

Enactment of the Act to Amend the Antimonopoly Act

June 19, 2019

Japan Fair Trade Commission

The bill to amend the Act Concerning Prohibition of Private Monopolization and Maintenance of Fair Trade (Antimonopoly Act), which was submitted to the National Diet on March 12th, 2019, was approved by the House of Councilors and enacted today. The purpose of the amended act is to deter “unreasonable restraint of trade”, etc. effectively, invigorate the economy, and enhance consumer interests by fair and free competition, through increasing incentives for enterprises to cooperate in the JFTC’s investigation and imposing an appropriate amount of surcharges according to the nature and extent of the violation.

I Deliberation of the bill at the National Diet

The 198th Diet Session

The deliberation at the House of Representatives

May 17th, 2019	Explanation of the bill at the Committee on Economy, Trade and Industry
May 22nd	Discussion at the Committee Hearing from academics and interested parties at the Committee
May 24th	Discussion at the Committee
May 29th	Vote at the Committee
May 30th	Vote at the plenary meeting of the House of Representatives

The deliberation at the House of Councilors

Jun.7th, 2019	Explanation of the bill at the plenary meeting of the House of Councilors
Jun.11th	Explanation of the bill and discussion at the Committee on Economy, Trade and Industry
Jun.13th	Hearing from academics and interested parties at the Committee

	Discussion at the Committee
Jun.18th	Vote at the Committee
Jun.19th	Vote at the plenary meeting of the House of Councilors

II Outlines of the Enacted Act (See Attachment1)

(1) Amendment of leniency program

Introducing a system which allows the JFTC to reduce the amount of surcharges when enterprises submit information and documents that contribute to the fact finding of the case, in addition to the reduction according to the order of application.

Abolishing the current limit on the number of applicants in the leniency program

(2) Revision of the calculation methods

Addition of the basis of calculation of surcharges, and extension of the calculation term, etc.

(3) Revision of Penal Provisions

Raising the limit of the amount of criminal fine for juridical person charged with the offense of obstructing investigation

(4) Making other necessary revisions

III Effective date

The amendment shall come into effect on the date specified by Cabinet order within a period not exceeding one and a half years from the date of the promulgation of the Bill (with a few exceptions).

IV Others (See Attachment1 and 2)

As an approach to so-called “attorney-client privilege”, rules pursuant to the provisions of Article 76 of AMA, and guidelines shall be established by the effective date of the Bill from the perspective of making the new leniency program more effective, protecting confidential communication regarding legal advice, etc. between an enterprise and independent attorneys substantially and ensuring the appropriateness of administrative investigation procedures.