

RULES ON REPORTING AND SUBMISSION OF MATERIALS REGARDING IMMUNITY FROM OR REDUCTION OF SURCHARGES

Fair Trade Commission Rule No.7 of 2005

Sec. 1 [Reporting the summary of violation prior to the investigation starting date]

(1) An entrepreneur, who is about to report and submit materials pursuant to the provisions of Section 7-2 (10) (i) or 7-2 (11) (i) through (iii) of the Act Concerning Prohibition of Private Monopolization and Maintenance of Fair Trade (*hereinafter* referred to as “the Act”) (including cases where these sections shall apply *mutatis mutandis* to Section 8-3 of the Act; *hereinafter* the same), shall submit a written report using the Form No.1 to the Fair Trade Commission (*hereinafter* referred to as “the Commission”) by transmitting it in facsimile.

(2) The fax number for the submission of a written report as provided for in the preceding Subsection shall be 03-3581-5599. [Note: The fax number from outside Japan shall be +81-3-3581-5599.]

(3) Where a written report as provided for in Subsection (1) is submitted by transmitting it in facsimile, it shall be deemed to be submitted to the Commission at the time when the Commission receives it in facsimile.

(4) The entrepreneur, who submitted a written report as provided for in Subsection (1), shall submit the original written report to the Commission without delay.

Sec. 2 [Notifying the order of submission and the deadline for submission]

The Commission shall, when it receives a written report as provided for in Subsection (1) of the preceding Section, notify to the entrepreneur who submitted the written report the order of submission of the written report and the deadline by which reporting of facts and submission of materials regarding the said violation by using a written report of the Form No.2 should be completed (*hereinafter* referred to as “the deadline for submission”).

Sec. 3 [Reporting and submission of materials prior to the investigation starting

date]

An entrepreneur, who is about to report and submit materials pursuant to the provisions of Section 7-2 (10) (i) or 7-2 (11) (i) through (iii) of the Act, shall submit a written report using the Form No.2 and materials to the Commission by the deadline for submission.

(2) In the case of the preceding Subsection, where the Commission deems the exceptional circumstances to be necessary for it with regard to substituting an oral report for the entries on the matters written in “Note” of the Form No.2 in the matters to entry of that Form or substituting an oral statement for the Submission of the materials which is substitutable by an oral statement in the materials stipulated in that Subsection, the entrepreneur may substitute the oral report or oral statement for the entries on the matters or submission of the materials. However it is limited to the case where the entrepreneur, who is about to make the oral report or oral statement, appears before the Senior Officer for Immunity from or Reduction of Surcharges (*hereinafter* referred to as “the Senior Officer for Leniency Program”) at the Management and Planning Division of the Investigation Bureau of the General Secretariat of the Commission and makes the oral report or oral statement by the deadline for submission.

(3) In the case of the preceding Subsection, the Senior Officer for Leniency Program shall record the details of the oral report or oral statement.

(4) If two or more entrepreneurs are about to make a report jointly pursuant to the provisions of Section 7-2 (13) of the Act, the oral report pursuant to the preceding two paragraphs shall be made by an agent who is jointly appointed by the said two or more entrepreneurs or by an entrepreneur among the said two or more entrepreneurs who becomes a point of contact pursuant to the provisions of the last paragraph of Section 6-2.

Sec. 4 [Reporting and submission of materials on or after the starting date of the investigation]

An entrepreneur, who is about to report and submit materials pursuant to the provisions of Section 7-2 (12) (i) of the Act (including cases applicable *mutatis mutandis* under Section 8-3 of the Act; *hereinafter* the same), shall submit a written report of the Form No.3 and materials to the Commission by the deadline stipulated in the following Section.

(Tentative translation: only Japanese version is authentic)

(2) The written report as provided for in the preceding Subsection shall be submitted by transmitting it in facsimile.

(3) The provisions of Subsection (2) through (4) of the preceding Section shall apply to a case of Subsection (1), and the provisions of Section 1 (2) through (4) shall apply to a case where a written report is submitted by the method stipulated in the preceding Subsection. In this case, the term “by the deadline for submission” in Subsection (2) of the preceding Section shall be read as “by the deadline as provided for in the following Section”.

