

Rules on Compulsory Investigation of Criminal Cases by the Fair Trade Commission

Fair Trade Commission Rule No.6 of 2005

The rules on compulsory investigation of criminal cases by the Fair Trade Commission shall be established pursuant to the provision of Section 76(1) of the Act Concerning Prohibition of Private Monopolization and Maintenance of Fair Trade (Act No. 54 of 1947) as follows:

Rules on Compulsory Investigation of Criminal Cases by the Fair Trade Commission

Section 1 [Purpose of the Rules]

The proceedings of Compulsory Investigation of Criminal Cases by staff members (hereinafter referred to as “staff members for criminal investigation”) designated by the Fair Trade Commission (hereinafter referred to as “the Commission”), as provided for in Section 101(1) of the Act Concerning Prohibition of Private Monopolization and Maintenance of Fair Trade (hereinafter referred to as “the Act”), shall follow the Rules as well as the Act.

Section 2 [Designation of the staff members for Compulsory Investigation of Criminal Cases]

The designation by the Commission as provided for in Section 101(1), shall be made only for the staff members in the Criminal Investigation Department, the Investigation Bureau of the General Secretariat.

Section 3 [Identification Card]

The form of identification card stipulated in Section 106 of the Act shall be as shown in the separated Form.

Section 4 [Initiation of Criminal Investigation]

The Director General of the Investigation Bureau of the General Secretariat shall, upon coming into contact with the incipient facts of a criminal case, report to the Commission.

2. In making the report mentioned in the preceding subsection, the following matters shall be stated as clearly as possible:

- (1) Incipency
- (2) Synopsis of the facts of the case
- (3) Applicable provisions of the Act

3. The Commission shall, with respect to a case that the Commission acknowledges as necessary in the case of Subsection 1, assign the staff members for criminal investigation to investigate the said case.

4. The Investigator shall, when the contacted facts in the case which he took the measures as provided for in Section 47(1) of the Act pursuant to the provision of Section 47(2) of the Act is considered to be the incipency of a criminal case, immediately report to the Director General of the Investigation Bureau of the General Secretariat and follow his instructions, and shall not report on the facts directly to the staff members for criminal investigation.

Section 5 [Reported Matters after Investigation]

In the case of making the report pursuant to Section 115 of the Act, following matters shall be clearly stated.

- (1) Incipency
- (2) Investigational process
- (3) Synopsis of the facts of the case
- (4) Applicable provisions of the Act
- (5) Opinion of the staff members for criminal investigation