

# Ordinance for Enforcement of the Consumer Contract Act

(Cabinet Office Ordinance No. 17 of February 16, 2007)

(Definitions)

Article 1 The terms used in this Cabinet Office Ordinance shall be governed by the terms used in the Consumer Contract Act (hereinafter referred to as "the Act").

(Scope of Affiliated Persons of Specified Business Operators)

Article 2 (1) The "special relationship with the business operator provided by a Cabinet Office Ordinance" provided in Article 13, paragraph (3), item (iv), sub-item (b) 1. of the Act (including cases where applied mutatis mutandis pursuant to Article 17, paragraph (6), Article 19, paragraph (6) and Article 20, paragraph (6) of the Act; the same shall apply hereinafter) shall be the relationships set forth below:

(i) A relationship wherein one business operator holds, either directly or indirectly, at least half of the number (or amount of money, in the case of capital contributions; the same shall apply hereinafter) of shares (including capital contributions; the same shall apply hereinafter) that constitute the total number (or total amount, in the case of capital contributions; the same shall apply hereinafter) of outstanding shares or capital contributions (excluding shares held by the other company in the original company; hereinafter referred to collectively as "Outstanding Shares, etc.") of another; or

(ii) A relationship between two business operators (excluding relationships as set forth in item (i)) wherein each of them hold, either directly or indirectly, at least half of the total number of Outstanding Shares, etc. , in the other through the same person.

(2) In cases provided in item (i) of the preceding paragraph, determinations as to whether or not one of the business operators holds, either directly or indirectly, at least half of the total number of Outstanding Shares, etc. , in the other business operator shall be made by adding the holding rate for the shares in the second business operator that are held directly by the first business operator (meaning the percentage of shares that the first business operator holds in the second business operator out of the total number of the second business operator's Outstanding Shares, etc.) and the holding rate for the shares in the second business operator that are held indirectly by the first business operator (meaning any of the percentages provided for in the

following items in accordance with the with the cases provided in those items (where all of the cases set forth in the following items apply, this shall be the sum total of the percentages provided for in each of said items)):

- (i) Where at least half of the total number of Outstanding Shares, etc. , in a juridical person that is a shareholder, etc. (meaning a shareholder; the member of a general partnership company, limited partnership company, or limited liability company; or any other capital investor in a juridical person; the same shall apply hereinafter in this paragraph) of the second business operator are held by the first business operator: The percentage of shares that the juridical person that is a shareholder holds in the second business operator, out of the total number of the second business operator's Outstanding Shares, etc. (where there are two or more such juridical persons that are shareholders, etc., the sum total of the percentages of shares held by such multiple juridical persons); and
  - (ii) Where one or more juridical persons (hereinafter referred to in this item as "Juridical Person(s) Related through Capital Contributions") are interposed between a juridical person that is a shareholder, etc. , of the second business operator (excluding juridical persons that are shareholders, etc., provided for in the preceding item in accordance with the case set forth in said item) and the first business operator, and are related thereto in a way that links them through the holding of shares (limited to where at least half of the total number of Outstanding Shares, etc., in a Juridical Person Related through Capital Contributions and in the juridical person that is a shareholder, etc., are held by the first business operator or by a Juridical Person Related through Capital Contributions (limited to where at least half of the total number of Outstanding Shares, etc., of that Juridical Person Related through Capital Contributions are held by the first business operator or by another Juridical Person Related through Capital Contributions)): The percentage of shares that the juridical person that is a shareholder holds in the second business operator, out of the total number of the second business operator's Outstanding Shares, etc. , of the other business operator made up of those held by the juridical person which is a shareholder, etc. (where there are two or more such juridical persons that are shareholders, etc., the sum total of the percentages of shares held by such multiple juridical persons).
- (3) The provisions of the preceding paragraph shall apply mutatis mutandis to the determination of a relationship under paragraph (1), item (ii).
  - (4) The "persons provided by Cabinet Office Ordinance" referred to in Article 13, paragraph (3), item (iv), sub-item (b) 1. of the Act shall be the persons set forth as follows:
    - (i) The relevant business operator and any officer or employee thereof; and
    - (ii) Any person who has been a person set forth in the preceding item within

the past two years.

- (5) With regard to determinations of whether the criteria provided for in Article 13, paragraph (3), item (iv), sub-item (b) 1. of the Act have been fulfilled, where the relevant person has ceased to fulfill such criteria through no fault of his/her own, when, without delay thereafter, he/she is found to fulfill the relevant criteria again, he/she shall be deemed to have continuously fulfilled said criteria.

(Business Classification)

- Article 3 (1) The "classifications provided by Cabinet Office Ordinance" referred to in Article 13, paragraph (3), item (iv), sub-item (b) 2. of the Act shall be those categorized as follows. Any business that belongs to classifications between 01 Agriculture and 79 Cooperative Associations (N.E.C.), or between 81 Scientific and Development Research Institutes, and 99 Industries Unable to Classify, as listed in the Japan Standard Industry Classifications provided in the Establishment of the Nomenclature and Classification Table concerning Industries pursuant to the Provisions of the Cabinet Order Providing for Industrial Classification and Classification of Diseases, Injuries and Death to be used for Statistical Surveys (Ministry of Internal Affairs and Communications Notice No. 139 of 2002) shall be classified in accordance with such; any business that belongs to 80 Professional Services (N.E.C.) shall be classified under 80 Professional Services (N.E.C.) (limited to attorneys' offices and judicial scriveners' offices) or under 80 Professional Services (N.E.C.) (all other than attorneys' offices and judicial scriveners' offices); provided, however, that, when the Prime Minister, in consideration of the nature of business activities, has found that there is no risk of detriment to the fair and proper performance of Services Related to Injunction Demands and orders and has announced a different classification therefor, that classification shall be used.
- (2) The provisions of paragraph (5) of the preceding Article shall apply mutatis mutandis to determinations in relation to the criteria set forth in Article 13, paragraph (3), item (iv), sub-item (b) 2. of the Act.

