has been discontinued is added, and if that period exceeds three years, for three years retroactive from the last day of that period).

- (3) When the Prime Minister finds it necessary for determining whether the representation made by a business operator falls under Article 5, item (i) in relation to the order under the provisions of paragraph (1) (referred to as the "payment order for administrative monetary penalty" below), the Prime Minister may specify a period and request the business operator that has made the representation to submit materials indicating reasonable grounds for supporting the representation. In such a case, if the business operator fails to submit the materials, the representation is presumed to fall under that item for applying the provisions of that paragraph.
- (4) When the Prime Minister orders the payment of administrative monetary penalty pursuant to the provisions of paragraph (1), and the business operator fails to report the facts that are to be the basis for calculating the administrative monetary penalty related to the acts subject to administrative monetary penalty, despite the fact that the Prime Minister has requested the business operator to make a report under the provisions of Article 25, paragraph (1), the Prime Minister may make an estimate by using a reasonable method provided by Cabinet Office Order, and make a payment order for administrative monetary penalty in the following manner; the amount of sales specified in paragraph (1) during the period subject to administrative monetary penalty of the business operator during which the facts that are the basis for the calculation of the administrative monetary penalty may not be ascertained because those facts were not reported, using materials or other materials obtained from the business operator, or from other business operators supplying goods or services concerning the acts subject to administrative monetary penalty, or from other business operators receiving those goods or services.
- (5) When a business operator has received payment orders for administrative monetary penalty in the past ten years retroactive from the base date (limited to cases in which the payment orders for administrative monetary penalty have become final and binding), and, has committed an act subject to administrative monetary penalty on or after the date of the payment orders for administrative monetary penalty, the term "three one-hundredth" in the that paragraph is deemed to be replaced with "four point five one-hundredth" regarding the application of paragraph (1).
- (6) The "base date" prescribed in the preceding paragraph means the earliest date among the dates on which the following acts has been conducted with

respect to the case concerning the acts subject to administrative monetary penalty prescribed in that paragraph.

- (i) collection of reports, etc. (meaning the collection of reports, orders for submission of books and documents and other objects, on-site inspections, or questions under the provisions of Article 25, paragraph (1); the same applies in Article 12, paragraph (4));
- (ii) request for submission of materials under the provisions of paragraph (3); and
- (iii) notice under the provisions of Article 15, paragraph (1).

#### (Reduction of Amount of Administrative Monetary Penalty by Reporting Facts Falling Under Acts Subject to Administrative Monetary Penalty)

Article 9 In the case referred to in paragraph (1) of the preceding Article (including the case that is applied by the deemed replacement of terms pursuant to the provisions of paragraph (5) of that Article; the same applies below in this Section), if the business operator has reported the facts that fall under the acts subject to monetary penalty to the Prime Minister pursuant to the provisions of Cabinet Office Order, the Prime Minister must reduce the administrative monetary penalty by the amount obtained by multiplying fifty one-hundredth of the administrative monetary penalty calculated pursuant to the provisions of paragraph (1) of that Article; provided, however, that this does not apply if the report is made in anticipation of a payment order for monetary penalty to be issued because an investigation has been conducted for the acts subject to monetary penalty.

#### (Reduction of Administrative Monetary Penalty by Implementing Refund Measures)

Article 10 (1) When there is a request from a general consumer who has conducted a transaction of goods or services during the period subject to administrative monetary penalty prescribed in Article 8, paragraph (2), and who is specified pursuant to the provisions of Cabinet Office Order, if a person who has received a notice under the provisions of Article 15, paragraph (1) seeks to implement a measure to deliver an amount of money that is equivalent to or greater than the amount obtained by multiplying the purchase amount calculated by the method specified by Cabinet Order by three one-hundredth (including prepaid payment instruments referred to in Article 3, paragraph (1), item (i) of the Payment Services Act (Act No. 59 of 2009) issued by a third-party type issuer prescribed in paragraph (7) of that Article and other payment instruments specified by Cabinet Office Order, and conforms to the criteria specified by Cabinet Office Order as those that may be normally used in the same manner as money (referred to as "payment instruments other than

money" below in this paragraph) (when taking measures of delivering payment instruments other than money, limited to those to be taken for a person who has consented to be delivered payment means other than money; referred to as "refund measures" below in this Article and the following Article), the person may obtain approval for the measures by preparing a plan on refund measures they seek to implement and submit the plan to the Prime Minister (referred to as the "planned refund measures" below in this Article) (referred to as the "plan for implementing refund measures" below in this Article) by the submission deadline of the written explanation prescribed in Article 15, paragraph (1), pursuant to the provisions of Cabinet Office Order.

- (2) The following matters must be entered in the plan for implementing refund measures:
  - (i) content and implementation period of the planned refund measures;
  - (ii) matters relating to the method of broadly disseminating the information in order for persons subject to the planned refund measures to understand the content of those planned refund measures; and
  - (iii) the amount of money required for implementing the planned refund measures and the means of raising those funds.
- (3) The plan for implementing refund measures may state the name of the person to whom the refund measures has already been implemented before applying for the approval referred to in paragraph (1), the amount of the money delivered to that person and its calculation method, and other matters prescribed by Cabinet Office Order as those related to the refund measures implemented before the application.
- (4) Pursuant to the provisions of Cabinet Office Order, if a person who applied for the approval referred to in paragraph (1) has implemented the refund measures after the application and before receiving a disposition for the application, the person must report to the Prime Minister the name of the person subject to the refund measures, the amount of the money delivered to that person and its calculation method, and other matters prescribed by Cabinet Office Order as those related to the refund measures, without delay.
- (5) When an application for the approval referred to in paragraph (1) has been made, the Prime Minister must not approve that application unless the plan for implementing refund measures conforms to all of the following requirements:
  - (i) the planned refund measures for the plan for implementing refund measures are expected to be smoothly and surely implemented;
  - (ii) the plan is not unfairly discriminatory towards specific persons among the persons that are subject to the planned refund measures for the plan for implementing refund measures (if the plan for implementing refund measures states the matters prescribed in paragraph (3) or if the report



- under the provisions of preceding paragraph has been made, including the persons for whom the refund measures related to the statement or report have been implemented); and
- (iii) the implementation period prescribed in paragraph (2), item (i) stated in the plan for implementing refund measures is to end within the period prescribed by Cabinet Office Order as a period found appropriate for promoting the recovery of damage suffered by the general consumers due to the act subject to administrative monetary penalty.
- (6) A person who has received the approval referred to in paragraph (1) (referred to as the "approved business operator" below in this Article and the following Article) must obtain an approval from the Prime Minister when seeking to change the plan for implementing refund measures for which the approval has been granted, pursuant to the provisions of Cabinet Office Order.
- (7) The provisions of paragraph (5) apply mutatis mutandis to the approval referred to in the preceding paragraph.
- (8) If the Prime Minister finds that the refund measures by an approved business operator are not being implemented in conformity with the approved plan for implementing refund measures (if changes under the provisions of paragraph (6) has been approved, the changed plan; referred to as the "approved implementation plan for refund measures" in paragraphs (1) and (2) of the following Article), the Prime Minister must revoke the approval referred to in paragraph (1) (including the approval of changes under the provisions of paragraph (6); simply referred to as the "approval" in the following paragraph and the proviso to paragraph (10)).
- (9) When granting an approval, or revoking an approval pursuant to the provisions of the preceding paragraph, the Prime Minister is to promptly notify the person subject to the disposition to that effect in writing.
- (10) Notwithstanding the provisions of Article 8, paragraph (1), if the Prime Minister has granted the approval referred to in paragraph (1), the Prime Minister may not order the approved business operator to pay administrative monetary penalty until the deadline for making the report prescribed in paragraph (1) of the following Article; provided, however, that this does not apply if the approval has been revoked pursuant to the provisions of paragraph (8).

Article 11 (1) An approved business operator (excluding those for whom the approval referred to in paragraph (1) of the preceding Article has been revoked under the provisions of paragraph (8) of that Article (including the approval of changes prescribed in the provisions of paragraph (6) of that Article); the same applies in paragraph (3)) must report to the Prime Minister the results of the refund measures for the approved implementation plan for refund measures

implemented after obtaining the approval referred to in paragraph (1) of that Article, within one week after the expiration of the implementation period prescribed in paragraph (2), item (i) of that Article, which is stated in the approved implementation plan for refund measures, pursuant to the provisions of Cabinet Office Order.