Sec. 5 [Deadline for reporting and submission of materials on or after the investigation starting date]

The deadline stipulated in the Fair Trade Commission Rules as provided for in Section 7-2 (12) (i) of the Act shall be the day that is passed by twenty days (the number of days listed in the item of Section 1 (1) of the Law Concerning Holidays of Administrative Organizations (Act No.91 of 1988) shall not be included in the calculation) reckoning from the day when either the measures indicated in Section 47 (1) (iv) of the Act or the measures as provided for in Section 102 (1) of the Act are first implemented regarding the case related to the violation.

Sec. 6 [Methods of submission of a written report and materials]

(1) A written report and materials as provided for in Section 3 (1) and materials as provided for in Section 4 (1) shall be submitted by using one or plural of the methods in the following paragraphs;

(i) Direct delivery to the Senior Officer for Leniency Program;

(ii) Sending to the Senior Officer for Leniency Program by registered mail, correspondence which includes undertaking and record of delivery as services of correspondence delivery as provided for in Section 2 (2) of the Law Concerning Correspondence Delivery by Private-Sector Operators (Act No.99 of 2002) by a general correspondence delivery operator as provided for in Section 2 (6) of that law or by a special correspondence delivery operator as provided for in Section 2 (9) of that law, or other methods similar to them; or

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(iii) Transmitting in facsimile.

(2) The written report and materials as provided for in the preceding Subsection may, notwithstanding the provisions of that Subsection, be submitted by using an electronic information processing system in accordance with the Enforcement Rules on the Law Concerning Use of Information and Telecommunication Technologies in Administrative Procedures Related to Legislation under the Jurisdiction of the Fair Trade Commission (Fair Trade Commission Rule No.1 of 2003).

(3) The provisions of Section 1 (2) and (3) shall apply to the case where the written report and materials are submitted by the methods stipulated in Subsection (1) (iii).

Sec. 6-2 [Joint reporting and submission of materials]

Two or more entrepreneurs that are about to make a report and submit materials jointly pursuant to the provisions of Section 7-2 (13) of the Act shall submit a written report using the Form No.1, Form No.2 or Form No.3 in their joint names. In this case, the said two or more entrepreneurs shall designate one entrepreneur to be a point of contact, except where an agent has been appointed jointly by the said two or more entrepreneurs regarding reporting and the submission of materials.

Sec. 6-3 [Service of document requesting additional reporting or submission of materials]

When requesting additional reporting of facts or submission of materials regarding the said violation pursuant to the provisions of Section 7-2 (16), the Commission shall serve a document stating the said request to a person who submitted a written report and materials as provided for in Section 3 or to a person who submitted a written report and materials as provided for in Section 4.

Sec. 7 [The order of submission of a written report and materials, and others]

(1) If two or more entrepreneurs submit written reports and materials as provided for in Section 3 by the deadline for submission, which the provisions of Section 7-2 (10) (i) or 7-2 (11) (i) through (iii) of the Act the report and materials fall under shall be

(Tentative translation: only Japanese version is authentic)

determined according to the order of submission of the written reports as provided for in Section 1 (1).

(2) If two or more entrepreneurs submit written reports and materials as provided for in Section 4 by the deadline as provided for in Section 5, the order of application for the provisions of Section 7-2 (12) of the Act to the entrepreneurs shall be determined according to the order of submission of the written reports as provided for in Section 4 (1).

Sec. 8 [Duty to keep secret to third parties]

An entrepreneur who submitted the written report as provided for in Section 1 (1), Section 3, or Section 4 shall not disclose thereof to third parties without justifiable reason.

Sec. 9 [Terms]

(1) The written report as provided for in Section 1 (1), 3, and 4 shall be prepared in Japanese.

(2) If the materials submitted to the Commission in accordance with the provisions of Section 3 and 4 are not prepared in Japanese, a Japanese-language translation shall be attached to the materials.

(Tentative translation: only Japanese version is authentic)

FORM No.1 (Paper Size: JIS A4)

**WRITTEN REPORT
REGARDING IMMUNITY FROM OR REDUCTION OF SURCHARGES**

Date: _____ (Year) _____ (Month) _____ (day)

Submitted to:

Fair Trade Commission of Japan
(Fax number: +81-3-3581-5599)

Submitted by:

Name or Title of Entrepreneur:
Address or Location:
Name and Position Title of Representative: (Seal)

Name of Division for Contact:

Address or Location (zip code):

Position Title and Name of Person in Charge:

Telephone Number:

Fax number

We hereby make a report pursuant to the provisions of Section 7-2 (10) (i) or 7-2 (11) (i) through (iii) of the Act Concerning Prohibition of Private Monopolization and Maintenance of Fair Trade (including cases where these sections shall apply *mutatis mutandis* to Section 8-3 of the Act).