(Criteria for Persons with Expert Knowledge and Experience in Matters Related to Consumer Affairs)

- Article 4 The "requirements provided in a Cabinet Office Ordinance" referred to in Article 13, paragraph (3), item (v), sub-item (a) of the Act shall be the fact of falling under any one of the following items:
- (i) The person has any of the following qualifications and has worked in Consumer Affairs Consultation for a total period of at least one year:
- (a) A Consumer Affairs Expert Consultant qualification issued by the National Consumer Affairs Center of Japan, Independent Administrative

Agency;

(b) A Consumer Affairs Advisor qualification issued by the Japan Industrial Association, Incorporated Foundation; or

(c) A Consumer Affairs Consultant qualification issued by the Japan Consumers' Association, Incorporated Foundation.

(ii) Anything found by the Prime Minister to be equivalent to or greater than the requirements listed in the preceding item.

(Criteria for Persons with Expert Knowledge and Experience in the Law)

Article 5 The "requirements provided in a Cabinet Office Ordinance" referred to in Article 13, paragraph (3), item (v), sub-item (b) of the Act shall be the fact of falling under any one of the following items:

(i) An attorney;

(ii) A judicial scrivener;

(iii) A person working in an undergraduate school, faculty, or college at a university, an advanced studies course, or a graduate school provided for in the School Education Act (Act No. 26 of 1947) as a professor or associate professor who teaches Civil Law or any other subject in which students study the necessity of Injunction Demands and the contents thereof; ; or

(iv) Anything found by the Prime Minister to be equivalent to or greater than the requirements listed in the preceding items.

(Matters to Be Included in the Rules of Operation)

Article 6 The "matters provided by a Cabinet Office Ordinance" referred to in Article 13, paragraph (4) of the Act (including cases where applied mutatis mutandis pursuant to Article 17, paragraph (6), Article 19, paragraph (6), and Article 20, paragraph (6) of the Act) shall be as set forth below:

(i) The matters set forth in the following as matters related to the methods of providing Services Related to Injunction Demands:

(a) Matters related to methods of providing the service of exercising the Right to Demand an Injunction in the interest of many and unspecified consumers;

(b) Matters related to methods of providing the service of collecting information on the damage suffered by consumers (referred to in Article 21, paragraph (1), item (iii) as "Consumer Damage Information Collection Services") that is necessary to performance of the services set forth in (a);

(c) Matters related to methods of providing services in connection with providing information on the effects of exercising the Right to Demand an Injunction in contributing to the prevention and remedy of damage suffered by consumers (referred to in Article 21, paragraph (1), item (iv) as "Injunction Demand Information Supply Services");

- (d) Matters related to measures for obtaining advice from and hearing the opinions of an Expert Adviser in the department responsible for the examination provided for in Article 13, paragraph (3), item (v) of the Act; measures for if an officer, employee, or Expert Adviser has a special interest in the adverse party of an Injunction Demand; and other measures to ensure the fair provision of services;
- (e) Matters related to methods of making a prima facie showing that an organization is a qualified consumer organization; and
- (f) Other necessary matters.
- (ii) Matters related to cooperation among qualified consumer organizations (including matters related to methods of notification and reporting as provided in Article 23, paragraph (4) of the Act and matters related to that notification and the guidelines for reporting with regard to the acts provided for in Article 17, item (xv));
- (iii) Matters related to the appointment and dismissal of officers and Expert Advisors and other matters related to the organization, operations, and other systems connected to the Services Related to Injunction Demands.
- (iv) Matters related to the methods of managing and maintaining the confidentiality of information obtained in the course of Services Related to Injunction Demands;
- (v) Matters related to the management of books and documents as provided in Article 30 of the Act;
- (vi) Matters related to the appointment and dismissal of persons who perform the inspections provided for in Article 31, paragraph (2) of the Act;
- (vii) Matters related to methods of keeping the documents set forth in the items of Article 31, paragraph (3) of the Act and the inspection, etc. thereof; and
- (viii) Other matters necessary for providing Services Related to Injunction Demands.

(Matters to Be Included in Applications for Certification)

Article 7 The "matters set forth by a Cabinet Office Ordinance" referred to in Article 14, paragraph (1), item (iii) of the Act (including cases where applied mutatis mutandis pursuant to Article 17, paragraph (6), Article 19, paragraph (6), Article 20 paragraph (6) of the Act; the same shall apply hereinafter) shall be the following matters:

- (i) The relevant party's telephone number, facsimile number and electronic mail address.
- (ii) The telephone number, facsimile number and electronic mail address of the office provided for in Article 14, paragraph (1), item (ii) of the Act.

(Documents to Be Attached to Applications for Certification)

Article 8 (1) The "matters set forth by a Cabinet Office Ordinance" referred to in Article 14, paragraph (2), item (vi), sub-item (b) of the Act shall be the telephone numbers and other contact details of officers, employees, and Expert Advisors.

