

Consumer Safety Act (Article 10-4 unenforced)

(Act No. 50 of June 5, 2009)

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Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to provide for the Prime Minister's formulation of a basic policy so as to prevent Consumers from suffering harm in their lives as Consumers and to ensure their safety, and this Act also aims to contribute to bringing about a society in which Consumers are assured of leading safe and fulfilling lives as consumers by providing for measures such as prefectural and municipal governments' implementation of consumer affairs consultations and other administrative processes, these governments' establishment of Consumer Affairs Centers, and their consolidation of

information about Actual and Potential Consumer-Related Incidents; the Consumer Safety Investigation Commission's investigations with regard to Actual and Potential Consumer-Related Incidents; and measures to prevent instances of Harm to Consumers from Occurring or Increasing, together with measures provided for under other relevant laws.

(Definitions)

- Article 2 (1) The term "Consumer" as used in this Act means an individual (other than an individual engaging in a commercial, industrial, financial, or other business undertaking).
- (2) The term "Enterprise" as used in this Act means a person engaged in a commercial, industrial, financial, or other business undertaking (and is applicable to an individual only when the individual is engaging in such a business undertaking).
- (3) The term "Ensuring Consumer Safety" as used in this Act means preventing Consumers from suffering harm in their lives as consumers and ensuring their safety.
- (4) The term "Safe to Use" as used in this Act means the level of safety that a good or product (meaning a good or product that it is the business of an Enterprise to supply; an object, facility, or structure that an Enterprise provides or allows Consumers to use in order to further its business; an object, facility, or structure used in a service that it is the business of an Enterprise to provide; or an object, facility, or structure used in a service that an Enterprise provides in order to further its business; hereinafter the same applies) or a service (limited to a service that it is the business of an Enterprise to provide or one that it provides in order to further its business; hereinafter the same applies) should normally have when a Consumer uses that good or product (including eating or drinking it) or makes use of that service (hereinafter these activities are referred to as "Use"), given the characteristics of the good or product or the service, the normal and foreseeable ways in which Consumers will Use it, and other circumstances attending the good or product or the service.
- (5) The term "Actual or Potential Consumer-Related Incident" as used in this Act means an accident or circumstance as set forth in one of the following items:
- (i) an accident that occurs in association with a Consumer's Use of a good or product that it is the business of an Enterprise to supply; an object, facility, or structure that an Enterprise provides or allows Consumers to use in order to further its business; a service that it is the business of an Enterprise to provide; or a service that an Enterprise provides in order to further its business, in which the life or health of a Consumer is harmed to the extent provided by Cabinet Order (other than an accident that clearly was not

- caused by a deficiency in the good or product or the service involved in the accident in terms of it being Safe to Use);
- (ii) a circumstance meeting the requirements provided by Cabinet Order for being regarded as a circumstance in which a Consumer's Use of a good or product or a service that is not Safe to Use is likely to cause an accident as set forth in the preceding item; and
 - (iii) any circumstance other than as set forth in the preceding two items, in which an Enterprise engages in deceitful or exaggerated advertising or any other action provided by Cabinet Order that is likely to wrongfully harm the interests of a Consumer or interfere with a Consumer's voluntary and rational choice-making.
- (6) The term "Actual or Potential Accident Involving Bodily Harm" as used in this Act means an accident set forth in item (i) of the preceding paragraph or a circumstance set forth in item (ii) of that paragraph.
- (7) The term "Actual or Potential Serious Accident" as used in this Act means an accident or circumstance set forth in one of the following items:
- (i) an accident as set forth in paragraph (5), item (i) which meets the requirements provided by Cabinet Order for being regarded as involving serious harm; and
 - (ii) a circumstance set forth in paragraph (5), item (ii) which meets the requirements provided by Cabinet Order for being regarded as likely to cause an accident as set forth in the preceding item.
- (8) The term "Circumstances Financially Damaging to a Great Number of Consumers" as used in this Act means circumstances as set forth in paragraph (5), item (iii), in which dealings as follows that involve an action as set forth in paragraph (5), item (iii) are taken by an Enterprise, and this damages or is likely to damage the finances of a great number of Consumers:
- (i) unfair dealings that are prejudicial to the financial interests of the Consumer, in which the contents or terms and conditions indicated to the Consumer with respect to the goods, services, rights, or other subject of the dealings are significantly different from the actual contents or terms and conditions; or
 - (ii) unfair dealings, other than as set forth in the preceding item, which are prejudicial to the financial interests of the Consumer and which are provided by Cabinet Order.

(Basic Principles)

Article 3 (1) Policies for Ensuring Consumer Safety must be advanced through the prompt and efficient implementation of measures that are found to be necessary based on expert knowledge, with a view to preventing Actual and Potential Consumer-Related Incidents from occurring and preventing instances

of harm from Actual and Potential Consumer-Related Incidents from increasing.

- (2) Policies for Ensuring Consumer Safety must be advanced with a view to contributing to enhancing convenience for the Consumer while taking care to ensure appropriate business conduct by Enterprises and responding correctly to the growing sophistication and diversification of Consumer needs and other changes in socioeconomic conditions.
- (3) Policies for Ensuring Consumer Safety must be advanced under the close cooperation of the national and local governments, in a way that allows local governments to fully exercise their autonomy and independence.

(Responsibilities of the National and Local Governments)

- Article 4 (1) The national and local governments have a responsibility to formulate and implement policies for Ensuring Consumer Safety comprehensively, in conformity with the basic principles provided for in the preceding Article (hereinafter referred to as "the Basic Principles" in this Article).
- (2) In advancing policies for Ensuring Consumer Safety, the national and local governments must endeavor to leverage the abilities of persons with expertise, skills or experience in consumer affairs, in conformity with the Basic Principles.
 - (3) In advancing policies for Ensuring Consumer Safety, the national and local governments must endeavor to take the necessary measures to disclose information about Actual and Potential Consumer-Related Incidents, the necessary measures to incorporate Consumer opinions, and other measures, thereby ensuring the transparency of the process, in conformity with the Basic Principles.
 - (4) In advancing policies for Ensuring Consumer Safety, the national and local governments must endeavor to assess policy effects (meaning the effects that a series of administrative actions that the government implements or seeks to implement based on this policies, have or are likely to have on Consumers' lives as consumers, on social and economic conditions, and on administrative management; the same applies in Article 6, paragraph (2), item (iv)), evaluate those effects based on their assessment, consider them in a timely and appropriate manner, and then take the necessary measures based on these considerations, in conformity with the Basic Principles.
 - (5) In advancing policies for Ensuring Consumer Safety, the national and local governments must take care to ensure close cooperation among the National Consumer Affairs Center of Japan, IAA (hereinafter referred to as "the National Consumer Affairs Center of Japan"); the Consumer Affairs Centers as provided in Article 10-2, paragraph (1), item 1; prefectural police; fire departments (meaning the bodies set forth in the items of Article 9 of the Fire

and Disaster Management Organization Act (Act No. 226 of 1947)); healthcare centers; hospitals; educational institutions; consumer affairs support groups and consumer affairs supporters defined in Article 11-7, paragraph (1); consumer groups; and other relevant parties, in conformity with the Basic Principles.

- (6) The national and local governments must endeavor to deepen public understanding and gain their cooperation for Ensuring Consumer Safety, by promoting consumer education and conducting public relations activities, along with other relevant activities.

(Efforts by Enterprises and Others)

Article 5 (1) Enterprises and trade associations must make their own efforts to Ensure Consumer Safety, as well as endeavoring to cooperate with policies for Ensuring Consumer Safety that are implemented by the national and local governments.

- (2) In consideration of the fact that it is important for Consumers themselves to act independently and rationally in order to have a sense of security and lead safe and fulfilling lives as consumers, Consumers must endeavor to acquire the necessary knowledge and collect the necessary information about the quality or performance of the goods or products an Enterprise supplies or the services it provides, the contracts they must conclude with an Enterprise, and other information pertinent to their lives as consumers.

Chapter II Basic Policy

(Formulation of the Basic Policy)

Article 6 (1) The Prime Minister must formulate a basic policy for Ensuring Consumer Safety (hereinafter referred to as "the Basic Policy").

- (2) The Basic Policy must establish the following particulars:
- (i) the particulars of what Ensuring Consumer Safety means;
 - (ii) the basic details of policies for Ensuring Consumer Safety;
 - (iii) the basic details of cooperation with the relevant administrative organs in the implementation of measures for Ensuring Consumer Safety based on the provisions of any other law (including orders based on any other law; hereinafter the same applies);
 - (iv) the basic details of assessments of the effects of policies for Ensuring Consumer Safety and evaluation of those effects based on these assessments; and
 - (v) any particular beyond what is set forth in the preceding items which is essential for Ensuring Consumer Safety.
- (3) The Basic Policy must be in conformity with the Basic Plan for Consumers as

prescribed in Article 9, paragraph (1) of the Basic Consumer Act (Act No. 78 of 1968).

- (4) Before beginning to formulate the Basic Policy, the Prime Minister must take the necessary measures to ensure that it will incorporate the views of Consumers and other relevant parties, as well as consulting with the heads of the relevant administrative organs and hearing the opinions of the Consumer Commission and the Consumer Safety Investigation Commission.
- (5) The Prime Minister must issue an announcement to the public without delay after formulating the Basic Policy.
- (6) The provisions of the preceding two paragraphs apply mutatis mutandis to amendments to the Basic Policy.

