

Points of Attention Regarding Responses to Web-Based Questionnaire Survey

1. Respondents of this Web Questionnaire

In this web questionnaire survey, we would like to ask for the awareness of the persons responsible for or in charge of the department overseeing your company's Antimonopoly Act (AMA) compliance efforts (Legal and Compliance Department, etc.). Therefore, this web questionnaire should be answered by the responsible person or staff member of the department overseeing your company's AMA compliance efforts.

In order to accurately grasp the actual state of AMA compliance within companies and to connect this to effective support and advocacy activities, please respond truthfully about your company's actual situation, including any problems, challenges, or obstacles, without regard to the intentions of top management or other executives. (The contents of your response will not be used as the basis for new case reviews or any kind of sanction.) In addition, your responses may be processed to ensure that individual respondents cannot be identified and then included in the report related to this survey or in a revised version of the "Guide for the Design and Implementation of an Effective Antimonopoly Act Compliance Program: Focusing on Responses to Cartels and Bid-rigging" (Based on the results of this survey and other factors, we plan to revise the guide in the future.). Please note in advance that your responses may be published in such a form (They will not be disclosed or published in a way that identifies the respondent.)

2. Survey Reference Period

Unless otherwise specified, please respond regarding the situation in the most recent fiscal year.

3. Temporary Saving of Responses

While responding to the web questionnaire, your responses will be temporarily saved, and even if you stop midway, you can resume from where you left off. If any responses require correction, you can return to the relevant question and make revisions until all responses are completed and submitted.

4. Review of Responses

Before submitting, you will be presented with a confirmation screen showing all of your responses in list format. Please check again that there are no errors before submitting. Once submitted, responses cannot be modified. After submission, the Japan

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Fair Trade Commission (JFTC) may contact you for clarification regarding the details of your responses, so please print the confirmation screen or save it as an electronic file.

5. AMA Violations Covered by this Questionnaire

This web questionnaire covers not only cartels and bid-rigging (unreasonable restraint of trade as defined in Article 2(6) of the AMA), but also private monopolization (Article 2(5)) and unfair trade practices (Article 2(9)). Therefore, please respond broadly about compliance efforts not only regarding cartels and bid-rigging, but also regarding private monopolization and unfair trade practices.

In addition, the term “AMA” refers to the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade (Act No. 54 of 1947) In this questionnaire. Please refer to the JFTC website for the text (https://www.jftc.go.jp/en/legislation_gls/AMA.pdf) of the Act. The table below lists the main types of violations and the relevant provisions.

Violation	Reference Provision of the AMA
Private Monopolization	Article 2(5), Article 3 (first part)
Cartels and Bid-rigging	Article 2(6), Article 3 (second part) (“Unreasonable Restraint of Trade”)
Concerted Refusal to Trade	Article 2(9)(i), Article 2(9)(vi)(a), Designation of Unfair Trade Practices (1) (Note)
Other Refusal to Trade	Article 2(9)(vi)(a), Designation of Unfair Trade Practices (2)
Discriminatory Consideration	Article 2(9)(ii), Article 2(9)(vi)(a), Designation of Unfair Trade Practices (3)
Discriminatory Treatment on Trade Terms, etc.	Article 2(9)(vi)(a), Designation of Unfair Trade Practices (4)
Discriminatory Treatment, etc. in a Trade association	Article 2(9)(vi)(a), Designation of Unfair Trade Practices (5)
Unjust Low Price Sales	Article 2(9)(iii), Article 2(9)(vi)(b), Designation of Unfair Trade Practices (6)
Unjust High Price Purchasing	Article 2(9)(vi)(b), Designation of Unfair Trade Practices (7)
Deceptive Customer Inducement	Article 2(9)(vi)(c), Designation of Unfair Trade Practices (8)
Customer Inducement by Unjust Benefits	Article 2(9)(vi)(c), Designation of Unfair Trade Practices (9)
Tie-in Sales, etc.	Article 2(9)(vi)(c), Designation of Unfair Trade Practices (10)
Restriction of Resale Prices	Article 2(9)(iv)
Trading on Exclusive Terms	Article 2(9)(vi)(d), Designation of Unfair Trade Practices (11)
Trading on Restrictive Terms	Article 2(9)(vi)(d), Designation of Unfair Trade Practices (12)
Abuse of Superior Bargaining Position	Article 2(9)(v)

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Unjust Interference with appointment of officer in one's transacting party	Article 2(9)(vi)(e), Designation of Unfair Trade Practices (13)
Interference with a Competitor's Transactions	Article 2(9)(vi)(f), Designation of Unfair Trade Practices (14)
Interference with Internal Operation of a competing company	Article 2(9)(vi)(f), Designation of Unfair Trade Practices (15)

(Note) Designated by the JFTC pursuant to the provisions of Article 2, Paragraph 9, Item 6 of the Antimonopoly Act (Fair Trade Commission Public Notice No. 15 of June 18, 1982)

6. Others

In addition, when responding, please also refer as necessary to the “Guide for the Design and Implementation of an Effective Antimonopoly Act Compliance Program: Focusing on Responses to Cartels and Bid-rigging” (<https://www.jftc.go.jp/en/pressreleases/yearly-2023/December/231221.html>).

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