



Japan Fair Trade Commission

Annual Report for FY 2006
(Outline)

September 2007

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Chapter 1 – Summary

The Japan Fair Trade Commission (JFTC) positively implemented competition policy during FY 2006 mainly focusing on the following types of measures.

1. Prompt and Effective Law Enforcement

(1) Smooth Implementation of the Amended Antimonopoly Act

A bill to amend the Antimonopoly Act (AMA) was passed in April 2005 and the amended AMA was put into force from January 2006 to break away from the structure of bid-rigging and conformist behavior and to establish a competition policy suitable for the 21st century. The main amendments were (a) revision of the surcharge system, (b) introduction of a leniency system, (c) introduction of compulsory measures for criminal investigations, and (d) revision of hearing procedures.

The amended AMA is being implemented smoothly as detailed below, and its expected effects are steadily being realized.

A. Smooth Administration of the Leniency System

Seventy-nine reports were submitted under the leniency system during FY 2006 (a total of 105 reports were submitted since the amended AMA came into force in January 2006). Cases where legal measures were taken using information submitted under the leniency system include bid-rigging in tunnel ventilation construction ordered by the former Metropolitan Expressway Public Corporation.

B. Appropriate Exercise of Compulsory Measures for Criminal Investigations

The JFTC is exercising compulsory measures to conduct criminal investigations in an appropriate manner. With the introduction of such measures to conduct criminal investigations, the JFTC established the Criminal Investigation Department which only conducts investigations of criminal cases, and otherwise arranged a strict firewall between the criminal investigation division and the administrative investigation division.

In FY 2006, the JFTC filed criminal accusations with the Prosecutor General in two cases as a result of investigations conducted by the newly established Criminal Investigation Department: one concerning bid-rigging in construction works for human waste disposal facilities, and the other concerning bid-rigging in subway

constructions procured by the City of Nagoya.

C. Appropriate Implementation of Investigative Procedures

The amendment of the AMA abolished the recommendation system, and the JFTC now issues cease and desist orders. The cease and desist orders are issued following preliminary procedures whereby the JFTC provides a prior notice to the subject parties of the contents of planned cease and desist orders and, upon request, offers explanations of the evidence on which the facts recognized by the JFTC are based. Prior to the amendment of the AMA, when hearing procedures on cases were instituted the JFTC could not issue surcharge payment orders for the concerned cases until the hearing procedures of the cases were completed, but with the amendment of the AMA the JFTC can now issue surcharge payment orders at the same time as cease and desist orders.

Of the nine cases during FY 2006 where legal measures were taken for violations subject to surcharges, cease and desist orders were issued together with surcharge payment orders in eight cases, and surcharge payment orders alone were issued in one case. In preliminary procedures prior to legal measures, explanations of the facts recognized by the JFTC were provided to a total of 51 parties who requested such explanations. With the appropriate implementation of these investigative procedures, the percentage of cases where hearing procedures are instituted has sharply declined compared with the situation before the amended AMA came into force.

(2) Vigorous Elimination of Violations of the Antimonopoly Act

In FY 2006, under the basic policy of prompt and effective law enforcement, the JFTC acted strictly and vigorously against violations of the AMA, especially price-fixing cartels, bid-riggings, and abuse of dominant bargaining position and other unfair trade practices that place small and medium enterprises at an unfair disadvantage.

The main cases where legal measures were taken during FY 2006 were as follows.

Main Legal Measures Cases During FY 2006	
Bid-rigging	Bid-rigging in construction ordered by municipalities for human waste disposal facilities Bid-rigging in tunnel ventilation construction ordered by the former Metropolitan Expressway Public Corporation

	Bid-rigging in floodgate construction ordered by the Ministry of Land, Infrastructure and Transport, the Japan Water Agency, and the Ministry of Agriculture, Forestry and Fisheries
Cartels	Price-fixing cartel by polyvinyl chloride flooring sheet and tile carpet manufacturing and sales companies

The JFTC also actively brings charges seeking criminal punishment in grave and malicious cases that are thought to broadly affect the lives of the Japanese people. In FY 2006, the JFTC filed criminal accusations with the Prosecutor General against 11 companies and 11 individuals in the case concerning bid-rigging in construction for human waste disposal facilities, and against five companies and five individuals in the case concerning bid-rigging in subway construction ordered by the City of Nagoya.

Additionally, the JFTC demanded that the Ministry of Land, Infrastructure and Transport take improvement measures based on the provisions of the Act Concerning Elimination and Prevention of Involvement in Bid Rigging etc. because involvement in bid-rigging by officials was found in the case concerning bid-rigging in floodgate construction ordered by the Ministry of Land, Infrastructure and Transport.