(Proposals by the Prefectural Governors)

Article 7 (1) A prefectural governor may submit a proposal to the Prime Minister for an amendment to the Basic Policy that will advance policies for Ensuring Consumer Safety, based on knowledge obtained through the performance of administrative processes set forth in the items of paragraph (1) of the following Article (hereinafter in this Article, this is referred to as "Proposing" an amendment). To do so, the prefectural governor must include a draft of the amendment to the Basic Policy that the governor is Proposing.

- (2) If an amendment is Proposed and, after hearing the opinions of the Consumer Commission and the Consumer Safety Investigation Commission, the Prime Minister finds it necessary to amend the Basic Policy based on the amendment that has been Proposed (meaning to amend the Basic Policy in a way that fully or partially reproduces the draft of the amendment to the Basic Policy that the governor is Proposing; the same applies in the following paragraph), the Prime Minister must amend the Basic Policy without delay.
- (3) If an amendment is Proposed and, after hearing the opinions of the Consumer Commission and the Consumer Safety Investigation Commission, the Prime Minister finds it not to be necessary to amend the Basic Policy based on the amendment that has been Proposed, the Prime Minister must notify the prefectural governor who Proposed the amendment of the decision not to make the amendment, giving the reasons for that decision, without delay.

Chapter III Consumer Affairs Consultations

Section 1 Implementation of Consumer Affairs Consultations and Other Administrative processes

(Implementation of Consumer Affairs Consultations and Other Administrative processes by Prefectural and Municipal Governments)

Article 8 (1) Prefectural governments are to perform the following

administrative processes:

- (i) coordinating communication among municipal governments, providing necessary advice, cooperating, providing information, and giving other assistance to municipal governments in their performance of the administrative processes set forth in the items of the following paragraph;
 - (ii) performing the following main administrative processes for Ensuring Consumer Safety:
 - (a) handling any request for a consultation involving a Consumer complaint against an Enterprise which requires a broader perspective than that of the municipal area;
 - (b) mediating any processing of a Consumer complaint against an Enterprise which requires a broader perspective than that of the municipal area;
 - (c) implementing any necessary investigation or analysis to assess the status or movements of an Actual or Potential Consumer-Related Incident which requires expert knowledge and skill;
 - (d) collecting information that is necessary for Ensuring Consumer Safety from a broader perspective than that of the municipal area, and providing it to local residents.
 - (iii) exchanging information about the occurrence of Actual and Potential Consumer-Related Incidents with the municipal governments;
 - (iv) coordinating communication among relevant organizations to Ensure Consumer Safety; and
 - (v) administrative processes incidental to those set forth in the preceding items.
- (2) Municipal governments are to perform the following administrative processes:
- (i) handling requests for consultations involving Consumer complaints against Enterprises in order to Ensure Consumer Safety;
 - (ii) mediation for the settlement of Consumer complaints against Enterprises in order to Ensure Consumer Safety;
 - (iii) collecting information that is necessary for Ensuring Consumer Safety and providing it to local residents;
 - (iv) exchanging information about the occurrence of Actual and Potential Consumer-Related Incidents with the prefectural governments;
 - (v) coordinating communication among relevant organizations to Ensure Consumer Safety; and
 - (vi) administrative processes incidental to those set forth in the preceding items.
- (3) If a municipal government deals with the administrative processes set forth in the items of the preceding paragraph in cooperation with another municipal government or entrusts another municipal government with the administrative processes, the prefectural government may conduct necessary coordination between relevant municipal governments to meet the requests from the

municipal government.

- (4) Any of prefectural officials who engage or engaged in the administrative processes set forth in the items of paragraph (1) and municipal officials who engage or engaged in the administrative processes set forth in the items of paragraph (2) must not divulge any confidential information learned in the course of the administrative processes entrusted thereto.

(Entrustment of Consumer Affairs Consultations and Other Administrative Processes)

Article 8-2 (1) Each prefectural government may entrust part of the administrative processes set forth in paragraph (1), item (i) of the preceding Article (excluding the coordination of communication among municipal governments) and the administrative processes set forth in items (ii) to (v) of that paragraph to those who satisfy the standards provided by Cabinet Office Order as those who can carry out the administrative processes appropriately.

(2) Each municipal government may entrust part of the administrative processes set forth in the items of paragraph (2) of the preceding Article to those who satisfy the standards provided by Cabinet Office Order as those who can carry out the administrative processes appropriately.

(3) Any of those who have been entrusted with any administrative processes pursuant to the preceding two paragraphs, its officer or personnel, and those who engaged in the administrative processes must not divulge any confidential information learned in the course of the administrative processes entrusted thereto.

(Assistance by the National Government and the National Consumer Affairs Center of Japan)

Article 9 The national government and the National Consumer Affairs Center of Japan are to provide the prefectural and municipal governments with information, train staff to engage in the relevant administrative processes, and give other necessary assistance for implementing the administrative processes set forth in the items of paragraphs (1) and (2) of Article 8.

Section 2 Establishment of Consumer Affairs Centers

(Establishment of Consumer Affairs Centers)

Article 10 (1) A prefectural government must establish an institution or organization that meets the following requirements in order to perform the administrative processes set forth in the items of Article 8, paragraph (1):

- (i) it engages consumer affairs consultants to do the administrative processes set forth in Article 8, paragraph (1), item (ii) (a) and (b);

- (ii) it has the appropriate electronic data processing systems and other equipment to efficiently perform the administrative processes set forth in the items of Article 8, paragraph (1);
 - (iii) it conforms to any other standard provided by Cabinet Order as being necessary to the appropriate performance of the administrative processes set forth in the items of Article 8, paragraph (1).
- (2) If necessary, a municipal government must endeavor to establish an institution or organization that meets the following requirements, in order to perform the administrative processes set forth in the items of Article 8, paragraph(2):
- (i) it engages consumer affairs consultants to do the administrative processes set forth in Article 8, paragraph (2), items (i) and (ii);
 - (ii) it has the appropriate electronic data processing systems and other equipment to efficiently perform the administrative processes set forth in the items of Article 8, paragraph (2);and
 - (iii) it conforms to other standard provided by Cabinet Order as being necessary to the appropriate performance of administrative processes set forth in the items of Article 8, paragraph (2).
- (3) Municipal governments other than the ones that have established the institutions or organizations set forth in the preceding paragraph pursuant to the paragraph must endeavor to employ consumer affairs consultants to engage in the administrative processes set forth in Article 8, paragraph (2), items (i) and (ii).

(Organization and Operation of Consumer Affairs Centers)

- Article 10-2 (1) The prefectural government and municipal government that have established the institutions or organizations mentioned in paragraph (2) of the preceding Article must establish the following particulars in their respective ordinances:
- (i) particulars regarding the organization and operation of Consumer Affairs Centers (meaning the institution or organization described in paragraph (1) or (2) of the preceding Article; the same applies in the following paragraph and Article 47, paragraph (2));
 - (ii) particulars regarding the safety management of information obtained in the course of the administrative processes set forth in the items of paragraph (1) or (2) of Article 8; and
 - (iii) other particulars provided by Cabinet Office Order.
- (2) If the prefectural government or municipal government that has established a Consumer Affairs Center enacts an ordinance pursuant to the preceding paragraph, the prefectural government or municipal government is to refer to the standards provided by Cabinet Office Order for dealing with Consumer

complaints against Enterprises appropriately and promptly.

(Requirements for Consumer Affairs Consultants)

Article 10-3 (1) Consumer affairs consultants are to be those who have passed the qualification examination for consumer affairs consultants held by the Prime Minister or corporations registered by the Prime Minister (hereinafter referred to as "a Registered Testing Organization") or those who have been accredited by the prefectural governors or municipal mayors as those who possess expertise and skills at the same level as or a higher level than the passers of the examination.

(2) Consumer affairs consultants must endeavor to improve their knowledge and skills related to consumer affairs consultations (meaning consultation and mediation involving a Consumer complaint against an Enterprise implemented by prefectural or municipal governments in accordance with Article 8, paragraph (1), item (ii) (a) and (b) or paragraph (2), items (i) and (ii); hereinafter the same applies), in order to adapt to the changes in business affairs due to the changes in the environment surrounding consumer affairs.

(3) The aim of the qualification examination for consumer affairs consultants mentioned in paragraph (1) (hereinafter referred to as "the Exam") is to test whether examinees possess the knowledge and skills required for offering consumer affairs consultations. The subjects covered by the Exam are as follows:

(i) subjects covering the characteristics of the goods, products and services, how they are used, and the state of other goods, products and services being Safe to Use;

(ii) subjects covering the laws and regulations for consumer administration;

(iii) subjects covering the practice of consumer affairs consultations; and

(iv) other subjects provided by Cabinet Office Order.

(4) A person planning to take the Exam (excluding the examinations held by Registered Testing Organizations) must pay commissions to the national government with a method provided by Cabinet Office Order.

(5) Beyond what is provided for in the preceding two paragraphs, the procedures for taking the Exam and other particulars are as provided by Cabinet Office Order.

