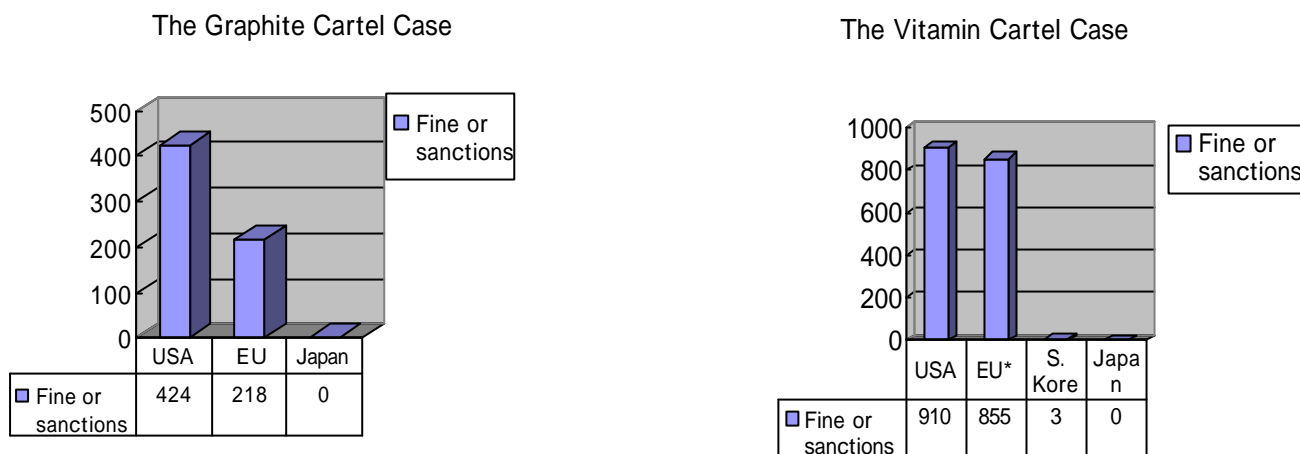


Summary of Leniency Programs in Major Jurisdictions

Jurisdictions	Details of immunity or reductions for offenders meeting conditions
United States of America (introduced in 1978)	Not charging a firm or an individual criminally for the activity being reported <Basis> “US Antitrust Division Corporate Leniency Policy”(1993), “US Antitrust Division Leniency Policy for Individuals” (1994)
Canada (introduced in 1999)	Recommendation of immunity by the Commissioner of Competition Bureau to the Attorney General <Basis> Immunity Program under the Competition Act (2000)
EU (introduced in 1996)	Immunity from or reduction of fines imposed by the European Commission <Basis> “Commission notice on immunity from fines and reduction of fines in cartel cases” (2002/C 45/03)
South Korea (introduced in 1996)	The corrective measures or the surcharge may be mitigated or exempted for those who have reported <Basis> Article 22-2 of the Monopoly Regulation and Fair Trade Act (MRFTA) and Article 35 of the MRFTA Enforcement Decree (introduced after amendments in 1996)

Comparison of fines (or sanctions) imposed in the graphite and vitamin cartels in the three jurisdictions (unit:USD 1 million)

Table 1: Total Fines (or Sanctions)



*fines reduced by the CFI judgment

Table 2: Individual Fines (or sanctions)

	USA	EU	Japan
	1998 ~ 2001	2001	1999
The graphite electrode case ¹	Company E USD 134 million (approx. JPY 16.1 billion)	Company A EUR 24.5 million (approx. JPY 2.9 billion) [10%]	Warnings issued to Companies A, B, C and D
	Company B USD 32.5 million (approx. JPY 3.9 billion)	Company B EUR 17.4 million (approx. JPY 2.1 billion) [70%]	
	Company A USD 6 million (approx. JPY 700 million)	Company C EUR 12.2 million (approx. JPY 1.5 billion) [10%]	
	Company C USD 4.8 million (approx. JPY 600 million)	Company D EUR 12.2 million (approx. JPY 1.5 billion) [10%]	
	Company D USD 2.5 million (approx. JPY 300 million)		

¹ United States Department of Justice, Press Release (10 May 2001), 2002 O.J. (L 100)

The vitamin case ²	1999	2001	2001
	Company A USD 72 million (approx. JPY 8.6 billion)	Company A EUR 37.06 million (approx. JPY 4.4 billion) [35%]	Warnings issued to Companies B and C
	Company C USD 40 million (approx. JPY 4.8 billion)	Company B EUR 23.4 million (approx. JPY 2.8 billion) [35%]	
	Company B USD 25 million (approx. JPY 3.0 billion)	Company C EUR 13.23 million (approx. JPY 1.6 billion) [30%]	

* Figures in square brackets show the percentage of reductions. Percentages are unknown in the case of America because information relating to matters such as leniency applications is regarded as confidential

* Companies A – E featured in the above table are all Japanese companies.

