

Guidelines Concerning the Activities of Enterprises, etc.

Toward the Realization of a Green Society Under the Antimonopoly Act (March 2023, revised April 2024)

The JFTC has formulated **the Guidelines** for the purposes of preventing anti-competitive conduct that stifles innovation such as the creation of new technologies, and of encouraging the activities of enterprises, etc. toward the realization of a green society by further improving transparency in the application and enforcement of the Antimonopoly Act in relation to the activities of enterprises, etc., and predictability for enterprises, etc.

Basic Concept

The activities of enterprises, etc. toward the realization of a green society are basically unlikely to pose problems under the Antimonopoly Act most of the time.

In many cases, the activities of enterprises, etc. toward the realization of a green society are not intended to restrain fair and free competition among them but rather have pro-competitive effects. Such activities are expected to contribute to the interests of general consumers, for example through reduction of greenhouse gas emissions.

On the other hand, if activities of enterprises, etc. **have solely anti-competitive effects to restrain fair and free competition among enterprises, etc.** by imposing restraints on prices/quantities, technologies, etc. of individual enterprises, **such activities pose problems under the Antimonopoly Act** even where those are nominally aimed at contributing to the realization of a green society.

Those activities are problematic as they harm the interests of general consumers, such as by stifling innovation including the creation of new technologies, by increasing the prices of products or services, or by degrading the quality of products or services.

Furthermore, if specific activities of enterprises, etc. are considered to have anti-competitive effects as well as pro-competitive effects, whether those activities pose any problem under the Antimonopoly Act is found by comprehensively considering both types of effects generated by the activities with the rationality of the activity's purpose and the adequacy of the means employed for them taken into account (e.g., whether there are any less restrictive alternatives).

The Guidelines illustrate the analysis framework while presenting supposed cases : “Acts that do not pose problems under the Antimonopoly Act” and “Acts that pose problems under the Antimonopoly Act”.

* Even if the Guidelines illustrate supposed cases as “Acts that pose problems under the Antimonopoly Act”, the JFTC may find such acts do not violate the act in consideration of various additional factors which include elimination of the anti-competitive effects by measures such as measures to block information and market trends including the international competitive situation such as increased import pressure from overseas if an enterprises, etc. provides an explanation regarding additional factors in preliminary consultation and the elimination of the anti-competitive effects, etc. are recognized as facts.

✓ 2024 revision

Structure of the Guidelines

In total 84 supposed cases

✓ 2024 revision

Part I
Joint Activities

Part II
Restraints on Business Activities of Trading Partners and Selection of Trading Partners

Part III
Abuse of a Superior Bargaining Position

Part IV
Business Combinations

Part V
Consultation with the JFTC

Future Actions

The JFTC will continuously review the Guidelines according to future changes in markets and business activities, specific cases of law enforcement and consultation, and other relevant matters, and **will actively respond to requests from enterprises, etc. for consultation** in light of the Guidelines.