

Cabinet Decision on the Antimonopoly Act Amendment Bill
(Tentative Translation)

March 12, 2019
Japan Fair Trade Commission

The Cabinet today made an approval on the amendment bill of the Antimonopoly Act (AMA) (hereinafter referred to as “the Bill”). The purpose of the Bill 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.

1 Outlines of the Bill (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 applicable enterprises 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

2 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).

3 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.