

不当景品類及び不当表示防止法施行令

Order for Enforcement of the Act Against Unjustifiable Premiums and Misleading Representations

(平成二十一年八月十四日政令第二百十八号)
(Cabinet Order No. 218 of August 14, 2009)

第一条 不当景品類及び不当表示防止法（以下「法」という。）第八条第一項に規定する政令で定める売上額の算定の方法は、次条に定めるものを除き、法第八条第二項に規定する課徴金対象期間（以下単に「課徴金対象期間」という。）において引き渡した商品又は提供した役務の対価の額を合計する方法とする。この場合において、次の各号に掲げる場合に該当するときは、当該各号に定める額を控除するものとする。

Article 1 The method for calculating the sales amount specified by Cabinet Order prescribed in Article 8, paragraph (1) of the Act Against Unjustifiable Premiums and Misleading Representations (referred to as "the Act" below), is to add together the amount of consideration for the goods delivered or services provided during the period subject to administrative monetary penalty prescribed in Article 8, paragraph (2) of the Act (simply referred to as the "administrative monetary penalty period"), excluding the method prescribed in the following Article. In such a case, if the case falls under any of the following items, the amount prescribed in that item is to be deducted:

一 課徴金対象期間において商品の量目不足、品質不良又は破損、役務の不足又は不良その他の事由により対価の額の全部又は一部を控除した場合 控除した額

(i) if a full or partial deduction has been made from the amount of consideration due to shortage, inferior quality, or damage of goods, insufficiency or inadequacy of services, or other reasons during the administrative monetary penalty period: the amount deducted;

二 課徴金対象期間において商品が返品された場合 返品された商品の対価の額

(ii) if goods have been returned during the administrative monetary penalty period: the amount of the consideration for the returned goods; or

三 商品の引渡し又は役務の提供を行う者が引渡し又は提供の実績に応じて割戻金の支払を行うべき旨が書面によって明らかな契約（一定の期間内の実績が一定の額又は数量に達しない場合に割戻しを行わない旨を定めるものを除く。）があった場合 課徴金対象期間におけるその実績について当該契約で定めるところにより算定した割戻金の額（一定の期間内の実績に応じて異なる割合又は額によって算定すべき場合にあつては、それらのうち最も低い割合又は額により算定した額）

(iii) if a contract clearly indicating that the person delivering the goods or providing the services is to pay a rebate in accordance with their performance in delivering or providing the goods or services, has been

concluded (excluding a contract providing that a rebate will not be paid if the performance during a specific period does not reach a specific amount or quantity): the amount of the rebate calculated pursuant to the provisions of that contract for the performance during the administrative monetary penalty period (if the amount of the rebate is calculated using different percentages or amount in accordance with the performance during a specific period, the amount calculated using the lowest percentage or amount among them).

第二条 法第八条第一項に規定する課徴金対象行為（以下単に「課徴金対象行為」という。）に係る商品又は役務の対価がその販売又は提供に係る契約の締結の際に定められる場合において、課徴金対象期間において引き渡した商品又は提供した役務の対価の額の合計額と課徴金対象期間において締結した契約により定められた商品の販売又は役務の提供の対価の額の合計額との間に著しい差異を生ずる事情があると認められるときは、同項に規定する売上額の算定の方法は、課徴金対象期間において締結した契約により定められた商品の販売又は役務の提供の対価の額を合計する方法とする。

Article 2 (1) If the amount of consideration for the goods or services related to acts subject to administrative monetary penalty prescribed in Article 8, paragraph (1) of the Act (simply referred to as the "acts subject to administrative monetary penalty" below) is specified at the time of concluding a contract for their sale or provision, and it is found that there are circumstances causing a significant difference between the total amount of consideration for the goods delivered or services provided during the administrative monetary penalty period and the total amount of consideration for the goods sold or the services provided specified in the contract concluded during the administrative monetary penalty period, the method for calculating the sales amount prescribed in that paragraph is the method of adding together the amount of consideration for the goods sold or the services provided specified in the contract concluded during the administrative monetary penalty period.

2 前条（第三号に係る部分に限る。）の規定は、前項に規定する方法により売上額を算定する場合に準用する。

(2) The provisions of the preceding Article (limited to the part related to item (iii)) apply mutatis mutandis when the amount of sales are calculated by the method prescribed in the preceding paragraph.

（法第十条第一項に規定する一般消費者の特定）

(Specifying General Consumers Prescribed in Article 10, Paragraph (1) of the Act)

第三条 法第十条第一項に規定する課徴金対象期間において当該商品又は役務の取引を行った一般消費者であって特定されているものは、当該一般消費者が課徴金対象行為

に係る商品の引渡し又は役務の提供を受けた日（法第十五条第一項の規定による通知を受けた者に係る法第八条第一項に規定する売上額の算定の方法について前条第一項の規定を適用する場合にあっては、当該一般消費者が課徴金対象行為に係る商品の購入又は役務の提供に係る契約を締結した日）が課徴金対象期間内であることが、当該商品の購入又は役務の提供の対価の支払に充てた金銭に係る領収書、当該商品の購入又は役務の提供に係る契約に係る契約書その他の当該事実を証する資料により特定された者（次条及び第五条第一項において「特定消費者」という。）とする。

Article 3 A general consumer who has conducted a transaction for the goods or services during the administrative monetary penalty period prescribed in Article 10, paragraph (1) of the Act and has been specified is a person for whom it has been specified that the day on which the goods or the services related to acts subject to administrative monetary penalty has been delivered or provided (when applying the provisions of paragraph (1) of the preceding Article to the method of calculating the sales amount prescribed in Article 8, paragraph (1) of the Act related to a person who has received a notice under the provisions of Article 15, paragraph (1) of the Act, the day on which the general customer has concluded a contract for the purchase of goods or provision of services related to the acts subject to administrative monetary penalty) to the general customer is within the administrative monetary penalty period by the receipt for the money used to pay the amount of consideration for the purchase of goods or the provision of the services, the written contract of the contract for the purchase of the goods or provision of the services, or other materials proving that fact (referred to as "specified consumer" in the following Article and Article 5, paragraph (1)).

