

FY 2012 Japan Fair Trade Commission Performance Evaluation Report (Standard Format)

(The Japan Fair Trade Commission 24-(3))

Name of Activity	Measures against violations of the Subcontract Act, etc. Promoting appropriate trade practices						
Outline of Activity	Ensuring the dissemination and promotion of various guidelines (those related to the promoting appropriate trade practices) on the Antimonopoly Act, responding to requests for counsel from enterprises and trade associations (hereinafter referred to as “enterprises, etc.”) about the specific details of business activities to be conducted in the future, and identifying problems. Furthermore, conducting fact-finding surveys on actual trade from the viewpoint of competition policies, pointing out trade practices that may pose problems under the Antimonopoly Act and requesting improvements, as well as making the results of the surveys public.						
Goal	Preventing violations of the Antimonopoly Act and promoting appropriate trade practices through guidelines that are made more accessible to general public, consultation requests on the Antimonopoly Act from enterprises, etc. (excluding counsel on business combinations and the abuse of superior bargaining positions; hereinafter referred to as “requests for counsel from enterprises, etc.”) (10 or more consultation cases each year to be published), and conducting and disclosing the fact-finding surveys on actual trade (two or more cases) . (FY 2011)						
Budget-Related Activity	Breakdown of Budget		FY 2009	FY 2010	FY 2011	FY 2012	Amount requested for FY 2013
	Amount Allocated (thousand yen)	Budget Supplemented (a)	16,818	13,121	8,467	8,692	8,765
		Budget Carried (b)	0	0	0	0	0
		Total (a + b)	16,818	13,121	8,467	8,692	8,765
	Executed amount (thousand yen) (c)		14,163	12,461	10,017		
Important Cabinet Policy Related to the Activity (Main Administrative Policy Speeches, etc.)	Name of the administrative policy speech, etc.			Date		Relevant part (excerpt)	

Evaluation Index	Number of explanatory meetings regarding the Guidelines Concerning Unjust Low Price Sales	Actual Results					
		FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	
		-	-	21	8	7	
	Number of participants in explanatory meetings regarding the Guidelines Concerning Unjust Low Price Sales	Actual Results					
		FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	
		-	-	Approx. 490	Approx. 410	Approx. 280	
	Number of requests for counsel from enterprises, etc.	Actual Results					
		FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	
		1,780	1,920	1,703	1,700	1,497	
	Number of published case examples of consultation	Actual Results					
		FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	
		7	13	9	12	11	
	Target figures for Each Fiscal Year		-	-	-	10	10
	Number of accesses to the collections of case examples of consultation posted on the JFTC website	Actual Results					
		FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	
		-	-	-	39,512	34,288	
	Number of published cases of fact-finding surveys on actual trade	Actual Results					
		FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	
		1	2	1	1	1	
	Target figures for Each Fiscal Year		-	-	-	2	2
	Average period of fact-finding surveys on actual trade (months)	Actual Results					
		FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	
		6	11	4	5	3	
	Average number of personnel required for fact-finding surveys on actual trade (persons)	Actual Results					
		FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	
		4	4	5	4	4	

Results of Evaluations of Activity	Status of Achievements	<p>With respect to the publication of case examples of consultation, the target was achieved, as 11 major cases were made public in FY 2011.</p> <p>Regarding the number of published cases of fact-finding surveys on actual trade, only one was made public, failing to achieve the target. The reason was that the start of a new survey (the Fact-Finding Survey on Trade between Hotels and Suppliers, published in May 2012), scheduled to begin at the start of FY 2011, had to be postponed by about six months due to the circumstances after the Great East Japan Earthquake.</p>
	Directions for Future Activity	<p>If an overall evaluation is to be made, dissemination and promotion of various guidelines, responses to requests for counsel from enterprises, etc. and the implementation and publication of fact-finding surveys on actual trade can be evaluated as being necessary and effective for preventing violations of the Antimonopoly Act and advancing proper trade practices, and for maintaining and promoting fair and free competition. However, there are areas for improvement concerning their methods of implementation.</p> <p>On the whole, the Guidelines Concerning Unjust Low Price Sales have been well disseminated and promoted. As a result, the JFTC should be more active in holding explanatory meetings on existing guidelines, aside from the Guidelines Concerning Unjust Low Price Sales, based on demands from enterprises, etc. The JFTC should also diversify dissemination and promotion methods and not overly rely on just explanatory meetings.</p> <p>Regarding responses to requests for counsel, the JFTC has been providing the collections of case examples of consultation when appropriate to individual enterprises, etc. who request counsel as a reference based on the FY 2011 policy evaluation. Consequently, many enterprises are thought to now be achieved greater recognition regarding collections of case examples of consultation. This strategy is believed to have increased predictability for enterprises and furthered the promotion of appropriate trade practices. As a result, the JFTC will continue to take active measures, such as providing the collections of case examples of consultation as a reference to individual enterprises, etc. who request counsel.</p> <p>With respect to fact-finding surveys on actual trade, the JFTC must continue to collect a wide range of information with the objective of conducting and publishing at least two surveys per year. To this point, it must ascertain social needs and the necessity of the improvement of the trade practices. It must also examine the necessity of follow-up surveys and endeavor to appropriately and promptly select industry segments and areas to be the subjects of surveys. Moreover, it is necessary to conduct efficient, effective dissemination activities about the results of fact-finding surveys to enhance the effectiveness of improved trade practices, etc. Such activities include holding explanatory meetings and providing information to trade journals, etc.</p>

Use of Expert Knowledge	<ul style="list-style-type: none"> • The general remarks state that “the JFTC should diversify dissemination and promotion methods and not overly rely on just explanatory meetings when moving ahead with the dissemination and promotion of guidelines.” What specific methods are you thinking of here? (Mr. Konishi) (Specific methods will be studied, for example, examining increasing the opportunities to present guidelines by working in coordination with other administrative bodies.) • With respect to the number of consultation requests from enterprises, etc, have you determined any trends in the nature of the counseling? If you have, it should be included in the evaluation materials. (Mr. Tanabe) (We revised the details based on the above opinion.)
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Materials and Other Information Used During Policy Evaluation	
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Responsible Department	Trade Practices Division, Trade Practices Department Trade Practices Research Office, Trade Practices Department Consultation and Guidance Office, Trade Practices Department	Responsible Person	Mr. Hiroshi Yamada, Director of the Trade Practices Division Mr. Masami Uchino, Manager of the Trade Practices Research Office Mr. Koichi Nishikawa, Manager of the Consultation and Guidance Office	Year/Month for Policy Evaluation	April – July, 2012
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