



公正取引委員会
Japan Fair Trade Commission

Competition Advocacy and The Role of the State in the Economy

9th Meeting of High Level Representatives
of Asia-Pacific Competition Authorities
4 December 2024, Paris

Shinichi ASAKURA
Senior Planning Officer
Japan Fair Trade Commission



Recent example of JFTC's advocacy relating to Competitive Neutrality Toolkit

- competitive neutrality principles should be reflected not only by the rules on public procurement procedures but also by their implementation.
- The JFTC conducted a fact-finding survey on Information System Procurement by government agencies and published the report in February 2022.
- “Vendor lock-in” refers to a situation where operations necessary to continue using an information system, such as software modifications and hardware maintenance, must be outsourced to the vendor who firstly supplied the system because the other firms cannot perform these tasks.

Summary of the Report

- To reduce the size of information system procurement units and facilitate coordination among systems.
- To standardize data.
- Adopting open source software and highly versatile technologies and products.

On the other hand...

- Providing inaccurate information, taking advantage of the ignorance of the person in charge of the procurement procedure, and achieves the content of the specifications that only the vendor can meet.
- ⇒ Such conduct may violate the Antimonopoly Act.



Recent example of JFTC's enforcement (Approval of the Commitment Plan)

- Distributing draft specification documents, describing that it is essential to apply the Two companies' CMS instead of those of open source software for the purpose of information security.
 - Municipalities do not have sufficient capacity to set specification concerning the CMS by themselves.
- ⇒ It might fall under Interference with a Competitor's Transactions.

<https://www.jftc.go.jp/en/pressreleases/yearly-2022/June/220630.html>



公正取引委員会
Japan Fair Trade Commission

Thank you for your attention !



<http://www.jftc.go.jp/en/>