

Request for Public Comments on “Policies Concerning Commitment Procedures”(draft)
and the revised “Policies Concerning Procedures of Review of Business Combination”
(draft)

July 11, 2018
Japan Fair Trade Commission

In accordance with enactment of the “Act on the Development of Related Legislation Following the Conclusion of the Trans-Pacific Partnership Agreement and the Comprehensive and Progressive Agreement for Trans-Pacific Partnership”, a scheme to resolve suspected violations against the Antimonopoly Act (AMA) voluntarily by consent between the JFTC and the enterprise (“Commitment Procedures”) has been introduced into the AMA.

In response to this introduction, the JFTC has published the “Policies Concerning Commitment Procedures”(draft) (see Attachment 1) to secure the transparency and the predictability to enterprises in the Commitment Procedures.

The JFTC has also published the revised “Policies Concerning Procedures of Review of Business Combination”(draft) (hereinafter “the revised Policies for Business Combination”) (draft) (see Attachment 2).

The JFTC has hereby concluded to request public comments on the Policies Concerning Commitment Procedures (draft) and the revised Policies for Business Combination (draft) from various interested parties on it as below.

(Note) The Overview of the Commitment Procedures Introduced into the AMA and the “Rules on Commitment Procedures by the Fair Trade Commission”(Fair Trade Commission Rule No. 1 of 2017) are published on the following website of the JFTC.

The Overview of the Commitment Procedures;

https://www.jftc.go.jp/en/pressreleases/yearly-2018/June/180629_file/180629_3.pdf

Rules on Commitment Procedures by the Fair Trade Commission* Japanese only;

<https://www.jftc.go.jp/houdou/pressrelease/h29/jan/170119.html>

1. The overview of the Policies Concerning Commitment Procedures (draft) and the revised Policies for Business Combination (draft)
 - (1) Policies Concerning Commitment Procedures (draft)
See attachment, “Overview of the Policies Concerning Commitment Procedures” (draft).
 - (2) the revised “Policies for Business Combination”(draft)

“Policies Concerning Procedures of Review of Business Combination” is revised, such as addition of description that the JFTC may notify enterprise that the enterprise can apply for taking the Commitment Procedures in the review of business combination, in accordance with the introduction of the Commitment Procedures into the AMA.

2. Request for Public Comments

(1) How to obtain related materials:

Related materials are available at:

- a. The e-Gov page of e-Government;
- b. The website of the JFTC; or
- c. The Head Office (Tokyo), Local Offices (Sapporo, Sendai, Nagoya, Osaka and Fukuoka) and Branches (Hiroshima and Takamatsu) of the JFTC and the Fair Trade Office of the Okinawa General Bureau, General Affairs Division, Cabinet Office (Naha).

(2) How to submit comments

Please submit your comments in Japanese by either of the following three methods, identifying your name, address and contact information (telephone number, facsimile number or e-mail address). If you submit as a corporation or an association, please identify the location of main office, the name of a corporation or an association and the name of a liaison person. Submitting a comment by phone cannot be accepted.

(a) By e-mail:

The subject of the e-mail should be “Comments on the Policies Concerning Commitment Procedures, etc.”

E-mail: kakuyakuhoushin2018_at sign_jftc.go.jp

(Please replace “_at sign_” with “@”, when you send an e-mail.)

Note: Please submit your comments in text format. Please understand that we cannot accept comments by attached file or URL.

(b) By fax:

Clearly indicate “The Policies Concerning Commitment Procedures, etc. Unit, Counselor · Planning Office, General Affairs Division, Economic Affairs Bureau” as the addressee, and write “Comments on the Policies Concerning Commitment Procedures, etc.” as the subject of the fax cover sheet. Please note that comments sent without the addressee will not be accepted.

Fax number: +81-(0)3-3581-1945

(c) By postal mail:

Send to:

The Policies Concerning Commitment Procedures, etc. Unit,
Counselor • Planning Office, General Affairs Division, Economic Affairs Bureau,
Japan Fair Trade Commission.

1-1-1, Kasumigaseki, Chiyoda-ku, Tokyo 100-8987 Japan

3. Due date

August 10th, 2018, no later than 6 p.m. (GMT+9)

4. Notes regarding the submission of comments

Submitted comments may be made public without the address, full name, affiliated group or company name and contact address such as e-mail address, fax number and telephone number. Please note that individual responses will not be made to submitted comments.

The JFTC asks for your identification and contact information, for the communication purpose where any clarifications may be needed on your comments. The information provided will not be used for any other purposes.