(2) The "documents specified by a Cabinet Office Ordinance" referred to in Article 14, paragraph (2), item (xi) of the Act shall be the following documents:

(i) The applicant's certificate of registered matters;

(ii) Documents set forth below that certify the addresses or residences of officers and Expert Advisors, and that were prepared no more than six months prior to the application date:

(a) Where the officer or Expert Advisor is subject to the Basic Resident Registry Act (Act No. 81 of 1967): A copy of a residence certificate provided for in Article 12, paragraph (1) of that Act or any alternative document;

(b) Where the officer or Expert Advisor is not subject to the Basic Resident Registry Act and the Alien Registration Act (Act No. 125 of 1952) is applicable: A document issued by the mayor or head of the city, town or village (or ward, in the areas in which the special wards of Tokyo are located and in the cities designated in Article 252-19, paragraph (1) of the Local Autonomy Act (Act No. 67 of 1947); the same shall apply hereinafter) in which his/her residence is located certifying the information recorded on such officer's or such Expert Advisor's alien registration file as provided in Article 4, paragraph (1) of that Act, or any document in lieu thereof; or

(c) Where the officer or Expert Advisor falls under neither (a) nor (b): A document issued by a public agency with the authority to certify the address or residence of such officer or Expert Advisor (where such a document has been prepared in a foreign language, a translation of said document and a clear indication of its translator shall be submitted together with the original) or any document in lieu thereof.

(iii) Documents explaining that the constitution of the council of directors does not fall under Article 13, paragraph (3), item (iv), sub-item (b) 1. or 2. of the Act (including an explanation of the matters set forth below):

(a) Whether each director is a business operator or an officer or employee thereof, or was a business operator or an officer or employee thereof in the past two years (referred to in (c) as "Former Affiliated Persons"), and, where a director is or was such a person, the name or title of the relevant business operator (hereinafter referred to in this item as "Business Operator(s) to Which a Director is Affiliated"), the location of its principal office and its business;

(b) Whether or not there exists a special relationship provided for in any of the items of Article 2, paragraph (1) among any of the Business Operators

- to Which a Director is Affiliated, and details of such relationships.
- (c) The business types to which the business activities carried out by the Business Operators to Which a Director is Affiliated belong (where a business operator conducts business activities that belong to two or more business types, the business type of the main business activities and the business type of the business activities that the directors perform (where a director is a Former Affiliated Person, the business type of the current business activities of the business operator that such director performed most recently)); and
  - (d) Where the application of the provisions of the second sentence of Article 13, paragraph (3), item (iv), sub-item (b) of the Act is sought: Documents certifying that the Business Operator to Which a Director is Affiliated that would be subject to the application of such provisions fulfills the criteria set forth in item (ii) of such paragraph.
- (iv) Documents certifying that Expert Advisors satisfy the criteria provided in Articles 4 and 5.

(Method of Public Notice)

Article 9 Public notices as provided in Article 15, paragraph (1) of the Act (including cases where applied mutatis mutandis pursuant to Article 17, paragraph (6), Article 19, paragraph (6), and Article 20, paragraph (6) of the Act; the same shall apply hereinafter in this Article) shall set forth the matters provided in Article 15, paragraph (1) of the Act; and, as regards to the period and place of public inspection of documents that are to be provided for public inspection pursuant to the provisions of said paragraph, such documents shall be made available for public inspection by posting them on the notice board of the Consumer Affairs Agency, posting them on the Internet, or by other methods.

(Methods of Public Announcement)

Article 10 Public announcements provided in Article 16, paragraph (1) (including cases where applied mutatis mutandis pursuant to Article 17, paragraph (6), Article 19, paragraph (6), or Article 20 paragraph (6) of the Act; the same shall apply in Article 29, item (i), Article 19, paragraph (8) of the Act), Article 20, paragraph (8), Article 21, paragraph (2), Article 34, paragraph (5), and Article 35, paragraph (10) of the Act shall be made by publication in the Official Gazette.

(Showing that an Organization is a Qualified Consumer Organization)

Article 11 "Showing that an organization is a qualified consumer organization," referred to in Article 16, paragraph (2) of the Act, shall be done by displaying

the title of the qualified consumer organization and the phrase "qualified consumer organization" in an easily visible location near the entrance or reception area of the organization's office.

(Notification of Changes)

Article 12 (1) Any person who wishes to submit a notice of changes to the matters set forth in the items of Article 14, paragraph (1) of the Act or the matters contained in the documents set forth in the items of Article 14, paragraph (2) of the Act (excluding items (ii) and item (xi); the same shall apply hereinafter in this Article) pursuant to the provisions of Article 18 of the Act shall submit a written notice setting forth the following matters:

- (i) The title and address of the qualified consumer organization, and the name of its representative;
- (ii) Details of the changes;
- (iii) The date of such changes; and
- (iv) The reasons the changes were necessary.

(2) The documents listed in the following items shall be attached to written notices provided for in the preceding paragraph in accordance with the circumstances set forth in the relevant item.

(i) Where there has been any change in matters that were entered in the documents set forth in the items of Article 14, paragraph (2) of the Act: The relevant documents, into which the matters as changed have been entered; and

(ii) Where any change has arisen in the contents of the documents set forth in Article 8, paragraph (2) in conjunction with any change in the matters entered in documents set forth in the items of Article 14, paragraph (1) or (2) of the Act: The relevant documents, into which the contents as changed have been entered (limited, in the case of documents set forth in Article 8, paragraph (2) item (ii), to where an officer or Expert Advisor has been newly appointed (excluding cases of reappointment)).

