

# Bill to Amend the Premiums and Representations Act (Outline)

(Bill to Partially Amend the Act against Unjustifiable Premiums and Misleading Representations)

Taking into account the circumstances surrounding the representations related to the transaction of goods and services, through the amendment of the Premiums and Representation Act, the voluntary activities of businesses will be promoted and measures such as enhancing deterrence to violations will be undertaken, thereby aiming to maximize the interests of general consumers.

## Main Amendment Matters

### 1 Promotion of the Voluntary Activities of Businesses

#### ■ Introduction of Commitment Procedures

- if businesses that have made representations which are suspected of exaggerated quality representations , etc. submit a Rectification Measures Plan, and receive the approval of the Prime Minister, they are not to receive cease-and-desist orders or orders for payment of surcharge, thereby creating a system to promptly eliminate the problem. (Articles 26 through 33)

#### ■ Flexibility in the Refund Policy Within Surcharges

- For the refund policy under Article 10, as the refund method, in addition to money, prepaid payment instruments for third-party business such as electronic money will be also permitted. (Article 10)

### 2 Enhancing a Deterrent to Violations

#### ■ Reconsideration of Surcharges

- A provision will be established that allows the Prime Minister to order businesses to pay a surcharge by estimating a sales amount during the period in which it is not possible to grasp the facts that will form the basis of the calculation of the surcharge. (Article 8, paragraph(4))
- Regarding businesses that have received a surcharge order within the past 10 years, a provision will be established that increases (1.5 times) the amount of the surcharge (Article 8, paragraphs (5) and (6))

#### ■ Strengthening the Penal Provisions

- Regarding exaggerated quality representations/ exaggerated trade terms representations, a fine (a fine of 1 million or less) will be imposed. (Article 48)

### 3 Adjustment of the Relevant Provisions Towards More Efficient Enforcement of the Law

#### ■ Response to the Globalization

- The scope of services will be expanded including service by publication of cease and desist orders. The Prime Minister will be able to provide information to foreign enforcement authorities. (Articles 41 through 44)

#### ■ Introducing a Provision to Allow Disclosure Requests from Qualified Consumer Organizations

- In a particular instance, a qualified consumer organization will be able to request a business to submit materials that show rational grounds for representations, imposing a duty on the business to make an effort to respond to the request. (Article 35)

\*In principle, the amendment bill will come into effect from the date specified by a Cabinet Order, within one and a half years after the date of promulgation.

# 景品表示法の改正法案（概要）

（不当景品類及び不当表示防止法の一部を改正する法律案）

商品又は役務の取引に関する表示をめぐる状況に鑑み、景品表示法の改正により、**事業者の自主的な取組の促進、違反行為に対する抑止力の強化等を講ずる**ことで、**一般消費者の利益の一層の保護**を図る。

## 主な改正事項

### 1 事業者の自主的な取組の促進

#### ■ 確約手続の導入

- ・ 優良誤認表示等の疑いのある表示等をした事業者が是正措置計画を申請し、内閣総理大臣から認定を受けたときは、当該行為について、措置命令及び課徴金納付命令の適用を受けないこととすることで、迅速に問題を改善する制度の創設（第26条～第33条）

#### ■ 課徴金制度における返金措置の弾力化

- ・ 特定の消費者へ一定の返金を行った場合に課徴金額から当該金額が減額される返金措置に関して、返金方法として金銭による返金に加えて第三者型前払式支払手段（いわゆる電子マネー等）も許容（第10条）

### 2 違反行為に対する抑止力の強化

#### ■ 課徴金制度の見直し

- ・ 課徴金の計算の基礎となるべき事実を把握することができない期間における売上額を推計することができる規定の整備（第8条第4項）
- ・ 違反行為から遡り10年以内に課徴金納付命令を受けたことがある事業者に対し、課徴金の額を加算（1.5倍）する規定の新設（第8条第5項及び第6項）

#### ■ 罰則規定の拡充

- ・ 優良誤認表示・有利誤認表示に対し、直罰（100万円以下の罰金）の新設（第48条）

### 3 円滑な法執行の実現に向けた各規定の整備等

#### ■ 国際化の進展への対応

- ・ 措置命令等における送達制度の整備・拡充、外国執行当局に対する情報提供制度の創設（第41条～第44条）

#### ■ 適格消費者団体による開示要請規定の導入

- ・ 適格消費者団体が、一定の場合に、事業者に対し、当該事業者による表示の裏付けとなる合理的な根拠を示す資料の開示を要請することができるとともに、事業者は当該要請に応ずる努力義務を負う旨の規定の新設（第35条）

※ 本改正法案は原則として、公布の日から1年半を超えない範囲内において政令で定める日から施行