(Designated Consumer Affairs Consultants)

Article 10-4 The prefectural governors must endeavor to select those who can give advice, cooperate, provide information, and offer other assistance as provided in Article 8, paragraph (1), item (i) for carrying out the administrative processes of municipal governments set forth in Article 8, paragraph (2), items (i) and (ii) from consumer affairs consultants of the

prefectural governments who have passed the Exam and possess the practical work experience as consumer affairs consultants provided by Cabinet Office Order, and designate those selected as designated consumer affairs consultants, in order to support municipal governments in conducting administrative processes for consumer affairs consultations.

(Securing Staff to Engage in Administrative Processes, such as Consumer Affairs Consultations)

Article 11-1 The prefectural and municipal governments must endeavor to secure consumer affairs consultants and staff to engage in the administrative processes set forth in the items of Article 8, paragraph (1) or (2) and to improve the qualifications thereof, by adequately compensating consumer affairs consultants, training them, appointing and fostering them as full-time staff members, and taking other measures.

Section 3 Provision of Information to the Heads of Local Governments

Article 11-2 (1) The Prime Minister may provide the heads of local governments with the information on purchasers who require special care for consumer affairs and other information provided by Cabinet Office Order regarding the local residents of the local governments as long as the information is necessary for Ensuring Consumer Safety, when requested by the heads of local governments, pursuant to Cabinet Office Order provisions.

(2) The head of a local government may provide the head of another local government with information obtained in the course of administrative processes for consumer affairs consultations concerning the local residents of the local government, as long as the information is necessary for Ensuring Consumer Safety, when requested by the head of another local government, pursuant to the Cabinet Office Order provisions.

(3) The president of the National Consumer Affairs Center of Japan may provide the head of a local government with information obtained in the course of mediation for processing a complaint between an Enterprise and a Consumer and information obtained in the course of business for the consultation involving the complaint concerning the local residents of the local government, as long as the information is necessary for Ensuring Consumer Safety, when requested by the head of the local government, pursuant to the Cabinet Office Order provisions.

Section 4 Council for Ensuring Consumer Safety

(Local Council for Ensuring the Safety of Consumers)

Article 11-3 (1) Any organizations of the national and local governments engaging in the administrative processes for protecting and enhancing the interests of a Consumer (hereinafter referred to as "Relevant Institutions" in this Article) may organize a local council for ensuring the safety of consumers composed of Relevant Institutions for the purpose of effectively and smoothly implementing measures for Ensuring Consumer Safety in the territory of the local governments (hereinafter referred to as "Council").

(2) The Relevant Institutions that organize a Council pursuant to the preceding paragraph may add hospitals, educational institutions, consumer affairs support groups or consumer affairs supporters mentioned in Article 11-7, paragraph (1), and other relevant parties as the members of the Council, when such an addition is considered necessary.

(Administrative Processes of Councils)

Article 11-4 (1) A Council is to exchange necessary information and discuss measures for Ensuring Consumer Safety, in order to achieve the aim described in the preceding Article.

(2) The members of a Council (referred to as "Members" in the following paragraph) are to adequately correspond with Consumers who require special care for consumer affairs, monitor the situation thereof, and take other necessary measures in order to Ensure Consumer Safety, in accordance with the results of the discussion mentioned in the preceding paragraph.

(3) If a Council finds it necessary to do so for exchanging information or having discussions as provided in paragraph (1), or Members make a request regarding other Members' activities for Ensuring Consumer Safety or as provided by Cabinet Office Order, a Council may request Members to provide information on Consumers who require special care for consumer affairs, state an opinion, or cooperate as necessary.

(4) The general affairs of a Council are to be dealt with by the local government that constitutes the Council.

(Duty of Confidentiality)

Article 11-5 Any of those who engage or engaged in the administrative processes of a Council must not divulge confidential information learned in the course of those administrative processes.

(Particulars Provided by a Council)

Article 11-6 Beyond what is provided for in the preceding three Articles, all necessary particulars for the organization and operation of a Council are to be provided by the Council.

(Consumer Affairs Support Groups and Consumer Affairs Supporters)

Article 11-7 (1) The heads of local governments may appoint consumer affairs support groups or consumer affairs supporters from private-sector entities or individuals that conduct activities for protecting or enhancing the interests of a Consumer.

(2) Consumer affairs support groups and consumer affairs supporters are to carry out the following activities:

(i) to deepen local residents' understanding for Ensuring Consumer Safety;

(ii) to provide local residents who engage in activities for Ensuring Consumer Safety with information on the activities and other cooperation to the residents;

(iii) to provide local governments with necessary information for Ensuring Consumer Safety and necessary cooperation to the measures implemented by the national or local governments; and

(iv) beyond what is provided for in the preceding three items, to conduct activities for Ensuring Consumer Safety in each region provided by Cabinet Office Order.

(3) The heads of local governments must endeavor to hold training and take other necessary measures so that consumer affairs support groups and consumer affairs supporters will contribute to the activities set forth in the items of preceding paragraph.

(Duty of Confidentiality)

Article 11-8 Any of the officers or personnel of consumer affairs support groups or consumer affairs supporters or those who were any of them must not divulge any confidential information learned in the course of the activities set forth in the items of paragraph (2) of the preceding Article.

Section 5 Registered Testing Organizations

(Registration of Testing Organizations)

Article 11-9 The registration of a testing organization mentioned in Article 10-3, paragraph (1) (hereinafter referred to as "Registration") is to be conducted after a person planning to conduct the tasks for implementing a test (hereinafter referred to as "Testing Tasks") applies.

(Provisions for Disqualification)

Article 11-10 If a person who has applied for the Registration pursuant to the preceding Article (hereinafter referred to as "an Applicant for Registration" in paragraph (1) of the following Article) falls under one of the following items, the Prime Minister must not register the Applicant for Registration:

- (i) the person concerned had violated this Act or the provisions of any order under this Act and had been convicted, and the execution of a sentence was completed or the execution of a sentence was cancelled less than two years ago;
- (ii) the person concerned was deregistered pursuant to Article 11-22 less than two years ago; or
- (iii) Any of the officers who conduct the tasks falls under item (i).

(Requirements for Registration)

Article 11-11 (1) If an Applicant for Registration satisfies all of the following requirements, the Prime Minister must register the Applicant for Registration. To do so, the necessary procedures for completing Registration are provided by Cabinet Office Order:

- (i) an Applicant for Registration takes the Exam for the subjects set forth in the items of Article 10-3, paragraph (3);
 - (ii) examiners who have knowledge and experience that satisfy the following conditions produce questions for the Exam and check whether examinees possess necessary knowledge and skills for serving as consumer affairs consultants:
 - (a) a person who is serving or served as a professor or associate professor who gives lectures about civil laws, administrative laws, or economics in a college or university under the School Education Act (Act No. 26 of 1947);
 - (b) a person who is working or worked as personnel of the national or a local government and possesses expertise of the subjects set forth in the items of Article 10-3, paragraph (3);
 - (c) a person who has the experience of engaging in consumer affairs consultations for 5 or more years;
 - (d) a person who has knowledge and experience at the same level as or a higher level than the persons set forth in (a) to (c);
 - (iii) an administrator exclusively for ensuring the reliability of the Exam is employed and a section exclusively for managing Testing Tasks has been established; and
 - (iv) the Applicant for Registration is not insolvent.
- (2) Registration is to be completed when the following particulars are written in the registry of a Registered Testing Organization:
- (i) date and number of Registration;
 - (ii) name, address, and representative's name of a Registered Testing Organization;
 - (iii) details of the Testing Tasks of a Registered Testing Organization;
 - (iv) location of the place of business where a Registered Testing Organization conducts the Testing Tasks; and

(v) beyond what is provided for in the preceding items, other particulars provided by Cabinet Office Order.

(Updating Registrations)

Article 11-12 (1) A Registration becomes invalid if it is not updated within the timeframe of between five to ten years (inclusive) as provided by Cabinet Order.
(2) The provisions of the preceding three Articles apply mutatis mutandis to the update of a Registration as mentioned in the preceding paragraph.

(Ensuring Reliability)

Article 11-13 (1) A Registered Testing Organization must produce documents regarding the management of Testing Tasks (including the protection of confidential information on the Exam and the criteria for passing the Exam) and take measures for ensuring the reliability of Testing Tasks provided by Cabinet Office Order.
(2) A Registered Testing Organization must hold the Exam fairly, in accordance with the procedures of the Exam mentioned in Article 10-3, paragraph (5).

(Notification on Changes to Registered Particulars)

Article 11-14 When a Registered Testing Organization changes any particulars set forth in Article 11-11, paragraph (2), items (ii) to (v), the organization must notify the Prime Minister of the change at least two weeks prior to making the change.

(Regulations for Testing Tasks)

Article 11-15 (1) A Registered Testing Organization must enact regulations regarding Testing Tasks (hereinafter referred to as "Regulations for Testing Tasks"), and obtain the approval of the Prime Minister before the start of the Testing Tasks. When Regulations for Testing Tasks are revised, the Registered Testing Organization concerned must obtain the approval of the Prime Minister.
(2) Regulations for Testing Tasks must provide for the methods of implementing the Testing Tasks, measures for ensuring the reliability of the Exam, fees for taking the Exam, and other particulars provided by Cabinet Office Order.
(3) If the Prime Minister finds that Regulations for Testing Tasks approved in accordance with paragraph (1) have become inappropriate for holding the Exam fairly, the Prime Minister may order the Registered Testing Organization concerned to revise the Regulations for Testing Tasks.