(3) The minor changes provided by Cabinet Office Ordinance, referred to in Article 18 of the Act, shall be the following changes to the matters entered in the documents set forth in Article 14, paragraph (2), item (vii) of the Act:

(i) Changes in the number of members (limited to individuals) of juridical persons that are qualified consumer organizations (excluding changes in the number of members (limited to individuals) for which certification provided in Article 13, paragraph (1) of the Act has been received, or for which renewal of term of validity provided in Article 17, paragraph (2) of the Act has been received, or for which approval provided for in Article 19, paragraph (3) of the Act or Article 20, paragraph (3) of the Act has been received, for which notification provided in Article 18 of the Act has been



- given, or for which submission provided in Article 31, paragraph (6) of the Act has been carried out, where the number of members following such change has increased or decreased by at least one tenth of the number of members immediately preceding the change); and
- (ii) Where the member is a juridical person or other entity: Changes in the number of members thereof.

(Methods, etc., of Notification and Reporting)

- Article 13 (1) Notifications under Article 23, paragraph (4) of the Act (excluding those in cases set forth in item (x) of said paragraph) shall be given in writing.
- (2) Reports under Article 23, paragraph (4) of the Act (excluding those related to cases set forth in item (x) of said paragraph) shall be made in writing, and shall be accompanied by a copy of the document provided in Article 41, paragraph (1) of the Act, the written complaint or written petition, written decision or written ruling, waiver or acknowledgement of claim, written statement of judicial settlement or conciliation, written decision on arbitration, brief or other documents setting forth the pertinent contents (referred to in Article 15, paragraph (1) as "Evidentiary Documents").
- (3) Notifications and reports under Article 23, paragraph (4) of the Act (each limited to those related to cases set forth in item (x) of said paragraph) shall be made in writing and shall be accompanied by documents in which the matters set forth in the following items have been set forth no less than two weeks prior to the date on which the qualified consumer organization intends to carry out an act set forth in Article 16:
- (i) The fact that the qualified consumer organization intends to carry out said act.
  - (ii) The date on which the qualified consumer organization intends to carry out said act.
  - (iii) Where the qualified consumer organization intends to carry out an act set forth in Article 16, item (iii), (vii) or (viii) (excluding where the qualified consumer organization wishes to file a petition provided in Article 265, paragraph (1) of the Code of Civil Procedure (Act No. 109 of 1996)), details of the agreement pertaining to the settlement or conciliation that the qualified consumer organization is predicted to reach with the adverse party.
- (4) The "date on which the qualified consumer organization intends to carry out the act" referred to in the preceding paragraph means the dates set forth in the following items in accordance with the circumstances provided in each item:
- (i) Where the qualified consumer organization intends to carry out an act set forth in Article 16, items (i) through (iii) (excluding the cases provided in items (ii) through (iv) below): The date of oral arguments, etc. , (meaning the date of oral arguments, etc., as provided for in Article 261, paragraph (3) of

the Code of Civil Procedure; the same shall apply hereinafter in this paragraph);

- (ii) Where the qualified consumer organization intends to carry out the act provided in Article 16, item (iii) and intends to submit a document stating that he/she accepts the proposed terms of settlement presented in advance by the court or an authorized judge or commissioned judge pursuant to the provisions of Article 264 of the Code of Civil Procedure: The date on which the qualified consumer organization intends to submit such document;
  - (iii) Where the qualified consumer organization intends to carry out the act set forth in Article 16, item (iii) and intends to appear in person on the date of oral arguments, etc. , and accept the proposed terms of settlement set forth in the preceding item: The date of said oral arguments, etc. ;
  - (iv) Where the qualified consumer organization intends to carry out the act set forth in Article 16, item (iii) and intends to file a petition provided in Article 265, paragraph (1) of the Code of Civil Procedure: The date on which the qualified consumer organization intends to file such petition;
  - (v) Where the qualified consumer organization intends to carry out an act set forth in Article 16, item (iv) through item (vi): The date of oral arguments, etc. , or a date other than that date on which the qualified consumer organization intends to take those actions;
  - (vi) Where the qualified consumer organization intends to carry out the act set forth in Article 16, item (vii): The date of the conciliation that the parties seek to agree upon; and
  - (vii) Where the qualified consumer organization intends to carry out the acts set forth in Article 16, item (viii): The date on which the qualified consumer organization intends to file a petition pursuant to Article 38, paragraph (1) of the Arbitration Act (Act No. 138 of 2003) with an arbitral tribunal.
- (5) Where any change arises in matters set forth in the items of paragraph (3) (excluding where the change relates to an objectively clear clerical error, misprint or printing omission, or other changes that do not cause the sameness of the content to be lost) after notification and reporting provided in that paragraph but before a final and binding judgment has been rendered or anything with the same force and effect as such a judgment comes into effect, a new notification and report shall be given in writing on each such occasion, setting forth the changed matters. In this case, the provisions of the preceding paragraphs (3) and (4) shall apply mutatis mutandis.

