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

Problems such as the distribution of unsafe products and difficulty in identifying sellers in resolving disputes exist on digital platforms for shopping such as online malls. In response to this, a new Act was prepared to protect consumer interests.

#### Content of the New Act

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

# (1) Obligations of Digital Platform Providers (Article 3)

- In order to contribute to the optimization of mail-order transactions conducted using digital platforms and the promotion of dispute resolution, digital platform providers are obligated to make efforts to implement and disclose an outline of the following measures listed in ① to ③ below (and the Prime Minister draws up guidelines for specific content)
  - ① Measures that enable **smooth communication** between consumers and sellers or equivalent persons
  - 2 Measures to secure the appropriateness of representations of sales conditions, etc. in response to complaints filed by consumers
  - 3 Measures to request that sellers or equivalent persons provide information helpful for identifying them

# (2) Suspension of Listing Products (Article 4)

The Prime Minister **requests** that digital platform providers **remove listings**, **etc**. of unsafe products (\*) when the seller cannot be expected to correct the representation due to reasons such as that the seller cannot be specified

- ⇒Exemption of digital platform provider liability for damages to sellers caused in response to requests
- (\*) Products, etc. that have particularly false or misleading information on important particulars on their labelling (those regarding product safety, etc.)

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

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

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

- A public-private council consisting of groups consisting of digital platform providers, consumer groups, relevant government agencies, etc. will be organized to exchange information such as sharing the status of efforts.
- Establishing of a **reporting system** in which **consumers, etc.** can report the risk of damage to consumers using digital platforms for shopping and request that the Prime Minister (Consumer Affairs Agency) take appropriate measures in response to this
- \* The review is to be made in the 3rd year of enforcement of this Act in light of the status of its enforcement and changes to economic and social conditions.

# 取引デジタルプラットフォームを利用する消費者の利益の保護に関する法律 概要

オンラインモールなどの「取引デジタルプラットフォーム(取引 D P F )」においては、**危険商品の流通や販売業者が特定できず紛争解決が困難**になるなどの問題が発生。これに対応し、**消費者の利益の保護を図るための新法を整備** 

## 法の内容

(令和3年4月28日成立、同年5月10日公布、令和4年5月1日施行)

# (1)取引DPF提供者の努力義務(第3条)

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

### (2) 商品等の出品の停止(第4条)

- 内閣総理大臣は、危険商品等(※)が出品され、かつ、販売業者が特定不能など表示の是正が期待できない場合、取引 D P F 提供者に出品の削除等を要請
- ⇒ 要請に応じたことにより販売業者に生じた損害について取引 D P F 提供者を免責
- (※) 重要事項(商品の安全性の判断に資する事項等)の表示に著しい虚偽・誤認表示がある商品等

# (3) 販売業者等に係る情報の開示請求権(第5条)

- 消費者が損害賠償請求等を行う場合に必要となる 販売業者等の情報の開示を請求できる権利を創設
- ※ 損害賠償請求額が一定の金額以下の場合や不正目的 の請求の場合は対象外

# (4)官民協議会(第6条~第9条)・申出制度(第10条)

- 取引 D P F 提供者からなる団体、消費者団体、関係行政機関等により構成される**官民協議会を組織し、** 取組状況の共有等の情報交換を実施
- 消費者等が内閣総理大臣(消費者庁)に対し取引DPFを利用する消費者の利益が害されるおそれがある旨を申し出て、適当な措置の実施を求めることができる**申出制度**を創設
- ※施行の状況及び経済社会情勢の変化を勘案し、施行後3年目途の検討を規定