

FY 2013 Japan Fair Trade Commission Performance Evaluation Report (Standard Format)

(The Japan Fair Trade Commission 25-(1))

(The Japan Fair Trade Commission 25 (FY 11))

Name of Activity	Measures, etc. Against Violations of the Antimonopoly Act Hearing Procedures						
Outline of Activity	The activity makes appropriate use of hearing procedures and decisions when an appeal is filed with regard to a cease-and-desist order or a surcharge payment order issued by the JFTC for a violation of the Antimonopoly Act.						
Goal	To maintain and promote fair and free competition by striving to make appropriate use of hearing procedures leading to decisions, such as closing hearing procedures as soon as possible within two years (“hearing procedures” as provided for in Article 18 of the Arbitration Rules, meaning the procedures starting with notification of the start of the hearings (the decision to start the hearing under the former Act) and ending with the conclusion with the declaration of final statements by both parties). (from FY 2010 through FY 2012)						
Budget-Related Activity	Breakdown of Budget		FY 2010	FY 2011	FY 2012	FY 2013	Amount requested for FY2014
	Amount Allocated (thousand yen)	Budget Supplemented (a)	10,662	10,384	4,330	4,330	3,968
		Budget Carried (b)	0	0	0	0	0
		Total (a + b)	10,662	10,384	4,330	4,330	3,968
	Executed amount (thousand yen) (c)		3,474	2,523	2,141		
Important Cabinet Policy Related to the Activity (Main Administrative Policy Speeches, etc.)	Name of the administrative policy speech, etc.			Date		Relevant part (excerpt)	
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Evaluation Index (See Note 1)	Number of decisions where suit to quash a decision was filed (See Note 2)	Actual Results				
		FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
		16	18	10	7	3
	Number of decisions rescinded through suit to quash a decision	Actual Results				
		FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
		0	0	1	0	0
	Duration of hearing procedures [months]	Actual Results				
		FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
		46.5	38.2	32.6	15.6	16.8

Note 1: Covers all decisions except decisions on violations of the Premiums and Representations Act, consent decisions, and decisions that deducted a portion of surcharges.

Note 2: Figures for FY 2012 include decisions where suit to quash a decision was filed by a party other than the respondent.

Results of Evaluations of Activity	Status of Achievements	The target for the duration of hearing procedures was less than two years, which was generally achieved on the whole, with an average duration of hearing procedures for decisions handed down during the evaluation period of 23.9 months and with hearing procedures closing within two years in 66.0 percent of all cases.
	Directions for Future Activity	Looking at all evaluation indicators as a whole, the activity can be deemed as being carried out efficiently and being necessary and effective in ensuring the fairness of decisions. Nevertheless, given that the percentage of suit to quash decisions being brought by respondents is on the rise, the JFTC must make use of hearing procedures so that proper decisions are handed down, including providing respondents with sufficient opportunities to make statements and establish proof. And although the efficiency of hearing procedures can be deemed as having increased, the JFTC must endeavor to maintain and improve efficiencies by continuing to carry out past activities.

Use of Expert Knowledge	<ul style="list-style-type: none"> • While the terms in this report may be used regularly by legal professionals, the expressions are difficult to understand for the ordinary public. Could you amend them to make it easier to follow? (Mr. Konishi) (We revised the report based on this comment.) • In Table 5, comparisons using transitions each fiscal year are more appropriate than using the three-year average. (Mr. Konishi) (Summary of reply: We have decided to study the issue in the future based on this comment.) • It is difficult to understand the difference between “the period from the start of the hearing procedures to the closing of the hearing procedures” and “the period from the start of the hearing procedures to the decision.” Could you add a clarification of this difference? (Mr. Kakizaki) (We revised the report based on this comment.)
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Materials and Other Information Used During Policy Evaluation	<p>“Processing Status of Violations of the Antimonopoly Act,” JFTC for each fiscal year from FY 2010 through FY 2012</p> <p>These documents are held by the General Affairs Division, Secretariat, JFTC.</p>
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Responsible Department	Decision and Lawsuit Office	Responsible Person	Hiroshi Nakazato, Director of Decision and Lawsuit Office	Year/Month for Policy Evaluation	April – July, 2013
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