

The JFTC Issues Cease and Desist Orders and Surcharge Payment Orders to the Manufacturers Selling Aluminum Electrolytic Capacitor and Tantalum Electrolytic Capacitor

March 29, 2016
Japan Fair Trade Commission

The Japan Fair Trade Commission (JFTC) today issued the cease and desist orders and the surcharge payment orders to the manufacturers selling aluminum electrolytic capacitor¹ and tantalum electrolytic capacitor². In this case, the manufacturers selling aluminum electrolytic capacitor and tantalum electrolytic capacitor had committed an act that violates section 3 of the Antimonopoly Act (AMA).

1 The Number of Companies, the addressee of Cease and Desist Orders and Surcharge Payment Orders (The name of violation companies and the amount of surcharge of each companies are described in the attached list.)

	Number of violation companies	Addressees of cease and desist orders	Addressees of surcharge payment orders	Total amount of surcharges
Aluminum electrolytic capacitor manufacturers	4	3	3	5,865,210,000yen
Tantalum electrolytic capacitor manufacturers	4	3	3	832,750,000yen
Total	7 ³	6	5 ⁴	6,697,960,000yen

2 Summary of Violations

(1) The aluminum electrolytic capacitor

The three violation companies other than Hitachi AIC Inc. had expressed the intention to raise the sales price of aluminum electrolytic capacitor to one another, for example, by holding the monthly meetings so called “Market Research Meeting” or otherwise, and had reached an agreement to raise sales price of aluminum electrolytic capacitor concertedly by February 18, 2010 at the latest.

¹ Without conductive polymer (The same applies hereinafter.)

² Id.

³ A company manufactured the both type of capacitor and committed the two violations.

⁴ The company mentioned in the footnote 3 was subject to two surcharge payment orders.

Hitachi AIC Inc. had joined the agreement above by March 2, 2010 at the latest.

The four violation companies, by conducting the agreement above, contrary to the public interest, substantially restrained competition in the field of trade of aluminum electrolytic capacitor in Japan.

(2) The tantalum electrolytic capacitor

The four violation companies had expressed the intention to raise the sales price of the tantalum electrolytic capacitor to one another, for example, by holding the monthly meetings so called “Market Research Meeting” or otherwise, and had reached an agreement to raise sales price of tantalum electrolytic capacitor concertedly at the latest by June 17, 2010.

The four violation companies, by conducting the agreement above, contrary to the public interest, substantially restrained competition in the field of trade of tantalum electrolytic capacitor in Japan.

3 Summary of the cease and desist order

The JFTC issued the cease and desist order for each of the violations above as follows.

- (1) Each addressee of cease and desist orders shall resolve the following matters at the board of directors;
 - Confirm that the agreement above is canceled,
 - Not to determine the sales price of aluminum electrolytic capacitor or tantalum electrolytic capacitor in concert with other addressees or enterprises but to determine its own sales price by itself hereafter, and
 - Not to exchange the information about revision of the sales price of aluminum electrolytic capacitor or tantalum electrolytic capacitor in concert with other addressees or enterprises hereafter.
- (2) Each addressee of the cease and desist orders shall notify the measures taken based on (1) above to the other addressees, its consumers and business partners such as trading company and also to enforce the measures against employees of its own.
- (3) Each addressee of the cease and desist orders shall not determine the sales price of aluminum electrolytic capacitor or tantalum electrolytic capacitor in concert with other addressees or enterprises hereafter.
- (4) Each addressee of the cease and desist orders shall not exchange information about

revision of the sales price of aluminum electrolytic capacitor or tantalum electrolytic capacitor with other addressees or enterprises hereafter.

(5) Each addressee of the cease and desist orders except for Vishay Polytech Co., Ltd. shall take measures in order to carry out the following actions;

- Revision of the code of conduct for compliance with the AMA related to the sales activities of products of its own and enforcement of the code of conduct against the employees (as for Rubycon Corp., formulation of such code of conduct and enforcement of it against the employees; as for NEC Tokin Corp., enforcement of the code of conduct against the employees.)
- Periodical training for the sales representatives and periodical audit by the person in charge of legal affairs about the compliance with the AMA related to the sales activities of aluminum electrolytic capacitor or tantalum electrolytic capacitor.

4 Summary of the surcharge payment orders

The addressees of surcharge payment orders shall pay the amount of surcharge (6,697,960,000 yen in total) described in the attached list respectively by October 31, 2016.

* Every announcement is tentative translation. Please refer to the original text written in Japanese for more details.