(3) Proper Implementation of Hearing Procedures

Before the amendment of the AMA, hearing procedures were instituted under decisions to that effect by the JFTC in cases where enterprises and other parties do not accept recommendations issued by the JFTC. In contrast, under the amended AMA hearing procedures are instituted at the request of enterprises and other parties after they receive cease and desist orders, etc.

There were 155 hearings during FY 2006. The number of hearings has remained at a high level for several years, and the JFTC has worked to conduct hearings carefully and effectively while maintaining proper procedures. Decisions were rendered in 102 hearings during the year (14 hearing decisions, 42 consent decisions, and 46 decisions for surcharge payment).

(4) Appropriate Implementation of Business Combination Regulations

The AMA prohibits corporate mergers and shareholdings that would substantially restrain competition in any particular field of trade. With the increase of mergers of

large enterprises and other large-scale business combinations due to the globalization of business activities and other rapid changes in the economic environment, the JFTC is appropriately implementing business combination regulations to secure a competitive market structure in the Japanese market.

A. Partial revisions of the “Guidelines to Application of the Antimonopoly Act Concerning Review of Business Combination”

During FY 2006, in light of the globalization of the economy and other changes in economic conditions and the results of past reviews on individual cases, the JFTC revised the “Guidelines to Application of the Antimonopoly Act Concerning Review of Business Combination” and the “Policies for Prior Consultation Regarding Business Combination Plans” to improve further the predictability, transparency and speed of business combination reviews. The JFTC published a draft of the proposed revisions for public comments in January 2007, revised the draft considering the opinions that were submitted, and then amended and published the revised guidelines in March 2007.

B. Appropriate Implementation of Business Combination Regulations

During FY 2006 the JFTC appropriately handled business combination cases included those listed below, and published those cases to improve further the predictability and transparency of business combination reviews.

Main Business Combination Cases During FY 2006

Acquisition of Myojo Foods Co., Ltd. stock by Nissin Food Products Co., Ltd.

Acquisition of Komatsu Electronic Metals Co., Ltd. stock by SUMCO Corporation.

Integration of the sheet metal building materials operations of Nittetsu Steel Sheet Corporation and Sumitomo Metal Steel Products Inc.

Integration of the roads and civil engineering products businesses of Nittetsu Building Materials Corporation and Sumitomo Metal Steel Products Inc.

Acquisition of stock in two Westinghouse Group holding companies by Toshiba Corporation and two other companies

2. Surveys and Proposals to Create a Competitive Environment

(1) Publication of Survey Report in the Actual State of Tendering and Contracting System in Public Procurement

The JFTC has long conducted surveys on the tender and contract systems of local government bodies from the perspective of competition policy, especially the prevention of bid-riggings.

During FY 2006, the JFTC conducted a questionnaire survey to organs which were subject to the provisions of the Act Concerning Elimination and Prevention of Involvement in Bid Rigging Etc., specifically to (a) 350 local government bodies and (b) 212 government corporations with at least 50% central government investment, to grasp (a) status of tender and contract system reform at organs which issue procurement orders and (b) measures to enhance employee compliance at such organs. The JFTC received replies from a total of 547 organs, summarized the survey results, and published the summary together with proposals in October 2006.

(2) Surveys on Regulatory Reform in Public Utilities, etc.

The JFTC issues guidelines to clarify what kind of conducts is treated as illegal entry prevention under the AMA, conducts surveys and issues proposals on regulatory reform to secure fair competition in a field where regulatory reform is proceeding.

During FY 2006 the JFTC issued guidelines and conducted surveys in this field including those listed below.

Surveys and Proposals on Regulatory Reform in Public Utilities, etc.

“Issues Concerning the Electricity Market and Competition Policy” (published June 2006)

“Issues Concerning Postal Services and Competition Policy Coinciding with the Enactment of the Laws for the Privatization of the Postal Services” (published July 2006)

Revision of the “Guidelines for Proper Electric Power Trade” (published December 2006)

Publication of the “Guidelines Concerning the Activities of Agricultural Cooperatives ” (published April 2007)

3. Efforts to Promote a Rule-based Competitive Society

(1) Promotion of Appropriate Provision of Information to Consumers as Market Participants

A. Vigorous Elimination of Violations of the Premiums and Representations Act

Amid the diversification of consumer products, services and sales methods, the JFTC is working to eliminate misleading representations through the strict and swift enforcement of the Act Against Unjustifiable Premiums and Misleading Representations (the Premiums and Representations Act) to prevent obstructions to the proper selection of products by consumers.

During FY 2006 the JFTC issued 32 cease and desist orders, adopted warning measures as necessary and otherwise actively addressed cases, including those listed below.

