

FY 2015 Japan Fair Trade Commission Performance Evaluation Report (Standard Format)

(The Japan Fair Trade Commission 27-(2))

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	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 ; (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”);and (3) conduct and publicize trade fact-finding surveys.					
Budget-Related Activity	Breakdown of Budget		FY 2013	FY 2014	FY 2015	Amount requested for FY2016
	Amount Allocated (thousand yen)	Initial budget (a)	8,730	9,041	9,299	
		Supplementary budget (b)	0	0		
		Budget Carried(c)	0	0		
		Total (a+b+c)	8,730	9,041		
	Executed amount (thousand yen)		7,323	6,610		
Important Cabinet Policy Related to the Activity (Main Administrative Policy Speeches, etc.)						
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Evaluation Index	Number of published counseling cases		Actual Results					Year in this evaluation	Target achievement
			FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2013	Achieved
			12	11	13	12	14	FY2014	
			10+						
	Target Figures for Each Fiscal Year								
	Number of published cases of fact-finding surveys on actual trade		Actual Results					Year in this evaluation	Target achievement
			FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2013	No significant progress has been made.
			1	1	1	1	0	FY2014	
			2+						
	Target Figures for Each Fiscal Year								
	State of prevention of violations of the Antimonopoly Act by disseminating and promoting various guidelines related to the Antimonopoly Act		State of progress of the activity (actual results)					Year in this evaluation	Target achievement
			FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2013	Considerable progress has been made
			See Attachment 1					FY2014	
	Target Figures for Each Fiscal Year								
	State of prevention of violations of the Antimonopoly Act by responding to counseling requests from businesses concerning the Antimonopoly Act		State of progress of the activity (actual results)					Year in this evaluation	Target achievement
FY 2010			FY 2011	FY 2012	FY 2013	FY 2014	FY 2013	Considerable progress has been made	
See Attachment 2					FY2014				
Target Figures for Each Fiscal Year									

	State of prevention of violations of the Antimonopoly Act by conducting and publishing trade fact-finding surveys [See Note]		State of progress of the activity (actual results)					Year in this evaluation	Target achievement
	Target Figures for Each Fiscal Year		FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2013 FY2014	No significant progress has been made.
			See Attachment 3						

Note: In the advance analysis table in the fiscal year 2013, the index to evaluate the effectiveness and the efficiency of this activity was the survey implementation period and the number of personnel required for fact-finding surveys on actual trade. However, from the perspective of the prevention of violations of the Antimonopoly Act, the index has been changed so that the state of external dissemination is able to be measured.

Evaluation results	Measurements of target achievement rates	Administrative organization common classification	Considerable progress has been made
		Basis of judgment	<p>In the evaluation index, the target of the “number of publishing counseling cases” has been achieved.</p> <p>Moreover, with respect to the “state of the prevention of violations of the Antimonopoly Act by disseminating and promoting various guidelines related to the Antimonopoly Act” and the “the state of the prevention of violations of the Antimonopoly Act by responding to counseling requests from businesses concerning the Antimonopoly Act,” considerable progress has been made to achieve the target of preventing violations of the Antimonopoly Act.</p> <p>On the other hand, with respect to the “number of published cases of fact-finding surveys on actual trade” and the “state of prevention of violations of the Antimonopoly Act by conducting and publishing trade fact-finding surveys,” although no significant progress has been made, a certain level of impact has been achieved, and it is believed that the activity has made a contribution to the prevention of violations of the Antimonopoly Act.</p>
	Analysis of activity	<p>Evaluating the overall evaluation index, it is possible to assess that these initiatives were necessary and effective in preventing violations of the Antimonopoly Act, promoting appropriate trade practices, and maintaining and promoting fair and free competition, and the activities were effective.</p> <p>However, with respect to fact-finding surveys on actual trade, surveys on actual trade are necessary to be carried out because the broad dissemination to enterprises, etc., about problems and the concept of the Antimonopoly Act gives an opportunity to enterprises, etc., to make voluntary improvements. Yet, there were cases where surveys failed to identify issues of competition policies. As a result, only one case was announced in the fiscal year 2013 and there weren't any cases announced in the fiscal year 2014 when operations were more intense compared with the previous fact-finding surveys on actual trade were done. Taking this into account, to achieve the target of announcing two cases or more annually, it is necessary to collect information by focusing on sectors in which competition policy issues are strongly suspected to exist, and seek to carry out efficient operations by reviewing survey methods, for example, selecting a survey target where the announcement of the survey results is strongly expected to promote appropriate trade practices.</p>	
	Directions to be reflected in next-term targets	<p>Policy</p> <p>To prevent violations of the Antimonopoly Act and promote appropriate trade practices, maintaining the existing targets and continuing to disseminate and promote various guidelines related to the Antimonopoly Act, responding to counseling requests from businesses, and conducting and publishing trade fact-finding surveys will be accomplished.</p> <p>Evaluation Index</p> <p>It is necessary to carry out these initiatives to prevent violations of the Antimonopoly Act and promote appropriate trade practices, and it is possible to evaluate that they had certain effectiveness and efficiency. Therefore, in order to maintain the existing concept of the establishment of current targets for each index, and continue to disseminate and promote various guidelines related to the Antimonopoly Act, to respond to requests for counsel from enterprises, etc., and carry out fact-finding surveys on actual trade and announce their results should be done.</p> <p>However, with respect to fact-finding surveys on actual trade, only one case was announced in the fiscal year 2013 and zero cases were announced in the fiscal year 2014, and only one case was consistently announced before the fiscal year 2012. As a result, it is necessary to collect information by focusing on sectors in which competitive policy issues are strongly suspected to exist, and seek to carry out efficient operations by reviewing survey methods. For example, selecting a survey target where the announcement of the survey results is strongly expected to promote appropriate trade practices.</p> <p>Moreover, from the perspective of improving the quality of initiatives, strengthening cooperation with the chambers of commerce and commerce and industry associations nationwide, continuing to strive to efficiently disseminate and promote the guidelines, and announcing counseling examples that are new and useful as a reference to enterprises, etc., who expect to start new businesses in the future should all be carried out.</p>	

