

Regulations for Enforcement of the Act on Improving Transparency and Fairness of Specified Digital Platforms (Order of the Ministry of Economy, Trade and Industry No. 1 of February 1, 2021)

(Order of the Ministry of Economy, Trade and Industry No. 1 of 2021)

Pursuant to the provisions of the Act on Improving Transparency and Fairness of Specified Digital Platforms (Act No. 38 of 2020) and to enforce the Act, the Regulations for Enforcement of the Act on Improving Transparency and Fairness of Specified Digital Platforms is established as follows.

(Definition of Terms)

Article 1 Unless specifically provided in this Ministerial Order, the terms used in this Ministerial Order follows the definitions in the Act on Improving Transparency and Fairness of Specified Digital Platforms (Act No. 38 of 2020; referred to as "Act" below) and the Cabinet Order for Specifying the Business Category and Scale Under in Article 4, Paragraph (1) of the Act on Improving Transparency and Fairness of Specified Digital Platforms (Cabinet Order No. 17 of 2021; referred to as the "Order" below).

(Business Provided as an Ancillary Part of a Digital Platform)

Article 2 The businesses specified by Order of the Ministry of Economy, Trade and Industry as prescribed in (b) in the right-hand column of item (i) of the table in paragraph (1) of the Order are those businesses that are provided to general users (limited to those that use the digital platform; hereinafter the same applies in the following Article (4)) as an ancillary part of the digital platform (limited to those for which notification was provided pursuant to Article 4, paragraph (2) of the Act; the same applies below in this Article and paragraph (3) of the following Article), and that bears the cost required to repair goods provided by user providing goods, etc. (limited to those that use the digital platform; the same applies in this paragraph) in the event that goods are damaged; or other business relating to the provision of services or granting of rights incidental to the provision of goods, etc. by user providing goods, etc.

(Scope of Business Scale and Method of Calculation)

Article 3 (1) When the total amount in the right-hand columns of item (i) or (iii) of the table in paragraph (1) of the Order or the domestic sales amount in the right-hand column of item (iii) of the relevant table is to be converted into Japanese currency, the conversion is to be made by using the exchange rate (meaning the reference foreign exchange rates or the arbitrated foreign exchange rate stated in

Article 7, paragraph (1) of the Foreign Exchange and Foreign Trade Act (Act No. 228 of 1949)) at the time of the notification.

(2) The calculation of the total amount in the right-hand column of items (i) of the table in paragraph (1) of the Order shall, when the total amount of domestic sales stated in (a) of that column is found to be significantly less than the amount of domestic sales stated in (b) of that column, be made by deducting the amount of domestic sales in (b) of that column.

(3) The scope of domestic sales in (a) of the right-hand column of item (i) of the table, the right-hand column of item (ii) of the table, and the right-hand column of item (iii) of the table referred to in paragraph (1) of the Order is the sales amount relating to business conducted primarily for domestic users (limited to those that use the digital platform).

(4) The scope of domestic sales in (b) of the right-hand column of item (i) of the table referred to in paragraph (1) of the Order is the sales amount relating to business conducted primarily for domestic general users.

(Notification of Digital Platform Providers)

Article 4 (1) The notification under the provisions of Article 4, paragraph (2) of the Act must be made for each business category specified in the middle column of the table in paragraph (1) of the Order by submitting a written notification prepared by using Form No. 1 by the last day of April of every fiscal year.

(2) When any changes occur to the particulars stated in a notification specified in the preceding paragraph, a specified digital platform provider must promptly provide notice of the changed particulars.

(3) Submission of notification specified in paragraph (1) and notification under the provisions of the preceding paragraph must be made in accordance with Article 6, paragraph (1) of the Act on the Advancement of Government Administration Processes That Use Information and Communications Technology (Act No. 151 of 2002) by a method using an electronic data processing system specified in that paragraph.

(Method of Disclosure of Conditions of Provision)

Article 5 (1) When disclosing the terms and conditions pursuant to Article 5, paragraph (1) of the Act, a specified digital platform provider must do so by the methods stated below. In this case, when the relevant terms and conditions have not been prepared in Japanese, a Japanese translation must be attached to them.

(i) to state with clear and plain language to users (limited to users who use the specified digital platform, including those who plan to use the specified digital platform; the same applies below); and

(ii) to be easily accessible for users before commencing and during use of the specified digital platform.

(2) When disclosing terms and conditions pursuant to Article 5, paragraph (1) of the Act, if attaching a Japanese translation specified in the preceding paragraph is unavoidably not possible, it is allowed to specify the deadline at the time of disclosure and to provide the translation within the deadline accordingly.

(Matters to Be Disclosed to User Providing Goods)

Article 6 The matters to be specified by Order of the Ministry of Economy, Trade and Industry stated in Article 5, paragraph (2), item (i), (g) of the Act are the particulars stated in the right-hand column of the following table according to the business classifications in the left-hand column of the same table:

(2) Beyond what is provided for in the preceding paragraph, the method of calculating domestic sales prescribed in the relevant paragraph and other necessary particulars concerning application of the provisions of the relevant paragraph are provided by Order of the Ministry of Economy, Trade and Industry.

Supplementary Provisions

(Effective Date)

(1) This Cabinet Order comes into effect as of the date on which the Act comes into effect (February 1, 2021).

(Partial Amendment of the Cabinet Order Designating Acts Specified in Item (viii) of the Appended Table of the Whistleblower Protection Act)

(2) The Cabinet Order Designating Acts Specified in Item (viii) of the Appended Table of the Whistleblower Protection Act (Cabinet Order No. 146 of 2005) is partially amended as stated below.

Item (cdlvi) is renumbered as item(cdlvii), item (cdlv)is renumbered as item(cdlvi), and the following item is added after item (cdliv).

(cdlv) Act on Improving Transparency and Fairness of Digital Platforms (Act No. 38 of 2020)

Supplementary Provisions (Cabinet Order No. 246 of 2022)

(1) This Cabinet Order comes into force on August 1, 2022.

Supplementary Provisions (Cabinet Order No. 279 of 2025)

(Effective Date)

(1) This Cabinet Order takes effect on the effective date of the Act on Promotion of Competition in Specified Smartphone Software (December 18, 2025).

(Transitional Measures Accompanying the Partial Amendment of the Cabinet Order for Specifying the Business Category and Scale under in Article 4, Paragraph (1) of the Act on Improving Transparency and Fairness of Specified Digital Platforms)

(2) With regard to recommendations, orders, reports, inspections, and other actions pursuant to the provisions of Article 6, paragraphs (1) and (4), Article 8, paragraph (1), Article 10, paragraph (3), and Article 12, paragraphs (2) and (3) of the Act on Improving Transparency and Fairness of Specified Digital Platforms, for

acts committed prior to the enforcement of the provisions of Article 4, the previous provisions shall remain applicable.

(3) With regard to the application of penalties for acts committed prior to the enforcement of the provisions of Article 4, and for acts committed after the enforcement of the provisions of Article 4 in cases where the previous provisions continue to apply pursuant to the preceding paragraph, the previous provisions shall remain applicable.