(Matters to Be Reported to the Secretary General of the Consumer Affairs Agency)

Article 14 The "matters provided by a Cabinet Office Ordinance" referred to in Article 23, paragraph (4) the Act shall be information related to the relevant

content and implementational timing (referred to in Article 28 as "Information on Improvement Measures"), where the qualified consumer organization has received notice from the adverse party to an Injunction Demand to the effect that said adverse party has stopped, prevented, or taken the necessary measures to stop or prevent the acts set forth in Article 12 of the Act, Article 10 of the Act against Unjustifiable Premiums and Misleading Representations (Act No. 134 of 1962) or Articles 58-4 through Article 58-9 of the Act on Specified Commercial Transactions (Act No. 57 of 1976) in connection with an Injunction Demand under Article 23, paragraph (4), items (iv) through (ix) of the Act or an act pursuant to item (xi) of said paragraph.

(Measures for Notification and Reporting by Electromagnetic Means)

- Article 15 (1) The "measures provided by a Cabinet Office Ordinance that allow all qualified consumer organizations and the Prime Minister to review the same information through electromagnetic means" referred to in Article 23, paragraph (4) of the Act shall be measures for recording, on a storage medium in a telecommunications facility managed by the Secretary General of the Consumer Affairs Agency, the matters provided for in the first sentence of Article 23, paragraph (4) of the Act, the matters contained in Evidentiary Documents provided for in Article 13, paragraph (2) and matters listed in the items of Article 13, paragraph (3) (including cases where applied *mutatis mutandis* pursuant to Article 13, paragraph (5)), and that allow all qualified consumer organizations and the Secretary General of the Consumer Affairs Agency to record such information and receive the information recorded on such storage medium.
- (2) When a qualified consumer organization implements the measures provided for in the preceding paragraph, said qualified consumer organization shall, either in advance or at the time of implementing such measures, send an electronic mail message to the electronic mail address specified in advance by the Secretary General of the Consumer Affairs Agency in order to notify all qualified consumer organizations and the Secretary General of the Consumer Affairs Agency that the qualified consumer organization will implement or has implemented those measures.
- (3) When a notification or report provided for in Article 23, paragraph (4) of the Act has been given in accordance with the measures set forth in paragraph (1), said notification or report shall be deemed to have been delivered to all qualified consumer organizations and the Secretary General of the Consumer Affairs Agency at the time when the information was recorded on to the storage medium in a telecommunications facility managed by the Secretary General of the Consumer Affairs Agency.

(Acts Connected with Proceedings Involved in an Injunction Demand)

Article 16 The "acts connected with proceedings set forth by a Cabinet Office Ordinance" referred to in item (x) of Article 23, paragraph (4) of the Act shall be as follows:

- (i) Waiver of claim;
- (ii) Acknowledgement of claim;
- (iii) Judicial settlement;
- (iv) Waiver of rights pursuant to the provisions of Article 284 of the Code of Civil Procedure (including cases where applied mutatis mutandis pursuant to Article 313 of such Code);
- (v) An agreement not to file an appeal to an intermediate court or a final appeal;
- (vi) Appeal to an intermediate court, final appeal, or withdrawal of a petition under Article 318, paragraph (1) of the Code of Civil Procedure;
- (vii) A conciliation agreement; and
- (viii) A petition under Article 38, paragraph (1) of the Arbitration Act.

Article 17 The "acts connected with proceedings provided by a Cabinet Office Ordinance" referred to in Article 23, paragraph (4), item (xi) of the Act shall be as follows:

- (i) An order for amendment of a complaint (including petitions for appeal to the intermediate court and petitions for final appeal), an amended complaint based thereupon, or an order for dismissal;
- (ii) An immediate appeal, special appeal, or an appeal with permission against the order of dismissal provided for in the preceding item, a special appeal or appeal with permission against the court in charge of the appeal's decision on that immediate appeal, or the announcement of a decision in relation to such appeals;
- (iii) The filing of an action for a retrial or a petition for a retrial for a case that has become final and binding through an order of dismissal provided for in item (i), or an announcement of a decision pertaining to such action or petition for retrial;
- (iv) An immediate appeal, a special appeal, or an appeal with permission against the decision provided for in the preceding item, a special appeal or appeal with permission against the court in charge of the appeal's decision on that immediate appeal, or the announcement of a decision in relation to such appeals;
- (v) The judicial decision on the merits, where an order to commence a retrial has become final and binding.
- (vi) The announcement of a decision concerning a petition for rescission of an arbitral award;

- (vii) An immediate appeal, special appeal, or an appeal with permission against the decision provided for in the preceding item, a special appeal or appeal with permission against the court in charge of the appeal's decision on that immediate appeal, or the announcement of a decision in relation to such appeals;
- (viii) Announcement of a decision concerning an objection to a temporary restraining order or a petition for the revocation of a temporary restraining order;
- (ix) An appeal in connection with a temporary restraining order against a decision provided for in the preceding item or the announcement of a decision concerning such appeal.
- (x) The amendment of a claim, the filing of a counterclaim, or the filing of an action for interlocutory declaration;
- (xi) The filing of an incidental appeal to the intermediate court or the court of final appeal;
- (xii) The announcement of a decision concerning a transfer;
- (xiii) An immediate appeal, special appeal, or an appeal with permission against the decision provided for in the preceding item, a special appeal or appeal with permission against the court in charge of the appeal's decision on that immediate appeal, or the announcement of a decision in relation to such appeals;
- (xiv) Agreement on a waiver or acknowledgement of claim, judicial settlement, or conciliation, the commencement of proceedings to contest the force of a settlement provided for in Article 38, paragraph (1) of the Arbitration Act, or the closure of such proceedings; and
- (xv) The submission of allegations and evidence or other acts in connection with the proceedings involved in an Injunction Demand of which the qualified consumer organization finds it appropriate to give notification and to report pursuant to Article 23, paragraph (4) of the Act, from the standpoint of the proper exercise of the right to demand an injunction or promoting mutual cooperation among qualified consumer organizations.

