

**MEMORANDUM ON ANTIMONOPOLY COOPERATION
BETWEEN
THE FAIR TRADE COMMISSION OF JAPAN
AND
THE MINISTRY OF COMMERCE OF THE PEOPLE’S REPUBLIC OF CHINA**

THE FAIR TRADE COMMISSION OF JAPAN (JFTC) AND THE MINISTRY OF COMMERCE OF THE PEOPLE’S REPUBLIC OF CHINA (MOFCOM) (hereinafter collectively referred to as the “Sides” and individually referred to as the “Side”),
RECOGNIZING the importance of cooperation in the field of competition for promoting the effective implementation of competition law and policy in their respective countries,
HAVE reached as follows;

1 PURPOSE OF COOPERATION

The purpose of this Memorandum is to enhance the partnership of the Sides by providing a sound mechanism for their communication and cooperation in the fields of competition law and policy as well as enforcement.

2 SCOPE OF COOPERATION

The Sides will, as appropriate, carry out cooperation in the following areas, within the bounds of their respective laws and in accordance with their shared interest, by:

- 2.1 Exchanging information regarding developments in their respective competition legislation, enforcement and policy;
- 2.2 Sharing competition law enforcement experience when deemed appropriate by the Sides;
- 2.3 Exchanging information with each other on individual cases that the Sides concurrently review, as agreed by the Sides;
- 2.4 Sharing practice and experience with respect to capacity building for their

respective enforcement staff; and

2.5 Exchanging views on international cooperation over multilateral competition law and policy issues.

3 FORMAT OF COOPERATION

Unless otherwise decided, the Sides will meet, at least once a year, in Japan and People's Republic of China alternately to update each other on their respective competition law and policy and to exchange views on issues of common interest.

In addition to the meetings mentioned above, the Sides may engage in communication at senior or working level and communicate by means of visits and telephone/video conference.

4 TECHNICAL COOPERATION

The Sides recognize that it is in their common interest to work together in technical cooperation activities with a view to strengthening competition policy and law enforcement in both countries.

The Sides intend to develop detailed work plans under this Memorandum, which may include law enforcement capacity building and other activities, and to revise and update such work plans when necessary.

5 LIAISON POINT

To ensure effective communication, the Sides will each appoint a Liaison Point from their respective offices.

For the JFTC: International Affairs Division, Secretariat, General Secretariat

For the MOFCOM: Competition Policy Division, Anti-Monopoly Bureau

6 COST SHARING

This Memorandum does not obligate the Sides to commit resources in terms of funds, time, staff or other administrative resources.

For meetings and visits, the host Side will provide venues and bear the relevant expenses. The visiting Side will be responsible for its expenses incurred for international travel, local transportation, accommodation, meal and subsistence costs. Costs for telephone/video conferences will be borne by the Side incurring such costs.

7 INFORMATION SHARING AND CONFIDENTIALITY

The communication of any information will be at the discretion of the Sides.

A Side may decline a request to communicate information to the other Side if such communication is prohibited by the laws governing the Side possessing the information, or would be incompatible with its interests.

Subject to complying with any relevant laws and regulations and unless otherwise with prior consent by the other Side in writing, each Side will treat as confidential information provided by the other Side under this Memorandum, and such information, other than publicly available information, will only be used by the receiving Side for the purpose of effective enforcement of its competition law and will not be communicated by the receiving Side to other authorities or a third party.

8 DIFFERENCES INTERPRETATION AND APPLICATION

The Sides will resolve through consultation any differences arising out of the interpretation or application of this Memorandum.

9 LEGAL EFFECT

This Memorandum is not legally binding and does not affect the rights and obligations of the Sides arising from existing agreements, arrangements or memorandums involving the Sides.

10 ENTRY INTO EFFECT AND TERMINATION

This Memorandum will enter into effect at the date of signature.

Either Side may terminate the Memorandum upon thirty (30) days written notice to the other Side. The Sides may amend this Memorandum upon their mutual written consent.

SIGNED in duplicate in Tokyo on this 11th day of April 2016, in the Japanese and Chinese languages, each version being equally valid.

FOR THE FAIR TRADE
COMMISSION OF JAPAN

FOR THE MINISTRY OF
COMMERCE OF THE
PEOPLE'S REPUBLIC OF
CHINA

Mr. Kazuyuki Sugimoto
Chairman
The Fair Trade Commission of Japan

Mr. TONG Daochi
Assistant Minister
Ministry of Commerce
The People's Republic of China