



International  
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Network

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# Compliance activities and priorities, including promoting compliance to prevent collusion

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# Agenda

1. **Introduction & brief report** on latest developments in compliance in Brazil, Japan and EU. UK new initiative.
2. **Specific Subjects**
  - (i) The role of antitrust authorities in promoting compliance;
  - (ii) Potential impact of compliance programs in fine calculations;
  - (iii) Written policies to implement compliance programs;
  - (iv) Internal training and priorities in large organizations;
  - (v) Corporate governance issues associated with compliance.
3. **Wrap-up** with a summary of key findings in the discussion.



# Japan



## *Latest developments in Japan...*

- ❖ Popularization of compliance program (“CP”) for the Antimonopoly Act (“AMA”) after introduction of leniency program (in 2006. Amended in 2009)
- ❖ Vulnerability of Japanese companies’ CPs for foreign competition laws
  - Recent Huge fines on Japanese companies in EU & US (e.g. auto-parts cartels)
  - JFTC’s survey & report on compliance efforts by Japanese companies for foreign competition laws (2014-2016)
- ❖ Existing surcharge system under the AMA
  - No JFTC’s discretion in levying surcharge and surcharge calculation
  - No impact of a company’s CP in surcharge calculation
- ❖ Ongoing review of the existing surcharge system under the AMA:
  - Aiming to give: (i) JFTC more flexibility to levy and calculate surcharge; and (ii) businesses more incentives to cooperate with JFTC in its investigations.
  - Possibility of taking into account of an effective CP as one of mitigating factors in surcharge calculation: one of many issues to be considered.