

## The JFTC convenes meetings of “Study Group on the Antimonopoly Act”

February 10, 2016

Japan Fair Trade Commission

The Japan Fair Trade Commission (hereinafter the “JFTC”) convenes meetings of the study group as below, which is made up of experts from various sectors, in order to reconsider the modality of administrative surcharge system including the necessity of discretionary surcharge system (Note) under the Antimonopoly Act (hereinafter the “AMA”).

### 1 Purpose of the study group

The surcharge system, introduced in 1977, has been amended several times for about 40 years. However, the current surcharge system sometimes makes it difficult for the JFTC to properly deal with the business activities and corporate structures that are getting globalized, diversified and complicated. Therefore, the modality of the surcharge system should be reconsidered to keep up with the constant change of economic and social environments.

The discretionary surcharge system, which has been widely introduced into other jurisdictions, allows the competition authorities to decide discretionally the amount of the monetary sanctions with consideration of matters to such as the degree of enterprises’ cooperation or noncooperation to the authorities. The introduction of such a discretionary system would enhance the cooperative relationship between enterprises and the JFTC during the case investigation process and promote enterprises’ voluntary compliance activities.

In addition, regarding the development of the globalization of economic activities, the surcharge system under the AMA should be in line with the systems of foreign jurisdictions.

Based on the recognition as described above, the JFTC convenes meetings of “Study Group on the Antimonopoly Act” (hereinafter the “study group”), which consists of experts from various sectors, in order to reconsider the surcharge system from professional views.

### 2 Participants

- (1) The study group consists of experts.
- (2) The JFTC asks someone among the experts to be a chairperson of the study group

(Chair person: Mr. Daitaro Kishii, Professor of Law, Hosei University) .

(3) The study group may ask relevant parties to attend a meeting as necessary.

### 3 Publication of the proceedings

The chairperson will publish the summaries of the proceedings immediately after the close of the meetings of the study group. The chairperson will also prepare the minutes in detail and publish them after a certain period of time has elapsed.

### 4 Schedule

The meeting will be held once or twice a month.

(The first meeting: February 23, 2016)

### 5 General affairs

The Planning Office of General Affairs Division, Economic Affairs Bureau, General Secretariat of the JFTC is in charge of the general affairs.

(Note) The discretionary surcharge system against the infringement of competition law, which allows the authorities to decide discretionally the amount of the surcharge with consideration to such as the degree of enterprises' cooperation or noncooperation to the authorities, has been widely introduced into many other countries or areas including EU and the some countries in EU/Asia.