

Submission of the Antimonopoly Act Amendment Bill to the Diet  
(Tentative Translation)

March 12, 2010  
Japan Fair Trade Commission

The Cabinet today decided to submit the amendment bill of the Antimonopoly Act (AMA) (hereinafter referred to as “the bill”) to the Diet.

## 1 Background

Paragraph 1, Article 20 of the supplementary provisions of the Amendment Act (Act No.51 of 2009) provides that the government shall review the provision of the AMA regarding the hearing procedure in its entirety, and it shall consider by March 2010 and take necessary measures based on the result of the consideration.

Besides, the resolution regarding the amendment act by the Committee on Economy, Trade and Industry of both Houses (the House of Representatives and the House of Councillors) stipulated that the government shall alter the hearing procedure fundamentally as the result of the consideration without maintaining the current system or going back to the ex-ante hearing system as it was before the 2005 AMA Amendment.

Under the leadership of the Cabinet Office’s three political-level appointees in charge of the JFTC (Minister, Senior Vice Minister and Parliamentary Secretary), the bill was prepared to abolish the hearing procedure, and to develop procedures in which the JFTC hears opinions from expected recipients of cease and desist orders etc.

## 2 Outline of the bill

- Abolition of the JFTC’s hearing procedure for administrative appeal.
- Abolition of the provision which stipulates that the jurisdiction of the first instance over any appeal suits pertaining to decisions of the JFTC shall lie in the Tokyo High Court.
- Introduction of a system in which any appeal suits pertaining to cease and desist orders etc. shall be subject to the exclusive jurisdiction of the Tokyo District Court, and a panel of three or five judges of the Tokyo

District Court hears the cases, with a view to ensuring expertise of the court.

- With a view to ensuring due process, development of provisions for
  - providing the recipients with explanation of the content of anticipated cease and desist order etc.
  - providing opportunity for them to present opinions and offer evidence
  - inspection and copy of evidencein the procedures for hearing prior to issuing cease and desist order etc.

### 3 Entry into force

The amendment shall be put into force on the day provided for by the Cabinet order within one and a half years after the date of promulgation.