(Suspension and Discontinuance of Testing Tasks)

Article 11-16 A Registered Testing Organization must not suspend or

discontinue all or part of Testing Tasks without obtaining the approval of the Prime Minister.

(Storage and Browsing of Financial Statements)

Article 11-17 (1) A Registered Testing Organization must produce the list of assets, the balance sheet, and the profit-and-loss statement or the income and expenditure statement and business reports (including electromagnetic records (meaning records used in computer data processing, which are created in electronic form, magnetic form, or any other form that is impossible to perceive through the human senses alone; hereinafter the same applies in this Article), if any; referred to as "Financial Statements, etc." in the following paragraph and Article 57) for each fiscal year within three months after the end of the fiscal year, and store Financial Statements, etc. at the office thereof for five years.

- (2) Examinees and other stakeholders may make any of the following requests anytime during the operating hours of a Registered Testing Organization; provided, however, that in order to make the request described in item (ii) or (iv), it is necessary to pay the fees set by the Registered Testing Organization:
- (i) a request for the browsing or copying of Financial Statements, etc. in written format, if any;
 - (ii) a request for the copies or abridged copies of the written Financial Statements, etc. mentioned in the preceding item;
 - (iii) request for the browsing or copying of the electronic or magnetic records of Financial Statements, etc. displayed by means as provided by Cabinet Office Order, in the case where Financial Statements, etc. have been produced in an electromagnetic format; and
 - (iv) request for the provision of some particulars of the electronic or magnetic records mentioned in the previous item with by electronic or magnetic means (meaning using an electronic data processing system and using other information communications technology; the same applies to Article 12, paragraph (4)) provided by Cabinet Office Order or the issuance of a document including the particulars.

(Examiners)

- Article 11-18 (1) If a Registered Testing Organization appoints examiners, the organization must notify the Prime Minister of the appointment without delay. If the appointment is changed, the organization is to notify the Prime Minister.
- (2) If an examiner violates this Act, the provisions of any order or administrative measures under this Act, or Regulations for Testing Tasks, or commits an extremely improper act in Testing Tasks, the Prime Minister may order a Registered Testing Organization concerned to dismiss the examiner.

(3) Those who were dismissed from the post of an examiner due to the order pursuant to the preceding paragraph less than two years ago may not become an examiner.

(Duty of Confidentiality)

Article 11-19 (1) Any of those who are or were the officers or personnel (including examiners; the same applies in the following paragraph) of a Registered Testing Organization must not divulge any confidential information learned in the course of the Testing Tasks.

(2) The officers or personnel of a Registered Testing Organization engaged in Testing Tasks are deemed to be an official engaged in public services pursuant to laws and regulations, for the purpose of applying the Penal Code (Act No. 45 of 1907) and other penal provisions.

(Orders to Comply)

Article 11-20 If the Prime Minister finds that a Registered Testing Organization does not comply with any of the items of Article 11-11, paragraph (1), the Prime Minister may order the Registered Testing Organization to take necessary measures to comply with the provisions.

(Order to Improve)

Article 11-21 If the Prime Minister finds that a Registered Testing Organization violates the provisions of Article 11-13, the Prime Minister may order the Registered Testing Organization to take necessary measures for carrying out Testing Tasks in accordance with Article 11-13 or improving testing methods and related activities.

(Deregistration)

Article 11-22 (1) If a Registered Testing Organization falls under item (i) or (iii) of Article 11-10, the Prime Minister must deregister the Registered Testing Organization.

(2) If a Registered Testing Organization falls under one of the following items, the Prime Minister may deregister the Registered Testing Organization or suspend all or part of the Testing Tasks of the Registered Testing Organization while specifying a period of suspension:

(i) a Registered Testing Organization violates Article 11-14, Article 11-16, Article 11-17, paragraph (1) or the following Article;

(ii) a Registered Testing Organization conducts Testing Tasks without following Regulations for Testing Tasks approved in accordance with Article 11-15, paragraph (1);

(iii) a Registered Testing Organization violates an order pursuant to the

- provisions of Article 11-15, paragraph (3), Article 11-18, paragraph (2) or the preceding two Articles;
- (iv) a Registered Testing Organization refuses a request pursuant to the provisions of the items of Article 11-17, paragraph (2) without a legitimate reason; or
 - (v) a Registered Testing Organization is registered by fraudulent means.

(Recording in Ledgers)

Article 11-23 A Registered Testing Organization must prepare ledgers pursuant to the provisions of Cabinet Office Order, write the particulars regarding Testing Tasks provided by Cabinet Office Order in the ledgers, and store the ledgers.

(Reports and On-Site Investigations)

- Article 11-24 (1) If the Prime Minister finds it necessary to do so for ensuring the proper implementation of Testing Tasks, the Prime Minister may ask a Registered Testing Organization to make any necessary report on the situation of Testing Tasks or have the relevant officials enter the office of the Registered Testing Organization, conduct the necessary investigations or ask the necessary questions regarding the situation of Testing Tasks, equipment, ledgers, documents, and other material.
- (2) Pursuant to the preceding paragraph, when the relevant officials enter the office, the officials must carry identification and produce it if requested by any person concerned.
 - (3) The authority under the provisions of paragraph (1) must not be construed as having been accorded for the purpose of a criminal investigation.

(Implementation of Testing Tasks by the Prime Minister)

- Article 11-25 (1) After Registration, the Prime Minister must not conduct Testing Tasks.
- (2) The Prime Minister may conduct all or part of Testing Tasks, if there are no Registered Testing Organizations, the suspension or discontinuance of all or part of Testing Tasks is permitted pursuant to the provisions of Article 11-16, Registration is cancelled pursuant to the provisions of Article 11-22, the Prime Minister orders a Registered Testing Organization to suspend all or part of Testing Tasks pursuant to the provisions of Article 11-22, paragraph (2), it becomes difficult for a Registered Testing Organization to implement all or part of Testing Tasks due to natural disaster or other reasons, or it is considered necessary.
 - (3) The succession of Testing Tasks and other necessary particulars in cases where the Prime Minister carries out all or part of Testing Tasks pursuant to

the provisions of the preceding paragraph is provided by Cabinet Office Order.

(Public Announcements)

Article 11-26 In the following cases, the Prime Minister must make an announcement through the Official Gazette:

- (i) registration is conducted;
- (ii) a notification pursuant to the provisions of Article 11-14 is submitted;
- (iii) permission pursuant to the provisions of Article 11-16 is given;
- (iv) registration is cancelled pursuant to the provisions of Article 11-22 or the Prime Minister orders a Registered Testing Organization to suspend all or part of Testing Tasks pursuant to the provisions of Article 11-22, paragraph (2); and
- (v) pursuant to the provisions of the preceding Article, the Prime Minister conducts all or part of Testing Tasks or stops doing so.

Chapter IV Consolidation of Information about Actual and Potential Consumer-Related Incidents

(Notifying the Prime Minister with Information about the Occurrence of an Actual or Potential Consumer-Related Incident)

Article 12 (1) On being informed that an Actual or Potential Serious Accident has occurred, the head of an administrative organ, the prefectural governor, the municipal mayor, or the president of the National Consumer Affairs Center of Japan must notify the Prime Minister of this, give the Prime Minister an outline of the Actual or Potential Serious Accident, and notify the Prime Minister of the particulars provided by Cabinet Office Order immediately, and pursuant to the provisions of Cabinet Office Order.

(2) On being informed that an Actual or Potential Consumer-Related Incident (other than an Actual or Potential Serious Accident) has occurred and finding it to be likely, in light of the form of the Actual or Potential Consumer-Related Incident, the characteristics of the good or product or the service involved in the Actual or Potential Consumer-Related Incident, and other circumstances of the Actual or Potential Consumer-Related Incident, that instances of harm from the Actual or Potential Consumer-Related Incident will increase or that the same or a similar type of Actual or Potential Consumer-Related Incident will occur, the head of an administrative organ, the prefectural governor, the municipal mayor, or the president of the National Consumer Affairs Center of Japan must notify the Prime Minister that the Actual or Potential Consumer-Related Incident has occurred, give the Prime Minister an outline of the Actual or Potential Consumer-Related Incident, and notify the Prime Minister of other information provided by Cabinet Office Order, in accordance with Cabinet

Office Order.

- (3) The provisions of the preceding two paragraphs do not apply if the person that is required to notify is:
- (i) a person set forth in the former portion of one of sub-items (a) through (d) below who, pursuant to the provisions of any other law, must notify or report to the person set forth in the latter portion of the applicable sub-item with regard to the occurrence of an Actual or Potential Consumer-Related Incident:
 - (a) the head of an administrative organ: the Prime Minister;
 - (b) a prefectural governor: the head of an administrative organ;
 - (c) a municipal mayor: the head of an administrative organ or the prefectural governor;
 - (d) the president of the National Consumer Affairs Center of Japan: the head of an administrative organ.
 - (ii) a person who is informed of the occurrence of an Actual or Potential Consumer-Related Incident by another person (other than one falling under the preceding item) who is required to notify the Prime Minister of the occurrence of an Actual or Potential Consumer-Related Incident pursuant to one of the preceding two paragraphs; or
 - (iii) any person (other than one falling under the preceding two items) provided by Cabinet Office Order as being equivalent to the persons set forth in the preceding two items.
- (4) In a case as referred to in paragraph (1) or paragraph (2), if, in lieu of notifying the Prime Minister pursuant to the provisions of those paragraphs, the head of the administrative organ, prefectural governor, municipal mayor, or president of the National Consumer Affairs Center of Japan inputs necessary information into the Practical Living Information Online Network System (an electronic data processing system that connects computers used by the head of the administrative organ, organizations of local governments, the National Consumer Affairs Center of Japan and other people designated by Cabinet Office Order via telecommunications lines, which is installed and managed by the National Consumer Affairs Center of Japan pursuant to the provisions of Cabinet Office Order for accumulating and using information on consumer affairs) or takes the measures provided by Cabinet Office Order to put the information into a form that the Prime Minister and any other person who it is decided must be notified can inspect by electronic or magnetic means, the notice is deemed to have been made.
- (5) The national government and National Consumer Affairs Center of Japan are to give advice and other necessary assistance to local governments for notifying smoothly and surely pursuant to the provisions of paragraphs (1) and (2).

