

# The Japan Fair Trade Commission Concluded Cooperation Arrangement with the Australian Competition and Consumer Commission

April 30, 2015  
Japan Fair Trade Commission

The Japan Fair Trade Commission (hereinafter, "JFTC"), on 29<sup>th</sup> of April, 2015 in Sydney, the Commonwealth of Australia, concluded Cooperation Arrangement (hereinafter, "the Arrangement") with the Australian Competition and Consumer Commission (hereinafter, "ACCC"), which is the competition authority of the Commonwealth of Australia. This is outlined as follows:

## 1. Backgrounds

In July 2014, the "Agreement between Japan and Australia for an Economic Partnership" (hereinafter, "JAEPA") was signed. The JAEPA has the chapter on "Competition and Consumer Protection" that contains provisions such that both countries shall cooperate on the promotion of competition by addressing anticompetitive activities and the competition authorities of both countries may make detailed cooperation arrangements, etc. Under such circumstances, the JFTC has conducted consultation with the ACCC for the Arrangement which is formulated as a detailed instruction of the JAEPA, as aiming at further development of cooperation between both competition authorities in the future.

## 2. Signers

The JFTC: Chairman Mr. Kazuyuki Sugimoto

The ACCC: Chairman Mr. Rod Sims

## 3. Contents of the Arrangement

### (1) Purpose

To establish a framework for constructive cooperation between both competition authorities and to provide for the details and procedures concerning the implementation of the cooperation set forth in the JAEPA.

### (2) Notification

Each competition authority will endeavor to notify the other competition authority of its own enforcement activities that the notifying competition authority considers are likely to affect the important interests of the other competition authority.

### (3) Cooperation and Information Exchange in Enforcement Activities

- (a) Each competition authority will endeavor to render assistance to the other competition authority in the other's enforcement activities and provide the other competition authority with information within its possession that is relevant to the enforcement activities of the other competition authority.
- (b) Each competition authority will give due consideration to sharing information obtained during the course of an investigation.
- (c) Each competition authority recognises the benefits of seeking approval from one or more of the merging parties to disclose confidential information of such merging party or parties to the other competition authority.
- (d) Both competition authorities recognise that the Arrangement is not intended to affect any regulation, policy or practice adopted or maintained by each competition authority with respect to exchange of information including that received from a leniency applicant.

Sharing information obtained during the course of an investigation as stated above (b) has not been provided in the previous Agreements concerning Cooperation on Anticompetitive Activities, Economic Partnership Agreements and so on, and is provided in the Arrangement for the first time.

### (4) Coordination of Enforcement Activities

Where the competition authorities are pursuing enforcement activities with regard to matters that are related to each other, the competition authorities will consider coordination of their enforcement activities.

### (5) Request of Consultation

If a competition authority believes that anticompetitive activities carried out in the country of the other competition authority substantially and adversely affect the important interests of the former competition authority, the former competition authority may request consultation with such other competition authority.

### (6) Avoidance of Conflicts over Enforcement Activities

Either competition authority may inform the other competition authority that specific enforcement activities of the latter competition authority are likely to adversely affect the important interests of the former competition authority, and transmit its views on the matter to, or request consultation with, the latter competition authority.

### (7) Consultations

The competition authorities will hold a consultation meeting once a year in principle in order to enhance mutual understanding and reinforce cooperation.