Main Cease and Desist Orders During FY 2006

Improper representation of the number of members of a marriage introduction service and the number of members who successfully married and then resigned from the service

Improper representation of the contents and country of origin of snow crabs

Improper representation of the delivery time of ordinary small postal packages

Improper representation of stainless steel products with deodorization effect

Improper representation of the nursing care system at a private retirement home

Improper representation of the interest rates on structured deposits

B. Normalization of Consumer Transactions

Along with the progress of regulatory reform, promoting the provision of appropriate information to consumers and securing appropriate product selection by consumers have become important issues. To those ends, while strictly enforcing the Premiums and Representations Act and striving to eliminate improper representations, the JFTC conducts surveys on actual status of representations for certain products and services that are of great interest to consumers, clarifies the perspective of the Premiums and Representations Act for representations in a specific field based on the survey results. The JFTC works for the normalization of consumer transactions through such conducts.

During FY 2006, the JFTC conducted surveys on the conditions of representations for black vinegar and moromi vinegar, representations for processed products stating that they contain fruit or fruit juice, and representations for short-term study abroad language programs, and clarified the perspective of the Premiums and Representations Act.

(2) Vigorous Elimination of Violations of the Subcontract Act

To ensure that the autonomous business activities of small and medium enterprises are not hindered, the JFTC works to ensure fair subcontract transactions and to protect the interests of subcontractors through strict and prompt enforcement of the Subcontract Act (the Act against Delay in Payment of Subcontract Proceeds, Etc. to Subcontractors).

During FY 2006 the JFTC issued recommendations in 11 cases (including 3 regarding consignment of works) such as the following cases and issued warnings as necessary. The JFTC is working for ensuring fair subcontract transactions including consignment of works, etc.

Main Recommendations Cases During FY 2006

Reduction of payment to subcontractors by a sanitary ware repair company (parent enterprise)

Reduction of payment to subcontractors by a game machine manufacturer (parent enterprise)

Reduction of payment to subcontractors by a road freight transportation company (parent enterprise)

(3) Approaches to Unjust Low Price Sales, Abuse of Dominant Bargaining Position and Other Unfair Trade Practices

A. Approaches to Unjust Low Price Sales

The JFTC is promptly dealing with unjust low price sales cases in the retail sector. In particular, in cases of unjust low price sales by large-scale enterprises and in cases of repeated unjust low price sales, both of which are believed to have a large impact on surrounding distributors, the JFTC conducts investigations respectively into the influence on the business activities of the surrounding distributors, and deals strictly with cases by adopting legal measures where problems are noted.

During FY 2006, the JFTC issued a cease and desist order and a warning in a case of unjust low price sales conducted by a petroleum products retailer. In addition, the JFTC issued cautions to retailers in 1,031 cases over concerns that their practices might lead to illegal conducts (592 cases on alcoholic beverages, 259 cases on petroleum products, 158 cases on consumer electronics, and 22 cases on other products).

B. Approach to Abuse of Dominant Bargaining Positions

The JFTC has long conducted surveillance so that abuse of dominant bargaining position that constitutes unfair trade practices under the AMA will not occur, and has responded strictly to illegal acts under the AMA.

During FY 2006 the JFTC issued a cease and desist order to a large-scale retailer for abuse of its dominant bargaining position, which included a conduct that the retailer demanded its suppliers to dispatch their employees.

4. Response to the Globalization of the Economy

In recent years, along with the globalization of business activities there is a growing need for stronger cooperation and liaison among competition authorities and for the internationalization of enforcement activities as more cases fall under the competition laws of multiple countries and the execution of competition laws by one country may affect the interests of others. Under these conditions, the JFTC is working to strengthen its cooperative relations with other foreign competition authorities, for example, through bilateral antimonopoly cooperation agreements. The JFTC is also working to position competition policy as an important part in the negotiation of economic partnership agreements in collaboration with the concerned ministries and agencies. It is actively participating in consideration on various competition related issues by the Organisation for Economic Co-operation and Development (OECD), the International Competition Network (ICN), the Asia-Pacific Economic Cooperation (APEC), the United Nations Conference on Trade and Development (UNCTAD), the International Consumer Protection and Enforcement Network (ICPEN) and other multilateral bodies, and is playing a leading role in the holding of East Asia Conference on Competition Law and Policy and Top Level Officials' Meeting on Competition Policy.

There is an active trend toward strengthening existing and introducing new competition legislation in developing countries and transition economies along with greater recognition of the importance of competition law and policy for market economies. The JFTC provides training courses and other technical assistance for the competition authorities in such countries.

To enhance the JFTC's international presence and widely disseminate information regarding Japan's competition policy overseas, the JFTC also distributes

English-language pamphlets, presents an English-language website, and actively dispatches lecturers to seminars organized by legal associations and other gatherings overseas.

The JFTC's main international activities during FY 2006 are summarized as follows.