Without justifiable reason, we shall not disclose to third parties the fact that we have made the following report.

Summary of the Violation to be Reported

1. Goods or Services Targeted by the Said Act	
2. Description of the Said Act	(1)
	(2)
3. The Time of the First Implementation (The Time of Termination)	_____ (Year) _____ (Month) _____ (Day) (until _____ [Year] _____ [Month] _____ [Day])

(Tentative translation: only Japanese version is authentic)

Instructions for Completing This Form

(The following items correspond to the items on the Form No.1.)

Summary of the Violation to be Reported

1. Goods or Services Targeted by the Said Act

Enter in details for clarifying the range of goods or services targeted by the said act. If you do not know how to specify the name of goods, and others, please be based on the following instructions: For goods or services falling under “Division F – Manufacturing Industry” indicated in the Standard Industrial Classification for Japan (Ministry of Internal Affairs and Communications Notice No.139 of 2002), specify in conformity with the industrial classification for the Census of Manufactures (six-digit classification) based on the Regulations for the Census of Manufactures (the Ministry of International Trade and Industry Ordinance No.81 of 1951). For goods or services falling under other industries, specify in conformity with the segmented classification (four-digit classification) of the Standard Industrial Classification for Japan.

2. Description of the Said Act

(1) Enter the description of the said act (price cartels, bid-riggings, market allocations, and others) in 2. (1).

(2) Enter in detail in 2. (2) for clarifying, for example,

in the case of price-raising cartels, the names of parties participating in the cartel agreement, the geographical region targeted by the price-raising, the time of implementation of the price-raising, and the range of the price-raising.

in the case of bid-riggings, the parties participating in the bid-rigging, the contract awarding public agencies of the related projects, and others.

If trade associations are involved in the said act, enter in 2. (2) for clarifying the title and details of the associations' involvement.

3. The Time of the First Implementation (The Time of Termination)

a. Enter the date when the arrangement regarding the said act was decided. If it is not clear when the said act was implemented for the first time, enter the earliest date when it is certain that the said act was being implemented, and append a note of “at the latest”.

b. If the reporting entrepreneur has already ceased the said act, enter the date of termination in the parentheses.

c. Each reporting entrepreneur shall enter the time of the first implementation or the time of termination if the time of the first implementation or the time of termination varies by reporting entrepreneur, where this written report is prepared in their joint names.

Note

1. If jointly reporting the facts and submitting materials regarding the violation pursuant to the provisions of Section 7-2 (13) of the Act Concerning Prohibition of Private Monopolization and Maintenance of Fair Trade.

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Prepare this written report in the joint names of reporting entrepreneurs (listing signatures and seals of the reporting entrepreneurs). An entrepreneur designated as a point of contact pursuant to the provisions in Section 6-2 shall append a note to that effect when signing the report with his seal.

Enter the name of the division for contact of the entrepreneur designated as the point of contact pursuant to the provisions in Section 6-2.

Attach documents stating the specific relationships among the reporting entrepreneurs that provide grounds for joint reporting and submission of materials (specific facts falling under the provisions of Section 7-2 (13) of the Act Concerning Prohibition of Private Monopolization and Maintenance of Fair Trade).

2. If a written report is prepared by an agent, enter the name or title and address or location of reporting entrepreneur, the description that the report is prepared by the agent, and the name of the agent, and put the seal of the agent in place of the seal of the representative of the reporting entrepreneur.

In this case, a letter of proxy shall be required to be attached to the written report.

3. Where there is no space to write fully reporting matters of 1. and 2. on the Form No.1, use and attach extra sheets.
4. When this written report is transmitted in facsimile, do not mistake the fax number.

(Tentative translation: only Japanese version is authentic)

FORM No.2 (Paper Size: JIS A4)

**WRITTEN REPORT
REGARDING IMMUNITY FROM OR REDUCTION OF SURCHARGES**

Date: _____ (Year) _____ (Month) _____ (day)

Submitted to:

Fair Trade Commission of Japan

Submitted by:

Name or Title of Entrepreneur:

Address or Location:

Name and Position Title of Representative: (Seal)

Name of Division for Contact:

Address or Location (zip code):

Position Title and Name of Person in Charge:

Telephone Number:

Fax number

We hereby make a report pursuant to the provisions of Section 7-2 (10) (i) or 7-2 (11) (i) through (iii) of the Act Concerning Prohibition of Private Monopolization and Maintenance of Fair Trade (including cases where these sections shall apply *mutatis mutandis* to Section 8-3 of the Act).

