



公正取引委員会
Japan Fair Trade Commission

Recent Development of the Competition Policy in Human Resource Market

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Competition policy for the new age — Mission statement of JFTC —

Government efforts for promoting competition

- Competition policy should keep the universal values of market economy and respond to the social and economic environment change
- Especially, it is essential to promote innovation for sustainable growth and improvement of living standards
 - ⇒ Realizing the value of market economy through responding to anti-competitive acts and securing competitive conditions
 - Making policy for creating a condition to promote innovation
 - Promoting to creation of a new business and startup by cooperation with Intellectual Property Policy

Mission of JFTC

【Enforcement】

- ◆ Strictly enforcing anti-competitive acts
- ◆ Creating a competitive market environment
- ◆ Appropriate merger reviews based on business realities
- ◆ Flexible and effective investigations using digital technology and economic theory

【Advocacy】

- ◆ Effective information transmission for significance of competition policy
- ◆ Affirmative dialogue and collaboration with other government agencies
- ◆ Endeavoring towards international harmonization of competition policy through multilateral cooperation

- (e.g.)
- The JFTC leads government efforts and eliminate anti-competitive acts (impeding new entry, unjust data hoarding etc) in the digital economy
 - The JFTC sorts out the views on applications of the Antimonopoly Act to competition for human resources to facilitate pleasant environment for individual workers and quickly correct anti-competition practices

JFTC's activity in this area

- Publication of the Report of “Study Group on Human Resource and Competition Policy” in CPRC (February 2018)
- Request for the information about the rule of the restriction of player's transfer in the sports business (December 2018)
- Publication of the point of view about the AMA concerning the rule of the restriction of player's transfer in the sport business (June 2019)

Point of view about the AMA concerning the rule of the restriction of player's transfer in the sport business (1)

- Basic points of view of the AMA
- Anti-competitive effect by the rule of the restriction of player's transfer in sport
- Special treatments of sport area (pro-competitive effect)

Point of view about the AMA concerning the rule of the restriction of player's transfer in the sport business (2)

- Special treatments of sport area (pro-competitive effect)
- Purpose of the restriction rule for the player's transfer by the sport organization
 - ① To improve the incentives for developing players by securing possibilities of having return on investment for players
 - ② To maintain and improve the attractiveness of sport game by balancing the potential of the teams

Point of view about the AMA concerning the rule of the restriction of player's transfer in the sport business (3)

○ The restriction rule for the player's transfer should be assessed on a case-by-case basis considering rationality, not as per-se illegal. Two points below to be considered when sport organization makes the restriction rule for the player's transfer.

- Rationality of the objective
- Reasonability of the means

Point of view about the AMA concerning the rule of the restriction of player's transfer in the sport business (4)

- There are various rules for the restriction of player's transfer. Those rules should be assessed on a case-by-case basis considering the contents and the actual condition of the rules under the AMA.
- However, it is considered to be difficult to say that the rule, which restricts player's transfer indefinitely, is rational and necessary.

Point of view about the AMA concerning the rule of the restriction of player's transfer in the sport business (5)

○ Next approach

- JFTC expects that sport organization will review their restriction rules and amend them if needed.
- JFTC continues to advocacy and try to find the actual situation of the conducts and practices which restrict the competition in human resource market.
- If there are the conducts to violate the AMA, JFTC will take strict action.