（法第十条第一項に規定する政令で定める購入額の算定の方法）

(Method of Calculating the Purchase Price Specified by Cabinet Order

Prescribed in Article 10, Paragraph (1) of the Act)

第四条 法第十条第一項に規定する政令で定める購入額の算定の方法は、次条に定めるものを除き、同項の申出をした特定消費者が課徴金対象期間において引渡しを受けた商品又は提供を受けた役務の対価の額を合計する方法とする。この場合において、次の各号に掲げる場合に該当するときは、当該各号に定める額を控除するものとする。

Article 4 The method of calculating the purchase price that is specified by Cabinet Order prescribed in Article 10, paragraph (1) of the Act is to add together the amount of consideration for the goods delivered or services provided during the administrative monetary penalty period to specified consumers who have made a request provided for in that paragraph, excluding the amounts provided for in the following Article. In such a case, if the case falls under any of the following items, the amount prescribed in that item is to be deducted:

一 課徴金対象期間において商品の量目不足、品質不良又は破損、役務の不足又は不

- 良その他の事由により対価の額の全部又は一部が控除された場合 控除された額
- (i) if a full or partial deduction has been made from the amount of consideration due to shortage, inferior quality, or damage of goods, the insufficiency or inadequacy of services, or other reasons during the monetary penalty period: the amount deducted;
- 二 課徴金対象期間において商品を返品した場合 返品した商品の対価の額
- (ii) if goods have been returned during the monetary penalty period: the amount of the consideration for the returned goods; or
- 三 商品の引渡し又は役務の提供を行う者から引渡し又は提供の実績に応じて割戻金の支払を受けるべき旨が書面によって明らかな契約（一定の期間内の実績が一定の額又は数量に達しない場合に割戻しを受けない旨を定めるものを除く。）があった場合 課徴金対象期間におけるその実績について当該契約で定めるところにより算定した割戻金の額（一定の期間内の実績に応じて異なる割合又は額によって算定すべき場合にあっては、それらのうち最も低い割合又は額により算定した額）
- (iii) if a contract clearly indicating that the person delivering the goods or providing the services is to be paid a rebate in accordance with their performance in delivering or providing them has been concluded (excluding a contract providing that a rebate will not be paid if the performance during a specific period does not reach a specific amount or quantity): the amount of the rebate calculated pursuant to the provisions of the contract for its performance during the monetary penalty period (if the amount of the rebate is to be calculated using different percentages or amounts in accordance with the performance during a specific period, the amount calculated using the lowest percentage or amount among them).

第五条 法第十五条第一項の規定による通知を受けた者に係る法第八条第一項に規定する売上額の算定の方法について第二条第一項の規定を適用する場合においては、法第十条第一項に規定する購入額の算定の方法は、同項の申出をした特定消費者が課徴金対象期間において締結した契約により定められた商品の購入又は役務の提供の対価の額を合計する方法とする。

Article 5 (1) When applying the provisions of Article 2, paragraph (1) of the Act to the method for calculating the sales amount prescribed in Article 8, paragraph (1) of the Act for a person that has received a notice under the provisions of Article 15, paragraph (1) of the Act, the method for calculating the purchase price provided for in Article 10, paragraph (1) of the Act is to be the method of adding together the amounts of consideration for the goods purchased or the services provided which are prescribed in the contracts concluded by specified consumers who have made the request referred to in that paragraph during the administrative monetary penalty period.

2 前条（第三号に係る部分に限る。）の規定は、前項に規定する方法により購入額を算定する場合に準用する。

- (2) The provisions of the preceding Article (limited to the part related to item (iii)) apply mutatis mutandis when calculating the purchase price by the method prescribed in the preceding paragraph.

(法第十二条第三項の場合における法第八条第二項及び第三項並びに第九条から第十一条までの規定の適用)

(Application of Provisions of Article 8, Paragraphs (2) and (3), and Articles 9 through 11 of the Act in the Case Referred to in Article 12, Paragraph (3) of the Act)

第六条 法第十二条第三項の場合において、当該消滅した法人が行った法第八条第二項に規定する取引（以下この条及び第十条において「課徴金対象行為後取引」という。）又は同項に規定する措置（以下この条及び第十条において「不当顧客誘引解消措置」という。）は、法第十二条第三項の規定により合併後存続し、又は合併により設立された法人がしたとみなされる課徴金対象行為について、当該合併後存続し、又は合併により設立された法人が行った課徴金対象行為後取引又は不当顧客誘引解消措置とみなして、法第八条第二項の規定を適用する。

Article 6 In the case referred to in Article 12, paragraph (3) of the Act, the transactions prescribed in Article 8, paragraph (2) of the Act conducted by the dissolved corporation (referred to as the "transactions conducted after the acts subject to administrative monetary penalty" below in this Article and Article 10) or the measures prescribed in that paragraph (referred to as "measures to eliminate the unfair inducement of customers" below in this Article and Article 10) are deemed to have been transactions conducted after the acts subject to administrative monetary penalty or measures to eliminate the unfair inducement of customers conducted or taken by the corporation surviving the merger or established through the merger pursuant to the provisions of Article 12, paragraph 3 of the Act, and the provisions of Article 8, paragraph 2 of the Act apply.