Without justifiable reason, we shall not disclose to third parties the fact that we have made the following report.

1. Summary of the Violation to be Reported

(1) Goods or Services Targeted by the Said Act	
(2) Description of the Said Act	a.
	b.
(3) Name or Title and Address or Location of Other Entrepreneur(s) Participating in the Said Act	
(4) The Time of the First Implementation (The time of Termination)	_____ (Year) _____ (Month) _____ (Day) (until _____ [Year] _____ [Month] _____ [Day])

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2. Names **and Others** of Executives or Employees Who **Were** Involved in the Said Act at the Reporting Entrepreneur **(Each Reporting Entrepreneur in the case of Joint Reporting)**

Name of Reporting Entrepreneur	Current Position Title and Division's Name	Position Title and Division's Name at Time of Involvement (The Time of the Position)	Name

3. Names and Others of Executives or Employees Who Have Involved in the Said Act at Other Entrepreneur(s) Participating in the Said Act

Name of Entrepreneur	Current Position Title and Division's Name	Position Title and Division's Name at Time of Involvement (The Time of the Position)	Name

4. Other Matters for Consideration

5. Submission of Materials

We hereby submit the following materials.

No.	Title of Material	Description of Material's Content (Summary)	Notes

(Tentative translation: only Japanese version is authentic)

Instructions for Completing This Form

(The following items correspond to the items on the Form No.2.)

1. Summary of the violation to be reported

(1) Goods or Services Targeted by the Said Act

- a. Enter in detail in 1. (1) for clarifying the range of the goods or services targeted by the said act.

For example, where there are two distribution channels for a product—one for sales through distributors and the other for direct sales to users, if the price cartel is targeting only products sold through the latter distribution channel, enter for clarifying such matters.

In the case of bid rigging, enter in detail for clarifying the contract awarding public agencies and divisions, the kinds of bids (open bids with limited conditions, bids competed by designated firms desiring to join the bid, bids competed by designated firms, and others), the type of construction, and others regarding ordered projects targeted by the said act.

- b. If goods or services, within the range targeted by the said act, are specifically outside the target of arrangements (for example, goods or services for export, for specified uses, bidding projects competed by the designated specific firms, and others), enter in 1. (1) for clarifying such matters.

(2) Description of the Said Act

- a. Enter the description of the said act (price cartels, bid-riggings, market allocations, and others) in 1. (2) a..

- b. Enter in detail in 1. (2) b. for clarifying, for example,

in the case of price-raising cartel, details of agreement (the time of implementation of the price-raising, and the range of price-raising, and others),

in the case of bid rigging, details of the procedure (details of rules) for selecting an expected bid winner.

If trade associations are involved in the said act, enter in 1. (2) b. details of the associations' involvement

(3) Name or Title and Address or Location of Other Entrepreneur(s) Participating in the Said Act

If trade associations are involved in the said act, enter in detail in 1. (3) for clarifying the title, address or location, and others of the trade associations.

(4) The Time of the First Implementation (The Time of Termination)

- a. Enter the date when the arrangement regarding the said act was decided in 1. (4). If it is not clear when the said act was implemented for the first time, enter the earliest date when it is certain that the said act was being implemented, and append a note of "at the latest".

- b. If the reporting entrepreneur has already ceased the said act, enter the date of termination in the parentheses. For example, if there is a date the entrepreneur decided to cease the said act as the organization, enter the date.

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c. Each reporting entrepreneur shall enter the time of the first implementation or the time of termination if the time of the first implementation or the time of termination varies by reporting entrepreneur, where this written report is prepared in their joint names.

2. Names and Others of Executives or Employees Who Were Involved in the Said Act at the Reporting Entrepreneur (Each Reporting Entrepreneur in the case of Joint Reporting)

While possible, enter not only executives and employees who are involved currently, but also were involved in the past.

If making a report jointly, enter all reporting entrepreneurs individually.

3. Names and Others of Executives or Employees Who Have Involved in the Said Act at Other Entrepreneur(s) Participating in the Said Act

a. While possible, enter not only executives and employees who are involved currently, but also who were involved in the past. If the name and position title of the executive or employee is not found out, append a note to that effect.

b. If an executive or employee of trade associations is involved, enter the name and position title of the person.