The JFTC's Main International Activities During FY 2006

The 3rd East Asia Conference on Competition Law and Policy and the 2nd Top Level Officials' Meeting on Competition Policy (June 2006)

Active engagement in International Competition Network (ICN) activities

Signing of the Japan – Philippines Economic Partnership Agreement (September 2006)

Signing of the Japan – Chile Economic Partnership Agreement (March 2007)

Trainings on competition policy (for China, Indonesia, Vietnam)

Chapter 2 – Works in Each Area

The works conducted by the JFTC during FY 2006 are summarized by category as follows.

1. Coordination between the Antimonopoly Act and Other Economic Laws, etc.

During FY 2006, the JFTC carried out coordination as appropriate with the concerned government agencies in their drafting of the Bill for the Partial Amendment of the Money Lending Business Control and Regulation Law, the Bill for Vitalization and Revival of Local Public Transport, the Bill for the Partial Amendment of the Broadcast Law, and other economic laws.

2. Investigation and Disposition of Suspected Violations of the Antimonopoly Act

During FY 2006, the JFTC investigated 159 cases as suspected violations of the AMA and completed 131 of those investigations. During FY 2006 the JFTC also took legal measures (cease and desist orders) in 13 cases against a total of 73 parties (see Figure 1).

By category, the 13 cases in which legal measures were taken are broken down into three cases of price-fixing cartels, six cases of bid-rigging, and four cases of unfair trade practices (see Figure 2).

During FY 2006 the JFTC also received a total of 79 reports of facts from parties regarding their own violations under the leniency system introduced by the revision of the AMA.

Figure 1: No. of Cases with Legal Measures Taken and No. of Subject Parties (FY 2002 – FY 2006)

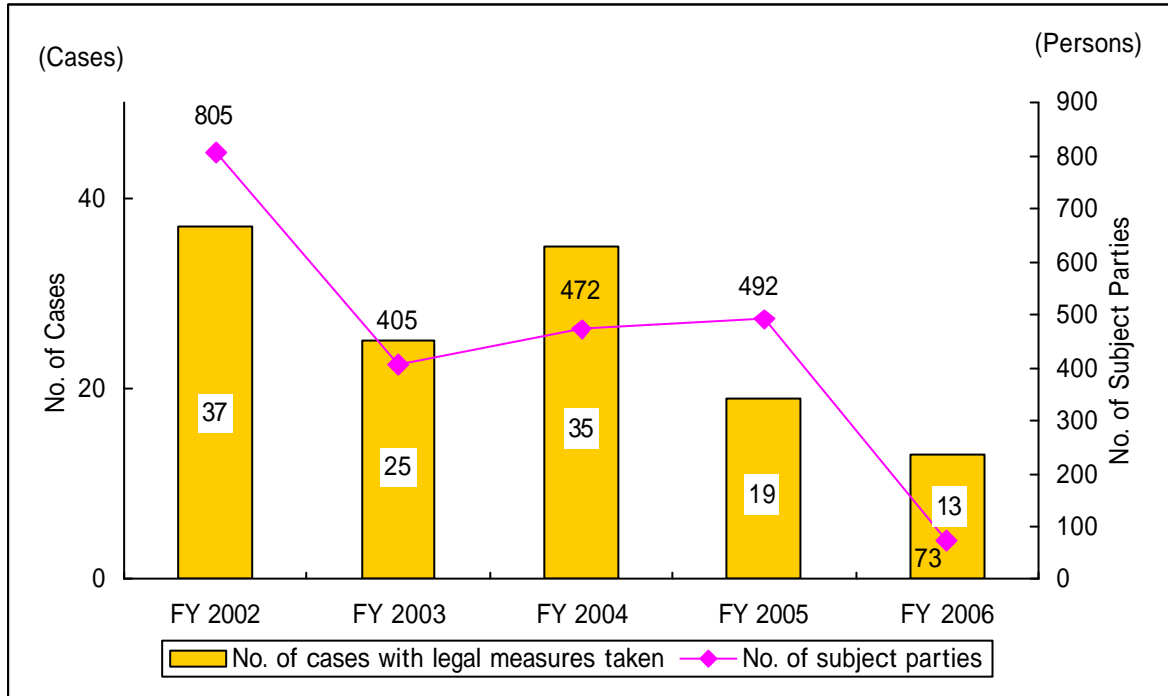
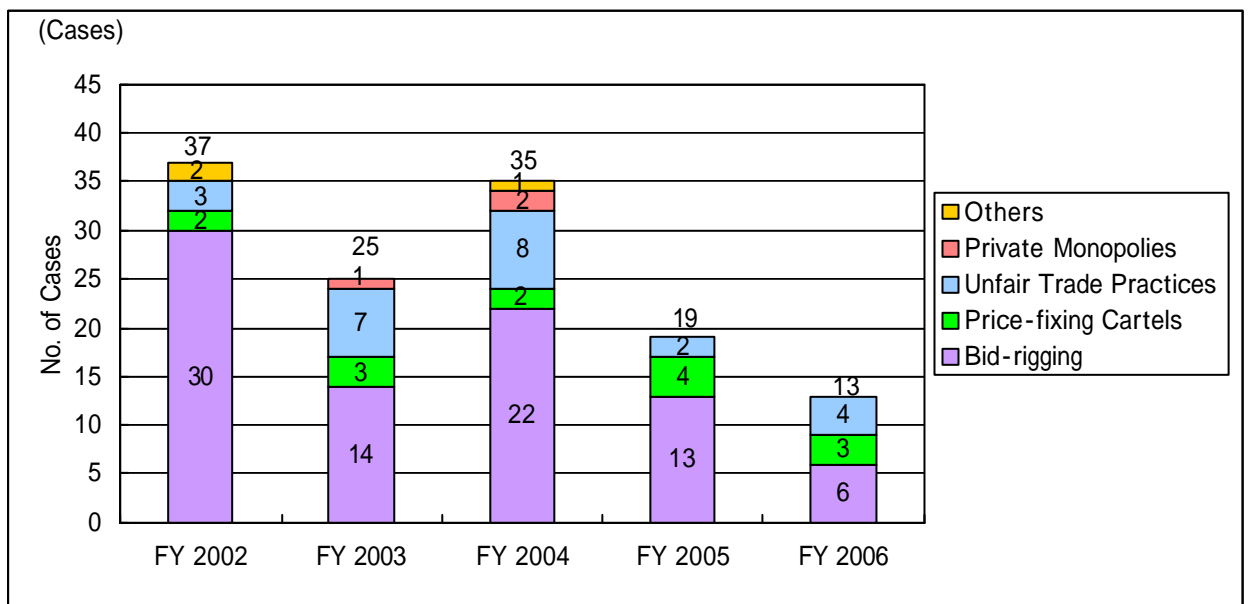


