

Fact-finding Survey on the Status of Design and Implementation of an Antimonopoly Act
Compliance Program in Companies and Revision of the Guide for the Design and
Implementation of an Effective Antimonopoly Act Compliance Program

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Japan Fair Trade Commission

1. Purpose of the Survey

To promote fair and free competition in Japan, it is necessary to achieve an environment where competitive business activities are conducted autonomously by promoting compliance related to the Antimonopoly Act (hereinafter referred to as “AMA”) in individual companies, etc.

From the viewpoint of supporting companies’ efforts to comply with the AMA, the Japan Fair Trade Commission (hereinafter referred to as “JFTC”) have conducted fact-finding surveys on the AMA compliance and published the “Guide for the Design and Implementation of an Effective Antimonopoly Act Compliance Program” (published in December 2023; hereinafter referred to as “the AMA Compliance Guide”) to raise awareness of the AMA compliance.

On the other hand, even in recent years, there have continued to be cases suggesting that the AMA compliance is not functioning effectively. For example, cease and desist orders have been issued against companies that have violated the AMA, requiring them to implement measures to prevent recurrence, including the establishment of compliance programs. In addition, in recent years, responses related to algorithms, AI, the pass-through of labor and other costs, private monopolization, and unfair trade practices have become increasingly important.

Given these situations, the JFTC conducted a fact-finding survey of listed companies on their AMA compliance programs for the first time in 12 years since 2012, and has now compiled the results into a fact-finding report.

In this fact-finding survey, we examined the overall status of the design and implementation of AMA compliance programs in companies, and also that of responses to risks of AMA violations such as cartels in algorithm use, AI use in audit related to the AMA, and the design and implementation of compliance programs for the pass-through of labor and other costs. We also examined efforts for prevention and early detection of private monopolization and unfair trade practices, as well as efforts of small and medium-sized companies.

In addition, companies that have never violated the AMA should use the failure cases of companies that have violated the AMA as a springboard for designing and implementing their own AMA compliance program. From this perspective, the JFTC collected and analyzed examples of failures of companies that have violated the AMA in this fact-finding survey, and made recommendations based on them in the report. We hope you will refer to this report to further improve the effectiveness of your AMA compliance program.

2. Survey Results

The summary in English is available.

3. Revision of the AMA Compliance Guide

The JFTC has revised the AMA Compliance Guide based on the results of this fact-finding survey to further improve the effectiveness of the AMA compliance programs in companies (Please refer to the original text written in Japanese for more details.).

The main revisions are as follows:

- Based on the results of this fact-finding survey, the following topics were added:
 - ✓ Responses to the risk of the AMA violation such as cartels in the use of algorithms.
 - ✓ Design and implementation of compliance programs for the pass-through labor and other costs.
 - ✓ Efforts for the prevention and early detection of private monopolization and unfair trade practices.
 - ✓ The use of AI in audits related to the AMA.
 - ✓ Efforts by small and medium-sized companies related to the AMA compliance.
- Examples of good practices in the AMA compliance collected in this fact-finding survey have been added to the AMA Compliance Guide.
- Additional materials providing key reference points for designing internal rules and manuals on the AMA compliance have been added.

We hope that the AMA Compliance Guide will help your company design and implement an effective AMA compliance program.

4. Future Initiatives

The JFTC will continue to actively support and advocate corporate efforts to comply with the AMA through the dissemination of the report and the AMA Compliance Guide.

*This announcement is tentative translation. Please refer to the original text written in Japanese for more details.