(Consolidation and Analysis of Information about Actual and Potential Consumer-Related Incidents)

Article 13 (1) The Prime Minister is to consolidate and analyze the information of which the Prime Minister is notified pursuant to paragraph (1) or paragraph (2) of the preceding Article and other information about Actual and Potential Consumer-Related Incidents promptly and reliably, and to compile the results of this so that the information can be used effectively for Ensuring Consumer Safety.

(2) The Prime Minister is to provide the results compiled pursuant to the preceding paragraph to the relevant administrative organs, relevant local governments, and the National Consumer Affairs Center of Japan, as well as reporting them to the Consumer Commission.

(3) The Prime Minister must disclose the results compiled pursuant to paragraph (1) to the public.

(4) The Prime Minister must report the results compiled pursuant to paragraph (1) to the Diet.

(Requests for Materials to Be Submitted)

Article 14 (1) If the Prime Minister finds it necessary for consolidating and analyzing information and for compiling the results of this pursuant to paragraph (1) of the preceding Article, the Prime Minister may ask the head of the relevant administrative organ, the head of the relevant local government, the president of the National Consumer Affairs Center of Japan, and other relevant persons (herein after referred to as "the Head of the Relevant Administrative Organ" in Article 35 and Article 38, paragraph (2)) to provide materials, state an opinion, carry out an examination, analysis, or inspection to investigate the cause of an Actual or Potential Consumer-Related Incident, or otherwise cooperate as necessary.

(2) If the Prime Minister finds it necessary to do so in order to prevent an Actual or Potential Consumer-Related Incident from occurring or in order to prevent instances of harm from an Actual or Potential Consumer-Related Incident from increasing, the Prime Minister may ask the governor of the relevant prefecture or the mayor of the relevant municipality for the necessary reports on the Actual or Potential Consumer-Related Incident.

Chapter V Investigation of Actual and Potential Consumer-Related Incidents by the Consumer Safety Investigation Commission

Section 1 The Consumer Safety Investigation Commission

(Establishment of an Investigation Commission)

Article 15 The Consumer Safety Investigation Commission (hereinafter referred

to as "Investigation Commission") is hereby established in the Consumer Affairs Agency.

(Administrative Processes under the Jurisdiction of the Investigation Commission)

Article 16 The Investigation Commission manages the administrative processes set forth in the following items:

- (i) carrying out any investigation for clarifying the cause of an Actual or Potential Accident Involving Bodily Harm (excluding an aircraft accident, etc. as provided in Article 2, paragraph (2) of the Act to Establish a Japan Transport Safety Board (Act No. 113 of 1973); a railway accident, etc. as provided in paragraph (4) of that Article; or a marine accident, etc. as provided in paragraph (6) of that Article; hereinafter the same applies except in item (iv) below and in Article 33) or for clarifying the source of harm from an Actual or Potential Accident Involving Bodily Harm (hereinafter collectively referred to as the "Cause or Source" of an actual or potential accident) (hereinafter such an investigation is referred to as an "Investigation into the Cause or Source" of an actual or potential accident);
- (ii) evaluating the results of any investigation or monitoring by another administrative organ (other than the Japan Transport Safety Board) or any investigation or monitoring by the local government under the provisions of the law (or under the provisions of any order under the law; hereinafter the same applies in this Article) with regard to an Actual or Potential Accident Involving Bodily Harm (or evaluating the results of any investigation or monitoring with regard to an Actual or Potential Accident Involving Bodily Harm, which is implemented by any other person that it is decided pursuant to the provisions of the law is to implement all or part of the investigation or monitoring, if this is the case; hereinafter referred to as an "Investigation or Monitoring by Another Administrative Organ or Entity") to determine whether the Cause or Source of the actual or potential accident has been clarified (hereinafter this is simply referred to as making an "Evaluation");
- (iii) recommending that the Prime Minister create policies or take measures in order to prevent instances of harm from Actual or Potential Accidents Involving Bodily Harm from increasing or in order to prevent the same or a similar type of Actual or Potential Accident Involving Bodily Harm from occurring, based on the results of an Investigation into the Cause or Source of the actual or potential accident or based on the results of an Evaluation of the results of an Investigation or Monitoring by Another Administrative Organ or Entity (hereinafter referred to as an "Investigation or Evaluation");
- (iv) stating an opinion to the Prime Minister or the head of the relevant administrative organ about the policies or measures that should be taken in

order to prevent instances of harm from an Actual or Potential Accident Involving Bodily Harm from increasing or in order to prevent the same or a similar type of Actual or Potential Accident Involving Bodily Harm from occurring;

- (v) conducting the necessary underlying investigations and research for performing the administrative processes set forth in the preceding items; and
- (vi) any administrative processes beyond what is set forth in the preceding items which the Investigation Commission is given to manage pursuant to the law.

(Exercise of Authority)

Article 17 Members of the Investigation Commission exercise their authority independently.

(Structure)

Article 18 (1) The Investigation Commission comprises a maximum of seven members.

- (2) Temporary members may be appointed to the Investigation Commission if it is necessary to appoint the members in order to have them investigate and deliberate on a particular matter.
- (3) Expert members may be appointed to the Investigation Commission if it is necessary to appoint these members in order to have them investigate a specialized matter.

(Appointment of Members)

Article 19 (1) The Prime Minister appoints members and temporary members from among persons whom it is found will be able to reach scientific and fair judgments when carrying out the administrative processes under the jurisdiction of the Investigation Commission.

- (2) The Prime Minister appoints expert members from among persons with extensive insight into the specialized matter in question.

(Terms of Office of Members)

Article 20 (1) A member's term of office is two years; provided, however, that the term of office of a member that has been substituted into office is the remaining term of the predecessor.

- (2) Members may be reappointed.
- (3) A temporary member is to be dismissed at the end of the investigation and deliberation on the particular matter with regard to which that temporary member was appointed.
- (4) An expert member is to be dismissed at the end of the investigation into the

specialized matter with regard to which that expert member was appointed.
(5) Members, temporary members, and expert members serve under part-time contracts.

(Chairperson)

Article 21 (1) The Investigation Commission employs a chairperson, whom the members elect from among themselves.

(2) The chairperson presides over the affairs of the Investigation Commission and represents the Investigation Commission.

(3) A member designated by the chairperson in advance acts as a proxy in handling the duties of the chairperson if the chairperson is unable to attend to them.

(Restrictions on Engagement in Duties)

Article 22 (1) If the chairperson or a member, temporary member, or expert member of the Investigation Commission is found likely to be connected to the Cause or Source of an Actual or Potential Accident Involving Bodily Harm which is subject to an Investigation or Evaluation or is found to be closely related to a person with such a connection, the Investigation Commission must not allow the chairperson, member, temporary member, or expert member to engage in the Investigation or Evaluation.

(2) A chairperson, member, or temporary member as referred to in the preceding paragraph must not attend any meeting of the Investigation Commission concerning the relevant Investigation or Evaluation.

Section 2 Investigations and Evaluations

(Investigations into the Cause or Source of an Actual or Potential Accident)

Article 23 (1) If the Investigation Commission finds it to be necessary to clarify the Cause or Source of an Actual or Potential Accident Involving Bodily Harm in order to prevent instances of bodily harm from occurring or increasing (meaning to prevent instances of harm from an Actual or Potential Accident Involving Bodily Harm from increasing or to prevent the same or a similar type of Actual or Potential Accident Involving Bodily Harm from occurring; hereinafter the same applies), it is to Investigate the Cause or Source of the actual or potential accident; provided, however, that this does not apply if the necessary results have been or are expected to be obtained from an Investigation or Monitoring by Another Administrative Organ or Entity into an Actual or Potential Accident Involving Bodily Harm through which the Investigation Commission considers the Cause or Source of the actual or potential accident can be clarified with a view to Ensuring Consumer Safety.