4. Other Matters for Consideration

a. Enter other matters for consideration, for example, the situation surrounding the implementation of the said act, contact with other entrepreneur(s) participating in the said act, the profile of the industry, the summary of related trade associations, and the roles shared among the reporting entrepreneurs if making a report jointly.

b. If the fact is deemed concerned with the involvement in bid rigging stipulated in Section 2 (5) (i) through (iv) of the Act on Elimination and Prevention of Involvement in Bid Rigging, etc. and Punishments for Acts by Employees that Harm Fairness of Bidding, etc. (Act No.101 of 2002), enter the details of the fact.

5. Submission of Materials

a. List on the chart and submit the materials leading to prove the matters indicated in 1. through 4. above: Memorandums of meeting related to the act, business daily reports indicating matters related to the said act, correspondence with other entrepreneur(s) participating in the said act, and others, and Written reports related to the said act with the signatures and seals of the executives or employees involved in the act to be reported, and others.

Where the materials are not prepared in Japanese, Japanese-language translations or abridged translations of the concerned parts shall be attached to the said materials.

b. For clarifying which matters indicated in 1. through 4. above are proven by the respective materials, appropriately organize the materials: For example, write “2.-(7)” in the Notes column of the seventh material leading to prove the matter indicated in 2. above.

Note:

1. “The matters written in “Note”” (the matters which are substitutable for entering the Form by

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oral statements) stipulated in Section 3 (2) of this Rule is the matters indicated in 1. (2) b., 2., 3., and 4. above.

2. If Form No.1 was submitted jointly.

The same reporting entrepreneurs shall prepare this written report in their joint names as well. Also append to the written report the noted entrepreneur as the point of contact in Form No.1 pursuant to the provisions in Section 6-2.

Enter the name of the division for contact of the entrepreneur noted as the point of contact in Form No.1 pursuant to the provisions in Section 6-2.

Submit supporting documents describing the specific relationships among the reporting entrepreneurs that provide grounds for joint reporting and submission of materials (specific facts falling under the provisions of Section 7-2 (13) of the Act Concerning Prohibition of Private Monopolization and Maintenance of Fair Trade).

3. (1) In the case of oral report or oral statement stipulated in Section 3 (2) of this Rule, the person who is about to report or state shall appear and do before the Senior Officer for Leniency Program by the deadline for submission stipulated in Section 2 of this Rule.

(2) The written report indicated in 5. a. above is in principle “the materials which are substitutable by an oral statement” stipulated in Section 3 (2) of this Rule. In this case, the person who should prepare the said written report shall make an oral statement.

4. If a written report is prepared by an agent, enter the name or title and address or location of reporting entrepreneur, the description that the report is prepared by the agent, and the name of the agent and put the seal of the agent in place of the seal of the representative of the reporting entrepreneur.

In this case, a letter of proxy shall be required to be attached to the written report. In case of making an oral report as provided for in Section 3 (2), the letter shall be submitted at the time of report.

5. Where there is no space to write fully reporting matters of 1. to 5. on the Form No.2, use and attach extra sheets.

6. When this written report is transmitted in facsimile, do not mistake the fax number.

(Tentative translation: only Japanese version is authentic)

FORM No.3 (Paper Size: JIS A4)

**WRITTEN REPORT
REGARDING IMMUNITY FROM OR REDUCTION OF SURCHARGES**

Date: _____ (Year) _____ (Month) _____ (day)

Submitted to:

Fair Trade Commission of Japan
(Fax Number: +81-3-3581-5599)

Submitted by:

Name or Title of Entrepreneur:

Address or Location:

Name and Position Title of Representative: (Seal)

Name of Division for Contact:

Address or Location (zip code):

Position Title and Name of Person in Charge:

Telephone Number:

Fax number

We hereby make a report pursuant to the provisions of Section 7-2 (12) (i) of the Act Concerning Prohibition of Private Monopolization and Maintenance of Fair Trade (including cases where these sections shall apply *mutatis mutandis* to Section 8-3 of the Act).

Without justifiable reason, we shall not disclose to third parties the fact that we have made the following report.