第七条 法第十二条第三項の場合における法第八条第三項の規定の適用については、次項に定めるものを除き、同条第三項中「当該表示をした事業者」とあるのは「当該表示をした事業者との合併後存続し、又は当該事業者と他の事業者との合併により設立された法人」と、「当該事業者」とあるのは「当該合併後存続し、又は合併により設立された法人」とする。

Article 7 (1) In applying the provisions of Article 8, paragraph (3) of the Act to the case referred to in Article 12, paragraph (3) of the Act, the term "business operator that made the representation" in Article 8, paragraph (3) of the Act is deemed to be replaced with "corporation surviving the merger with a business operator that made the representation or corporation established by the merger of the business operator that made the representation with another business operator" and the term "the business operator" in that paragraph is

deemed to be replaced with the "corporation surviving the merger or established by the merger", excluding the case prescribed in the following paragraph.

- 2 法第十二条第三項の場合において、当該消滅した法人が法第八条第三項の規定による資料の提出の求めを受けたときにおける同項の規定の適用については、同項中「当該事業者」とあるのは、「当該事業者又は当該事業者との合併後存続し、若しくは当該事業者と他の事業者との合併により設立された法人のいずれも」とする。

(2) In the case referred to in Article 12, paragraph (3) of the Act, in applying the provisions of Article 8, paragraph (3) of the Act when the dissolved corporation has received a request under the provisions of that paragraph to submit materials, the term "the business operator" in that paragraph is deemed to be replaced with "any of the business operator, or a corporation that survived the merger with the business operator, or a corporation established in the merger of the business operator and another business operator".

第八条 法第十二条第三項の場合において、当該消滅した法人が行った法第九条の規定による報告は、同項の規定により合併後存続し、又は合併により設立された法人がしたとみなされる課徴金対象行為に該当する事実について、当該合併後存続し、又は合併により設立された法人が行った同条の規定による報告とみなして、同条の規定を適用する。

Article 8 In the case referred to in Article 12, paragraph (3) of the Act, a report under the provisions of Article 9 of the Act made by the dissolved corporation is deemed to be a report made under the provisions of that Article by the corporation that survived the merger, or established by the merger pursuant to that paragraph on the facts that fall under acts subject to administrative monetary penalty that is deemed to have been committed by the corporation that survived the merger, or established by the merger, and the provisions of that Article apply.

第九条 法第十二条第三項の場合において、当該消滅した法人が行った法第十条第一項に規定する返金措置、同項の認定の申請、同条第四項の規定による報告、同条第六項の規定による変更の認定の申請若しくは法第十一条第一項の規定による報告（以下この条及び第十三条において「実施予定返金措置計画申請等」という。）又は当該消滅した法人が受けた法第十条第一項の認定、同条第六項の規定による変更の認定、同条第八項の規定による同条第一項の認定（同条第六項の規定による変更の認定を含む。）の取消し若しくは法第十五条第一項の規定による通知（以下この条及び第十三条において「実施予定返金措置計画認定等」という。）は、法第十二条第三項の規定により合併後存続し、又は合併により設立された法人がしたとみなされる課徴金対象行為について、当該合併後存続し、若しくは合併により設立された法人が行った実施予定返金措置計画申請等又は当該合併後存続し、若しくは合併により設立された法人が受けた実施予定返金措置計画認定等とみなして、法第十条及び第十一条の規定を適

用する。

Article 9 In the case referred to in Article 12, paragraph (3) of the Act, the refund measures prescribed in the provisions of Article 10, paragraph (1) of the Act, the application for the approval referred to in that paragraph, the report under the provisions of paragraph (4) of that Article, the application for the approval of changes under the provisions of paragraph (6) of that Article, or the report under the provisions of Article 11, paragraph (1) of the Act (referred to as "application, etc. for the implementation plan for refund measures" below in this Article and Article 13) made or taken by the dissolved corporation, or the approval referred to in Article 10, paragraph (1) of the Act, the approval of changes under the provisions of paragraph (6) of that Article, the revocation of the approval referred to in paragraph (1) of that Article (including the approval of changes under the provisions of paragraph (6) of that Article) under the provisions of paragraph (8) of that Article, or the notice under the provisions of Article 15, paragraph (1) of the Act (referred to as "approval, etc. of the implementation plan for refund measures" below in this Article and Article 13) received by the dissolved corporation, is deemed to be an application, etc. for the implementation plan for refund measures that the corporation that survived the merger or established by the merger has made, or approval, etc. of the implementation plan for refund measures received by the corporation that survived the merger or established by the merger, for the acts subject to administrative monetary penalty that is deemed to have been conducted by the corporation that survived the merger or established by the merger, and the provisions of Articles 10 and 11 of the Act apply.