- (2) In the case referred to in Article 8, paragraph (1), if the Prime Minister finds that the refund measures implemented after obtaining the approval referred to in paragraph (1) of the preceding Article has been implemented in conformity with the approved implementation plan for refund measures based on the report prescribed under the provisions of the preceding paragraph, the Prime Minister is to deduct the amount calculated pursuant to the provisions of Cabinet Office Order as money delivered through the refund measures (if the approved implementation plan for refund measures states the matters prescribed in paragraph (3) of that Article or the report prescribed in the provisions of paragraph (4) of that Article is made, including the refund measures related to the matters or report) from the amount of administrative monetary penalty calculated pursuant to the provisions of Article 8, paragraph (1) or Article 9. In such a case, if the amount after deducting the amount calculated pursuant to the provisions of Cabinet Office Order from the amount of administrative monetary penalty falls below zero, the amount is to be zero.
- (3) Notwithstanding the provisions of Article 8, paragraph (1), the Prime Minister is not to order the approved business operator to pay administrative monetary penalty, if the amount of administrative monetary penalty calculated pursuant to the provisions of the preceding paragraph becomes less than ten thousand yen. In such a case, the Prime Minister is to promptly notify the approved business operator to that effect in writing.

(Obligation to Pay Administrative Monetary Penalty)

- Article 12 (1) A person who has received a payment order for administrative monetary penalty must pay the administrative monetary penalty calculated pursuant to the provisions of Article 8, paragraph (1) or (4), Article 9, or paragraph (2) of the preceding Article.
- (2) If the amount of administrative monetary penalty calculated pursuant to the provisions of Article 8, paragraph (1) or (4), Article 9, or paragraph (2) of the preceding Article has a fraction of less than ten thousand yen, the fraction is rounded down to the nearest ten thousand yen.
- (3) If a business operator who has committed acts subject to administrative monetary penalty is a corporation, and the corporation has ceased to exist as a result of the merger, the acts subject to administrative monetary penalty committed by that corporation are deemed to be acts subject to administrative monetary penalty committed by the surviving corporation, or the corporation

established as a result of the merger, and the provisions of Article 8 through the preceding Article, and the preceding two paragraphs and the following paragraph apply.

- (4) If a business operator that has committed an act subject to administrative monetary penalty is a corporation, and the corporation has transferred all of the business connected with the act subject to administrative monetary penalty to one subsidiary or multiple subsidiaries, etc. (meaning a subsidiary or parent company of a business operator (meaning another company that has a company as its subsidiary; the same applies below in this paragraph), or another company whose parent company is the same as that for the business operator: the same applies below in this paragraph) on or after the day the collection of reports, etc. was made for the case related to acts subject to administrative monetary penalty (if the collection of reports, etc. has not been commenced, the day on which the corporation received the notice under the provisions of Article 15, paragraph (1) on the act subject to administrative monetary penalty; the same applies below in this paragraph), or the corporation (limited to a company) has one subsidiary or multiple subsidiaries succeed to all of the business related to acts subject to administrative monetary penalty through a split on or after the starting date for the case on the act subject to administrative monetary penalty, and, has disappeared due to grounds other than merger, the act subject to administrative monetary penalty committed by the corporation is deemed to be an act subject to administrative monetary penalty committed by the subsidiaries, etc. that have been transferred all or part of the business, or has succeeded to all or part of the business through a split (referred to as the "subsidiaries, etc. that has succeeded to the specified business " below in this paragraph) and the provisions of Article 8 through the preceding Article and the preceding three paragraphs apply. In such a case, if there are two or more subsidiaries, etc. succeeding to a specified business, the term "to the business operator" in Article 8, paragraph (1) is deemed to be replaced with "to the subsidiary, etc. that has succeeded to the specified business (meaning the subsidiary, etc. that has succeeded to the specified business prescribed in Article 12, paragraph (4); the same applies below in this paragraph), jointly and severally with another subsidiary, etc., that has succeeded to the specified business that has received an order pursuant to the provisions of this paragraph, and the phrase "a person that has received..., ...jointly and severally with...Article 8, paragraph (1)" in paragraph (1) is deemed to be replaced with "the subsidiary, etc. that has succeeded to the specified business (meaning the subsidiary, etc. that has succeeded to the specified business prescribed in paragraph (4); the same applies below in this paragraph), jointly and severally with another subsidiary, etc. that has succeeded to the specified business that has received the order under the

provisions of Article 8, paragraph (1), ...that paragraph ".

- (5) The term "subsidiary" prescribed in the preceding paragraph means another company for which a company possesses a majority of voting rights (excluding voting rights for shares that may not be exercised on all of the matters that may be adopted at a shareholders meeting, and including voting rights for shares for which shareholders are deemed to have voting rights pursuant to the provisions of Article 879, paragraph (3) of the Companies Act (Act No. 86 of 2005); the same applies below in this paragraph) of all shareholders (including all members; the same applies below in this paragraph). In such a case, another company for which the company and its subsidiary or multiple subsidiaries, or its subsidiary or multiple subsidiaries possess the majority of the voting rights of all shareholders, is deemed to be a subsidiary of the company.
- (6) In the cases referred to in paragraphs (3) and (4), necessary matters for applying the provisions of Article 8, paragraphs (2) through (6), and Article 9 through the preceding Article are specified by Cabinet Order.
- (7) If five years have passed since the day when a person has ceased to commit an act subject to administrative monetary penalty, the Prime Minister may not order the person to pay administrative monetary penalty for the act subject to administrative monetary penalty.

(Providing Opportunity for Explanation in Response to Payment Orders for Administrative Monetary Penalty)

Article 13 When the Prime Minister intends to issue a payment order for administrative monetary penalty, the Prime Minister must grant the person that is to be the addressee of the payment order for administrative monetary penalty an opportunity for explanation.

(Method of Granting Opportunity for Explanation)

- Article 14 (1) The explanation is to be made by submitting a written statement of explanation (referred to as the "written explanation" in paragraph (1) of the following Article), excluding the case in which the Prime Minister has approved the explanation to be made orally.
- (2) When making an explanation, documentary evidence or an article of evidence may be submitted.

(Method of Notice for Granting Opportunity for Explanation)

Article 15 (1) The Prime Minister must notify the following matters to the person that is to be the addressee of a payment order for administrative monetary penalty, by giving a considerable period of time before the deadline for the submission of a written explanation (if an opportunity for an oral

explanation is to be granted, the date and time of the oral explanation):

- (i) the amount of administrative monetary penalty ordered to be paid;
  - (ii) the basis for calculating administrative monetary penalty and the act subject to administrative monetary penalty for the administrative monetary penalty; and
  - (iii) the submission location of a written explanation and the submission deadline (when an opportunity for oral explanation is to be granted, a notice to that effect and the date, time, and place for the person to appear).
- (2) If the whereabouts of the person who is to be the addressee of a payment order for administrative monetary penalty is unknown, the Prime Minister may give a notice under the provisions of the preceding paragraph by taking the measures of keeping a document stating the name of that person (if the person is a corporation, its name and the name of its representative), the matters stated in item (iii) of that paragraph, and the matters stated in the items of that paragraph entered by the Prime Minister (referred to as "public notice matters" below in this paragraph), readily available for inspection by a large number of unspecified persons by a method prescribed by Cabinet Office Order, and also taking the measures of posting the document stating the public notice matters on the bulletin board at the Consumer Affairs Agency, or displaying the public notice matters on the visual screen of a computer installed in the office of the Consumer Affairs Agency. In such a case, the notice is deemed to have reached the person two weeks after the date on which the measures have been taken.

#### (Agents)

- Article 16 (1) A person who has received the notice under the provisions of paragraph (1) of the preceding Article (including a person who is deemed to have received the notice pursuant to the provisions of the second sentence of paragraph (2) of that Article; referred to as the "person concerned" in the following paragraph and paragraph (4)) may appoint an agent.
- (2) Each agent may perform any and all acts relating to the explanation on behalf of the person concerned.
- (3) The qualifications of an agent must be proved in writing.
- (4) When an agent loses their qualifications, the person concerned who has appointed that agent must give a written notice to that effect to the Prime Minister.

#### (Method of Issuing Payment Orders for Administrative Monetary Penalty)

- Article 17 (1) A payment order for administrative monetary penalty must be given in writing, and must state the amount of administrative monetary penalty required to be paid, the basis for calculating the administrative

monetary penalty, and the act subject to administrative monetary penalty for the administrative monetary penalty, and the payment deadline.

- (2) A payment order for administrative monetary penalty takes effect when a certified copy of the written payment order for administrative monetary penalty has been served on the addressee.
- (3) The payment deadline of the administrative monetary penalty referred to in paragraph (1) is the day on which seven months has passed from the date of issuance of the written payment order for administrative monetary penalty.