- (2) The Investigation Commission may take the administrative measures set forth below to the extent that doing so is necessary to allow it to Investigate the Cause or Source of an actual or potential accident:
- (i) collecting reports from persons with a connection to an Actual or Potential Accident Involving Bodily Harm (hereinafter referred to as "Persons Involved in the Actual or Potential Accident Involving Bodily Harm"), which includes any person found to have a connection to the Cause or Source of the actual or potential accident (referred to in the next item and Article 30 as a "Person Linked to the Cause or Source" of the actual or potential accident) and any person that attempts to save a person's life on the occasion of an Actual or Potential Accident Involving Bodily Harm";
 - (ii) entering the scene of an Actual or Potential Accident Involving Bodily Harm, the office of a Person Linked to the Cause or Source thereof, or any other place it finds to be necessary; examining the good or product, books, documents, or other materials relevant to an Actual or Potential Accident Involving Bodily Harm (hereinafter referred to as a "Relevant Material"); and interrogating any Person Involved in the Actual or Potential Accident Involving Bodily Harm;
 - (iii) asking a Person Involved in an Actual or Potential Accident Involving Bodily Harm to appear, and interrogating them;
 - (iv) asking the owner, holder, or custodian of a Relevant Material to produce it, or taking custody of a material so produced;
 - (v) ordering the owner, holder, or custodian of a Relevant Material to keep it safe or prohibiting such a person from relocating it; and
 - (vi) prohibiting entry into the site of an Actual or Potential Accident Involving Bodily Harm to persons other than those entering on official duty and those whose entry the Investigation Commission finds unproblematic.
- (3) If the Investigation Commission finds it necessary to do so, it may have the chairperson, a member, or an expert member take the administrative measures set forth in one of the items of the preceding paragraph.
- (4) A person taking an administrative measure set forth in paragraph (2), item (ii) pursuant to the provisions of the preceding paragraph must carry identification and show it to the Person Involved in an Actual or Potential Accident Involving Bodily Harm, upon request.
- (5) The authority to take an administrative measure under paragraph (2) or paragraph (3) must not be construed as having been granted for the purpose of a criminal investigation.

(Evaluation of the Results of an Investigation or Monitoring by Another Administrative Organ or Entity)

Article 24 (1) If an Actual or Potential Accident Involving Bodily Harm has

occurred and the Investigation Commission finds it to be necessary to clarify the Cause or Source of an Actual or Potential Accident Involving Bodily Harm in order to prevent instances of bodily harm from occurring or increasing, it must Evaluate the results of any Investigation or Monitoring by Another Administrative Organ or Entity as provided in the proviso to paragraph (1) of the preceding Article, once these results have been obtained.

- (2) If, as a result of the Evaluation referred to in preceding paragraph, the Investigation Commission finds it necessary to do so with a view to Ensuring Consumer Safety, it may state its opinion to the head of the administrative organ in charge of the administrative processes involved in the Investigation or Monitoring by the Other Administrative Organ or Entity, with regard to its clarification of the Cause or Source of the Actual or Potential Accident Involving Bodily Harm.
- (3) If, as a result of the Evaluation referred to in paragraph (1), the Investigation Commission finds it necessary to implement an investigation in order to clarify the Cause or Source of an Actual or Potential Accident Involving Bodily Harm with a view to Ensuring Consumer Safety, the Investigation Commission is to Investigate the Cause or Source of that actual or potential accident.
- (4) The head of an administrative organ in charge of the administrative processes involved in the Investigation or Monitoring by Another Administrative Organ or Entity referred to in paragraph (1) may hear the Investigation Commission's opinions with regard to the Investigation or Monitoring by the Other Administrative Organ or Entity.

(Entrustment of Investigations or Evaluations)

- Article 25 (1) If the Investigation Commission finds it necessary to do so in order to implement an Investigation or Evaluation, it may entrust an incorporated administrative agency as provided in Article 2, paragraph (1) of the Act on General Rules for Incorporated Administrative Agencies (Act No. 103 of 1999), a general incorporated association or general incorporated foundation, an Enterprise or other private-sector entity, or a person with the relevant knowledge and experience, with part of the administrative processes for implementing the investigation or research in an Investigation or Evaluation.
- (2) It is prohibited for a person entrusted with administrative processes pursuant to the provisions of the preceding paragraph, its officer or personnel, or a person that has held one of these positions to divulge any confidential information learned in the course of the administrative processes entrusted thereto.
 - (3) A person entrusted with administrative processes pursuant to paragraph (1), or the officer or personnel in charge of the administrative processes under entrustment, is deemed to be an official engaged in public services pursuant to

laws and regulations, for the purpose of applying the Penal Code and other penal provisions.

(Reporting Information about the Occurrence of an Actual or Potential Accident Involving Bodily Harm)

Article 26 If the Prime Minister is notified with information about the occurrence of an Actual or Potential Accident Involving Bodily Harm pursuant to Article 12, paragraph (1) or paragraph (2) or is otherwise informed of the occurrence of an Actual or Potential Accident Involving Bodily Harm, the Prime Minister must promptly report this to the Investigation Commission.

(Assistance by the Prime Minister)

Article 27 (1) If the Investigation Commission finds it necessary to do so in order for it to Investigate the Cause or Source of an actual or potential accident, it may ask the Prime Minister to assist it with fact finding, to assist it with collecting materials, or to provide it with any other assistance it needs in connection with an Actual or Potential Accident Involving Bodily Harm.

(2) If the Prime Minister finds it necessary to do so after being asked to provide assistance under provisions of the preceding paragraph, the Prime Minister may have the relevant officials take the administrative measures set forth in Article 23, paragraph (2), item (ii).

(3) If the Prime Minister finds it necessary to do so after learning of the occurrence of an Actual or Potential Accident Involving Bodily Harm, the Prime Minister must engage in fact finding, collect materials, or take any other appropriate measures in connection with an Actual or Potential Accident Involving Bodily Harm so that the Investigation Commission can commence an Investigation into the Cause or Source thereof smoothly.

(4) If the Prime Minister finds it necessary to do so in order to take a measure under the provisions of the preceding paragraph, the Prime Minister may have the relevant officials take an administrative measure set forth in one of the items of Article 23, paragraph (2).

(5) The provisions of Article 23, paragraph (4) and paragraph (5) apply mutatis mutandis if an official takes an administrative measure pursuant to the provisions of paragraph (2) or the preceding paragraph.

(Filing for an Investigation or Evaluation)

Article 28 (1) Any person that considers an Investigation or Evaluation to be necessary in order to prevent instances of bodily harm from occurring or increasing may submit a filing asserting this to the Investigation Commission and ask it to implement an Investigation or Evaluation. To do so, the person must include a document that gives the details of the Actual or Potential

Accident Involving Bodily Harm to which the filing pertains, details the necessity of the Investigation or Evaluation, and gives the particulars provided by Cabinet Office Order, pursuant to the provisions of Cabinet Office Order.

- (2) Having received a filing under the preceding paragraph, the Investigation Commission must make the necessary reviews and implement an Investigation or Evaluation if it finds this necessary based on the results thereof.
- (3) If the victim submits a filing pursuant to the provisions of paragraph (1), or if the victim has died or suffers from a serious physical or mental disorder and the victim's spouse, lineal relative, or sibling (hereinafter collectively referred to as the "Victim or Family Member" in this paragraph) submits a filing pursuant to the provisions of paragraph (1), and the filing relates to an accident as set forth in Article 2, paragraph (7), item (i) in which the filer has personally sustained an injury or contracted an illness or in which the filer's spouse, lineal relative, or sibling has died, sustained an injury, or contracted an illness, the Investigation Commission must notify the Victim or Family Member promptly if it decides to implement the Investigation or Evaluation; and if it decides not to implement an Investigation or Evaluation, it must notify the Victim or Family Member of this promptly, giving the reason therefor.

(Notice upon Receipt of a Filing)

- Article 29 (1) If the Investigation Commission is informed that an Actual or Potential Serious Accident has occurred through a filing under paragraph (1) of the preceding Article, it must notify the Prime Minister of this, give the Prime Minister an outline of the Actual or Potential Serious Accident, and notify the Prime Minister of the particulars provided by Cabinet Office Order, immediately and pursuant to the provisions of Cabinet Office Order.
- (2) If the Investigation Commission is informed that an Actual or Potential Accident Involving Bodily Harm (other than an Actual or Potential Serious Accident) has occurred through a filing under paragraph (1) of the preceding Article and finds it to be likely, in light of the form of the Actual or Potential Accident Involving Bodily Harm, the characteristics of the good or product or the service involved in the Actual or Potential Accident Involving Bodily Harm, and other circumstances of the Actual or Potential Accident Involving Bodily Harm, that instances of harm from the Actual or Potential Accident Involving Bodily Harm will increase or that the same or a similar type of Actual or Potential Accident Involving Bodily Harm will occur, it must notify the Prime Minister that the Actual or Potential Accident Involving Bodily Harm has occurred, give the Prime Minister an outline of the Actual or Potential Accident Involving Bodily Harm, and notify the Prime Minister of the particulars provided by Cabinet Office Order, pursuant to the provisions of Cabinet Office

Order.

- (3) The provisions of the preceding two paragraphs do not apply if the Investigation Commission receives the filing under the provisions of paragraph (1) of the preceding Article from a person that is required to notify the Prime Minister as under the provisions of Article 12, paragraph(1) or paragraph (2).

(Hearing the Opinions of Persons Linked to the Cause or Source of an Actual or Potential Accident)

Article 30 The Investigation Commission must give Persons Linked to the Cause or Source of an actual or potential accident the opportunity to express their opinions before completing the Investigation into the Cause or Source thereof.