(法第十二条第四項の場合における法第八条第二項及び第三項並びに第九条から第十一条までの規定の適用)

(Application of the Provisions of Article 8, Paragraphs (2) and (3), and Articles 9 through 11 in the Case Referred to in Article 12, Paragraph (4) of the Act)

第十条 法第十二条第四項の場合において、当該消滅した法人が行った課徴金対象行為後取引又は不当顧客誘引解消措置は、同項の規定により同項に規定する特定事業承継子会社等（以下単に「特定事業承継子会社等」という。）がしたとみなされる課徴金対象行為について、当該特定事業承継子会社等が行った課徴金対象行為後取引又は不当顧客誘引解消措置とみなして、法第八条第二項の規定を適用する。

Article 10 In the case referred to in Article 12, paragraph (4) of the Act, the transactions conducted after the act subject to administrative monetary penalty and the measures to eliminate unfair inducement of customers which have been conducted or taken by the dissolved corporation are deemed to be transactions conducted after the act subject to administrative monetary penalty and measures to eliminate unjust inducement of customers which have been conducted or taken by the subsidiary, etc. succeeding to specified business

prescribed in that paragraph pursuant to the provisions referred to in that paragraph (referred to as "subsidiary, etc. succeeding to specified business" below) for acts subject to administrative monetary penalty deemed to have been committed by the subsidiary, etc. succeeding to specified business, and the provisions of Article 8, paragraph (2) of the Act apply.

第十一条 法第十二条第四項の場合における法第八条第三項の規定の適用については、次項に定めるものを除き、同条第三項中「当該表示をした事業者」とあるのは「第十二条第四項に規定する特定事業承継子会社等」と、「当該事業者」とあるのは「当該特定事業承継子会社等（当該特定事業承継子会社等が二以上ある場合にあっては、当該特定事業承継子会社等のいずれも）」とする。

Article 11 (1) In applying the provisions of Article 8, paragraph (3) of the Act to the case referred to in Article 12, paragraph (4) of the Act, the term "business operator that made the representation" in Article 8, paragraph (3) of that Article is deemed to be replaced with "subsidiary, etc. succeeding to specified business prescribed in Article 12, paragraph (4)", and the term "the business operator" in that paragraph is deemed to be replaced with "the subsidiary, etc. succeeding to specified business (if there are two or more subsidiaries, etc. succeeding to specified business, any of the subsidiaries, etc. succeeding to specified business)", excluding the case prescribed in the following paragraph.

2 法第十二条第四項の場合において、当該消滅した法人が法第八条第三項の規定による資料の提出の求めを受けたときにおける同項の規定の適用については、同項中「当該事業者」とあるのは、「当該事業者又は第十二条第四項に規定する特定事業承継子会社等（当該特定事業承継子会社等が二以上ある場合にあっては、当該特定事業承継子会社等のいずれも）のいずれも」とする。

(2) In the case referred to in Article 12, paragraph (4) of the Act, in applying the provisions of that paragraph when the dissolved corporation has received a request to submit materials under the provisions of Article 8, paragraph (3) of the Act, the term "the business operator" in that paragraph is deemed to be replaced with "all of the business operator or the subsidiary, etc. succeeding to specified business prescribed in Article 12, paragraph (4) (if there are two or more subsidiaries, etc. succeeding to specified business, all of the subsidiaries, etc. succeeding to specified business)".

第十二条 法第十二条第四項の場合において、当該消滅した法人が行った法第九条の規定による報告は、同項の規定により特定事業承継子会社等がしたとみなされる課徴金対象行為に該当する事実について、当該特定事業承継子会社等が行った同条の規定による報告とみなして、同条の規定を適用する。

Article 12 In the case referred to in Article 12, paragraph (4) of the Act, a report under the provisions of Article 9 of the Act which has been made by the dissolved corporation is deemed to be a report under the provisions of that

Article which has been made by the subsidiary, etc. succeeding to specified business on the facts falling under the acts subject to monetary penalty that are deemed to have been committed by the subsidiary, etc. succeeding to specified business pursuant to the provisions of that paragraph, and the provisions of that Article apply.

第十三条 法第十二条第四項の場合において、当該消滅した法人が行った実施予定返金措置計画申請等又は当該消滅した法人が受けた実施予定返金措置計画認定等は、同項の規定により特定事業承継子会社等がしたとみなされる課徴金対象行為について、当該特定事業承継子会社等が行った実施予定返金措置計画申請等又は当該特定事業承継子会社等が受けた実施予定返金措置計画認定等とみなして、法第十条及び第十一条の規定を適用する。

Article 13 In the case referred to in Article 12, paragraph (4) of the Act, the application for the implementation plan for refund measures that has been made by the dissolved corporation, or the approval, etc. the implementation plan for refund measures received by the dissolved corporation is deemed to be an application for the implementation plan for refund measures that the subsidiaries, etc. succeeding to a specified business have made or the approval for the implementation plan for refund measures received by the subsidiaries, etc. succeeding to a specified business for the act subject to administrative monetary penalty deemed to have been committed by the subsidiaries, etc. succeeding to a specified business pursuant to the provisions of that paragraph, and the provisions of Article 10 and Article 11 of the Act apply.

(消費者庁長官に委任されない権限)

(Authority Not Delegated to the Commissioner of the Consumer Affairs Agency)

第十四条 法第三十八条第一項の政令で定める権限は、法第二条第三項及び第四項、第三条第一項（消費者委員会からの意見の聴取に係る部分に限る。）及び第二項、第四条、第五条第三号、第六条第一項（消費者委員会からの意見の聴取に係る部分に限る。）及び第二項、第二十二条第二項並びに同条第三項及び第四項（これらの規定を同条第五項において準用する場合を含む。）の規定による権限とする。

Article 14 The authority specified by Cabinet Order referred to in Article 38, paragraph (1) of the Act is the authority under the provisions of Article 2, paragraphs (3) and (4), Article 3, paragraph (1) (limited to the part related to hearing of opinions from the Consumer Commission) and paragraph (2), Article 4, Article 5, item (iii), Article 6, paragraph (1) (limited to the part related to hearing of opinions from the Consumer Commission) and paragraph (2), Article 22, paragraph (2), and Article 26, paragraphs (3) and (4), of the Act (including as applied mutatis mutandis pursuant to paragraph (5) of that Article).