#### (Demand for Payment)

- Article 18 (1) If a person has failed to pay administrative monetary penalty by the payment deadline, the Prime Minister must make a demand for payment by specifying a deadline in a written demand.
- (2) If the Prime Minister has made a demand under the provisions of the preceding paragraph, the Prime Minister may collect a delinquent charge calculated based on the number of days from the day after the payment deadline to the day on which the administrative monetary penalty is paid, at a rate of 14.5 percent per annum on the amount of the administrative monetary penalty concerning the demand; provided, however, that this does not apply if the delinquent charge amounts to less than one thousand yen.
  - (3) If the amount of delinquent charge calculated pursuant to the provisions of the preceding paragraph has a fraction of less than one hundred yen, the amount is rounded down to the nearest hundred yen.

#### (Execution of Payment Orders for Administrative Monetary Penalty)

- Article 19 (1) If a person who has received a demand pursuant to the provisions of paragraph (1) of the preceding Article fails to pay the amount they are required to pay by the designated deadline, a payment order for administrative monetary penalty is executed by order of the Prime Minister. This order has the same effect as an enforceable title of obligation.
- (2) A payment order for administrative monetary penalty is executed in accordance with the provisions of the Civil Execution Act (Act No. 4 of 1979) and other laws and regulations on compulsory execution procedures.
  - (3) If the Prime Minister finds it necessary for the execution of a payment order for administrative monetary penalty, the Prime Minister may make inquiries to public offices or public and private organizations, and request those offices and organizations to report necessary matters.

#### (Right to Claim Administrative Monetary Penalty)

- Article 20 In applying the provisions of the Bankruptcy Act (Act No. 75 of 2004), Civil Rehabilitation Act (Act No. 225 of 1999), Corporate Reorganization Act

(Act No. 154 of 2002), and Act on Special Treatment of Corporate Reorganization Proceedings and Other Insolvency Proceedings of Financial Institutions (Act No. 95 of 1996), the right to claim administrative monetary penalty for payment orders for administrative monetary penalty and the right to claim delinquent charges under the provisions of Article 18, paragraph (2) are deemed to be the right to claim civil fine.

(Exemption from Application of the Administrative Procedure Act)

Article 21 The provisions of Chapter III of the Administrative Procedure Act (Act No. 88 of 1993) do not apply to payment orders for administrative monetary penalty issued by the Prime Minister and other dispositions under the provisions of this Section; provided, however, that this does not apply to the application of the provisions of Article 12 and Article 14 of that Act related to the provisions of Article 10, paragraph (8).

#### **Section 4 Administrative Measures for Providing Premiums and Making Representations**

(Administrative Measures Required to be Taken by Business Operators for Providing Premiums and Making Representations)

- Article 22 (1) Business operators must develop necessary systems for properly administering the maximum amount and total amount of the premiums, and other matters on provision of premiums, and matters on representations related to the quality, standard, and other content of goods or services, in order to prevent unfairly inducing customers and hindering voluntary and rational choice-making by general consumers, by providing premiums or making representations for transactions of goods or services the business operators supply.
- (2) The Prime Minister is to establish necessary guidelines for appropriately and effectively implementing the measures business operators should take based on the provisions of the preceding paragraph (simply referred to as "the guidelines" below in this Article).
- (3) When establishing the guidelines, the Prime Minister must deliberate with the minister who has jurisdiction over the business of the business operator and the Fair Trade Commission, and hear the opinion of the Consumer Commission, in advance.
- (4) When the Prime Minister establishes the guidelines, the Prime Minister is to publish the guidelines without delay.
- (5) The provisions of the preceding two paragraphs apply mutatis mutandis to changes made to the guidelines.

(Guidance and Advice)

Article 23 If the Prime Minister finds it necessary for appropriately and effectively implementing the measures required to be taken by business operators, the Prime Minister may provide necessary guidance and advice on those measures to the business operators, based on the provisions of paragraph (1) of the preceding Article.

(Recommendation and Publication)

Article 24 (1) If the Prime Minister finds that a business operator has failed to take the measures that should be taken without legitimate grounds, the Prime Minister may issue a recommendation that the business operator should take the measures necessary for administering the provision of the premiums, or making the representations, based on the provisions of Article 22, paragraph (1).

(2) If the Prime Minister has issued a recommendation under the provisions of the preceding paragraph and the business operator does not comply with the recommendation, the Prime Minister may publicize that fact.

## **Section 5 Collection of Reports and On-site Inspections**

Article 25 (1) When the Prime Minister finds it necessary for enforcing this Act, the Prime Minister may have the business operator or other business operators who have a business relationship with that business operator make a report on their business or property, or order them to submit books and documents and other objects, or may have officials enter offices or other places of business of the business operator, or of other business operators who have a business relationship with that business operator, and inspect their books, documents, and other articles, or ask question to the persons concerned.

(2) An official conducting an on-site inspection pursuant to the provisions of the preceding paragraph must carry an identification card and present it to the persons concerned.

(3) The authority under the provisions of paragraph (1) must not be construed as being granted for the purpose of a criminal investigation.

## **Section 6 Approval of Corrective Measures Plans**

(Notices on Continuous Suspected Violations)

Article 26 When there are sufficient facts to suspect the existence of an act in violation of the restriction or prohibition under the provisions of Article 4 or the provisions of Article 5, the Prime Minister may give notice using a document stating the following matters to the person who is performing the



acts that caused the suspicion, for ensuring the voluntary and rational choice-making of goods and services by general consumers; provided, however, that this does not apply after giving a notice under the provisions of Article 30 or a notice under the provisions of Article 15, paragraph (1) of the Administrative Procedure Act related to order for measures:

- (i) summary of the act that has caused the suspicion;
- (ii) provisions of laws and regulations that are suspected to be violated; and
- (iii) the fact that an application for approval under the provisions of paragraph (1) of the following Article may be made.

(Application for Approval of Corrective Measures Plans)

Article 27 (1) When a person who has been given a notice under the provisions of the preceding Article seeks to formulate and implement necessary measures to correct the acts that caused suspicion and their impact, they may prepare a plan on the measures sought to be implemented (referred to as the "corrective measures" below in this Article and Article 29, paragraph (1), item (i)) (referred to as the "corrective measures plan" below in this Article and that item) and submit the plan to the Prime Minister within 60 days of receiving that notice and apply for its approval, pursuant to the provisions of Cabinet Office Order.

- (2) A corrective measures plan must state the following matters:
  - (i) content of the corrective measures;
  - (ii) the implementation period of the corrective measures; and
  - (iii) other matters specified by Cabinet Office Order.
- (3) When an application for approval under the provisions of paragraph (1) is made, the Prime Minister is to grant the approval when the Prime Minister finds that the corrective measures plan conforms to all of the following requirements:
  - (i) the corrective measures are sufficient to correct the act that has caused the suspicion and its impact;
  - (ii) the corrective measures are expected to be surely implemented.
- (4) The approval referred to in the preceding paragraph must be made in writing.
- (5) The approval referred to in paragraph (3) takes effect by serving a certified copy of the certificate of approval to the addressee.
- (6) When an application for approval under the provisions of paragraph (1) has been made, and the Prime Minister finds that the corrective measures plan does not conform to any of the items of paragraph (3), the Prime Minister must deny the application.
- (7) The provisions of paragraphs (4) and (5) apply mutatis mutandis to the disposition under the provisions of the preceding paragraph. In such a case, the term "certificate" in paragraph (5) is deemed to be replaced with "non-approval

certificate".

- (8) When a person who has obtained the approval referred to in paragraph (3) seeks to change the corrective measures plan related to the approval, the person must obtain the approval of the Prime Minister pursuant to the provisions of Cabinet Office Order.
- (9) The provisions of paragraphs (3) through (7) apply mutatis mutandis to the approval of the changes referred to in the preceding paragraph.

(Effects of Approval Related to Corrective Measures Plans)

Article 28 The provisions of Article 7, paragraph (1) and Article 8, paragraph (1) do not apply to acts that has caused suspicion concerning the approval when the Prime Minister has granted the approval referred to in paragraph (3) of the preceding Article (including the approval for changes referred to in paragraph (8) of that Article; the same applies in the following Article); provided, however, that this does not apply if the approval has been revoked under the provisions of paragraph (1) of the following Article.

