

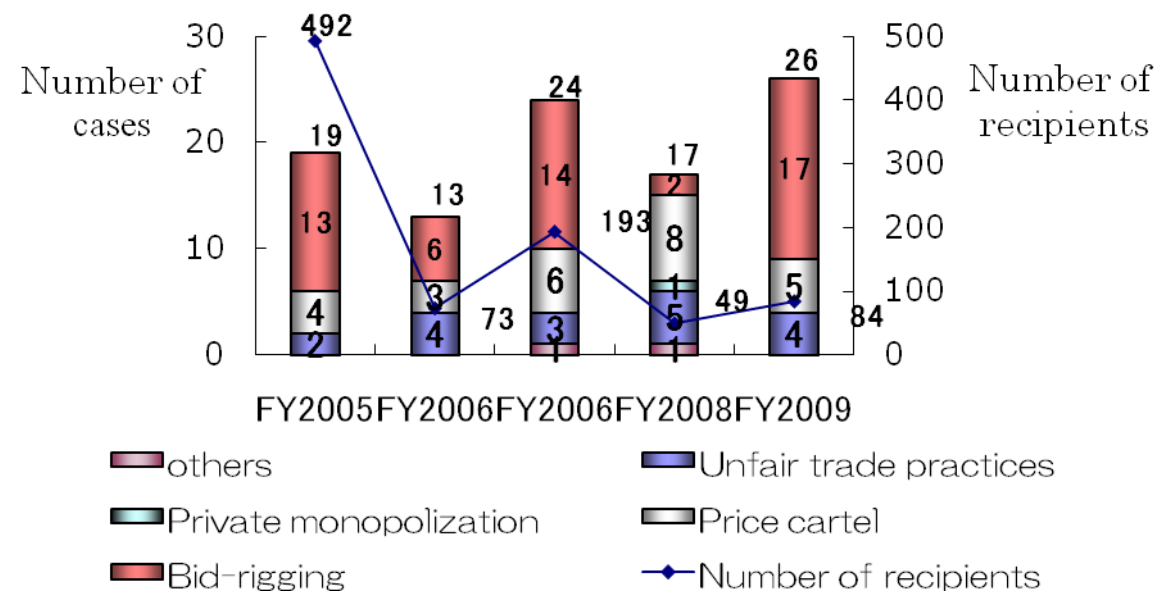
## Enforcement Status of the Antimonopoly Act in FY2009 (Summary)

(Tentative Translation)

The Japan Fair Trade Commission (JFTC) vigorously addresses various types of violations of the Antimonopoly Act (AMA) responding to social needs precisely, in particular ; (1) price-fixing cartels and bid-riggings which have a great impact on people's living; (2) unfair trade practices such as abuse of superior bargaining position, unjust low price sales and discriminatory pricing which cause unfair disadvantages to small and medium-size enterprises (SMEs); and (3) hindrance of new entries in the fields of information technology, public utilities and intellectual property rights which are key elements for promoting economic development.