(公正取引委員会への権限の委任)

(Delegation of Authority to the Fair Trade Commission)

第十五条 法第三十八条第一項の規定により消費者庁長官に委任された権限のうち、法第二十五条第一項の規定による権限は、公正取引委員会に委任する。ただし、消費者庁長官が自らその権限を行使することを妨げない。

Article 15 Among the authority delegated to the Commissioner of the Consumer Affairs Agency pursuant to the provisions of Article 38, paragraph (1) of the Act, the authority under the provisions of Article 25, paragraph (1) of the Act is delegated to the Fair Trade Commission; provided, however, that this does not preclude the Commissioner of the Consumer Affairs Agency from personally exercising that authority.

(法第三十八条第三項の政令で定める事情)

(Circumstances Specified by Cabinet Order Referred to in Article 38, Paragraph (3) of the Act)

第十六条 法第三十八条第三項の政令で定める事情は、次の各号のいずれかに該当する事情とする。

Article 16 The circumstances specified by Cabinet Order that is referred to in Article 38, paragraph (3) of the Act are those falling under any of the following items:

一 緊急かつ重点的に不当な景品類又は表示に対処する必要があること。

(i) it is necessary to handle unjustifiable premiums or misleading representations in an urgent and focused manner;

二 前号のほか、効果的かつ効率的に不当な景品類又は表示に対処するために事業者の事業を所管する大臣又は金融庁長官が有する専門的知見を特に活用する必要があること。

(ii) in addition to the preceding item, it is particularly necessary to make use of the expert knowledge of the minister with jurisdiction over the business of the business operator or the Commissioner of the Financial Services Agency, in order to effectively and efficiently handle unjustifiable premiums, or misleading representations.

(事業所管大臣等への権限の委任)

(Delegation of Authority to the Minister with Jurisdiction over Business)

第十七条 消費者庁長官は、法第三十八条第三項の規定により、法第二十五条第一項の規定による権限を委任する場合においては、委任しようとする事務の範囲及び期間を定めて、事業者の事業を所管する大臣又は金融庁長官に委任するものとする。ただし、消費者庁長官が自らその権限を行使することを妨げない。

Article 17 (1) When delegating the authority under the provisions of Article 25, paragraph (1) of the Act pursuant to the provisions of Article 38, paragraph (3) of the Act, the Commissioner of the Consumer Affairs Agency is to establish

the scope and the period of the affairs to be delegated, and delegate those affairs to the minister with jurisdiction over the business of the business operator or the Commissioner of the Financial Services Agency; provided, however, that this does not preclude the Commissioner of the Consumer Affairs Agency from personally exercising that authority.

2 消費者庁長官は、前項の規定により委任しようとする事務の範囲及び期間を定めようとするときは、あらかじめ、事業者の事業を所管する大臣又は金融庁長官に協議しなければならない。

(2) When establishing the scope and the period of affairs sought to be delegated pursuant to the provisions of the preceding paragraph, the Commissioner of the Consumer Affairs Agency must consult with the minister with jurisdiction over the business of the business operator, or the Commissioner of the Financial Services Agency in advance.

(権限行使の結果の報告)

(Report on Results of Exercise of the Authority)

第十八条 法第三十八条第四項の規定による報告は、速やかに、次に掲げる事項を記載した書面（電子的方式、磁気的方式その他の知覚によっては認識することができない方式で作られる記録を含む。）により行うものとする。

Article 18 The report under the provisions of Article 38, paragraph (4) of the Act is to be promptly made by using a document stating the following matters (including records created by electronic means, magnetic means, or other means that cannot be perceived by the human senses):

一 報告若しくは物件の提出の命令又は立入検査若しくは質問を行った結果により判明した事実

(i) facts revealed as a result of an order to make a report or submit items, or an on-site inspection or questioning; and

二 その他参考となるべき事項

(ii) other matters that should serve as reference.

(地方支分部局の長への権限の委任)

(Delegation of Authority to the Heads of Local Branch Offices)

第十九条 財務大臣は、法第三十八条第三項の規定により委任された権限及び同条第四項の規定による権限（いずれも国税庁の所掌に係るものを除く。）を、特定事業者（法第二十五条第一項に規定する当該事業者及びその者とその事業に関して関係のある事業者をいう。以下この条において同じ。）の事務所、事業所その他その事業を行う場所の所在地を管轄する財務局長（当該所在地が福岡財務支局の管轄区域内にある場合にあっては、福岡財務支局長）又は税関長に委任する。ただし、財務大臣が自らその権限を行使することを妨げない。

Article 19 (1) The Minister of Finance delegates the authority the Minister has been delegated pursuant to the provisions of Article 38, paragraph (3) of the

Act and the authority under the provisions of paragraph (4) of that Article (excluding the authority under the jurisdiction of the National Tax Agency for both cases) to the Director General of a Local Finance Bureau with jurisdiction over the locality of the office, place of business, or other places where a specified business operator conducts their business (meaning the business operator prescribed in Article 25, paragraph (1) of the Act and a business operator that has a business relationship with that business operator; the same applies below in this Article) (if that locality is within the area under the jurisdiction of the Fukuoka Local Finance Branch Bureau, the Director General of the Fukuoka Local Finance Branch Bureau), or the Director General of the Customs; provided, however, that this does not preclude the Minister of Finance from personally exercising that authority.

