

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

(The Japan Fair Trade Commission 25-(4))

Name of Activity	Measures against violations of the Subcontract Act, etc. Promoting appropriate trade practices						
Outline of Activity	<p>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.</p> <p>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.</p>						
Goal	<p>The activity’s objective is to prevent violations of the Antimonopoly Act and to promote appropriate trade practices in three ways: (1) disseminate and promote various guidelines on the Antimonopoly Act (excluding guidelines on business combinations or the abuse of dominant bargaining positions); (2) respond to counseling requests from businesses concerning the Antimonopoly Act (excluding counseling on business combinations or the abuse of dominant bargaining positions) (hereinafter referred to as “counseling requests from businesses”) — the benchmark target is to publish at least 10 counseling cases per year in the Collection of Counseling Cases; and (3) conduct and publicize trade fact-finding surveys — the benchmark target is to publish at least two surveys per year. (FY 2012)</p>						
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)	13,121	8,467	8,679	8,730	8,825
		Budget Carried (b)	0	0	0	0	0
		Total (a + b)	13,121	8,467	8,679	8,730	8,825
Executed amount (thousand yen) (c)		12,461	10,017	9,213			
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	Number of explanatory meetings on guidelines	Actual Results					
		FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	
			46	46	38	59	90
	Number of attendees at explanatory meetings on guidelines	Actual Results					
		FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	
			Approx. 2,970	Approx. 2,190	Approx. 3,140	Approx. 3,220	Approx. 3,730
	Number of explanatory meetings regarding the Guidelines Concerning Unjust Low Price Sales	Actual Results					
		FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	
			-	21	8	7	7
	Number of participants in explanatory meetings regarding the Guidelines Concerning Unjust Low Price Sales	Actual Results					
		FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	
			-	Approx. 490	Approx. 410	Approx. 280	Approx. 250
	Number of requests for counsel from enterprises, etc.	Actual Results					
		FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	
			1,920	1,703	1,700	1,497	1,203
Number of cases published in the Collection of Counseling Cases	Actual Results						
	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012		
		13	9	12	11	13	
Target figures for Each Fiscal Year		-	-	10	10	10	
Number of accesses to the collections of case examples of consultation posted on the JFTC website	Actual Results						
	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012		
		-	-	39,512	34,288	35,325	
Number of published cases of fact-finding surveys on actual trade	Actual Results						
	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012		
		2	1	1	1	1	
Target figures for Each Fiscal Year		-	-	2	2	2	
Average duration of trade fact-finding surveys [months]	Actual Results						
	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012		
		11	4	5	3	5	
Average number of personnel required for trade fact-finding surveys	Actual Results						
	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012		
		4	5	4	4	4	

	<p>Status of Achievements</p>	<p>The target for published counseling cases was achieved, with 13 cases published in FY 2012.</p> <p>The target for publication of trade fact-finding surveys was not achieved, as only one case was published. The survey started in FY 2012 and published in July 2013 examined business conditions surrounding the surveyed products at three levels: manufacturers, trading companies, and vendors. As such, the survey of trading companies had to be based on the survey of manufacturers, and the survey of vendors had to be based on the previous two surveys. For this reason, the survey took considerable time.</p>
<p>Results of Evaluations of Activity</p>	<p>Directions for Future Activity</p>	<p>Looking at all evaluation indicators as a whole, the activity can be assessed as being necessary and effective in preventing violations of the Antimonopoly Act, promoting appropriate trade practices, and maintaining and promoting fair and free competition in the activity's three areas: namely, disseminate and promote various guidelines on the Antimonopoly Act; respond to counseling requests from businesses; and conduct and publicize trade fact-finding surveys. Nevertheless, the activity's execution methodology has the following areas for improvement.</p> <p>The JFTC has strived to diversify its methods of disseminating and promoting guidelines. One example is instead of only JFTC officials explaining guidelines to businesses and other parties, JFTC officials explained guidelines to business advisors at chambers of commerce and industry and commercial and industrial associations nationwide and then disseminated and promoted the guidelines to businesses and other parties through the business advisors. In this way, the JFTC has successfully disseminated and promoted guidelines to a certain extent and thereby contributed to preventing violations of the Antimonopoly Act. Given this success, the JFTC will endeavor to continue to disseminate and promote</p> <p>Based on the FY 2012 policy evaluation, the JFTC has been providing the Collection of Consultation Cases, which contains past consultation cases, to individual businesses seeking counseling as a reference in order to build awareness of consultation cases. Consequently, many businesses are thought to now be aware of the Collection of Consultation Cases. This strategy is believed to have increased predictability for businesses and furthered the promotion of appropriate trade practices. As a result, the JFTC will continue to take active measures, such as providing the Collection of Consultation Cases as a reference to individual businesses seeking counseling, as well as publishing topical consultation cases both to further increase awareness and to supplement guidelines.</p> <p>In the area of trade fact-finding surveys, the JFTC will strive to execute operations more efficiently with a review of its survey methodology with the objective of conducting and publishing at least two surveys per year. Revisions include collecting information simultaneously in multiple fields and working to tabulate surveys quickly and efficiently. The JFTC will actively conduct trade fact-finding surveys in emerging markets that have gained notice in the last few years and in markets with high public profiles and endeavor to ascertain the trade practices in these markets. It will also maintain a close watch in markets studied in past trade fact-finding surveys for any changes in trade practices and, if improvements appear to be necessary to trade practices since the last survey, examine follow-up surveys.</p>

Use of Expert Knowledge	<ul style="list-style-type: none"> <li>• On one hand, the number of consultations from businesses on collaborative R&amp;D have increased, but on the other hand, consultations on collaborative acts have declined. What is the reason for this? (Mr. Wakabayashi) (We replied that the number of businesses engaged in collaborative R&amp;D in order to cut costs is thought to be on the increase. Furthermore, many businesses engaged in collaborative R&amp;D are large-scale businesses and, as such, are more likely to be prudent in checking whether there are any problems in terms of the Antimonopoly Act. Regarding collaborative acts, as it appears that the Antimonopoly Act is becoming more widely recognized, the number of consultations about matters, such as collectively determining sales prices, that are clearly problematic under the Antimonopoly Act have fallen.)</li> <li>• Regarding guideline dissemination and promotion, making use of chambers of commerce and industry and commercial and industrial associations is important from the standpoint of utilizing external resources and it should be commended. In terms of future directions, what about noting strengthening activities to make use of chambers of commerce and industry, commercial and industrial associations, and other external resources? (Mr. Kakizaki) (The section was adjusted as suggested.)</li> <li>• The indicator for trade fact-finding surveys is the number of published surveys. I feel the number of trade fact-finding surveys conducted is a more appropriate indicator. Why did you select the number of published surveys as the indicator? (Mr. Konishi) (We replied that in order to connect the activity to the policy goals of preventing violations of the Antimonopoly Act and promoting appropriate trade practices, it is important to publish the results of the trade fact-finding surveys and, thereby, publicize the Antimonopoly Act among businesses.)</li> </ul>
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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. Isao Hishinuma, Manager of the Trade Practices Research Office Mr. Hirohito Amada, Manager of the Consultation and Guidance Office	Year/Month for Policy Evaluation	April – July, 2013
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