Figure 2: No. of Cases with Legal Measures Taken by Category (FY 2002 - FY2006)

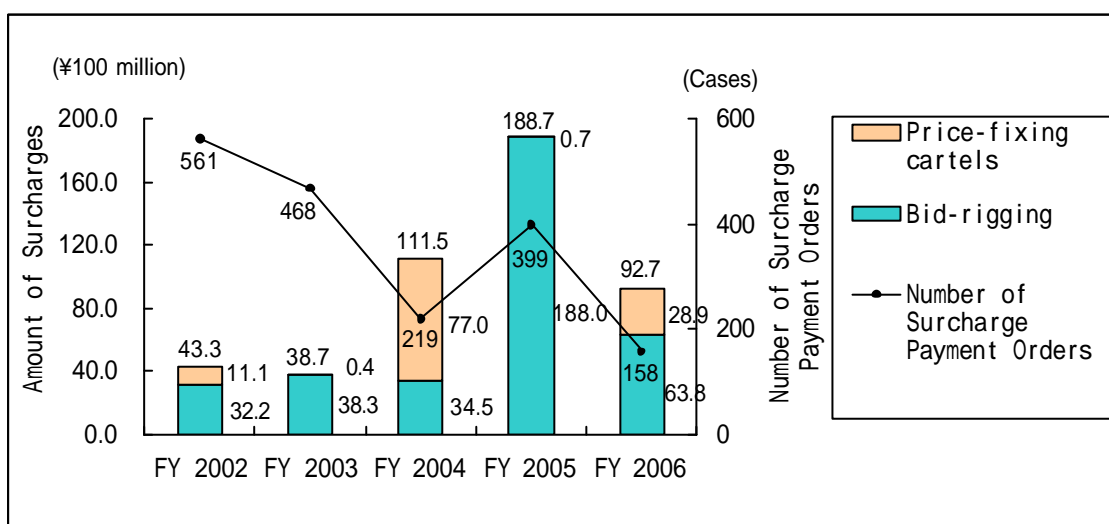


Aside from cases of unjust low price sales which are addressed below, in cases where legal measures were not taken during FY 2006 the JFTC issued 9 warnings and 74 cautions, and dropped investigations in 35 cases where the facts of violation were not recognized.

In cases of unjust low price sales the JFTC issued one cease and desist order, one warning, and 1,031 cautions over concerns that practices might lead to illegal business activities. Including such enforcement activities, the JFTC strived to implement promptly and appropriately the relevant provisions against unjust low price sales.

During FY 2006, the JFTC imposed a total of ¥9,263.67 million in surcharge payment orders in 158 cases of price-fixing cartels and bid-riggings (see Figure 3).