(Revocation of Approval Related to Corrective Measures Plans)

- Article 29 (1) The Prime Minister must revoke the approval referred to in paragraph (3) of Article 27 if the case falls under any of the following items:
- (i) when it is found that corrective measures have not been implemented in accordance with the corrective measures plan that has been granted the approval referred to in Article 27, paragraph (3);
  - (ii) when it is found that a person who has obtained the approval referred to in paragraph (3) of Article 27, has obtained that approval based on false or fraudulent facts.
- (2) The provisions of Article 27, paragraphs (4) and (5) apply mutatis mutandis to the revocation of the approval referred to in paragraph (3) of that Article under the provisions of the preceding paragraph. In such a case, the term "certificate" in paragraph (5) of that Article is deemed to be replaced with "written revocation".
- (3) When the approval referred to in Article 27, paragraph (3) has been revoked under the provisions of paragraph (1), and the revocation was made on or after the date two years before the expiration of the period prescribed in Article 12, paragraph (7), the payment order for administrative monetary penalty for the act that caused the suspicion related to the approval may be issued even during the period of two years from the date of that revocation, notwithstanding the provisions of that paragraph.

(Notices on Suspected Violations in the Past)

Article 30 Even when there are no longer any sufficient facts to suspect the

existence of an act in violation of restriction or prohibition under the provisions of Article 4, or in violation of the provisions of Article 5, the Prime Minister may notify the persons stated in item (i) of the matters stated in item (ii) in writing on the act that has caused the suspicion, when the Prime Minister finds it necessary for ensuring voluntary and rational choice-making of goods and services by general consumers; provided, however, that this does not apply if a notice under the provisions of Article 30 of the Administrative Procedure Act related to order for measures, or a notice under the provisions of Article 15, paragraph (1) has been given.

(i) the following persons:

- (a) a person who committed the act that caused the suspicion;
- (b) when the person who committed the act that caused the suspicion is a corporation, the corporation surviving after the merger when the corporation ceased to exist as a result of the merger, or the corporation incorporated as a result of the merger;
- (c) when the person who committed the act that caused the suspicion is a corporation, a corporation that has succeeded to all or part of the business related to the act that caused the suspicion through a split from that corporation; and
- (d) the person who has acquired all or part of the business related to the act that caused the suspicion from the person who committed the act that caused the suspicion;

(ii) the following matters:

- (a) a summary of the act that caused the suspicion;
- (b) provisions of laws and regulations that are suspected to have been violated
- (c) the fact that an application for approval under the provisions of paragraph (1) of the following Article may be filed.

(Application for Approval of Impact Corrective Measures Plans)

Article 31 (1) When a person who has received a notice under the provisions of the preceding Article intends to formulate and implement necessary measures to correct the impacts of the act that has caused the suspicion (referred to as "impact corrective measures" below in this Article and Article 33, paragraph (1), item (i)), the person may prepare a plan (referred to as the "impact corrective measures plan" below in this Article and Article 33, paragraph (1), item (i)) on the measures to be implemented and submit the plan to the Prime Minister within 60 days from receiving that notice, and apply for approval of the Prime Minister pursuant to the provisions of Cabinet Office Order.

(2) An impact corrective measures plan must state the following matters:

- (i) content of the impact corrective measures;

- (ii) implementation period of the impact corrective measures; and
  - (iii) other matters specified by Cabinet Office Order.
- (3) When an application for approval has been made under the provisions of paragraph (1), the Prime Minister is to grant the approval when the Prime Minister finds that the impact corrective measures plan conforms to all of the following requirements:
- (i) the impact corrective measures are sufficient to correct the impact of the acts that have caused suspicion; and
  - (ii) the impact corrective measures are expected to be surely implemented.
- (4) The provisions of Article 27, paragraphs (4) and (5) apply *mutatis mutandis* to the approval referred to in the preceding paragraph.
- (5) When an application for approval under the provisions of paragraph (1) has been filed and the Prime Minister finds that the plan on impact corrective measures does not conform to any of the items of paragraph (3), the Prime Minister must deny that application.
- (6) The provisions of Article 27, paragraphs (4) and (5) apply *mutatis mutandis* to the disposition under the provisions of the preceding paragraph. In such a case, the term "certificate" in paragraph (5) of that Article is deemed to be replaced with "non-approval certificate".
- (7) When a person who has obtained the approval referred to in paragraph (3) intends to change the plan on impact corrective measures related to that approval, the person must obtain the approval of the Prime Minister pursuant to the provisions of Cabinet Office Order.
- (8) The provisions of paragraphs (3) through (6) apply *mutatis mutandis* to the approval of the changes referred to in the preceding paragraph.

#### (Effects of the Approval for Plan on Impact Corrective Measures)

Article 32 When the Prime Minister has granted the approval referred to in paragraph (3) of the preceding Article (including approval for changes under paragraph (7) of that Article; the same applies in the following Article), the provisions of Article 7, paragraph (1) and Article 8, paragraph (1) do not apply to the acts that caused the suspicion related to the approval; provided, however, that this does not apply when revocation under the provisions of paragraph (1) of the following Article has been made.

#### (Revocation of Approval for Plan on Impact Corrective Measures)

Article 33 (1) The Prime Minister must revoke the approval referred to in paragraph (3) of Article 31, if the case falls under any of the following items:

- (i) when it is found that impact corrective measures have not been implemented in conformity with the plan on impact corrective measures that has been granted the approval referred to in Article 31, paragraph (3); and

- (ii) when it is found that a person who has obtained the approval referred to in Article 31, paragraph (3) has obtained that approval based on false or fraudulent facts.
- (2) The provisions of Article 27, paragraphs (4) and (5) apply *mutatis mutandis* to the revocation of the approval referred to in Article 31, paragraph (3) made under the provisions of the preceding paragraph. In such a case, the term "certificate" in paragraph (5) of Article 27 is deemed to be replaced with "written revocation".
- (3) When the approval referred to in Article 31, paragraph (3) has been revoked under the provisions of paragraph (1), and the revocation has been made on or after the day that is two years before the expiration of the period prescribed in Article 12, paragraph (7), a payment order for administrative monetary penalty on the act that caused suspicion concerning that approval may be issued even during the period of two years from the date of the revocation, notwithstanding the provisions of that paragraph.

### **Chapter III Demand for Injunction by Qualified Consumer Organizations**

#### **(Right to Demand Injunction)**

- Article 34 (1) When a business operator has performed the act stated in the following items or is likely to perform the act against a large number of unspecified general consumers, a qualified consumer organization defined in Article 2, paragraph (4) of the Consumer Contract Act (Act No. 61 of 2000) (referred to as the "qualified consumer organization") may request that the business operator stop or prevent that act, make it broadly known that the act has made the representation prescribed in those items, or take other necessary measures to stop or prevent that act:
- (i) to make a representation indicating that the quality, standard or other content of the goods or services which is misunderstood as being significantly superior to the actual, or is significantly superior to those of other business operators supplying the same type of or similar to goods or services as those supplied by that business operator; or
  - (ii) to make a representation that misleads general consumers into considering that the prices of goods or services or other trade conditions to be significantly more advantageous than the actual prices or trade conditions, or than those of other business operators who supply the same or similar goods or services as those supplied by that business operator.
- (2) When consumer affairs support groups and consumer affairs supporters prescribed in Article 11-7, paragraph (1) of the Consumer Safety Act (Act No. 50 of 2009) obtain information of the fact that an business operator has performed or is likely to perform any of the acts stated in the items of the

preceding paragraph against a large number of unspecified consumers, they may provide the information to a qualified consumer organization to the extent necessary for the qualified consumer organization to appropriately exercise its right to make a demand under the provisions of that paragraph.

- (3) A qualified consumer organization that has received the information pursuant to the provisions of the preceding paragraph may not use or provide the information for purposes other than the purpose of providing it for the appropriately exercising the right to make a request under the provisions of paragraph (1).

#### (Request for Disclosure of Materials)

Article 35 (1) When a qualified consumer organization has reasonable grounds to suspect that a representation currently made by a business operator falls under the representation prescribed in paragraph (1), item (i) of the preceding Article, the qualified consumer organization may request the business operator to disclose materials indicating reasonable grounds to support the representation made by the business operator by providing the reasons for those grounds, pursuant to the provisions of Cabinet Office Order.

- (2) A business operator must endeavor to comply with the request under the provisions of the preceding paragraph, excluding cases in which the materials referred to in the preceding paragraph contain trade secrets (meaning trade secrets defined in Article 2, paragraph (6) of the Unfair Competition Prevention Act (Act No. 47 of 1993)) or in which there are other legitimate grounds.

### **Chapter IV Agreements or Rules**

#### (Agreements or Rules)

Article 36 (1) Pursuant to the provisions of Cabinet Office Order, a business operator or a trade association may conclude or establish an agreement or rules for preventing unfair inducement of customers and ensuring voluntary and rational choice-making by general consumers, and fair competition between business operators by obtaining the approval by the Prime Minister and the Fair Trade Commission regarding matters concerning premiums or representations. The same applies when seeking to change the agreement or rules.