- 2 財務大臣は、法第三十八条第三項の規定により委任された権限及び同条第四項の規定による権限（いずれも国税庁の所掌に係るものに限る。）を、特定事業者の事務所、事業所その他その事業を行う場所の所在地を管轄する国税局長（当該所在地が沖縄県の区域内にある場合にあつては、沖縄国税事務所長）又は税務署長に委任する。ただし、財務大臣が自らその権限を行使することを妨げない。

- (2) The Minister of Finance delegates the authority the Minister has been delegated pursuant to the provisions of Article 38, paragraph (3) of the Act and the authority under the provisions of paragraph (4) of that Article (limited to the authority under the jurisdiction of the National Tax Agency) to the Director-General of the National Taxation Bureau with jurisdiction over the locality of the office, place of business, or other places where a specified business operator conducts business (if that locality is within the area of Okinawa Prefecture, the Director-General of the Okinawa Regional Taxation Office), or the director of a tax office; provided, however, that this does not preclude the Minister of Finance from personally exercising that authority.

- 3 厚生労働大臣は、法第三十八条第三項の規定により委任された権限及び同条第四項の規定による権限を、特定事業者の事務所、事業所その他その事業を行う場所の所在地を管轄する地方厚生局長（当該所在地が四国厚生支局の管轄区域内にある場合にあつては、四国厚生支局長）又は都道府県労働局長に委任する。ただし、厚生労働大臣が自らその権限を行使することを妨げない。

- (3) The Minister of Minister of Health, Labour and Welfare delegates the authority the Minister has been delegated pursuant to the provisions of Article 38, paragraph (3) of the Act and the authority under the provisions of paragraph (4) of that Article to the Director of a Regional Bureau of Health and Welfare with jurisdiction over the locality of the office, place of business, or other places where a specified business operator conducts business (if that locality is within the area of the Shikoku Regional Bureau of Health and Welfare, the Director of the Shikoku Regional Bureau of Health and Welfare), or the Director of a Prefectural Labour Bureau; provided, however, that this

does not preclude the Minister of Minister of Health, Labour and Welfare from personally exercising that authority.

- 4 農林水産大臣は、法第三十八条第三項の規定により委任された権限及び同条第四項の規定による権限を、特定事業者の事務所、事業所その他その事業を行う場所の所在地を管轄する地方農政局長又は北海道農政事務所長に委任する。ただし、農林水産大臣が自らその権限を行使することを妨げない。

(4) The Minister of Agriculture, Forestry and Fisheries delegates the authority the Minister has been delegated pursuant to the provisions of Article 38, paragraph (3) of the Act, and the authority under the provisions of paragraph (4) of that Article to the Director-General of a Regional Agricultural Administration Office with jurisdiction over the locality of the office, place of business, or other places where a specified business operator conducts business or the Director-General of the Hokkaido Regional Agricultural Administration Office; provided, however, that this does not preclude the Minister of Agriculture, Forestry and Fisheries from personally exercising that authority.

- 5 経済産業大臣は、法第三十八条第三項の規定により委任された権限及び同条第四項の規定による権限を、特定事業者の事務所、事業所その他その事業を行う場所の所在地を管轄する経済産業局長に委任する。ただし、経済産業大臣が自らその権限を行使することを妨げない。

(5) The Minister of Economy, Trade and Industry delegates the authority the Minister has been delegated pursuant to the provisions of Article 38, paragraph (3) of the Act and the authority under the provisions of paragraph (4) of that Article to the Director General of a Bureau of Economy, Trade and Industry with jurisdiction over the locality of the office, place of business, or other places where a specified business operator conducts business; provided, however, that this does not preclude the Minister of Economy, Trade and Industry from personally exercising that authority.

- 6 国土交通大臣は、法第三十八条第三項の規定により委任された権限及び同条第四項の規定による権限を、特定事業者の事務所、事業所その他その事業を行う場所の所在地を管轄する地方整備局長、北海道開発局長、地方運輸局長、運輸監理部長、運輸支局長又は地方航空局長に委任する。ただし、国土交通大臣が自らその権限を行使することを妨げない。

(6) The Minister of Land, Infrastructure and Transport delegates the authority the Minister has been delegated pursuant to the provisions of Article 38, paragraph (3) of the Act and the authority under the provisions of paragraph (4) of that Article to the Director General of a Regional Development Bureau with jurisdiction over the locality of the office, place of business, or other places where a specified business operator conducts business, Director General of the Hokkaido Regional Development Bureau, Director-General of a District Transport Bureau, Head of Transport Supervision Department, Director of a Transport Branch Office, or the Director of a Regional Civil Aviation Bureau;

provided, however, that this does not preclude the Minister of Land, Infrastructure and Transport from personally exercising that authority.

- 7 環境大臣は、法第三十八条第三項の規定により委任された権限及び同条第四項の規定による権限を、特定事業者の事務所、事業所その他その事業を行う場所の所在地を管轄する地方環境事務所に委任する。ただし、環境大臣が自らその権限を行使することを妨げない。

(7) The Minister of the Environment delegates the authority the Minister has been delegated pursuant to the provisions of Article 38, paragraph (3) of the Act and the authority under the provisions of paragraph (4) of that Article to the Director General of a Regional Environment Office with jurisdiction over the locality of the office, place of business, or other places where a specified business operator conducts business; provided, however, that this does not preclude the Minister of the Environment from personally exercising that authority.