Use of Expert Knowledge	<p>- With respect to fact-finding surveys on actual trade, targets were not met in the fiscal years 2013 and 2014, and only one case was announced in each fiscal year before the fiscal year 2012. Does this mean that there are issues in establishing targets of the evaluation index? (Commission Member Wakabayashi)</p> <p>(The answer offered was that, considering the opinions expressed, examinations about the targets would be carried out in the future.)</p> <p>- With respect to the fact-finding surveys on actual trade that were carried out in the fiscal year 2014, the reason stated was that there was the involvement of more intense operations. Was the then schedule management appropriate? (Commission Member Tanabe)</p> <p>(The answer offered was that the involvement of operations that were more intense than initially anticipated has been recognized as a point for consideration, and considering the opinions expressed, examinations about this matter would be carried out in the future.)</p> <p>- The number of published cases of fact-finding surveys on actual trade is selected as an evaluation index. If the number of announcements is treated as an index, results will be affected by the nature of a case for which surveys are done. Is there any point in establishing an index with such parameters? (Commission Member Konishi)</p> <p>(The answer offered was that it was believed that announcing the results of the surveys is expected to reinforce the effects of the prevention of violations of the Antimonopoly Act and, considering what kind of goals should be set for the Commission in carrying out its operations, examinations about the goals of the activity would be carried out in the future.)</p> <p>- In fact-finding surveys on actual trade, it is difficult to understand how the selection of survey targets will improve the efficiency. (Commission Member Konishi)</p> <p>(Considering the opinions expressed, amendments have been made.)</p>
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Materials and Other Information Used During Policy Evaluation	<p>(i) "Counseling examples related to the Antimonopoly Act (fiscal year 2013)" Preparer: The Japan Fair Trade Commission Preparation date: June 18, 2014</p> <p>(ii) "Counseling examples related to the Antimonopoly Act (fiscal year 2014)" Preparer: The Japan Fair Trade Commission Preparation date: June 17, 2015</p> <p>(iii) "Surveys on transactions of gasoline" Preparer: The Japan Fair Trade Commission Preparation date: July 23, 2013</p> <p>These documents are held by the General Affairs Division, Secretariat, JFTC.</p>
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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. Osamu Tanabe, Director of the Trade Practices Division Mr. Masayuki Yamaguchi, Manager of the Trade Practices Research Office Mr. Hiroaki Matsumoto, Manager of the Consultation and Guidance Office	Year/Month for Policy Evaluation	April – July, 2015
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Evaluation Index		State of progress of the activity (actual results)				
		FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
		<p>Including the initiatives below, efforts were made to prevent violations of the Antimonopoly Act by disseminating and promoting various guidelines related to the Antimonopoly Act.</p> <p>Number of explanatory</p> <p>(1) meetings on guidelines [38]</p> <p>Number of attendees at</p> <p>(2) explanatory meetings on guidelines [Approx. 3,550]</p> <p>Number of explanatory meetings</p> <p>(3) regarding the Guidelines Concerning Unjust Low Price Sales [8]</p> <p>Number of participants in explanatory meetings</p> <p>(4) regarding the Guidelines Concerning Unjust Low Price Sales [Approx. 410]</p>	<p>Including the initiatives below, efforts were made to prevent violations of the Antimonopoly Act by disseminating and promoting various guidelines related to the Antimonopoly Act.</p> <p>(1) As on the left [59]</p> <p>(2) As on the left [Approx. 3,510]</p> <p>(3) As on the left [7]</p> <p>(4) As on the left [Approx. 280]</p>	<p>Including the initiatives below, efforts were made to prevent violations of the Antimonopoly Act by disseminating and promoting various guidelines related to the Antimonopoly Act.</p> <p>(1) As on the left [90]</p> <p>(2) As on the left [Approx. 3,980]</p> <p>(3) As on the left [7]</p> <p>(4) As on the left [Approx. 250]</p>	<p>Including the initiatives below, efforts were made to prevent violations of the Antimonopoly Act by disseminating and promoting various guidelines related to the Antimonopoly Act.</p> <p>(1) As on the left [102]</p> <p>(2) As on the left [Approx. 5,490]</p> <p>(3) As on the left [5]</p> <p>(4) As on the left [Approx. 170]</p>	<p>Including the initiatives below, efforts were made to prevent violations of the Antimonopoly Act by disseminating and promoting various guidelines related to the Antimonopoly Act.</p> <p>(1) As on the left [69]</p> <p>(2) As on the left [Approx. 4,050]</p> <p>(3) As on the left [5]</p> <p>(4) As on the left [Approx. 120]</p>
	Target Figures for Each Fiscal Year	Prevent violations of the Antimonopoly Act by disseminating and promoting various guidelines related to the Antimonopoly Act.				

