

# The Japan Fair Trade Commission Concluded Cooperation Arrangement with the Canadian Competition Bureau

May 12, 2017  
Japan Fair Trade Commission

The Japan Fair Trade Commission (hereinafter, “JFTC”), on 11<sup>th</sup> of May, 2017 in Porto, the Portuguese Republic, concluded the Cooperation Arrangement (hereinafter, “Arrangement”) with the Canadian Competition Bureau (hereinafter, “CCB”), which is the competition authority of Canada. This is outlined as follows:

## 1. Backgrounds

In September 2005, the “Agreement Between the Government of Japan and the Government of Canada Concerning Cooperation on Anticompetitive Activities” (hereinafter, “Agreement”) was signed. The Agreement specifies that the competition authority of each party shall render assistance to the competition authority of the other party in its enforcement activities (Article 3, etc.) and detailed arrangements relating to the implementation or operation of this Agreement may be made between the competition authorities of the parties (Article 10-2). Under such circumstances, the JFTC has conducted consultation with the CCB for making the Arrangement, which is the detailed instruction of the Agreement to allow the competition authority to communicate information, including information obtained from alleged violators through enforcement activities, to each other.

The Arrangement is the second international arrangement which specifies the communication of international, including information obtained from alleged violators through enforcement activities, next to the arrangement with Australian Competition and Consumer Commission.

## 2. Signers

JFTC: Chairman Mr. Kazuyuki Sugimoto

CCB: Commissioner of Competition Mr. John Pecman

## 3. Contents of the Arrangement

### (1) Purpose

To promote cooperation, coordination, and the communication of information between the competition authorities in relation to their enforcement activities.

(2) Communication of Information in Enforcement Activities

The competition authorities may share views or communicate information, including information obtained through enforcement activities, to each other without obtaining the consent of the source of the information, as necessary to carry out the cooperation and coordination provided for under the Agreement. The competition authorities will not share views on, or communicate information obtained under an application for immunity or leniency, unless the immunity or leniency applicant expressly consents to the communication.

(3) Communication of Information

Each competition authority retains full discretion when deciding whether to communicate information to the other competition authority, having regard to its interests and the laws and regulations of its country.

Each competition authority may attach conditions relating to the confidentiality of information (privacy protections, etc.), when communicating information.

4. Renunciation of the Agreed Minutes

The Agreed Minutes attached to the Agreement provides that each party may not communicate to the other party such information obtained through enforcement activities.

Given the conclusion of this Arrangement, both parties confirmed the renunciation of Agreed Minutes in Ottawa, May 4.