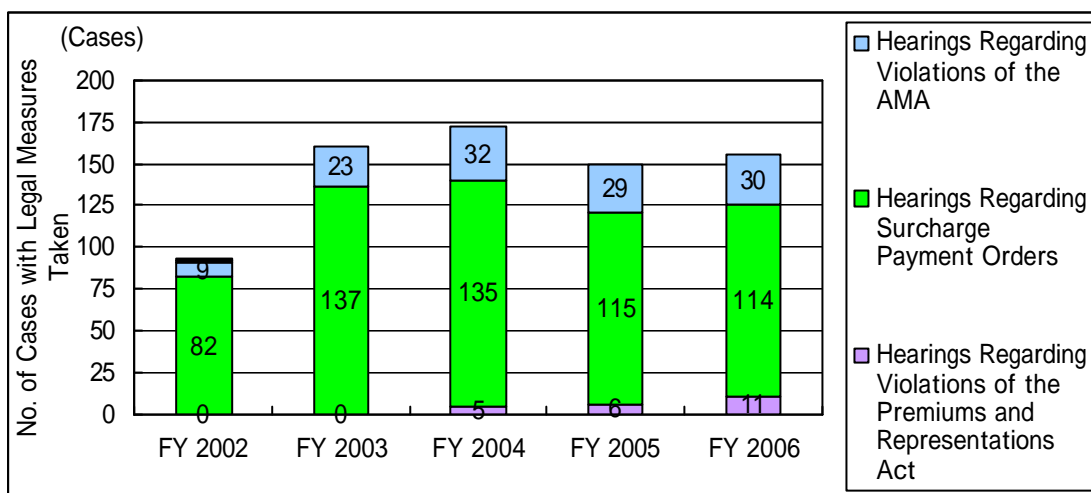
Figure 3: Amount of Surcharges (FY 2002 – FY 2006)



There were 155 hearing cases before the JFTC during FY 2006 (30 cases regarding violations of the AMA, 114 cases regarding surcharge payment orders, and 11 cases regarding violations of the Premiums and Representations Act), with 134 cases continued from the previous year and 21 cases newly instigated (see Figure 4). During the fiscal year, decisions were rendered on 102 of these cases, and hearing procedures were dropped in two cases. The 102 decisions comprised 14 hearing decisions, 42 consent decisions, and 46 decisions for surcharge payment. As a result, 93 cases were still pending before the JFTC as of the end of FY 2006 to be carried forward into FY 2007. (All of the 42 consent decisions during FY 2006 were only reached against some

of the parties involved, so those hearing procedures are continuing against the remaining parties, and thus the consent decisions did not affect the number of cases still pending).

Figure 4: No. of Hearing Cases by Category (FY 2002 – FY 2006)



3. Surveys and Proposals Regarding Regulatory Reform and Competition Policy

The JFTC has long conducted surveys on the tender and contract systems of local government bodies from the perspective of competition policy, especially the prevention of bid-rigging. During FY 2006, to grasp (1) status of tender and contract system reform in organs which issue work orders and (2) measures to enhance employee compliance in such organs, the JFTC conducted a questionnaire survey covering local government bodies and government corporations with at least 50% central government investment as well as an interview survey covering 10 local government bodies. The JFTC summarized and published the survey results as “The Survey Report on the Actual State of Tendering and Contracting Systems in Public Procurement” in October 2006.

4. Clarification of Law Enforcement and Prevention of Violations of the Antimonopoly Act

To prevent violations of the AMA in advance, the JFTC provides individual consultations to enterprises and business groups which seek guidance as to whether the specific business activities they are planning to implement would be in violation of the AMA.

During FY 2006, the JFTC provided consultations regarding 1,781 cases of individual company's activities and regarding 598 cases of business association's activities.

5. Preparation of Theoretical and Empirical Bases for Competition Policy

During FY 2006, the JFTC's Competition Policy Research Center addressed six research themes, and vigorously conducted activities including an international symposium (held jointly with the Hitotsubashi University 21st Century COE/RES Program, Nihon Keizai Shimbun, Inc. and the Fair Trade Institute), 13 workshops and three public seminars.

6. Shareholdings, Mergers, Etc.

In works concerning business combinations under the provisions of Articles 9 through 16 of the AMA, during FY 2006 the JFTC approved eight cases of voting rights for banks and insurance companies, received 87 reports regarding holding companies, two notifications regarding the establishment of holding companies, 229 notifications regarding company mergers, spin-offs, and business transfers, and 960 reports regarding the shareholdings of operating companies, and conducted necessary examinations (see Figures 5 and 6).