1. Summary of the Violation to be Reported

(1) Description of the Said Act	a.
	b.
(2) Name or Title and Address or Location of Other Entrepreneur(s) Participating in the Said Act	
(3) The Time of the First Implementation (The time of Termination)	_____ (Year) _____ (Month) _____ (Day) (until _____ [Year] _____ [Month] _____ [Day])

(Tentative translation: only Japanese version is authentic)

2. Names **and Others** of Executives or Employees Who **Were** Involved in the Said Act at the Reporting Entrepreneur **(Each Reporting Entrepreneur in the case of Joint Reporting)**

Name of Reporting Entrepreneur	Current Position Title and Division's Name	Position Title and Division's Name at Time of Involvement (The Time of the Position)	Name

3. Names and Others of Executives or Employees Who Have Involved in the Said Act at Other Entrepreneur(s) Participating in the Said Act

Name of Entrepreneur	Current Position Title and Division's Name	Position Title and Division's Name at Time of Involvement (The Time of the Position)	Name

4. Goods or Services Targeted by the Said Act

5. Situation Regarding the Implementation of the Said Act and Contact with Other Entrepreneur(s) Participation in the Said Act

6. Other Matters for Consideration

7. Submission of Materials

We hereby submit the following materials.

No.	Title of Material	Description of Material's Content (Summary)	Notes

(Tentative translation: only Japanese version is authentic)

Instructions for Completing This Form

(The following items correspond to the items on the Form No.3.)

1. Summary of the violation act to be reported

(1) Description of the Said Act

- a. Enter the description of the said act (price cartels, bid-riggings, market allocations, and others) in 1. (1) a..
- b. Enter in detail in 1. (1) b. for clarifying, for example,
 - in the case of price-raising cartels, details of agreement (the time of implementation of the price-raising, and the range of price-raising, and others),
 - in the case of bid-riggings, details of the procedure (details of rules) for selecting an expected bid winner.If trade associations are involved in the said act, enter in 1. (1) b. details of the associations' involvement.

(2) Name or Title and Address or location of Other Entrepreneur(s) Participating in the Said Act

If trade associations are involved in the said act, enter in details in 1. (2) for clarifying the title, address or location, and others of the trade associations.

(3) The Time of the First Implementation (The Time of Termination)

- a. Enter the date when the arrangement regarding the said act was decided in 1. (3). If it is not clear when the said act was implemented for the first time, enter the earliest date when it is certain that the said act was being implemented, and append a note of "at the latest".
- b. If the reporting entrepreneur has already ceased the said act, enter the date of termination in the parentheses in 1. (3). For example, if there is a date the entrepreneur decided to cease the said act as the organization, enter the date.

c. Each reporting entrepreneur shall enter the time of the first implementation or the time of termination if the time of the first implementation or the time of termination varies by reporting entrepreneur, where this written report is prepared in their joint names.

2. Names and Others of Executives or Employees Who Were Involved in the Said Act at the Reporting Entrepreneur (Each Reporting Entrepreneur in the case of Joint Reporting)

Enter not only executives and employees who are involved currently, but also were involved in the past.

If making a report jointly, enter all reporting entrepreneurs individually.

3. Names and Others of Executives or Employees Who Have Involved in the Said Act as the Other Entrepreneur(s) Participating in the Said Act

- a. While possible, enter not only executives and employees who are involved currently, but also who were involved in the past. If the name and position title of the executive or employee is not found out, append a note to that effect.
- b. If an executive or employee of trade associations is involved, enter the name and position

titles of the person.

4. Goods or Services Targeted by the Said Act

- a. Enter in details for clarifying the range of the goods or services targeted by the said act,.

For example, where there are two distribution channels for a product—one for sales through distributors and the other for direct sales to consumers, if the price cartel is targeting only products sold through the latter distribution channel, enter for clarifying such matters.

In the case of bid-riggings, enter in detail for clarifying the contract awarding public agencies and divisions, the kinds of bids (open bids with limited conditions, bids competed by designated firms desiring to join the bid, bids competed by designated firms, and others), the type of construction, and others regarding ordered projects targeted by the said act.

- b. If goods or services, within the range targeted by the said act, are specifically outside the target of arrangements (for example, goods or services for export, for specified uses, bidding projects competed by the designated specific firms, and others), enter for clarifying such matters.

5. Situation Surrounding the Implementation of the Said Act and Contact with Other Entrepreneur(s) Participating in the Said Act

Enter in detail for clarifying the situation surrounding the implementation of the arrangement related to the said act.

For example, in the case of price-raising cartels, enter for clarifying the situation of information exchanges (the date and time, venue, content, and others), if they exchanged information in relation to the negotiations to raise prices, and also enter the time when transacting parties were notified of price-raising, details of the negotiations to raise prices, and the degree to which the price-raising have spread, and others.