- (2) The Prime Minister and the Fair Trade Commission must not grant the authorization referred to in the preceding paragraph, unless they find that the agreement or rules referred to in the preceding paragraph conform to all of the requirement referred to in the following items:
- (i) the agreement or rules are appropriate for preventing the unfair

- inducement of customers and ensuring voluntary and rational choice-making by general customers, and fair competition between business operators;
- (ii) the agreement or rules are not likely to unfairly hinder the interests of general consumers or related business operators;
  - (iii) the agreement or rules are not unfairly discriminatory; and
  - (iv) the agreement or rules do not unfairly restrict the participation in or withdrawal from the agreement or rules.
- (3) If the Prime Minister or the Fair Trade Commission finds that the agreement or rules approved under paragraph (1) no longer meets any of the requirements of the items of the preceding paragraph, they must revoke that approval.
- (4) If the Prime Minister and the Fair Trade Commission have made a disposition under the provisions of paragraph (1) or the preceding paragraph, they must give a public notice pursuant to the provisions of Cabinet Office Order.
- (5) The provisions of Article 7, paragraphs (1) and (2) of the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade (Act No. 54 of 1947) (including as applied *mutatis mutandis* pursuant to Article 8-2, paragraph (2) and Article 20, paragraph (2) of that Act), Article 8-2, paragraphs (1) and (3), Article 20, paragraph (1), Article 70-4, paragraph (1) and Article 74 of that Act do not apply to the agreement or rules that have obtained the approval referred to in paragraph (1), or the acts performed by business operators or trade associations based on the agreement or rules.

(Consultations)

Article 37 The Prime Minister must consult with the Fair Trade Commission in advance, when intending to establish a Cabinet Office Order prescribed in paragraphs (1) and (4) of the preceding Article.

## **Chapter V Miscellaneous Provisions**

(Delegation of Authority)

- Article 38 (1) The Prime Minister is to delegate the authority under this Act (excluding the authority prescribed by Cabinet Order) to the Commissioner of the Consumer Affairs Agency.
- (2) Pursuant to the provisions of Cabinet Order, the Commissioner of the Consumer Affairs Agency may delegate part of the authority delegated to them to the Fair Trade Commission.
- (3) If the Commissioner of the Consumer Affairs Agency finds it necessary for effectively issuing an order for measures, a payment order for administrative monetary penalty, or a recommendation under the provisions of Article 24, paragraph (1) to a business operator because it is necessary to handle

unjustifiable premiums and misleading representations in an urgent and focused manner and there are other circumstances prescribed by Cabinet Order, the Commissioner may delegate the authority delegated to them pursuant to the provisions of paragraph (1) (limited to the authority under the provisions of Article 25, paragraph (1)) to the minister who has jurisdiction over the business of that business operator, or to the Commissioner of the Financial Services Agency, pursuant to the provisions of Cabinet Order.

- (4) If the Fair Trade Commission, the minister who has jurisdiction over the business of a business operator, or the Commissioner of the Financial Services Agency has exercised the authority delegated to them pursuant to the provisions of the preceding two paragraphs, they are to report the results to the Commissioner of the Consumer Affairs Agency, pursuant to the provisions of Cabinet Order.
- (5) The minister who has jurisdiction over the business of a business operator may delegate all or part of the authority delegated to them pursuant to the provisions of paragraph (3), and the authority under the provisions of the preceding paragraph to the head of a local branch bureau of ministries and agencies, pursuant to the provisions of Cabinet Order.
- (6) The Commissioner of the Financial Services Agency may delegate part of the authority delegated to them pursuant to the provisions of paragraph (3) and the authority under the provisions of paragraph (4) (collectively referred to as the "authority of the Commissioner of the Financial Services Agency" in the following paragraph) to the Securities and Exchange Surveillance Commission, pursuant to the provisions of Cabinet Order.
- (7) The Commissioner of the Financial Services Agency may delegate part of the authority of the Commissioner of the Financial Services Agency (excluding the authority delegated to the Securities and Exchange Surveillance Commission pursuant to the provisions of the preceding paragraph) to the Director General of Local Finance Bureaus, or the Director General of Local Finance Branch Bureaus, pursuant to the provisions of Cabinet Order.
- (8) The Securities and Exchange Surveillance Commission may delegate part of the authority delegated to them pursuant to the provisions of paragraph (6) to the Director General of Local Finance Bureaus, or the Director General of Local Finance Branch Bureaus, pursuant to the provisions of Cabinet Order.
- (9) The Securities and Exchange Surveillance Commission is to direct and supervise the Director General of a Local Finance Bureau, or the Director General of a Local Finance Branch Bureau, regarding the affairs related to the authority delegated to the Director General of Local Finance Bureaus, or the Director General of Local Finance Branch Bureaus.
- (10) In the case referred to in paragraph (6), a request for a review of an order for the Securities and Exchange Surveillance Commission to make a report or



submit materials (including cases in which the Director General of Local Finance Bureaus, or Director General of the Local Finance Branch Bureaus makes a report or submits objects pursuant to the provisions of paragraph (8)) may only be made to the Securities and Exchange Surveillance Commission.

(11) Part of the affairs that fall under the authority delegated to the Commissioner of the Consumer Affairs Agency pursuant to the provisions of paragraph (1) may be conducted by a prefectural governor pursuant to the provisions of Cabinet Order.

(Delegation to Cabinet Office Order)

Article 39 (1) Beyond what is provided for in this Act, necessary matters for implementing this Act are specified by Cabinet Office Order.

(2) The provisions of Article 37 apply mutatis mutandis to cases in which the Prime Minister intends to establish the Cabinet Office Order provided for in the preceding paragraph (limited to an order for the agreement or rules referred to in Article 36, paragraph (1)).

(Coordination Among Relevant Persons)

Article 40 The Prime Minister, the heads of relevant administrative organs (if the administrative organ is an organ based on a council system, the administrative organ), the heads of relevant local governments, the head of the National Consumer Affairs Center of Japan, and other relevant persons are to endeavor to exchange necessary information and to ensure close coordination among them in order to prevent the inducement of customers through unjust premiums and misleading representations, and protect the interests of general consumers.

(Provision of Information to Foreign Enforcement Authorities)

Article 41 (1) The Prime Minister may provide foreign authorities that enforce foreign laws and regulations equivalent to this Act (referred to as a "foreign enforcement authority" in the following paragraph and paragraph (3)) with information that is found to contribute to the performance of their duties (limited to those equivalent to the duties prescribed in this Act; the same applies in the following paragraph).

(2) Appropriate measures must be taken for the provision of information under the provisions of the preceding paragraph, so that the information is not used for any purpose other than the performance of the duties of the foreign enforcement authority, and, is not used for the investigation of foreign criminal cases (limited to investigation conducted after the criminal facts subject to the investigation have been identified) or their trial (referred to in the following paragraph as "investigation, etc.") without the consent referred to in the

following paragraph.

- (3) When requested by a foreign enforcement authority, the Prime Minister may give consent to the use of the information the Prime Minister has provided pursuant to the provision of paragraph (1) for the investigation of a criminal case in the foreign country that made the request (referred to as the "requesting country" in item (iii)), excluding the cases falling under any of the following items:
- (i) if the crime that is the subject of the investigation, etc. of a criminal case related to the request is a political crime, or the request is found to have been made for conducting investigation, etc. of a political crime;
  - (ii) if the act for the crime that is the subject of the investigation, etc. of the criminal case related to the request were to be committed in Japan, and the act does not constitute a crime under the laws and regulations of Japan; and
  - (iii) if there is no assurance from the requesting country that the country will respond to a similar request made by Japan.
- (4) When giving the consent stated in the preceding paragraph, the Prime Minister must obtain confirmation from the Minister of Justice that the case does not fall under item (i) or (ii) of that paragraph, and confirmation from the Minister for Foreign Affairs that the case does not fall under item (iii) of that paragraph.

(Documents to be Served)

Article 42 Documents to be served are specified by Cabinet Office Order in addition to those provided for in this Act.

(Application, Mutatis Mutandis of the Code of Civil Procedure to Service)

Article 43 The provisions of Article 99, Article 101, Article 103, Article 105, Article 106, Article 107, paragraph (1) (limited to the part related to item (i); the same applies in paragraph (1), item (ii) of the following Article) and paragraph (3), Article 108, and Article 109 of the Code of Civil Procedure (Act No. 109 of 1996) apply mutatis mutandis to the service of documents. In such a case, the term "court execution officer" in Article 99, paragraph (1) of that Act and the term "court clerk" in Article 107, paragraph (1) of that Act are deemed to be replaced with "employees of the Consumer Affairs Agency", the term "Rules of the Supreme Court" in that paragraph is deemed to be replaced with "Cabinet Office Order," the term "presiding judge" in Article 108 of that Act and the term "court" in Article 109 of that Act are deemed to be replaced with "Prime Minister".