(Means of Transmission)

Article 18 The "means provided by a Cabinet Office Ordinance" referred to in Article 23, paragraph (5) of the Act shall be as set forth in the following items:

- (i) Measures that allow all qualified consumer organizations, the Secretary General of the Consumer Affairs Agency and the Minister of Economy, Trade and Industry to inspect the same information using electromagnetic means; and
- (ii) Issuance of copies of the documents, issuance of magnetic discs, transmission using a facsimile device, and other means that the Secretary

General of the Consumer Affairs Agency finds appropriate.

(Matters to Be Transmitted)

Article 19 The "matters set forth by a Cabinet Office Ordinance" referred to in Article 23, paragraph (5) of the Act shall be the fact that the information provided for in Article 39, paragraph (1) of the Act has been made public and the date of such publication.

(Matters to Be Disclosed in the Performance of Services Related to Injunction Demands)

Article 20 The "matters set forth by a Cabinet Office Ordinance" referred to in Article 26 of the Act shall be the matters set forth below:

- (i) Qualification as an attorney or other qualifications held by the person engaged in the services; and
- (ii) In the case of an Injunction Demand provided in item (ii) of Article 23, paragraph (4) of the Act: The gist of the claim and the points of the dispute.

(Books and Documents Related to Services and Accounting)

Article 21 (1) The "books and documents related to its services and accounting that are provided by a Cabinet Office Ordinance" referred to in Article 30 of the Act shall be the following books and documents:

- (i) Books and documents that record the course of negotiations with the adverse party regarding the exercise of the Right to Demand an Injunction;
- (ii) If the qualified consumer organization becomes party to a petition for a lawsuit, conciliation, arbitration, settlement, compulsory execution, provisional disposition order or other procedure pertaining to the exercising of the Right to Demand an Injunction: Books and records that set forth an outline and the results of such procedure;
- (iii) Books and records that set forth an outline of the Consumer Damage Information Collection Services;
- (iv) Books and records that set forth an outline of the Injunction Demand Information Supply Services;
- (v) A compendium of relevant materials used to prepare the books and documents provided in the preceding items;
- (vi) The minutes of meetings of the board of directors and books and records that set forth the proceedings and results of reviews conducted by the "section responsible for reviewing" provided in Article 13, paragraph (3), item (v) of the Act;
- (vii) Account books;
- (viii) Books and records that set forth the names, addresses, and occupations of persons that paid, donated, or otherwise delivered (hereinafter referred to in

this item and Article 25, item (i), sub-item (a) 3. and 4. as "Payment, etc.") membership fees, donations and other similar monies (hereinafter referred to in this item and Article 25, item (i) as "Membership Fees, etc.") (where a person who has made such a Payment, etc., is a juridical person or other such entity: the title of such entity, the location of its principal office, the name of its representative, and the type of business), as well as the amounts of such Membership Fees, etc. , the dates of such Payments, etc. , and provisions in the articles of incorporation, constitution, or similar document in relation to Membership Fees, etc. , (hereinafter referred to in Article 25, item (i), sub-item (a) 2. as "Provisions Related to Membership Fees, etc."); and

(ix) Books and records that set forth the receipt of economic benefits provided for in the items of Article 28, paragraph (1) of the Act.

(2) Qualified consumer organizations shall close the books and documents provided for in the items of the preceding paragraph on the final day of each business year, and keep such books and documents for five years following such closure.

(Appointment, etc., of Persons to Perform Inspections)

Article 22 (1) Persons who perform inspections provided in Article 31, paragraph (2) of the Act (hereinafter referred to in this Article as "Inspectors") shall be persons (excluding officers, employees, and Expert Advisors of the qualified consumer organization, and persons who have been such persons in the past two years) appointed by the qualified consumer organization from among persons who, in consideration of their occupations and professional histories, their qualifications, any relationship such persons might have with the qualified consumer organization that make them interested parties, and all other circumstances, are deemed to have the knowledge and experience as provided in Article 31, paragraph (2) of the Act and the ability to make fair judgments.

(2) When a qualified consumer organization has appointed an Inspector pursuant to the provisions of the preceding paragraph, the qualified consumer organization shall, without delay, enter into a contract (hereinafter referred to in this Article as "Inspection Contract") with the Inspector, stipulating that the organization will submit to inspections as provided in Article 31, paragraph (2) of the Act and receive inspection reports that include the methods and results of the inspections.

(3) Inspection Contracts shall contain clauses stipulating that, in the event that an Inspector finds it necessary to ask questions, demand reports, or inspect books and documents in order to perform the inspections set forth in Article 31, paragraph (2) of the Act and such Inspector asks questions, demands reports, or seeks to inspect books and documents to the extent required, the qualified

consumer organization must comply.

- (4) In performing their Inspection Contracts, Inspectors shall constantly remain fair and unbiased, and shall carry out inspections on their own judgment and responsibility.

(Retention of Financial Statements, etc.)

Article 23 Qualified consumer organizations shall keep the documents provided for in Article 31, paragraph (3) of the Act in their offices for five years.

