

JFTC Responded the Consultation on the Planned Framework for Waiving Bank Transfer Fees for Donations for Disasters

June 14, 2013
Japan Fair Trade Commission

The Japan Fair Trade Commission (hereinafter "JFTC") today provided the following response to the consultation from the Second Association of Regional Banks (hereinafter "SARB"), under the prior consultation system for activities of businesses.

1. Background and General Situation

The SARB is planning to establish the following framework in case that local governments, etc. ask its member banks to waive transfer fees for donations when a disaster happens.

- (1) When a disaster happens and accordingly a local government, etc. at its opening an account for donations, requests a member to waive transfer fees for donations, the member will ask for the SARB's cooperation.
- (2) As asked by the member, the SARB will convey the request from the local government, etc. to the other members and ask them whether they have an intention of waiving the transfer fees for donations.
- (3) The members who agree to the request will waive the transfer fees for donations at bank counters.
- (4) During the donation period set by the local government, etc., the transfer fees for donations will be free.
- (5) "A disaster" covered by the planned framework is a situation where a natural disaster, such as a concentrated downpour and a huge earthquake, and a large-scale accident, such as an epidemic of animal infectious disease and environmental contamination, have significantly adverse effects on economies of the area where the member operates.

Meanwhile, in the case of situations other than the "disaster", each member can also directly, without going through the SARB, request the other members for waiving their bank transfer fees for donations, and can waive their own transfer fees.

(Note) In the consultation, "local governments, etc." refer to local governments that exercise autonomy in the area where a disaster occurs (including their municipal headquarters for

disaster control), the Japanese Red Cross Society national headquarters, chapters and branches, the Central Community Chest of Japan and its Prefectural Community Chests.

2. The Evaluation under the Antimonopoly Act

The JFTC, noting the following points, concluded that the SARB's planned framework subject to the consultation shall not cause any concerns regarding the Antimonopoly Act.

- (1) The framework is for waiving transfer fees for donations when a disaster happens, and would not lead to substantial restraint of competition in the market concerned.
- (2) Each member can decide whether to waive transfer fees for donations, at its discretion. Moreover, the framework would not treat the members in a discriminatory manner.
- (3) Each member can still freely waive transfer fees for donations in the case of situations other than the disaster.

3. Conclusion

Upon the basis of the consideration above, the framework planned by the SARB shall not cause any concerns regarding the Antimonopoly Act.

If any facts underlying the conclusion are modified or the conclusion happens to be inappropriate to maintain, all or part of the response may be withdrawn in writing. In this case, the JFTC would not take any legal measure against the act above until the withdrawal.