(Service by Publication)

Article 44 (1) The Prime Minister may make a service by publication in the

following cases:

- (i) when the domicile, residence, or other places where service of the document should be made is unknown
  - (ii) when service may not be made pursuant to the provisions of Article 107 paragraph (1) of the Code of Civil Procedure as applied *mutatis mutandis* pursuant to the preceding Article following the deemed replacement of terms;
  - (iii) when the service that should be made in a foreign country may not be made by applying 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, or when it is found that the service may not be made by the means referred to in the provisions; or
  - (iv) when six months have passed since a commission was issued to the competent government agency of a foreign country pursuant to the provisions of Article 108 of the Code of Civil Procedure as applied *mutatis mutandis* pursuant to the provisions of the preceding Article, and a document proving the service of the commission has not been sent.
- (2) Service by publication is made by making a document stating that the document to be served should be delivered at any time to the person who is to receive the service available for inspection by a large number of unspecified persons by the means specified by Cabinet Office Order, and by posting a document stating that fact on the bulletin board at the Consumer Affairs Agency, or making the information available for inspection by displaying that fact on a screen of a computer installed at the office of the Consumer Affairs Agency.
- (3) Service by publication becomes effective when two weeks have passed from the day on which the measures under the provisions of the preceding paragraph was taken.
- (4) The period referred to in the preceding paragraph is to be six weeks for service by publication for a service required to be made in a foreign country.

#### (Use of Electronic Data Processing Systems)

Article 45 When an official of the Consumer Affairs Agency has conducted the affairs concerning a disposition notice, etc. prescribed in Article 3, item (ix) of the Act on the Advancement of Government Administration Affairs That Use Information and Communications Technology (Act No. 151 of 2002), which are to be conducted by serving documents pursuant to the provisions of this Act or Cabinet Office Order by using the electronic data processing system prescribed in Article 6, paragraph (1) of the Act on the Advancement of Government Administration Affairs That Use Information and Communications Technology pursuant to the provisions of Article 7, paragraph (1) of that Act, in lieu of preparing and submitting a document stating the matters on the service under

the provisions of Article 109 of the Code of Civil Procedure as applied mutatis mutandis pursuant to Article 43 following the deemed replacement of terms, the matters must be recorded in a file stored on a computer (including input and output devices) used by the Consumer Affairs Agency by using the electronic data processing system.

## **Chapter VI Penal Provisions**

Article 46 (1) When an order for measures is violated, the person who committed that violation is punished by imprisonment with work for not more than two years, or a fine of not more than three million yen.

(2) Both imprisonment with work and a fine may be imposed on a person who has committed the crime referred to in the preceding paragraph, depending on the circumstances.

Article 47 A person who has failed to make reports or submit objects or has made false reports or submitted false objects under the provisions of Article 25, paragraph (1), or refused, obstructed, or evaded inspection under the provisions of that paragraph, or failed to answer, or given false answers to the questions under the provisions of that paragraph, is subject to punishment by imprisonment for not more than one year, or a fine of not more than three million yen.

Article 48 If the case falls under any of the following items, the person who has committed the violation is punished by a fine of not more than one million yen:

- (i) when a business operator has made a representation that misleads the general consumers into believing that the quality, standard, or other content of the goods or services that they supply in transactions are significantly superior than the actual quality, standard, or content, or those of other business operators supplying the same type of or similar goods or services as those of that business operator;
- (ii) when an business operator makes a representation that misleads general consumers into believing that the price of the goods or services or other trade conditions of the goods or services the business operator supplies are significantly more favorable than the actual price or trade conditions, or than those of other business operators who supply the same type or similar goods and services;

Article 49 (1) When a representative of a corporation, or an agent, an employee, or other workers of a corporation or individual has committed a violation stated in the following items regarding the business or property of the

corporation or individual, not only the offender is punished but also the corporation or that individual is subject to punishment by the fine prescribed in the respective items:

- (i) the provisions of Article 46, paragraph (1): a fine of not more than three hundred million yen; and
  - (ii) the provisions of the preceding two Articles: a fine referred to in each Article.
- (2) When a representative, an administrator, an agent, an employee, or other workers of an organization without judicial personality has committed a violation stated in each item of the preceding paragraph regarding a business or property of the organization, not only the offender is punished but also the organization is subject to punishment by a fine prescribed in the respective items.
- (3) In the case referred to in the preceding paragraph, the representative or administrator represents the organization for its procedural acts, and the provisions of the Code of Criminal Procedure (Act No. 131 of 1948) apply *mutatis mutandis* to procedural acts for cases in which a corporation is the defendant or the suspect.

Article 50 In the case of a violation referred to in Article 46, paragraph (1), the fine prescribed in that paragraph is also imposed on a representative of the corporation (excluding a corporation falling under a trade association), who has learned the plan for the violation but failed to take necessary measures to prevent the violation, or who has learned the violation but failed to take necessary measures to rectify that violation.

- Article 51 (1) In the case of a violation referred to in Article 46, paragraph (1), the fine prescribed in that paragraph is also imposed on a director or other officers or administrators of the trade association, or its constituent business operators (if the officer, employee, agent, or other persons who performs acts for the benefit of a business operator are constituent business operators, including that business operator) who has learned the plan for violation but failed to take necessary measures to prevent the violation, or who has learned the violation but failed to take necessary measures to rectify the violation.
- (2) When directors or other officers, or administrators of the trade association prescribed in the preceding paragraph, or its constituent business operators are a corporation or other organizations, the provisions of that paragraph apply to directors or other officers, or administrators of that organization.

Article 52 A qualified consumer organization that violates the provisions of Article 34, paragraph (3) and uses or provides information for purposes other

than the purposes prescribed in that paragraph, is subject to punishment by a civil fine of not more than three hundred thousand yen.

#### **Supplementary Provisions [Extract]**

- (1) This Act comes into effect on the day on which three months have passed since the date of promulgation; provided, however, that the provisions of the following paragraph come into effect on the date of promulgation.
- (2) A hearing on the designation under the provisions of Article 2 or Article 4, item (iii) or the restriction or prohibition under the provisions of Article 3 may be held before the date on which this Act comes into effect.

#### **Supplementary Provisions [Act No. 44 of May 30, 1972]**

This Act comes into effect on October 1, 1972.

#### **Supplementary Provisions [Act No. 89 of November 12, 1993] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the date on which the Administrative Procedure Act (Act No. 88 of 1993) comes into effect.

(Transitional Measures on Adverse Dispositions for Which Inquiries were Made)

Article 2 When inquiries or other requests have been made to a council or other organs based on a council system that procedures for granting opportunities for a hearing or explanation prescribed in Article 13 of the Administrative Procedure Act, or other procedures equivalent to the procedures for making a statement of opinions should be taken, prior laws and regulations continue to govern the procedures for adverse dispositions concerning the inquiries or requests, notwithstanding the provisions of related laws amended by this Act.

(Transitional Measures on Penal Provisions)

Article 13 In applying penal provisions to acts committed before this Act comes into effect, prior laws and regulations continue to govern.

(Transitional Measures Accompanying the Adjustment of Provisions on Hearings)

Article 14 Hearings or public hearings (excluding those concerning adverse dispositions) held pursuant to the provisions of laws before this Act comes into effect, or procedures for hearings, are deemed to have been held pursuant to

the corresponding provisions of relevant laws amended by this Act.

(Delegation to Cabinet Order)

Article 15 Beyond what is provided for in Article 2 through the preceding Article of the Supplementary Provisions, necessary transitional measures for the enforcement of this Act are specified by Cabinet Order.

### **Supplementary Provisions [Act No. 87 of July 16, 1999] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on April 1, 2000; provided, however, that the provisions stated in each of the following items come into effect on the date specified in each of those items:

- (i) the provisions in Article 1 which add five Articles, the Section heading, two Subsections, and Subsection headings after Article 250 of the Local Autonomy Act (limited to the part related to Article 250-9, paragraph (1) of that Act (limited to the part related to obtaining of the consent of both Houses of the Diet)), the provisions in Article 40 which amend paragraph (9) and paragraph (10) of the Supplementary Provisions of the Natural Parks Act (limited to the part related to paragraph (10) of the Supplementary Provisions), the provisions of Article 244 (excluding the part related to the amending provisions of Article 14-3 of the Agricultural Improvement Promotion Act), and the provisions of Article 472 (excluding the part related to the amending provisions of Article 6, Article 8 and Article 17 of the Municipal Merger Act), and the provisions of Article 7, Article 10, Article 12, the proviso to Article 59, Article 60 paragraph (4) and paragraph (5), Article 73, Article 77, Article 157 paragraph (4) through paragraph (6), Article 160, Article 163, Article 164 and Article 202 of the Supplementary Provisions: the date of promulgation.

