

Partial Amendments of the “Guidelines Concerning Distribution Systems and Business Practices Under the Antimonopoly Act”

March, 30, 2015
Japan Fair Trade Commission

1. On the basis of the “Implementation Plan for Regulatory Reform” (June 24, 2014, The Cabinet Decision) (hereinafter the “Plan”), in order to make clarifications to be implemented within FY 2014 in the Plan, in relation to Chapter 1 and Chapter 2 of Part II of the “Guidelines Concerning Distribution Systems and Business Practices Under the Antimonopoly Act” (hereinafter the “Distribution Guidelines,” July 11, 1991, Secretariat of the Japan Fair Trade Commission (hereinafter the “JFTC”)), the JFTC decided to revise the Distribution Guidelines, and published a draft for the partial amendments of the Distribution Guidelines on February 5, 2015. Public comments were requested from various interested parties regarding the proposed Distribution Guidelines, which was due March 6, 2015.
2. In response to the call for comments, 26 organizations, companies and persons submitted comments. The JFTC carefully reviewed all comments. Based on this review, the JFTC partially amended the draft and published the revised Distribution Guidelines (see attachment).
3. The JFTC will adequately inform about the revised Distribution Guidelines, to help enterprises and trade associations prevent from violating the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade (Act No. 54 of 1947, hereinafter the “AMA”) and help them pursue their appropriate business activities. The JFTC will also continue to appropriately apply the AMA.
4. Further, the JFTC has launched a review on criteria or requisite as to so-called safe harbor, which the JFTC is supposed to start to review within the FY 2014 in the Plan. Since the criteria or requisite is related to types of conduct, which may be illegal, described not only in Part II of the Distribution Guidelines, but also in Part I and Part III, hereafter the JFTC

(Tentative Translation: Only Japanese version is authentic)

will make a review of the Distribution Guidelines as a whole.

*All announcements are tentative translations.; please refer to the original text written in Japanese.