Evaluation Index	State of prevention of violations of the Antimonopoly Act by responding to counseling requests from businesses concerning the Antimonopoly Act	State of progress of the activity (actual results)				
		FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
		<p>Including the initiatives below, efforts were made to prevent violations of the Antimonopoly Act by responding to counseling requests from businesses concerning the Antimonopoly Act.</p> <p>Number of requests for (1) counsel from enterprises, etc. [1,700]</p> <p>Number of accesses to the collections of case examples of consultation posted (2) on the JFTC website [39,512]</p>	<p>Including the initiatives below, efforts were made to prevent violations of the Antimonopoly Act by responding to counseling requests from businesses concerning the Antimonopoly Act.</p> <p>(1) As on the left [1,497]</p> <p>(2) As on the left [34,288]</p>	<p>Including the initiatives below, efforts were made to prevent violations of the Antimonopoly Act by responding to counseling requests from businesses concerning the Antimonopoly Act.</p> <p>(1) As on the left [1,203]</p> <p>(2) As on the left [35,325]</p>	<p>Including the initiatives below, efforts were made to prevent violations of the Antimonopoly Act by responding to counseling requests from businesses concerning the Antimonopoly Act.</p> <p>(1) As on the left [1,046]</p> <p>(2) As on the left [36,205]</p>	<p>Including the initiatives below, efforts were made to prevent violations of the Antimonopoly Act by responding to counseling requests from businesses concerning the Antimonopoly Act.</p> <p>(1) As on the left [1,068]</p> <p>(2) As on the left [35,250]</p>
	Target Figures for Each Fiscal Year	Prevent violations of the Antimonopoly Act by responding to counseling requests from businesses concerning the Antimonopoly Act.				

Evaluation Index		State of progress of the activity (actual results)				
		FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
		Including the initiatives below, efforts were made to prevent violations of the Antimonopoly Act by conducting and publicizing trade fact-finding surveys. The average number of accesses to the trade fact-finding surveys reports (main documents) that are presented on the website of the Japan Fair Trade Commission [6,631 accesses]	Including the initiatives below, efforts were made to prevent violations of the Antimonopoly Act by conducting and publicizing trade fact-finding surveys. (1) As on the left [2,495]	Including the initiatives below, efforts were made to prevent violations of the Antimonopoly Act by conducting and publicizing trade fact-finding surveys. (1) As on the left [4,633]	Including the initiatives below, efforts were made to prevent violations of the Antimonopoly Act by conducting and publicizing trade fact-finding surveys. (1) As on the left [5,268]	Including the initiatives below, efforts were made to prevent violations of the Antimonopoly Act by conducting and publicizing trade fact-finding surveys. (1) As on the left[0] [See Note]
		The average number of accesses to the trade fact-finding surveys reports (2) (summary) that are presented on the website of the Japan Fair Trade Commission [7,908 accesses]	(2) As on the left [4,116]	(2) As on the left [4,008]	(2) As on the left [11,043]	(2) As on the left[0] [See Note]
	Target Figures for Each Fiscal Year	Prevent violations of the Antimonopoly Act by conducting and publicizing trade fact-finding surveys.				

Note : In the fiscal year 2014, because trade fact-finding surveys were not announced, the number for the relevant fiscal year was determined to be zero.