(証券取引等監視委員会への権限の委任等)

(Delegation of Authority to the Securities and Exchange Surveillance Commission)

第二十条 金融庁長官は、法第三十八条第三項の規定により委任された権限（金融商品取引法（昭和二十三年法律第二十五号）第二条第九項に規定する金融商品取引業者が行う同条第八項に規定する金融商品取引業に係る商品又は役務の取引、同条第十二項に規定する金融商品仲介業者が行う同条第十一項に規定する金融商品仲介業に係る商品又は役務の取引及び同項に規定する登録金融機関が行う同法第三十三条の三第一項第六号イに規定する登録金融機関業務に係る商品又は役務の取引並びに金融サービスの提供及び利用環境の整備等に関する法律（平成十二年法律第百一号）第十一条第六項に規定する金融サービス仲介業者が行う同条第四項に規定する有価証券等仲介業務に係る商品又は役務の取引に関するものに限る。）を証券取引等監視委員会に委任する。ただし、金融庁長官が自らその権限を行使することを妨げない。

Article 20 (1) The Commissioner of the Financial Services Agency delegates the authority the Commissioner has been delegated pursuant to the provisions of Article 38, paragraph (3) of the Act (limited to the authority related to transactions of goods or services related to the financial instruments business defined in Article 2, paragraph (8) of the Financial Instruments and Exchange Act (Act No. 25 of 1948) conducted by a financial instruments business operator defined in paragraph (9) of that Article, transactions of goods or services related to the financial instruments intermediary services defined in paragraph (11) of that Article conducted by a financial instruments intermediary service provider defined in paragraph (12) of that Article, and transactions of goods or services related to the registered financial institution business prescribed in Article 33-3, paragraph (1), item (vi), sub-item (a) of that Act conducted by a registered financial institution defined in Article (2),

paragraph (11) of that Act, and transactions of goods or services for the securities, etc. intermediary business prescribed in Article 11, paragraph (4) of the Act on the Provision of and the Development of Environment for Using Financial Services (Act No.101 of 2000) conducted by a financial service intermediary prescribed in paragraph (6) of that Article) to the Securities and Exchange Surveillance Commission; provided, however, that this does not preclude the Commissioner of the Financial Services Agency from personally exercising that authority.

2 証券取引等監視委員会は、前項の規定により委任された権限を行使したときは、速やかに、その結果について金融庁長官に報告しなければならない。

(2) Having exercised the authority that has been delegated pursuant to the provisions of the preceding paragraph, the Securities and Exchange Surveillance Commission must promptly report the results of the exercise of authority to the Commissioner of the Financial Services Agency.

(財務局長等への権限の委任)

(Delegation of Authority to Director Generals of Local Finance Bureaus)

第二十一条 金融庁長官は、法第三十八条第三項の規定により委任された権限（同条第六項の規定により証券取引等監視委員会に委任されたものを除く。）及び同条第四項の規定による権限（同条第六項の規定により証券取引等監視委員会に委任された権限に係るものを除く。）を、法第二十五条第一項に規定する当該事業者（次項及び次条において単に「当該事業者」という。）の主たる事務所又は事業所（次項及び次条第一項において「主たる事務所等」という。）の所在地を管轄する財務局長（当該所在地が福岡財務支局の管轄区域内にある場合にあっては、福岡財務支局長）に委任する。ただし、金融庁長官が自らその権限を行使することを妨げない。

Article 21 (1) The Commissioner of the Financial Services Agency delegates the authority the Commissioner has been delegated pursuant to the provisions of Article 38, paragraph (3) of the Act (excluding the authority delegated to the Securities and Exchange Surveillance Commission pursuant to the provisions of paragraph (6) of that Article) and the authority under the provisions of paragraph (4) of that Article (excluding the authority delegated to the Securities and Exchange Surveillance Commission pursuant to the provisions of paragraph (6) of that Article) to the Director General of the Local Finance Bureau with jurisdiction over the locality of the principal office or place of business (referred to as "the principal office or place of business" below in this Article and the following Article) of the business operator prescribed in Article 25, paragraph (1) (simply referred to as "the business operator" below) (if the locality is within the area under the jurisdiction of the Fukuoka Local Finance Branch Bureau, the Director General of the Fukuoka Local Finance Branch Bureau); provided, however, that this does not preclude the Commissioner of the Financial Services Agency from personally exercising that authority.

2 前項の規定により委任された権限で、当該事業者の主たる事務所等以外の事務所、事業所その他その事業を行う場所（以下この項及び次条第二項において「従たる事務所等」という。）に関するものについては、前項に規定する財務局長又は福岡財務支局長のほか、当該従たる事務所等の所在地を管轄する財務局長（当該所在地が福岡財務支局の管轄区域内にある場合にあっては、福岡財務支局長）も行うことができる。

(2) The authority delegated pursuant to the provisions of the preceding paragraph over the office, place of business, or other places where the business operator conducts business other than their principal office or place of business (referred to as the "secondary office, etc." below in this paragraph and paragraph (2) of the following Article) may be exercised by the Director General of a Local Finance Bureau with jurisdiction over the locality of the secondary office, etc. (if the locality is within the area under the jurisdiction of Fukuoka Local Finance Branch Bureau, the Director General of the Fukuoka Local Finance Branch Bureau), in addition to the Director General of a Local Finance Bureau or the Director General of the Fukuoka Local Finance Branch Bureau specified in the preceding paragraph.