Figure 5: Receipt of Notifications Regarding Mergers, Spin-offs and Business Transfers

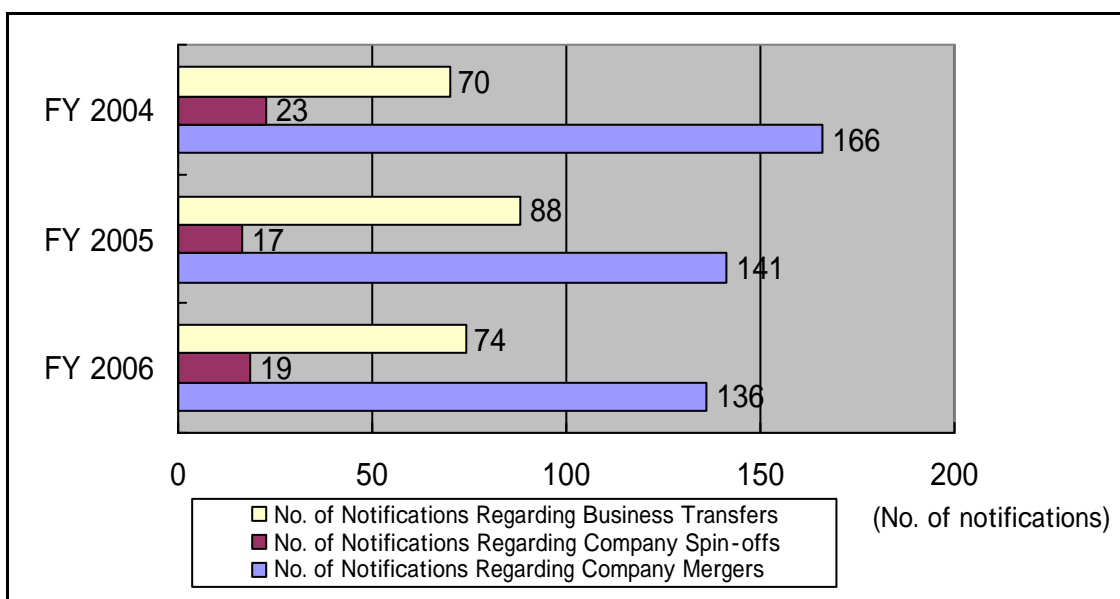
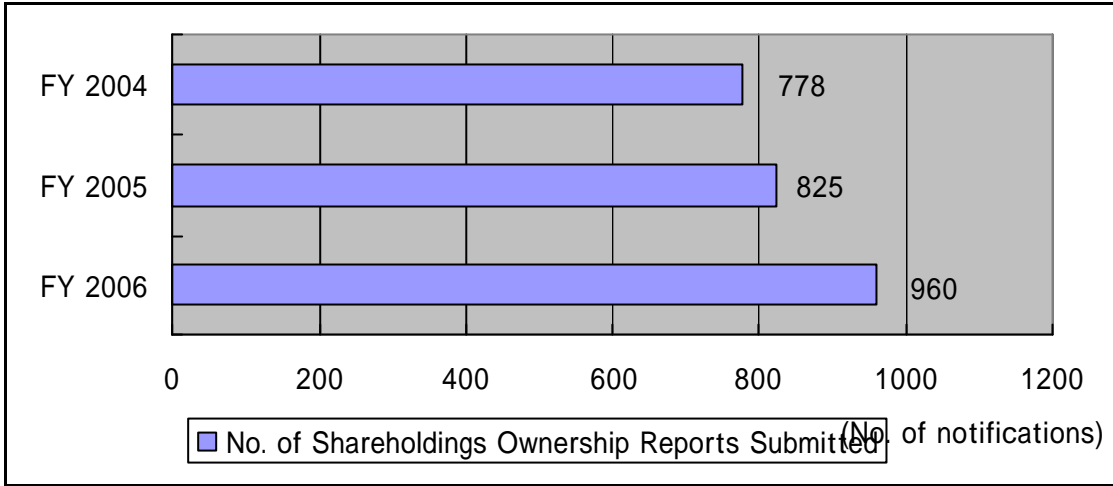


Figure 6: No. of Shareholdings Ownership Reports Submitted



7. Investigations of Unfair Trade Practices, Etc.

As for works concerning unfair trade practices, in addition to dealing with violations of the AMA, the JFTC conducted surveys regarding unfair trade practices and actively provided consultations in response to inquiries from enterprises regarding unfair trade practices, to prevent violations in advance.

During FY 2006, the JFTC conducted surveys on trading practices between banks and enterprises, on the transaction conditions of suppliers to large-scale retailers, on the distribution of ethical drugs, and on electronic malls and other e-commerce targeted at consumers, published the findings, and presented the position of the AMA.

8. Business Associations

During FY 2006, the JFTC received 88 notifications of establishment, 1,165 notifications of changes, and 91 notifications of dissolution of business associations based on the provisions of Articles 8-2 through 8-4 of the AMA.

9. Works Related to the Subcontract Act

In works related to the Subcontract Act, to ensure fair subcontract transactions and to protect the interests of subcontractors, the JFTC conducted written examinations on 29,502 main subcontracting enterprises and 162,521 subcontractors which engage in transactions with such enterprises.