(Matters to Be Included in the List of Officers and Employees)

Article 24 The "matters set forth by a Cabinet Office Ordinance" referred to in item (iii) of Article 31, paragraph (3) of the Act shall be the matters set forth in the following items:

- (i) Whether or not remuneration was paid in the preceding business year; and
- (ii) Where measures provided for in the rules of operation for if an officer, employee or Expert Advisor has a special interest in an adverse party to an Injunction Demand are implemented with regard to the officer, employee, or Expert Advisor, the content of such measures.

(Matters Related to Accounting)

Article 25 The "matters provided by a Cabinet Office Ordinance" referred to in item (vi) of Article 31, paragraph (3) of the Act shall be the following matters:

- (i) For all revenues, the total amount of such revenues, the amounts of such revenues composed of Membership Fees, etc. , business revenue, borrowings, and other revenue, as well as the following matters:
  - (a) The type of Membership Fees, etc. , and the following matters for each type:
    - 1. The total amount;
    - 2. Provisions on Membership Fees, etc. ;
    - 3. The total number of people who made Payments, etc. , and whether such persons were individuals or juridical persons or other entities; and
    - 4. The names or titles of persons who made Payments, etc. , (limited to those whose Payment, etc., of Membership Fees, etc., exceeded fifty thousand yen within the business year), the amount of such Membership Fees, etc. , and the dates of Payments, etc.
  - (b) For business revenue, the types of business for which business revenue was earned and the amounts of business revenue earned in each of those types; for the transactions for which the revenues within each of those business types were earned, the parties to, amounts of, and other matters related to the contents of the transactions for which the greatest amounts of revenue were earned, ranked in order of transacted amount from the



- first greatest amount of revenue from a transaction to the fifth; and
- (c) For borrowings, the lenders and the amount borrowed from each lender.
  - (ii) For all expenditures, the total amount of expenditure; for transactions involving expenditures, the parties to, amounts of, and other matters related to the contents of the transactions involving the greatest amounts of expenditure ranked in order from the first greatest amount of expenditure in a transaction to the fifth.

(Means of Displaying Matters Recorded in Electromagnetic Records)

Article 26 The "means provided by a Cabinet Office Ordinance" referred to in Article 31, paragraph (4), item (iii) of the Act shall be the display on paper or a screen of the matters recorded in electromagnetic records.

(Electromagnetic Means of Delivering Matters Recorded in Electromagnetic Records)

Article 27 (1) The "electromagnetic means prescribed by Cabinet Office Ordinance" referred to in Article 31, paragraph (4), item (iv) of the Act shall be, among the following means, those provided for in the qualified consumer organization's rules of operation.

- (i) Means whereby an electronic information processing system that connects a computer used by the qualified consumer organization with a computer used by the person who has made a request set forth in Article 31, paragraph (4), item (iv) of the Act (hereinafter referred to in this Article as the "Requester") via a telecommunications line is used and the information is sent via such telecommunications line and recorded into a file that has been prepared on the computer used by the Requester; and
  - (ii) Means whereby information recorded into a file that has been prepared in the form of a magnetic disk or other equivalent means that is capable of recording or reliably storing certain matters.
- (2) The means set forth in the items of the preceding paragraph shall allow the Requester to prepare written documents by outputting the content recorded on the file.

(Information to Be Disclosed)

Article 28 The "matters set forth by a Cabinet Office Ordinance" referred to in Article 39, paragraph (1) of the Act shall be an outline of the Information on Improvement Measures in relation to the judgment or extra-judicial settlement.

Article 29 The "necessary information provided by Cabinet Office Ordinance" referred to in Article 39, paragraph (2) of the Act shall be the following information:

- (i) Information related to matters for which public notice has been given pursuant to the provisions of Article 16, paragraph (1), Article 19, paragraph (8), Article 20, paragraph (8), Article 21, paragraph (2), Article 34, paragraph (5), and Article 35, paragraph (10) of the Act; and
- (ii) Information related to matters included in the following documents:
  - (a) Documents submitted pursuant to the provisions of Article 31, paragraph (6) of the Act;
  - (b) Articles of incorporation;
  - (c) Rules of operation; and
  - (d) Where the qualified consumer organization is engaged in business other than Services Related to Injunction Demands, documents indicating the type of business and an outline thereof.

(Requests for Information)

- Article 30 (1) Qualified consumer organizations that wish to receive information under Article 40, paragraph (1) of the Act shall submit a written application containing the following matters to the National Consumer Affairs Center of Japan, Independent Administrative Agency, or a local public entity:
- (i) The title and address of the qualified consumer organization, and the name of its representative;
  - (ii) The name or title and address of the adverse party to the Injunction Demand;
  - (iii) The reasons for application;
  - (iv) The purpose for which any information that is delivered will be used, the methods of managing the information, and the scope of persons who will handle the information;
  - (v) The desired scope of information to be delivered; and
  - (vi) The desired method of delivery for the information.
- (2) Under "reasons for application" pursuant to item (iii) of the preceding paragraph, the qualified consumer organization shall enter a concrete outline of the information collected thereby and other facts, etc. , that justify the application.
- (3) Where a written application under paragraph (1) has been submitted and the National Consumer Affairs Center of Japan, Independent Administrative Agency, or a local public entity finds there to be reasonable grounds for the application, the National Consumer Affairs Center of Japan, Independent Administrative Agency, or the local public entity shall deliver the information provided for in the items of paragraph (1) of the following Article to the extent found necessary.
- (4) When delivering information, the National Consumer Affairs Center of Japan, Independent Administrative Agency, or the local public entity shall make it

clear that the information related to the Consumer Affairs Consultation is a summary of a complaint by a consumer and that the veracity of the complaint has not been confirmed.

