Overview of the Commitment Procedures introduced into the AMA
(Amendment of the AMA by “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”)

1. Background

In accordance with the conclusion of the Trans-Pacific Partnership Agreement, it is necessary to amend the Antimonopoly Act (AMA) to introduce the procedures of resolving suspected violations against the AMA voluntarily by consent between the JFTC and the enterprise.

2. Overview of the amendment

- This amendment aims to introduce a scheme to resolve suspected violations against the AMA voluntarily by consent between the JFTC and the enterprise (Commitment Procedures).
- The scheme would contribute to early resolution of competition concerns and more cases would be resolved through cooperation with enterprises.

<Outline of the Commitment Procedures>

Commitment Procedures

When it is considered to be necessary for promoting fair and free competition... (*Except for price-cartels or bid-rigging cases)

Launch of Investigation

Normal Procedure

The JFTC notifies an enterprise of the outline of the suspected violation of the AMA and the related provisions.

Within 60 days

The enterprise for itself works out a plan to eliminate the suspected violation and applies to the JFTC.

Criteria for Approval

The remedies included in the plan should be:
- sufficient to eliminate the suspected violation of the Act, and
- expected to be implemented surely.

In the cases such as the enterprise does not implement the remedies...

- JFTC may issue orders
- within 5 years from the date of discontinuation of the violation, or
- within 2 years from the date of the revocation of the approval, whichever is later.

Dismissing

Revocation

Hearing of Opinions

Issuance of Orders

Litigation (if filed)

Approval

No Issuance of Orders

3. Effective date

The date of entry into force of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) in Japan.

*The Agreement shall enter into force 60 days after the date on which at least six signatories to this Agreement have notified the Depositary (New Zealand) in writing of the completion of their applicable legal procedures.