The written examinations revealed 2,938 cases of violations or concerns over possible violations of the Subcontract Act. Out of those cases, recommendations based on the Subcontract Act were issued in 11 cases (including 3 cases concerning consignment of works, which has become subject to regulation since April 2004) and warnings were adopted for all of the other cases (see Table 1).

Table 1: Status of Disposition of the Subcontract Act Cases

Fiscal Year	Category	Recommendation	Warning	Category of Violation											
				Refusal to accept goods	Delayed payment	Reduced payment	Return of goods	Extremely low prices	Forced purchases, etc.	Early settlement	Long-term notes	Demands for provision of profit	Orders to redo works	Obligation for delivery of documents	Obligation for storage of documents
FY 2006		11	2,927	13	701	134	2	28	62	43	170	5	57	2,603	487
	Consignment of Manufacturing, Etc.	(8)	(2,000)	(9)	(333)	(92)	(2)	(18)	(42)	(42)	(152)	(4)	(37)	(1,789)	(274)
	Consignment of Works, Etc.	(3)	(927)	(4)	(368)	(42)	(0)	(10)	(20)	(1)	(18)	(1)	(20)	(814)	(213)
FY 2005		10	4,015	30	1,344	211	12	44	75	62	190	10	90	3,633	645
	Consignment of Manufacturing, Etc.	(5)	(1,951)	(7)	(312)	(122)	(10)	(16)	(36)	(62)	(144)	(2)	(30)	(1,774)	(240)
	Consignment of Works, Etc.	(5)	(2,064)	(23)	(1,032)	(89)	(2)	(28)	(39)	(0)	(46)	(8)	(60)	(1,859)	(405)
FY 2004		4	2,584	28	751	142	23	36	95	37	144	10	47	2,235	321
	Consignment of Manufacturing, Etc.	(4)	(1,520)	(21)	(295)	(101)	(22)	(15)	(55)	(35)	(133)	(1)	(15)	(1,298)	(173)
	Consignment of Works, Etc.	(0)	(1,064)	(7)	(456)	(41)	(1)	(21)	(40)	(2)	(11)	(9)	(32)	(937)	(148)

NOTE: Because there are cases with two or more violations or concerns over possible violations of the Subcontract Act, the total number of cases by violation category does not equal the total number of recommendations and warnings.

10. Works Related to the Premiums and Representations Act

During FY 2006 in works related to the Premiums and Representations Act, the JFTC issued cease and desist orders based on the Act in 32 cases regarding representations (including six cases applying Article 4-2 of the Act), warnings in 7 cases regarding representations, and cautions in 54 cases regarding premiums and 596 cases

regarding representations (see Table 2).

Table 2: Disposition of Cases under the Premiums and Representations Act

Fiscal Year \ Category	Cease and Desist Orders			Warnings		
	Premiums	Representations	Total	Premiums	Representations	Total
FY 2006	0	32	32	0	7	7
FY 2005	0	28	28	0	36	36
FY 2004	0	21	21	0	21	21

In works at the prefectural level related to the Premiums and Representations Act, instructions were issued based on the Act in 18 cases (all regarding representations), and cautions in 726 cases (32 regarding premiums and 694 regarding representations).

During the fiscal year the JFTC also approved changes to 31 Fair Competition Codes. The Fair Competition Code is a set of industry rules regarding premiums and representations, which is voluntarily established by enterprises and business associations with the approval of the JFTC.

11. Works Related to International Relations

In works related to international relations, the JFTC held bilateral competition consultations to exchange opinions regarding common competition policy issues with competition authorities from France, the U.S. and South Korea, and actively participated in the East Asia Conference on Competition Law and Policy and the East Asia Top Level Officials' Meeting on Competition Policy, and international conferences organized by the Organisation for Economic Co-operation and Development (OECD), the International Competition Network (ICN), the Asia Pacific Economic Cooperation (APEC), the United Nations Conference on Trade and Development (UNCTAD), the International Consumer Protection and Enforcement Network (ICPEN) and other multilateral bodies.

12. Works Related to Public Information, etc.

In public information works, the JFTC published and distributed various types of pamphlets and opened a new web page regarding the JFTC's international relations.

In an effort to deepen understanding regarding competition policy, the JFTC also held the Antimonopoly Policy Cooperation Committee Meetings in eight cities around the country, and members of the Commission exchanged opinions with local experts at nine cities nationwide.

The JFTC also dispatched lecturers for public lectures and other events organized by universities, dispatched lecturers to speak on the role of competition in economic activities at the request of junior high schools, and otherwise worked to spread knowledge of competition policy through school education.

13. Other Works

Since the Government Policy Evaluations Act (Law No. 86 of 2001) came into effect the JFTC has been implementing policy evaluations based on this Act. During FY 2006, the JFTC implemented and published a total of seven policy evaluations including "Measures Concerning Violations of the Antimonopoly Act (FY 2005)."