- (5) When delivering information, the National Consumer Affairs Center of Japan, Independent Administrative Agency, or the local public entity may restrict the purpose for which the information may be used, and may impose conditions, such as the requirement that the qualified consumer organization report the results of its use of the information that has been delivered, or any other necessary conditions.
- (6) The National Consumer Affairs Center of Japan, Independent Administrative Agency, or the local public entity shall not deliver information if it finds there to be a risk that the information requested pursuant to paragraph (1) will be used in violation of the provisions of Article 40, paragraph (2) of the Act or in violation of the restrictions or conditions that the National Consumer Affairs Center of Japan, Independent Administrative Agency, seeks to impose pursuant to the preceding paragraph.
- (7) When delivering information, the National Consumer Affairs Center of Japan, Independent Administrative Agency, or the local public entity shall take care to protect the personal information of consumers involved in the Consumer Affairs Consultation.

(Information Delivered by the National Consumer Affairs Center of Japan, etc.)

Article 31 (1) The "information provided by Cabinet Office Ordinance" referred to in Article 40, paragraph (1) of the Act shall be the information set forth in the following items in accordance with the classifications listed in each of those items:

- (i) The National Consumer Affairs Center of Japan, Independent Administrative Agency: Information on Consumer Affairs Consultations that has been stored on the Practical Living Information Online Network System (meaning the system managed and operated by the National Consumer Affairs Center of Japan, Independent Administrative Agency, that allows the National Consumer Affairs Center of Japan, Independent Administrative Agency, and local public entities to store and use information related to consumer affairs by means of online processing in order to address damage incurred by consumers; the same shall apply hereinafter in this paragraph) for the whole country or for a territory that covers multiple prefectures (excluding information pertaining to individual prefectures and other similar information); and
- (ii) Local public entities: Information on Consumer Affairs Consultations that has been stored on the Practical Living Information Online Network System, and that is delivered by the relevant local public entity to the National

Consumer Affairs Center of Japan, Independent Administrative Agency (including delivery via prefectural governments) (hereinafter referred to in this item as "Information from a Local Public Entity" and defined to include information that has been delivered by other local public entities to the National Consumer Affairs Center of Japan, Independent Administrative Agency, (including delivery via prefectural governments) and that the relevant local public entity finds appropriate to deliver together with the Information from a Local Public Entity, pursuant to the provisions of Article 40, paragraph (1) of the Act, and for which the local government entity obtains the agreement of the other local government entities).

(2) The provisions of the preceding Article and the preceding paragraph shall not preclude the delivery of information other than that provided in the items of the preceding paragraph by the National Consumer Affairs Center of Japan, Independent Administrative Agency, or local public entities, pursuant to the provisions of laws and regulations other than the Act (including Prefectural and Municipal Ordinances).

(Matters to Be Included in Documents)

Article 32 (1) The "matters provided by Cabinet Office Ordinance" referred to in Article 41, paragraph (1) of the Act (including cases where applied *mutatis mutandis* pursuant to Article 41, paragraph (3) of the Act; the same shall apply hereinafter in this Article) shall be as follows:

(i) The title and address of the qualified consumer organization, and the name of its representative;

(ii) The telephone number and facsimile number of the qualified consumer organization;

(iii) The name or title and address of the counterparty;

(iv) The date of the demand;

(v) The fact that the demand is a demand provided for in Article 41, paragraph (1) of the Act; and

(vi) The gist of the claim and the points of the dispute.

(2) Demands set forth in paragraph (1) of Article 41 of the Act shall, wherever possible, make clear at which court the qualified consumer organization intends to file an action, file an action after petitioning for a provisional disposition order, or file a petition for a provisional disposition order.

(Notification Suspension of Court Proceedings)

Article 33 Notification under Article 46, paragraph (1) of the Act shall be given by attaching a copy of documents certifying the contents of the final and binding judgment, etc. , provided for in the main clause of Article 12-2, paragraph (1), item (ii) of the Act to which the other qualified consumer

organization is party (where measures provided in Article 15, paragraph (1) have been implemented, the documents prepared by outputting that part of the information that has been recorded on a storage medium as provided in such paragraph that is pertinent to the matters included in the documents).

#### **Supplementary Provisions**

This Cabinet Office Ordinance shall come into effect as of the date of enforcement (June 7, 2007) of the Act for the Partial Revision of the Consumer Contract Act (Act No. 56 of 2006).

#### **Supplementary Provisions [Cabinet Office Ordinance No. 72 of November 21, 2008]**

This Cabinet Office Ordinance shall come into effect as of December 1, 2008.

#### **Supplementary Provisions [Cabinet Office Ordinance No. 6 of March 26, 2009]**

This Cabinet Office Ordinance shall come into effect as of April 1, 2009.

#### **Supplementary Provisions [Cabinet Office Ordinance No. 46 of August 28, 2009]**

This Cabinet Office Ordinance shall come into effect as of the date of enforcement (September 1, 2009) of the Act on the Establishment of the Consumer Affairs Agency and the Consumer Commission (Act No. 48 of 2009).

#### **Supplementary Provisions [Cabinet Office Ordinance No. 70 of November 27, 2009]**

This Cabinet Office Ordinance shall come into effect as of the date of enforcement (December 1, 2009) of the Act for the Partial Revision of the Act on Specified Commercial Transactions and the Installment Sales Act (Act No. 74 of 2008).