* With regard to this case, the Court of First Instance (CFI) reduced the fines imposed on the 4 Japanese companies and other 3 companies. Amounts of fines after reduction by CFI are EUR 12.276 million (Company A), EUR 10.44 million (Company B), EUR 6.138 million (Company C) and EUR 6.2744 million (Company D). Reduction of fines for Company D based on the Leniency Notice is reduced from 10% to 8 %. See the legal notice of judgment by the CFI (29 April 2004).

² United States Department of Justice, Press Release (9 September 1999) , 2003 O.J. (L 6)

Agreement between the Government of Japan and the Government of the United States of America concerning Cooperation on Anticompetitive Activities (excerpt)

Article 3

2 The competition authority of each Party shall, to the extent consistent with the laws and regulations of its country and the important interests of its Party:

- (a) inform the competition authority of the other Party with respect to its enforcement activities involving anticompetitive activities that the informing competition authority considers may also have an adverse effect on competition within the territory of the other country;
- (b) provide the competition authority of the other Party with any significant information, within its possession and that comes to its attention, about anticompetitive activities that the providing competition authority considers may be relevant to, or may warrant, enforcement activities by the competition authority of the other Party; and
- (c) provide the competition authority of the other Party, upon request and in accordance with the provisions of this Agreement, with information within its possession that is relevant to the enforcement activities of the competition authority of the other Party.

Article 4

1 Where the competition authorities of both Parties are pursuing enforcement activities with regard to related matters, they shall consider coordination of their enforcement activities.

4 Where the competition authorities of both Parties are pursuing enforcement activities with regard to related matters, the competition authority of each Party shall consider, upon request by the competition authority of the other Party and where consistent with the important interests of the requested Party, inquiring whether persons who have provided confidential information in connection with those enforcement activities will consent to the sharing of such information with the competition authority of the other Party.

Agreement between the Government of Japan and the European Community concerning Cooperation on Anticompetitive Activities (excerpt)

Article 3

2 The competition authority of each Party shall, to the extent consistent with the laws and regulations of the Party, and the important interests of that Party:

- (a) inform the competition authority of the other Party with respect to its enforcement activities involving anticompetitive activities that the informing competition authority considers may also have an adverse effect on competition within the territory of the other Party;
- (b) provide the competition authority of the other Party with any significant information, within its possession and that comes to its attention, about anticompetitive activities that the providing competition authority considers may be relevant to, or may warrant, enforcement activities by the competition authority of the other Party; and
- (c) provide the competition authority of the other Party, upon request and in accordance with the provisions of this Agreement, with information within its possession that is relevant to the enforcement activities of the competition authority of the other Party.

Article 4

1 Where the competition authorities of both Parties are pursuing enforcement activities with regard to related matters, they shall consider coordination of their enforcement activities.

4 Where the competition authorities of both Parties are pursuing enforcement activities with regard to related matters, the competition authority of each Party shall consider, upon request by the competition authority of the other Party and where consistent with the important interests of the requested Party, inquiring whether persons who have provided confidential information in connection with those enforcement activities will consent to the sharing of such information with the competition authority of the other Party.

OECD Recommendation of the Council concerning Effective Action against Hard Core Cartels (25 March 1998 - C(98)35/FINAL) (excerpt)

I. (The Council) recommends as follows to Governments of Member countries:

B International cooperation and comity in enforcing laws prohibiting hard core cartels

1 Member countries have a common interest in preventing hard core cartels and should co-operate with each other in enforcing their laws against such cartels. In this connection, they should seek ways in which co-operation might be improved by positive comity principles applicable to requests that another country remedy anticompetitive conduct that adversely affects both countries, and should conduct their own enforcement activities in accordance with principles of comity when they affect other countries' important interests.