(Affairs of the National Government)

Article 159 In addition to what is provided for in each law before being amended by this Act, the affairs of the national government, other local governments and other public entities administered or executed by organs of local governments pursuant to laws or Cabinet Orders based thereon before this Act comes into effect (referred to as "affairs of the national government, etc." in Article 161 of the Supplementary Provisions) are to be handled by a local government as the affairs of that local government pursuant to laws or Cabinet Orders based thereon after this Act comes into effect.

(Transitional Measures on Dispositions and Applications)

Article 160 (1) Dispositions for permissions granted pursuant to the provisions of each law before the amendment before the enforcement of this Act (for the provisions stated in each item of Article 1 of the Supplementary Provisions, each of those provisions; the same applies below in this Article and Article 163 of the Supplementary Provisions) or other acts (referred to as "acts of dispositions, etc.") applications for permissions granted pursuant to the provisions of each law before the amendment at the time of enforcement of this Act (referred to as "acts of permissions, etc.") for which the person that should conduct the administrative affairs related to those acts on the enforcement date of this Act is different, are deemed to be acts of dispositions, etc. or acts of applications, etc. made pursuant to the corresponding provisions of each law after the amendment, for applying each law after the amendment on and after the enforcement date of this Act, excluding those prescribed in the provisions of Article 2 through the preceding Article of the Supplementary Provisions, or the provisions on provisional measures of each law after amendment (including orders based on those laws).

(2) The matters for which reporting, notification, submission, or other procedures required to be made to the organs of the national government or local governments pursuant to the provisions of each law before the enforcement of this Act but the procedures have not been taken before the effective date of this Act, are deemed to be matters for which reporting, notification, submission or other procedures are required to be made to the corresponding organs of the national government and local governments pursuant to the corresponding provisions of each law after the amendment but the procedures have not been taken, and the provisions of each law after the amendment by this Act apply, unless otherwise provided for in this Act or Cabinet Orders based on this Act.

(Transitional Measures on Appeals)

Article 161 (1) The provisions of the Administrative Complaint Review Act apply to the dispositions related to the affairs of the national government, etc., made before the effective date by an administrative agency (referred to as an "administrative authority ordering the disposition" before in this Article) which had a higher administrative authority prescribed in the Act before the effective date (referred to as "higher administrative authority" below in this Article), by deeming that the administrative authority ordering the disposition continues to have a higher administrative authority even after the effective date. In such a case, the administrative authority that is deemed to be the higher administrative authority of the administrative authority reaching the disposition is considered to be the administrative authority that was the higher administrative authority of the administrative authority ordering the disposition before the effective date.



(2) In the case referred to in the preceding paragraph, when the administrative agency that is deemed to be the higher administrative agency is an organ of local governments, the affairs to be handled by that organ pursuant to the provisions of the Administrative Complaint Review Act are Type 1 statutory entrusted functions defined in Article 2 paragraph (9), item (i) of the new Local Autonomy Act.

(Transitional Measures on Fees)

Article 162 Prior laws and regulations continue to govern the fees required to be paid pursuant to the provisions of each law before amendment by this Act (including orders based on each law) before the effective date of this Act, except as otherwise provided for in this Act and Cabinet Orders based on this Act.

(Transitional Measures on Penal Provisions)

Article 163 In applying penal provisions to acts committed before this Act comes into effect, prior laws and regulations continue to govern.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 164 (1) Beyond what is provided for in these Supplementary Provisions, necessary transitional measures for the enforcement of this Act (including transitional measures on penal provisions) are prescribed by Cabinet Order.  
(2) Necessary matters for applying the provisions of Article 18, Article 51, and Article 184 of the Supplementary Provisions are prescribed by Cabinet Order.

(Review)

Article 250 Adding new functions to Type 1 statutory entrusted functions defined in Article 2, paragraph (9), item (i) of the new Local Autonomy Act is to be avoided as much as possible, and the functions listed in Appended Table 1 of the new Local Autonomy Act, and those indicated in Cabinet Orders based on the Act, are to be reviewed from the viewpoint of promoting decentralization, and appropriately amended, as necessary.

Article 251 To enable local governments to execute their affairs and projects autonomously and independently, the government is to review the course of action for enhancing and securing local tax resources in accordance with the division of roles between the national government and local governments, while taking into consideration changes in economic conditions, and take necessary measures based on the results of the review.

Article 252 The government is to review the state of the system of handling the affairs for social insurance and the how the employees engaged in the work

should handle the affairs from the perspective of securing the convenience of the insured persons and improving the efficiency of handling of the affairs in line with the reforms of the medical insurance system, the pension system, and other systems, and take necessary measures based on the results of that review, when the government finds it to be necessary.

**Supplementary Provisions [Act No. 76 of May 19, 2000] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the date specified by Cabinet Order within a period not exceeding six months from January 6, 2001.

**Supplementary Provisions [Act No. 45 of May 23, 2003]**

(Effective Date)

Article 1 This Act comes into effect on the date on which one month has passed since the date of promulgation; provided, however, that the amending provisions of Article 5, paragraph (1), the amending provisions Article 6, paragraph (1), and the amending provisions of Article 9-2 (limited to the part that amends "Article 4" to "Article 4, paragraph (1)"), and the provisions of the following Article come into effect on the date on which six months have passed since the date of promulgation.

(Transitional Measures)

Article 2 The provisions of Article 4 of the Act Against Unjustifiable Premiums and Misleading Representations after the amendment by this Act (referred to as the "new Act" below) applies to the representations made after the provisions stated in the proviso to the preceding Article has come into effect, and prior laws and regulations continue to govern the representations made before the provisions stated in the proviso to the Article come into effect.

Article 3 The provisions of Article 6, paragraph (2) and Article 8, paragraph (1) of the new Act apply to the cease and desist order issued by the Fair Trade Commission after this Act come into effect, and prior laws and regulations continue to govern the cease and desist order issued by the Fair Trade Commission before this Act comes into effect.

Article 4 The provisions of Article 9-2 of the new Act do not apply to an act that has ceased to exist before this Act comes into effect.

(Delegation to Cabinet Order)

Article 5 Beyond what is provided for in Article 2 through the preceding Article of the Supplementary Provisions, necessary transitional measures for the enforcement of this Act are specified by Cabinet Order.

**Supplementary Provisions [Act No. 35 of April 27, 2005] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the date specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

(Transitional Measures upon Partial Amendment to the Act Against Unjustifiable Premiums and Misleading Representations)

Article 22 When the notice under the provisions of Article 30 of the Administrative Procedure Act (Act No. 88 of 1993) for the violation prescribed in Article 6, paragraph (1) of the Act Against Unjustifiable Premiums and Misleading Representations before the amendment by the provisions of the preceding Article before the effective date, or a transcript of a written decision of commencement of trial proceedings under the provisions of Article 50, paragraph (2) of the former Act as applied pursuant to the provisions of Article 7, paragraph (1) of the Act Against Unjustifiable Premiums and Misleading Representations before the amendment by the provisions of the preceding Article, has been served, prior laws and regulations continue to govern the procedures for a cease and desist order and the trial procedures related to the violation, notwithstanding the provisions of the Act Against Unjustifiable Premiums and Misleading Representations amended by the provisions of the preceding Article and the provisions of the new Act.

**Supplementary Provisions [Act No. 29 of May 2, 2008] [Extract]**

(Effective Date)

(1) This Act comes into effect on April 1, 2009.

**Supplementary Provisions [Act No. 49 of June 5, 2009] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the date on which the Act Establishing the Consumer Affairs Agency and the Consumer Commission (Act No. 48 of 2009) comes into effect; provided, however, that the provisions stated in the following items come into effect on the date specified in each of those items:  
(i) the provisions of Article 9 of the Supplementary Provisions: the date of promulgation of this Act.