(Written Reports)

Article 31 (1) The Investigation Commission must compile a written report giving the following information about an Actual or Potential Accident Involving Bodily Harm, submit it to the Prime Minister, and disclose it to the public, after completing the Investigation into the Cause or Source:

- (i) the progression of the Investigation into the Cause or Source;
 - (ii) the facts that were found;
 - (iii) the reasons for making those findings of fact;
 - (iv) the Cause or Source; and
 - (v) any other necessary information.
- (2) In compiling a written report as referred to in the preceding paragraph, the Investigation Commission is to add a supplementary note to the report detailing any minority opinion.
- (3) If the Investigation Commission finds it necessary to do so because of circumstances that are expected to make it difficult to complete the Investigation into the Cause or Source of an actual or potential accident within one year from commencing it or due to any other reason, it may report on the progression of the Investigation into the Cause or Source to the Prime Minister and disclose this to the public even before completing the Investigation into the Cause or Source.

Section 3 Recommendations and Statements of Opinions

(Recommendations to the Prime Minister)

Article 32 (1) Once the Investigation Commission completes an Investigation or Evaluation, it may recommend that the Prime Minister create policies or take measures to prevent instances of bodily harm from occurring or increasing if it finds this necessary.

- (2) The Prime Minister must notify the Investigation Commission of any policy

created or measure taken based on a recommendation under the preceding paragraph.

(Statement of Opinions)

Article 33 If the Investigation Commission finds it necessary to do so with a view to Ensuring Consumer Safety, it may state an opinion to the Prime Minister or to the head of the relevant administrative organ with regard to the policies that should be created or the measures that should be taken to prevent instances of harm from an Actual or Potential Accident Involving Bodily Harm from increasing or to prevent the same or a similar type of Actual or Potential Accident Involving Bodily Harm from occurring.

Section 4 Miscellaneous Provisions

(Provision of Information)

Article 34 In implementing an Investigation or Evaluation, the Investigation Commission is to remain fully considerate of the feelings of the victims and their families or survivors, and is to provide them with information about the Investigation or Evaluation in a timely and appropriate manner.

(Cooperation of the Relevant Administrative Organs)

Article 35 If the Investigation Commission finds it necessary to do so in order for it to perform the administrative processes under its jurisdiction, it may ask the Head of the Relevant Administrative Organ to provide materials, state an opinion, or implement any analysis or inspection necessary to clarify the Cause or Source of an actual or potential accident, or to otherwise provide it with necessary cooperation.

(Delegation to Cabinet Order)

Article 36 Anything beyond what is provided for in this Act which needs to be prescribed with regard to the Investigation Commission is provided by Cabinet Order.

(Prohibition of Adverse Treatment)

Article 37 No person is to be subjected to a discharge from employment or other adverse treatment on the grounds of having acted in conformity with an administrative measure under the provisions of Article 23, paragraph (2) or paragraph (3) or Article 27, paragraph (2) or paragraph (4), or on the grounds of having made a filing pursuant to provisions of Article 28, paragraph (1).

Chapter VI Measures to Prevent Instances of Harm to Consumers from

Occurring or Increasing

(Consumer Alerts)

Article 38 (1) If, having been notified pursuant to Article 12, paragraph (1) or paragraph (2) or pursuant to Article 29, paragraph (1) or paragraph(2) or having been otherwise informed of the occurrence of an Actual or Potential Consumer-Related Incident, the Prime Minister finds it necessary to alert Consumers in order to prevent instances of harm from Actual or Potential Consumer-Related Incidents from increasing or in order to prevent the same or a similar type of Actual or Potential Consumer-Related Incident from occurring (hereinafter referred to as preventing "Instances of Harm to Consumers from Occurring or Increasing"), the Prime Minister is to provide the prefectural and municipal governments with information about the form of the Actual or Potential Consumer-Related Incident, the extent of harm from the Actual or Potential Consumer-Related Incident, and other information to help prevent Instances of Harm to Consumers from Occurring or Increasing, and is to disclose this information to the public.

(2) If, having been notified pursuant to Article 12, paragraph (1) or paragraph (2) or pursuant to Article 29, paragraph (1) or paragraph (2) or having been otherwise informed of the occurrence of an Actual or Potential Consumer-Related Incident, the Prime Minister finds it to be appropriate to do so in order to prevent Instances of Harm to Consumers from Occurring or Increasing, the Prime Minister may provide the Heads of the Relevant Administrative Organs with information to help prevent Instances of Harm to Consumers from Occurring or Increasing.

(3) If the Prime Minister discloses information to the public pursuant to paragraph (1), beyond asking that measures be taken pursuant to Article 44, paragraph (1) of the Act on the National Consumer Affairs Center of Japan, Independent Administrative Agency (Act No. 123 of 2002), the Prime Minister may ask the National Consumer Affairs Center of Japan to take the necessary measures to provide Consumers with the information to help prevent Instances of Harm to Consumers from Occurring or Increasing which is referred to in paragraph (1).

(4) The provisions of Article 44, paragraph (2) of the Act on the National Consumer Affairs Center of Japan, Independent Administrative Agency apply mutatis mutandis to a case as referred to in the preceding paragraph.

(Requests to Implement Measures Based on the Provisions of Any Other Law)

Article 39 (1) If there are measures based on any other law that can be taken to prevent Instances of Harm to Consumers from Occurring or Increasing, and if, having been notified pursuant to Article 12, paragraph (1) or paragraph (2) or

pursuant to Article 29, paragraph (1) or paragraph (2) or having been otherwise informed of the occurrence of an Actual or Potential Consumer-Related Incident, the Prime Minister finds it to be necessary to promptly implement those measures in order to prevent Instances of Harm to Consumers from Occurring or Increasing, the Prime Minister may ask the minister with jurisdiction over the administrative processes involved in the implementation of those measures to promptly implement those measures.

- (2) After asking for the prompt implementation of measures pursuant to the preceding paragraph, the Prime Minister may ask the minister referred to in that paragraph to report on the status of the measures' implementation.

(Issuing Admonitions and Orders to Enterprises)

Article 40 (1) If an Actual or Potential Serious Accident occurs because a good or product or a service is not Safe to Use (except when there are measures based on the provisions of any other law that can be taken to prevent instances of harm from Actual or Potential Serious Accidents from increasing or to prevent Actual or Potential Serious Accidents with the same cause from occurring (hereinafter referred to as "Instances of Serious Bodily Harm from Occurring or Increasing")), and the Prime Minister finds it necessary to do so in order to prevent Instances of Serious Bodily Harm from Occurring or Increasing, the Prime Minister may admonish an Enterprise that supplies or provides the good or product (including any good or product sharing the part, manufacturing method, or other feature that caused the relevant good or product not to be Safe to Use; hereinafter the same applies in this paragraph) or the service, or that allows Consumers to use it, to effect the necessary servicing, repairs, remodeling, labeling for safe methods of use, or improvements in the way the service is provided, and to take any other necessary measures with respect to the good or product or the service.

- (2) If an Enterprise that has been issued an admonishment under the preceding paragraph fails to take the measures as admonished, is without a legitimate reason for failing to do so, and the Prime Minister finds it particularly necessary in order to prevent Instances of Serious Bodily Harm from Occurring or Increasing, the Prime Minister may order the Enterprise to take the measures as admonished.

- (3) If the Prime Minister finds that an order as referred to in the preceding paragraph is no longer necessary because it has become possible to take measures based on the provisions of any other law so as to prevent Instances of Serious Bodily Harm from Occurring or Increasing or due to any other circumstances, the Prime Minister is to change or cancel the order under that paragraph.

- (4) If Circumstances Financially Damaging to a Great Number of Consumers

occur (except when there are measures based on the provisions of any other law that can be taken to prevent instances of harm from the Circumstances Financially Damaging to a Great Number of Consumers from increasing or to prevent the same or a similar type of Circumstances Financially Damaging to a Great Number of Consumers from occurring (hereinafter referred to as "Instances of Harm from Circumstances That Are Financially Damaging to a Great Number of Consumers from Occurring or Increasing" in this Article) and the Prime Minister finds it necessary to do so in order to prevent Instances of Harm from Circumstances That Are Financially Damaging to a Great Number of Consumers from Occurring or Increasing, the Prime Minister may admonish the Enterprise that caused the Circumstances Financially Damaging to a Great Number of Consumers to occur to cease and desist the unfair dealings that are prejudicial to the financial interests of the Consumer or to take other necessary measures.

- (5) If an Enterprise that has been issued an admonishment pursuant to the provisions of the preceding paragraph fails to take the measures as admonished, is without a legitimate reason for failing to do so, and the Prime Minister finds it particularly necessary in order to prevent Instances of Harm from Circumstances That Are Financially Damaging to a Great Number of Consumers from Occurring or Increasing, the Prime Minister may order the Enterprise to take the measures as admonished.
- (6) If the Prime Minister finds that an order as referred to in the preceding paragraph is no longer necessary because it has become possible to take measures based on the provisions of any other law so as to prevent Instances of Harm from Circumstances That Are Financially Damaging to a Great Number of Consumers from Occurring or Increasing or due to any other circumstances, the Prime Minister is to change or rescind the order under that paragraph.
- (7) Before issuing an order under the provisions of paragraph (2) or paragraph (5) or changing or rescinding an order under the provisions of paragraph (3) or the preceding paragraph, the Prime Minister must hear the opinions of the Consumer Commission.
- (8) Upon issuing an order under paragraph (2) or paragraph (5) or changing or rescinding an order under paragraph (3), or paragraph (6), the Prime Minister must disclose this to the public.

