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

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Number of subject enterprises (warnings) FY 2008 FY 2009 FY 2010 FY 2011 FY 2012 4 9 3 2 6										
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			· · · · · · · · · · · · · · · · · · ·			•				6

	Number of complaints of unjust low price sales concerning	Actual Results				
	retailing	FY 2008 FY 2009 FY 2010 FY 2011 FY 2012				
		9,668 8,979 8,675 7,102 8,173				
	Number of cautions issued in cases of unjust low price sales	Actual Results				
	concerning retailing (through rapid processes)	FY 2008 FY 2009 FY 2010 FY 2011 FY 2012				
	concerning reasing (unough rapid processes)	3,654 3,225 2,700 1,772 1,736				
		Actual Results				
	Amount of surcharges (10,000 yen)	FY 2008 FY 2009 FY 2010 FY 2011 FY 2012				
		2,703,642 3,607,471 7,208,706 4,425,784 2,507,644				
	Number of enterprises against whom surcharge payment	Actual Results				
	orders were issued	FY 2008 FY 2009 FY 2010 FY 2011 FY 2012				
		87 106 156 277 113				
		Actual Results				
	Amount of surcharges per enterprise (10,000 yen)	FY 2008 FY 2009 FY 2010 FY 2011 FY 2012				
		31,076 34,032 46,209 15,977 22,191				
		Actual Results				
	Number of criminal accusations	FY 2008 FY 2009 FY 2010 FY 2011 FY 2012				
Evaluation Index		Actual Results				
	Number of requests for application of the leniency program	FY 2008 FY 2009 FY 2010 FY 2011 FY 2012				
		85 85 131 143 102				
	Number of legal measures concerning applications of the	Actual Results				
	leniency program which were published	FY 2008 FY 2009 FY 2010 FY 2011 FY 2012				
		8 21 7 9 19 Actual Results				
	Length of time for processing cases in which legal measures	FY 2008 FY 2009 FY 2010 FY 2011 FY 2012				
	were taken (average of all cases, in months)	Approx. 11 Approx. 12 Approx. 12 Approx. 15 Approx. 14				
		Approx. 11 Approx. 12 Approx. 12 Approx. 15 Approx. 14 Actual Results				
	Average length of time for processing cases of unjust low price sales in the retailing of alcoholic liquor, petroleum	FY 2008 FY 2009 FY 2010 FY 2011 FY 2012				
	products, and consumer electrical appliances (months)	3.4 2.4 2.2 2.1 2.0				
	Target figures for Each Fiscal Year					
		2 2 2 2 2 2 Actual Results				
	Amount of coverage in daily newspapers (lines) (See Note)	FY 2008 FY 2009 FY 2010 FY 2011 FY 2012				
	This unit of coverage in daily newspapers (intes) (see 1000)	17,188 21,237 20,673 22,256 16,040				
		Actual Results				
	Amount of consumer benefits protected by legal measures	FY 2008 FY 2009 FY 2010 FY 2011 FY 2012				
	(100 million yen)	Approx. 4,079 Approx. 1,204 Approx. 1,790 Approx. 2,793 Approx. 2,36				

Note: Calculated based on the assumption that one column of a newspaper article consists of approximately 70 lines.

	Status of Achievements	A target of two months or less, in principle, was set for the processing of retail market dumping cases connected with alcoholic beverages, petrochemical products, and consumer electrical appliances. The average length of time to process these cases in FY 2012 was approximately 2.0 months, meaning that, on the whole, the target was achieved.			
Results of Evaluations of Activity	Directions for Future Activity	 Looking at all evaluation indicators as a whole, the activity can be deemed as being necessary and effective in maintaining and promoting fair and free competition. Nevertheless, the following issues remain. The average length of time to process cases in which legal measures were taken was about 14 months. This was caused by the JFTC taking on cases that by their nature took considerable time to investigate. One drawn-out case involved violations connected to alternators and associated automotive products ordered by multiple automakers that required exchanges of information with overseas competition authorities to clarify the circumstances of the case. Consequently, the JFTC, in the interest of speeding up case processing times, must apply resources (personnel and budgets) effectively to cases that by their nature will take considerable time to investigate and to violations of the Antimonopoly Act, such as price cartels and bidrigging cases with significant consequences for citizens' livelihoods. The JFTC must also work to raise the investigative capabilities of JFTC officials and proceed with case processing more efficiently by increasing the number of investigation officials and, at the same time, promoting knowledge-sharing among officials. The number of reports about retail market dumping, which had increased dramatically in FY 2008, remained at the same high level in FY 2012. The JFTC must strengthen its enforcement ability further in order to continue to process dumping reports promptly and appropriately. Although criminal charges were laid in one case in FY 2012, with the establishment of a policy for more proactive pressing of criminal charges for violations of the Antimonopoly Act, such as price cartels and bid-rigging cases with significant consequences for citizens' livelihoods, the JFTC must work to further improve its information collection abilities to be more proactive in discovering cases that warrant criminal charges. 			

Use of Expert Knowledge	 Your efficiency indicator is the length of time to process cases. However, increasing the number of people assigned to case investigations should shorten the length of time to process cases. Has the number of people assigned to case investigations increased? (Mr. Kakizaki) (We replied that the number of fixed personnel in sections that handle cases of Antimonopoly Act violations has increased in recently years. However, the numbers in FY 2012 were generally on par with the previous fiscal year.) Regarding processing times of cases involving sales at unjustly low prices in the third item, given that individual cases are to be processed within two months in principle, rather than giving just the average, the median value or else the percentage of cases processed within two months should also be listed. (Mr. Tanaka) (The section was adjusted as suggested.) The JFTC issues orders to implement improvement measures based on the Anti-Bid-Rigging Act. If reports on the improvement measure orders. (Mr. Wakabayashi) (The section was adjusted as suggested.) The evaluation report states that the number of reports about retail market dumping "remained at the same high level." Shouldn't the evaluation report provide the reason or reasons why the number of reports continues to be at a high level? (Mr. Konishi) (The section was adjusted as suggested.)
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Materials and Other Information Used During Policy Evaluation	"Enforcement Status of the Antimonopoly Act in FY 2012" Drafted by: The JFTC Published on: May 29, 2013. The above material is held by the General Affairs Division, Secretariat, General Secretariat, the JFTC.					
Responsible Department	Management and Planning Division,	Responsible Person	Wataru Kobayashi, Director of the Management and	Year/Month for Policy Evaluation	April – July, 2013	

Investigation Bureau

Management and Planning Division

Policy Evaluation