(Transitional Measures upon Partial Amendment to the Act Against Unjustifiable Premiums and Misleading Representations)

- Article 6 (1) The Rules of the Fair Trade Commission issued pursuant to the provisions of Article 5, paragraph (1) or Article 12, paragraph (1) or paragraph (4) of the Act Against Unjustifiable Premiums and Misleading Representations before the amendment by the provisions of Article 12 (referred to as the "former Act Against Unjustifiable Premiums" below in this Act) are to have the effect as the Cabinet Office Order referred to in Article 7, paragraph (3) of the Act for Establishment of the Cabinet Office issued pursuant to the provisions of Article 5, paragraph (1) or Article 12, paragraph (1) or paragraph (4) of the Act Against Unjustifiable Premiums and Misleading Representations amended by the provisions of Article 12 (referred to as the "new Act" below in this Article).
- (2) Restriction or prohibition imposed by the Fair Trade Commission under the provisions of Article 3 of the former Act Against Unjustifiable Premiums before the effective date are deemed to be restriction or prohibition imposed by the Prime Minister pursuant to the provisions of Article 3 of the new Act on the date the Act comes into effect.
- (3) The provisions of Article 6 of the new Act Against Unjustifiable Premiums are applicable to the restriction or prohibition made under the provisions of Article 3 of the former Act Against Unjustifiable Premiums or the violation of the provisions of Article 4, paragraph (1) of the former Act Against Unjustifiable Premiums committed before the effective date; provided, however, that prior laws and regulations continue to govern the order issued under the provisions of Article 6, paragraph (1) of the former Act Against Unjustifiable Premiums before the effective date and the application of the provisions of the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade (Act No. 54 of 1947) to the violation related to the order, and appeals against the order.
- (4) An agreement or rules approved pursuant to the provisions of Article 12, paragraph (1) of the former Act Against Unjustifiable Premiums on the effective date are deemed to be an agreement or rules approved by the Prime Minister and the Fair Trade Commission pursuant to the provisions of Article 11, paragraph (1) of the new Act Against Unjustifiable Premiums on the effective date.
- (5) Prior laws and regulations continue to govern appeals against a disposition made by the Fair Trade Commission pursuant to the provisions of Article 12, paragraph (1) or paragraph (3) of the former Act Against Unjustifiable Premiums, before the effective date.

(Transitional Measures on Application of Penal Provisions)

Article 8 Prior laws and regulations continue to govern when applying penal provisions to acts committed before the enforcement of this Act and the acts committed after the enforcement of this Act for which prior laws and regulations continue to govern pursuant to the Supplementary Provisions of this Act.

(Delegation to Cabinet Order)

Article 9 Beyond what is provided for in Article 2 through the preceding Article of the Supplementary Provisions, necessary transitional measures for the enforcement of this Act (including transitional measures on penal provisions) are specified by Cabinet Order.

**Supplementary Provisions [Act No. 100 of December 13, 2013] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the date specified by Cabinet Order within a period not exceeding one year and six months from the date of promulgation.

**Supplementary Provisions [Act No. 69 of June 13, 2014] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the effective date of the Administrative Appeal Act (Act No. 68 of 2014).

**Supplementary Provisions [Act No. 71 of June 13, 2014] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the date specified by Cabinet Order within a period not exceeding one year and six months from the date of promulgation; provided, however, that the provisions stated in the following items come into effect on the dates specified in each of those items:

- (i) the provisions of the following Article and Article 5 of the Supplementary Provisions: the date of promulgation; and
- (ii) the amending provisions of Article 10 of the Act Against Unjustifiable Premiums and Misleading Representations in Article 1 and the amending provisions that add an Article to the main provisions of that Act, the provisions of Article 2 (excluding the amending provisions stated in the following paragraph), and the provisions of Article 3, and Articles 7 through 11 of the Supplementary Provisions: the date specified by Cabinet Order within a period not exceeding two years from the date of promulgation.

(Transitional Measures upon Partial Amendment to the Act Against Unjustifiable Premiums and Misleading Representations)

Article 2 (1) Even before the enforcement of this Act, the Prime Minister may establish guidelines for necessary measures for administering the provision of premiums and representations required to be taken by a business operator in accordance with the provisions of Article 7 of the Act Against Unjustifiable Premiums and Misleading Representations amended by the provisions of Article 1.

(2) The guidelines established pursuant to the provisions of the preceding paragraph are deemed to have been established pursuant to the provisions of Article 7, paragraph (2) of the Act Against Unjustifiable Premiums and Misleading Representations after the amendment by the provisions of Article 1 on the effective date of this Act.

(Transitional Measures on Penal Provisions)

Article 4 Prior laws and regulations continue to govern the application of penal provisions to acts committed before the enforcement of this Act.

(Delegation to Cabinet Order)

Article 5 Beyond what is provided for in these Supplementary Provisions, necessary transitional measures for the enforcement of this Act are specified by Cabinet Order.

(Review)

Article 6 When five years have passed after the enforcement of this Act, the government is to review the implementation status of the provisions of this Act and take the required measures based on the results of that review, if it finds this necessary.

### **Supplementary Provisions [Act No. 118 of November 27, 2014] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the date specified by Cabinet Order within a period not exceeding one year and six months from the date of promulgation; provided, however, the provisions of Article 3 of the Supplementary Provisions come into effect on the date of promulgation.

(Transitional Measures)

Article 2 The provisions of Chapter II Section 3 of the Act Against Unjustifiable Premiums and Misleading Representations amended by this Act (referred to as

the "new Act" below) applies to the acts subject to administrative monetary penalty prescribed in Article 8, paragraph (1) of new Act committed on or after the effective date of this Act (referred to as "the effective date" in Article 7 of the Supplementary Provisions).

(Delegation to Cabinet Order)

Article 3 Beyond what is provided for in the preceding Articles, necessary transitional measures for the enforcement of this Act are specified by Cabinet Order.

(Review)

Article 4 When five years have passed after the enforcement of this Act, the government is to review the implementation status of the new Act and take the required measures based on the results of that review, when the government finds it necessary.

(Adjustment Provisions)

Article 7 If the effective date is before the date of the effective date of the Act on Arrangement of Related Acts Incidental to the Enforcement of the Administrative Complaint Review Act (Act No.69 of 2014), the term "Article 12, paragraph 10" in the provisions amending Article 12, paragraph 10 of the Act Against Unjustifiable Premiums and Misleading Representations in Article 28 of the Act on the Arrangement of Related Acts Accompanying the Enforcement of the Administrative Complaint Review Act is to be replaced with the phrase "Article 33, paragraph 10".

#### **Supplementary Provisions [Act No. 16 of May 31, 2019] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the date specified by Cabinet Order within a period not exceeding nine months from the date of promulgation.

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

(Effective Date)

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

- (i) the provisions of Article 3 and the amending 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 date of promulgation

(Delegation to Cabinet Order)

Article 125 Beyond what is provided for in these Supplementary Provisions, necessary transitional measures for the enforcement of this Act are specified by Cabinet Order.

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

(Effective Date)

(1) This Act comes into effect on the effective date of the Act Partially Amending the Penal Code and Related Acts; provided, however, that the provisions stated in the following items come into effect on the date specified in each of those items:

(i) the provisions of Article 509: the date of promulgation.

#### **Supplementary Provisions [Act No. 29 of May 17, 2023] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the date specified by Cabinet Order within a period not exceeding one year and six months from the date of promulgation; provided, however, that the provisions stated in each of the following items come into effect on the date specified in each of those items:

(i) the provisions of Article 4 of the Supplementary Provisions: the date of promulgation; and

(ii) the amending provisions of Article 15, paragraph (2): the date specified by Cabinet Order within a period not exceeding three years from the date of promulgation.

(Transitional Measures)

Article 2 The provisions of Article 8, paragraphs (4) through (6) of the Act Against Unjustifiable Premiums and Misleading Representations amended by this Act (referred to as the "new Act" in the following Article) apply to the calculation of the amount of administrative monetary penalty for acts subject to monetary penalty prescribed in Article 8, paragraph (1) of the Act Against Unjustifiable Premiums and Misleading Representations (referred to as "acts subject to administrative monetary penalty" in this Article) which have been commenced before the effective date of this Act (referred to as the "effective date" below in this Article and Article 8 of the Supplementary Provisions) and have not been discontinued on and after the effective date (for acts subject to



administrative monetary penalty commenced before the effective date and have not been discontinued on and after the effective date, limited to the portion corresponding to the acts subject to administrative monetary penalty on and after the effective date).

Article 3 In applying the provisions of Article 44, paragraphs (2) and (3) of the new Act during the period until the day before the effective date of the provisions stated in Article 1, item (ii) of the Supplementary Provisions, the phrase "making a document... available for inspection by a large number of unspecified persons by the means specified by Cabinet Office Order, and by posting the document stating that fact on the bulletin board at the Consumer Agency" in paragraph (2) of that Article is replaced with "posting the document on the bulletin board at the Consumer Agency" and the term "the measures... was taken" in paragraph (3) of that Article is replaced with "the document was started to be posted".

(Delegation to Cabinet Order)

Article 4 Beyond what is provided for in the preceding two Articles, necessary transitional measures for the enforcement of this Act (including transitional measures on penal provisions) are specified by Cabinet Order.