Act on the Protection of Consumers Who Use Digital Platforms for Shopping Outline

Problems such as the distribution of unsafe products and difficulty in identifying sellers in resolving disputes exist on digital platforms for shopping such as online malls. In response to this, a new Act was enacted to ensure the cooperation of digital platform providers in optimizing transactions and promoting dispute resolution in relation to mail order sales, and thereby to protect consumer interests.

Content of the Act

(Passed on April 28, 2021, promulgated on May 10, 2021, enforced on May 1, 2022)

(1) Obligation of Digital Platform Providers to Make Efforts (Article 3)

In order to contribute to the optimization of mail-order transactions conducted using digital platforms and the promotion of dispute resolution, digital platform providers are obligated to make efforts to implement and disclose an outline of the following measures listed in (i) to (iii) below (and the Prime Minister draws up guidelines for specific content).

- (i) Measures that enable **smooth communications** between consumers and sellers or equivalent persons
- (ii) Measures to secure the appropriateness of representations of sales conditions, etc. in response to complaints filed by consumers
- (iii) Measures to request that sellers or equivalent persons provide information helpful for identifying them

(2) Requests for Suspension of Use of Digital Platforms for Shopping (Article 4)

- If a representation substantially differs from the truth or is otherwise inappropriate with respect to important particulars (particulars helpful for judging the safety of the product) and the seller or equivalent person cannot be expected to correct that representation, the Prime Minister may request that the digital platform provider suspend the seller's or equivalent person's use of that digital platform.
- (*) Exemption of digital platform provider liability for damages to sellers or equivalent persons caused in response to requests

(3) Right to Request Disclosure of Seller's or Equivalent Person's Information (Article 5)

- Establish the right to request the disclosure of information on sellers or equivalent persons as necessary when consumers make a claim for damages, etc.
- (*) Consumers' request of disclosure made to digital platform providers. Not applicable if the amount of damages claimed for is less than a certain amount or the claim has been brought for an unjustifiable purpose

(4) Public-Private Council (Articles 6-9) / Reporting System (Article 10)

- A public-private council comprised of groups consisting of digital platform providers, consumer groups, relevant government agencies, etc. will be organized to exchange information such as sharing the status of efforts.
- Establishing of a reporting system in which consumers, etc. can report the risk of damage to consumers using digital platforms
 for shopping and request that the Prime Minister (Consumer Affairs Agency) take appropriate measures in response to this

^{*} The review is to be made in the 3rd year of enforcement of this Act in light of the status of its enforcement and changes to economic and social conditions.

取引デジタルプラットフォームを利用する消費者の利益の保護に関する法律 概要

オンラインモール等の取引デジタルプラットフォーム(取引DPF)において、危険な商品の流通や販売業者が特定できず紛争解決が困難になるといった問題が発生。これに対応し、通信販売取引の適正化及び紛争解決の促進に関し取引DPF提供者の協力を確保し、消費者の利益の保護を図ることを目的とする法律を制定。

法の内容

(令和3年4月28日成立、同年5月10日公布、令和4年5月1日施行)

(1)取引DPF提供者の努力義務(第3条)

- 取引DPFを利用して行われる通信販売取引の適正化及び紛争の解決の促進に資するため、 以下の①~③の措置の実施及びその概要等の開示についての努力義務(具体的な内容については指針を策定)
 - ① 消費者が販売業者等と円滑に連絡することができるようにするための措置
 - ② 消費者から苦情の申出を受けた場合の販売条件等の表示の適正を確保するための措置
 - ③ 販売業者等の特定に資する情報の提供を求める措置

(2)取引DPFの利用の停止等に係る要請(第4条)

- 内閣総理大臣は、重要事項(商品の安全性の判断に 資する事項等)に著しく事実に相違等する表示があ り、かつ、販売業者等による表示の是正が期待でき ない場合、取引DPF提供者に対し、**販売業者等に** よる取引DPFの利用の停止を要請することが可能
- (※)要請に応じたことにより販売業者等に生じた損害については、取引DPF提供者を免責

(3)販売業者等に係る情報の開示請求権(第5条)

- ・消費者が損害賠償請求等を行う場合に必要となる 販売業者等の情報の開示を請求できる権利を創設
- (※)消費者が取引 D P F 提供者に開示を請求するもの。なお、 損害賠償請求額が一定の金額以下の場合や不正目的の請求の 場合は対象外

(4)官民協議会(第6条~第9条)/申出制度(第10条)

- 取引DPF提供者からなる団体、消費者団体、関係行政機関等により構成される官民協議会を組織し、 取組状況の共有等の情報交換を実施
- 消費者等が内閣総理大臣(消費者庁)に対し取引DPFを利用する消費者の利益が害されるおそれがある旨を申し出て、適当な措置の実施を求めることができる**申出制度**を創設