### Legal Measures

#### JFTC took legal measures against a total of 84 entrepreneurs in 26 cases



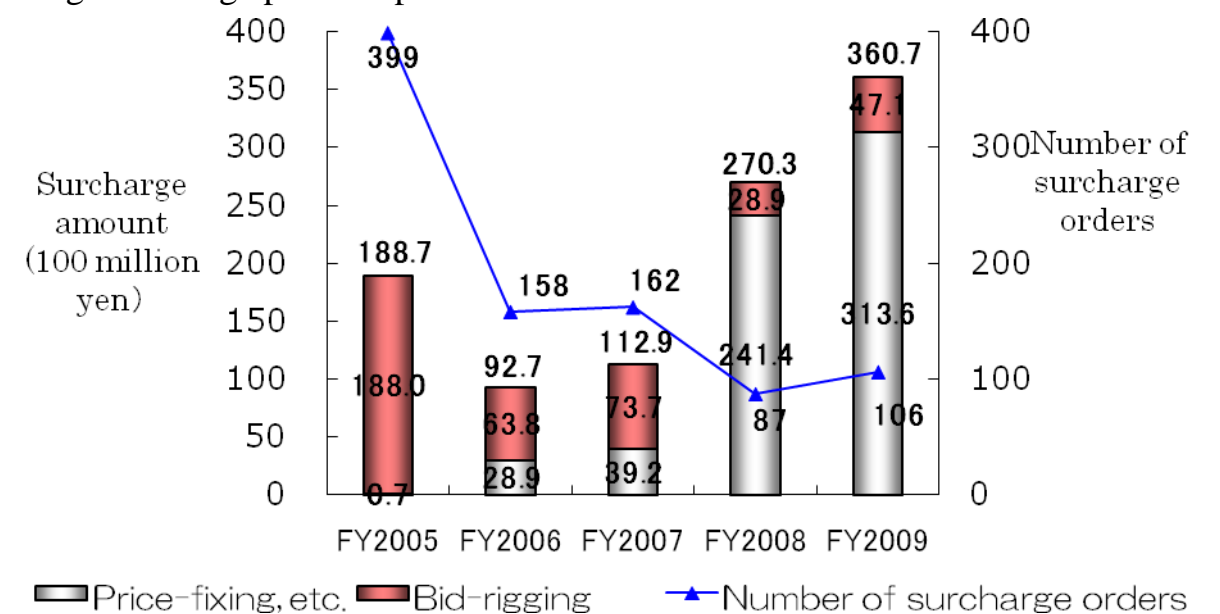
- The average investigation period of all cases in which legal measures were taken: Around 12 months

### Surcharge

#### Payment orders totaling ¥36.07471 billion, in relation to a total of 106 entrepreneurs

(of which, amount subject to hearing decision made under AMA before 2005 amendment: ¥11.86616 billion)

- Average surcharge per entrepreneur: ¥ 340.33 million



- Application of increased surcharge in relation to entrepreneurs with repeated violations: 3 cases (3 entrepreneurs)
- Leniency applications: 85 cases (cumulative total since January 2006: 349 cases)

## Bid-riggings and price-fixing cartels

### ○ Bid-rigging

- Bid-riggings for vehicle management contract offered by the Ministry of Land, Infrastructure, Transport and Tourism (Cease and desist orders and surcharge payment orders were issued in June 2009.) (Demand for improvement measures were made under the Act on Elimination and Prevention of Involvement in Bid Rigging, etc.)
- Bid-riggings for power cables ordered by electric power companies (Cease and desist orders and surcharge payment orders were issued in January 2010.)
- Bid-riggings for office furniture ordered by the Air Self-Defence Force of the Ministry of Defence (Cease and desist orders and surcharge payment orders were issued in March 2010.) (Demand for improvement measures were made under the Act on Elimination and Prevention of Involvement in Bid Rigging, etc.)

### ○ Price-fixing cartels

- Price-fixing cartels by tour operators organizing trips for schools (Cease and desist order were issued in July 2009.)
- Price-fixing cartels by manufacturers/distributors of hot-dip galvanized steel sheets and steel bands (Cease and desist orders and surcharge payment orders were issued in August 2009.)
- Price-fixing cartels by manufacturers and sellers of cathode ray tubes for televisions (Cease and desist orders and surcharge payment orders were issued in October 2009, etc)

## Unfair trade practices causing unfair disadvantages to SMEs

### ○ Abuse of superior bargaining position

- Abuse of superior bargaining position by DIY store against its suppliers (Cease and desist order was issued in June 2009.)
- Abuse of superior bargaining position by franchise chain headquarters against its franchisees (Cease and desist order was issued in June 2009.)
- Abuse of superior bargaining position by consigner against its logistics service providers (Warnings were issued in April 2009.)

### ○ Unjust low price sales

- Unjust low price sales of solvents and thinners by oil product retailers (Warnings were issued in April 2009.)

## Overview of hearings

- The JFTC newly commenced 25 hearing procedures
- The JFTC rendered 29 hearing decisions after completing hearing procedures
- the number of hearing cases pending before the hearing examiners was 75, and 49 cases among them were those of complaints against surcharge payment orders

### ○ IT and intellectual property rights fields

- Trading on restrictive terms regarding intellectual property rights license agreement pertaining to CDMA Wireless Telecommunications (Cease and desist order was issued in September 2009.)

### ○ Unfair trade practices in distribution field

- Trading on restrictive terms by agricultural cooperatives (Cease and desist orders were issued in December 2009.)