第二十二条 証券取引等監視委員会は、法第三十八条第六項の規定により委任された権限を、当該事業者の主たる事務所等の所在地を管轄する財務局長（当該所在地が福岡財務支局の管轄区域内にある場合にあっては、福岡財務支局長）に委任する。ただし、証券取引等監視委員会が自らその権限を行使することを妨げない。

Article 22 (1) The Securities and Exchange Surveillance Commission delegates the authority the Commission has been delegated pursuant to the provisions of Article 38, paragraph (6) of the Act to the Director General of a Local Finance Bureau with jurisdiction over the locality of the principal office or place of business of the business operator (if the locality is within the area under the jurisdiction of the Fukuoka Local Finance Branch Bureau, the Director General of the Fukuoka Local Finance Branch Bureau); provided, however, that this does not preclude the Securities and Exchange Surveillance Commission from personally exercising that authority.

2 前項の規定により委任された権限で、当該事業者の従たる事務所等に関するものについては、同項に規定する財務局長又は福岡財務支局長のほか、当該従たる事務所等の所在地を管轄する財務局長（当該所在地が福岡財務支局の管轄区域内にある場合にあっては、福岡財務支局長）も行うことができる。

(2) The authority delegated pursuant to the provisions of the preceding paragraph over the secondary office, etc. of the business operator may be exercised by the Director General of a Local Finance Bureau that has the jurisdiction over the locality of the secondary office etc. (if the locality is within the area under the jurisdiction of Fukuoka Local Finance Branch Bureau, the Director General of the Fukuoka Local Finance Branch Bureau), in addition to the Director-General of the Local Finance Bureau specified in the preceding

paragraph or the Director General of the Fukuoka Local Finance Branch Bureau.

(都道府県が処理する事務)

(Affairs Handled by Prefectures)

第二十三条 法第三十八条第一項の規定により消費者庁長官に委任された権限に属する事務のうち、法第七条第一項及び第二項並びに第二十五条第一項の規定による権限に属する事務（同項の規定による権限に属する事務にあつては、法第七条第一項の規定による命令を行うため必要があると認める場合におけるものに限る。）は、不当な景品類の提供又は表示がされた場所又は地域を含む都道府県の区域を管轄する都道府県知事が行うこととする。ただし、二以上の都道府県の区域にわたり一般消費者による自主的かつ合理的な選択を阻害するおそれがあり、消費者庁長官（法第二十五条第一項の規定による権限について、法第三十八条第二項の規定により公正取引委員会に委任された場合にあつては公正取引委員会、同条第三項の規定により事業者の事業を所管する大臣又は金融庁長官に委任された場合にあつては当該事業者の事業を所管する大臣又は金融庁長官、同条第六項の規定により証券取引等監視委員会に委任された場合にあつては証券取引等監視委員会。以下この項において同じ。）がその事態に適正かつ効率的に対処するため特に必要があると認めるとき、又は都道府県知事から要請があつたときは、消費者庁長官が自らその事務を行うことを妨げない。

Article 23 (1) Among the affairs under the authority delegated to the Commissioner of the Consumer Affairs Agency pursuant to the provisions of Article 38, paragraph (1), the affairs under the authority under the provisions of Article 7 paragraph (1) and (2), and Article 25, paragraph (1) of the Act (for affairs under the authority under the provisions of that paragraph, limited to those found to be necessary for issuing the order under the provisions of Article 7, paragraph (1) of the Act) are to be conducted by the prefectural governor with jurisdiction over the area of the prefecture that includes the place or region where an unjustifiable premium is provided or a misleading representation is made; provided, however, that if there is a risk of hindering the voluntary and rational choice-making by general consumers over the areas of two or more prefectures and the Commissioner of the Consumer Affairs Agency (if the authority under the provisions of Article 25, paragraph (1) of the Act is delegated to the Fair Trade Commission pursuant to the provisions of Article 38, paragraph (2) of the Act, the Fair Trade Commission, if it is delegated to the minister with jurisdiction over the business of an business operator or the Commissioner of the Financial Services Agency pursuant to the provisions of paragraph (3) of that Article, the minister with jurisdiction over the business of the business operator or the Commissioner of the Financial Services Agency, and if it is delegated to the Securities and Exchange Surveillance Commission pursuant to the provisions of paragraph (6) of that Article, the Securities and Exchange Surveillance Commission; the same

applies below in this paragraph) finds it particularly necessary in order to appropriately and effectively handle the situation, or it is requested by the prefectural governors, this does not preclude the Commissioner of the Consumer Affairs Agency from personally undertaking those affairs.

2 前項本文の規定により同項本文に規定する事務を行った都道府県知事は、速やかに、その結果を消費者庁長官に報告しなければならない。

(2) A prefectural governor who has conducted the affairs prescribed in the main clause of the preceding paragraph pursuant to the provisions of the main clause of that paragraph must promptly report the results of the affairs conducted to the Commissioner of the Consumer Affairs Agency.

3 第一項本文の場合においては、法中同項本文に規定する事務に係る内閣総理大臣に関する規定は、都道府県知事に関する規定として都道府県知事に適用があるものとする。

(3) In the case referred to in the main clause of paragraph (1), the provisions concerning the Prime Minister related to the affairs prescribed in the main clause of that paragraph are to apply to prefectural governors as provisions concerning prefectural governors.