Moreover, in the case of bid-riggings, enter for clarifying the process for determining the expected bid winner, details of communication in bid prices with other entrepreneurs in the case that you were selected as the expected bid winner, details of communication in bid prices from other entrepreneurs selected as the expected bid winner, projects for which the expected bid winner was decided and the entrepreneur actually received the order, projects for which the expected bid winner was decided and the entrepreneur actually could not receive the order, the situation of projects for which the expected bid winner could not be decided, and others in relation to the bid-rigging.

6. Other Matters for Consideration

- a. Enter other matters for consideration, for example, the raw materials, manufacturing methods, the distribution channels, the method and parties involved in price negotiations, the official standards, the legal regulations, a profile of the industry, and the summary of related trade associations of the goods or services targeted by the said act and the roles shared among the reporting entrepreneurs if making a report jointly.
- b. If the fact is deemed concerned with the involvement in bid-rigging stipulated in Section 2

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(5) (i) through (iv) of the Act on Elimination and Prevention of Involvement in Bid Rigging, etc. and Punishments for Acts by Employees that Harm Fairness of Bidding, etc. (Act No.101 of 2002), enter the details of the fact.

7. Submission of Materials

- a. List on the chart and submit the materials leading to prove the matters indicated in 1. through 6. above: Memorandums of meeting related to the act, business daily reports indicating matters related to the said act, correspondence with other entrepreneur(s) participating in the said act, and others, and Written reports related to the said act with the signatures and seals of the executives or employees involved in the act to be report, and others.

Where the materials are not prepared in Japanese, Japanese-language translations or abridged translations of concerned parts shall be attached to the said materials.

- b. For clarifying which matters indicated in 1. through 6. above are proven by the respective materials, appropriately organize the materials: For example, write “2.-(7)” in the Notes column of the seventh material leading to prove the matter indicated in 2. above.

Note

1. “The matters written in “Note”” (the matters which are substitutable for entering the Form by oral statement) stipulated in the Section 3 (2) of this Rule mutatis mutandis to Section 4 (3) (*hereinafter* refer to as “Section 3 (2) of this Rule”) is the matters indicated in 1. (1) b., 2., 3., 5. and 6. above.

2. If jointly reporting the facts and submitting materials regarding the violation pursuant to the provisions of Section 7-2 (13) of the Act Concerning Prohibition of Private Monopolization and Maintenance of Fair Trade,

Prepare this written report in the joint names of reporting entrepreneurs (listing signatures and seals of the reporting entrepreneurs). An entrepreneur designated as a point of contact pursuant to the provisions in Section 6-2 shall append a note to that effect when signing the report with his seal.

Enter the name of the division for contact of the entrepreneur designated as the point of contact pursuant to the provisions in Section 6-2.

Submit documents stating and documents supporting the description of specific relationships among the reporting entrepreneurs that provide grounds for joint reporting and submission of materials (specific facts falling under the provisions of Section 7-2 (13) of the Act Concerning Prohibition of Private Monopolization and Maintenance of Fair Trade).

3. (1) In the case of oral report or oral statement stipulated in Section 3 (2) of this Rule, the person who is about to report or state shall appear and do before the Senior Officer for Leniency Program by the day that is twenty days (the number of days listed in the paragraphs of Section 1. (1) of the Law Concerning Holidays of Administrative Organizations (Act No. 91 of 1988) shall not be included in the calculation) reckoned from the starting day

(Tentative translation: only Japanese version is authentic)

of investigation stipulated in Section 5 of this Rule.

(2) The written report indicated in 7. (a) of this Rule is in principle “the materials which are substitutable by an oral statement” stipulated in Section 3 (2) of this Rule. In this case, the person who should prepare the said written report shall make an oral statement.

4. If a written report is prepared by an agent, enter the name or title and address or location of reporting entrepreneur, the description that the report is prepared by the agent, and the name of the agent and put the seal of the agent in place of the seal of the representative of the reporting entrepreneur.

In this case, a letter of proxy shall be required to be attached to the written report. In case of making an oral report as provided for in Section 3 (2), the letter shall be submitted at the time of report.

5. Where there is no space to write fully reporting matters of 1. to 7. on the Form No.3, use and attach extra sheets.

6. When this written report is transmitted in facsimile, do not mistake the fax number.