(Prohibitions and Restrictions on Transferring)

Article 41 (1) If an Actual or Potential Serious Accident has occurred because a good or product is not Safe to Use, and there is imminent danger of instances of harm from that Actual or Potential Serious Accident increasing or imminent danger of an Actual or Potential Serious Accident with the same cause occurring (except when there are measures based on the provisions of any other

law that can be taken to prevent Instances of Serious Bodily Harm from Occurring or Increasing), and the Prime Minister finds it particularly necessary to do so in order to prevent Instances of Serious Bodily Harm from Occurring or Increasing, the Prime Minister may designate a period of up to six months in which persons are prohibited or restricted from transferring or delivering the good or product (including any good or product sharing the part, manufacturing method, or other feature that caused the relevant good or product not to be Safe to Use) or using it in their services as their business or to further their business, within the necessary limits.

- (2) If the Prime Minister finds that the prohibition or restriction referred to in the preceding paragraph is no longer necessary because it has become possible to take measures based on the provisions of any other law so as to prevent Instances of Serious Bodily Harm from Occurring or Increasing or due to other circumstances, the Prime Minister may cancel all or part of the prohibition or restriction under that paragraph.
- (3) Before implementing a prohibition or restriction under paragraph (1) or cancelling all or part of a prohibition or restriction under the preceding paragraph, the Prime Minister must hear the opinions of the Consumer Commission.
- (4) A prohibition or restriction under paragraph (1), or the cancellation of all or part of a prohibition or restriction under paragraph (2) is implemented through the issuance of public notice in the Official Gazette, pursuant to the provisions of Cabinet Office Order.

(Ordering a Recall)

Article 42 If an Enterprise violates a prohibition or restriction under the provisions of paragraph (1) of the preceding Article, the Prime Minister may order the Enterprise to recall the goods or products it has transferred or delivered in violation of the prohibition or restriction, and to take any other measures that are necessary to prevent the relevant good or product from causing Instances of Serious Bodily Harm from Occurring or Increasing.

(Recommendations by the Consumer Commission)

Article 43 (1) If the Consumer Commission finds it necessary to do so in light of information it has obtained from a Consumer or Enterprise, the head of a relevant administrative organ, or another party, or in light of other information about an Actual or Potential Consumer-Related Incident, it may make the necessary recommendations to the Prime Minister for preventing Instances of Harm to Consumers from Occurring or Increasing.

- (2) After making a recommendation pursuant to the provisions of the preceding paragraph, the Consumer Commission may ask the Prime Minister to report on

the measures taken based on the recommendation.

(Requests from the Prefectural Governors)

- Article 44 (1) If a prefectural governor finds it necessary to do so in order to prevent Instances of Harm to Consumers from Occurring or Increasing within the prefectural territory, the governor may request that the Prime Minister implement the necessary measures to Ensure Consumer Safety. To do so, the prefectural governor must include a document that gives the details of and reasons for the measures being requested.
- (2) If the Prime Minister receives a request under the provisions of the preceding paragraph (hereinafter referred to as a "Request for Measures" in this Article) but there are measures based on the provisions of any other law that can be taken to prevent Instances of Harm to Consumers from Occurring or Increasing, the Prime Minister must pass along the document referred to in the preceding paragraph to the minister with jurisdiction over the administrative processes involved in the implementation of those measures.
- (3) The minister to whom a document is passed along pursuant to the provisions of the preceding paragraph must notify the Prime Minister without delay upon deciding to implement measures that put into effect all or part of the substance of the measures requested in the Request for Measures; and must notify the Prime Minister without delay and give the reasons therefor upon deciding that it is unnecessary to implement measures that put into effect all or part of the substance of the measures requested in the Request for Measures.
- (4) On being notified pursuant to the provisions of the preceding paragraph, the Prime Minister must notify the prefectural governor making the Request for Measures of the substance of the notification without delay.

(Reports and On-Site Investigations)

- Article 45 (1) The Prime Minister, within the scope that is necessary for the enforcement of this Act, may ask an Enterprise to make any necessary report, and may have the relevant officials enter the office, place of business, or other place at which an Enterprise does business; have those officials conduct the necessary investigations or ask the necessary questions; or collect objects that an Enterprise supplies within the scope of what is necessary for an investigation; provided, however, that the market value must be paid for any objects the Prime Minister has the officials collect.
- (2) The provisions of Article 11-24, paragraphs (2) and (3) apply mutatis mutandis to the case as referred to in the preceding paragraph.

Chapter VII Miscellaneous Provisions

(Financial Measures)

Article 46 The national and local governments must endeavor to take necessary financial and other measures for implementing a policy for Ensuring Consumer Safety.

(Delegation of Authority)

Article 47 (1) The Prime Minister delegates the authority under Article 45, paragraph (1) and other authority under this Act (except for what is provided by Cabinet Order) to the Secretary-General of the Consumer Affairs Agency.
(2) It is permissible to decide, under Cabinet Order, that either the prefectural governor or the mayor of the municipality in which a Consumer Affairs Center has been established is to carry out a portion of the administrative processes that are part of the authority under Article 45, paragraph (1) which is delegated to the Secretary-General of the Consumer Affairs Agency pursuant to the preceding paragraph.

(Classification of Administrative Processes)

Article 48 Any administrative process that, pursuant to the provisions of paragraph (2) of the preceding Article, it has been decided the local government will handle is classified as an item (i) statutorily entrusted processes as provided in Article 2, paragraph (9), item (i) of the Local Autonomy Act (Act No. 67 of 1947).

(Delegation to Cabinet Office Order)

Article 49 Beyond what is set forth in this Act, any provisions that need to be made in order for this Act to be put into effect are made by Cabinet Office Order.

(Transitional Measures)

Article 50 If an order is enacted, revised, or abolished in accordance with the provisions of this Act, the necessary transitional measures (including transitional measures for penal provisions) may be provided by that order, within the scope reasonably judged necessary in association with the enactment, revision, or abolition of the order.

Chapter VIII Penal Provisions

Article 51 A person falling under one of the following items is subject to imprisonment for not more than three years, a fine of not more than three million yen, or both:

- (i) a person violating a prohibition or restriction under Article 41, paragraph

- (1); or
- (ii) a person violating an order under Article 42.

Article 52 A person violating an order under Article 40, paragraph (2) or paragraph (5) is subject to imprisonment for not more than one year, a fine of not more than one million yen, or both.

Article 53 (1) A person who has divulged confidential information violating Article 8, paragraph (4), Article 8-2, paragraph (3), Article 11-5, Article 11-19, paragraph (1), or Article 25, paragraph (2) is subject to imprisonment for not more than one year or a fine of not more than 500,000 yen.

(2) An officer or personnel of a Registered Testing Organization violating an order for suspension of Testing Tasks under Article 11-22, paragraph (2) is subject to imprisonment for not more than one year or a fine of not more than 500,000 yen.

Article 54 (1) An officer or personnel of a Registered Testing Organization who has committed any of the following violations is subject to a fine of not more than 500,000 yen:

- (i) discontinuing all of the Testing Tasks without the approval described in Article 11-16;
 - (ii) failing to prepare ledgers, failing to write in ledgers, writing false contents in ledgers, or failing to store ledgers, violating the provisions of Article 11-23; or
 - (iii) failing to make a report under Article 11-24, paragraph (1), or making a false report; refusing, hindering, or evading an on-site investigation under that paragraph; or refusing to answer questions or answering falsely.
- (2) A person failing to make a report under Article 45, paragraph (1), or making a false report; refusing, hindering, or evading an on-site investigation or the collection of objects under that paragraph; or refusing to answer questions or answering falsely is subject to a fine of not more than 500,000 yen.

Article 55 A person falling under one of the following items is subject to a fine of not more than 300,000 yen:

- (i) a person giving a false report when faced with the collection of reports under the provisions of Article 23, paragraph (2), item (i); paragraph (3) of that Article; or Article 27, paragraph (4);
- (ii) a person refusing, hindering, or evading an investigation under Article 23, paragraph (2), item (ii); paragraph (3) of that Article; or Article 27, paragraph (2) or paragraph (4); or giving a false statement when faced with questioning under those provisions;

- (iii) a person giving a false statement when faced with questioning under the provisions of Article 23, paragraph (2), item (iii); paragraph (3) of that Article; or Article 27, paragraph (4);
- (iv) a person failing to produce a material, in violation of an administrative measure under the provisions of Article 23, paragraph (2), item (iv); paragraph (3) of that Article; or Article 27, paragraph (4); or
- (v) a person failing to keep a material safe or relocating it, in violation of an administrative measure under the provisions of Article 23, paragraph(2), item (v), paragraph (3) of that Article; or Article 27, paragraph (4).

Article 56 If the representative of a corporation or the agent, employee, or other worker of a corporation or individual violates the provisions set forth in one of the following items in connection with the business of the corporation or individual, beyond the offender being subject to punishment, the corporation is subject to the fine prescribed in the relevant item and the individual is subject to the fine prescribed in the Article referred to in the relevant item:

- (i) Article 51 or Article 52: a fine of not more than one hundred million yen; or
- (ii) Article 53, paragraph (2) and the preceding two Articles: the fine prescribed in the Article.

Article 57 A person failing to prepare and store Financial Statements, etc., violating the provisions of Article 11-17, paragraph (1) or write necessary particulars in Financial Statements, etc.; writing false contents; or refusing the request pursuant to the items of paragraph (2) of the Article without a legitimate reason is subject to an administrative penalty of not more than 200,000 yen.