



公正取引委員会
Japan Fair Trade Commission

Criminal Enforcement and Individual Liabilities in Cartel Cases



Ami Akagawa

Mergers and Acquisitions Division
ICN Cartel Working Group (CWG)
Japan Fair Trade Commission

November 13, 2025

* The views stated here do not necessarily reflect the views of the JFTC.

Table of Contents

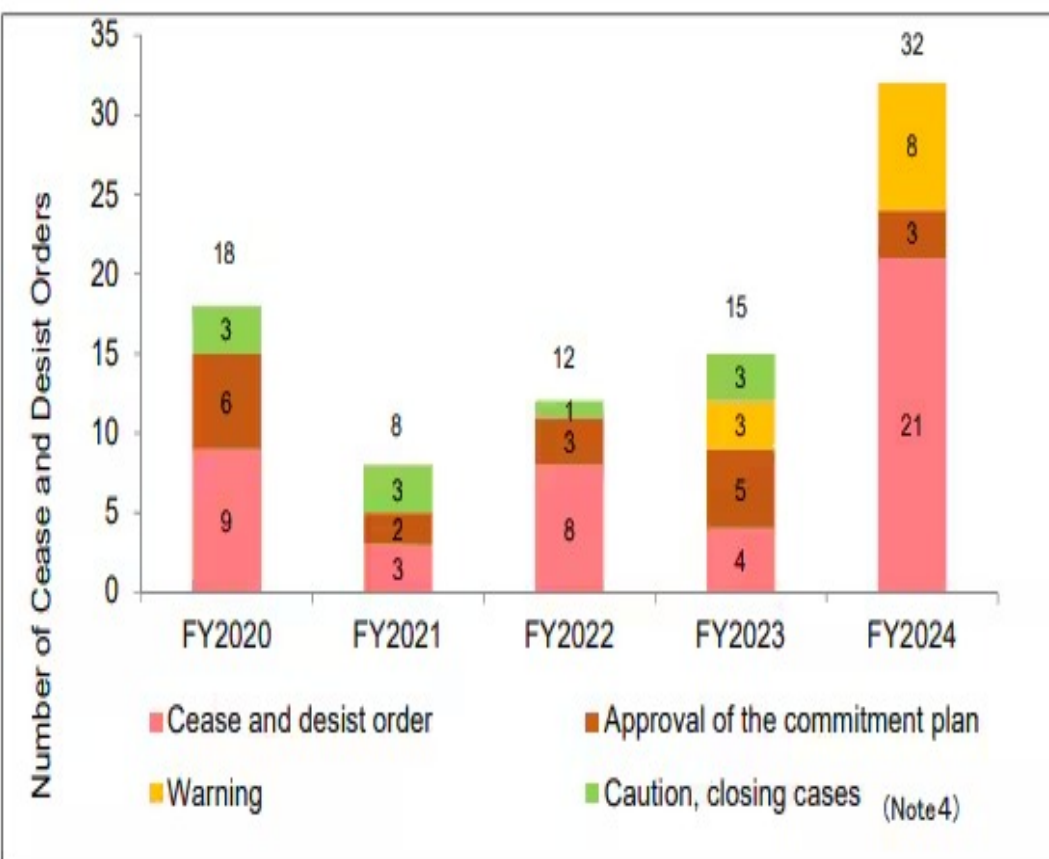
1. Overview of the JFTC's Criminal Enforcement
2. Case related to the leniency program
 - Bid rigging in the Tokyo 2020 Olympic and Paralympic Games (2023, 2025) –
3. Cases showing differing determinations between cease and desist orders and criminal accusations
 - Bid rigging for the construction of new stations on the Linear Central Shinkansen (2018, 2020)
 - Bid rigging concerning the disaster restoration paving works for the Great East Japan Earthquake ordered by the Tohoku branch of East Nippon Expressway Company Ltd. (2016) -
4. Criminal Enforcement and Individual Liabilities
5. Summary of Differences and Key takeaways

Table of Contents

1. Overview of the JFTC's Criminal Enforcement
2. Case related to the leniency program
 - Bid rigging in the Tokyo 2020 Olympic and Paralympic Games (2023, 2025) –
3. Cases showing differing determinations between cease and desist orders and criminal accusations
 - Bid rigging for the construction of new stations on the Linear Central Shinkansen (2018, 2020)
 - Bid rigging concerning the disaster restoration paving works for the Great East Japan Earthquake ordered by the Tohoku branch of East Nippon Expressway Company Ltd. (2016) -
4. Criminal Enforcement and Individual Liabilities
5. Summary of Differences and Key takeaways



1-1 Administrative Enforcement of the Antimonopoly Act in FY2024



➤ Number of Cease and Desist Orders, etc.

- Legal Measures: 24
- Cease and Desist Orders: 21
- Approval of Commitment Plan: 3

➤ Total Amount of Surcharge

- JPY 3.71 billion (approx. USD 24.82 million) across 33 enterprises.

➤ Features

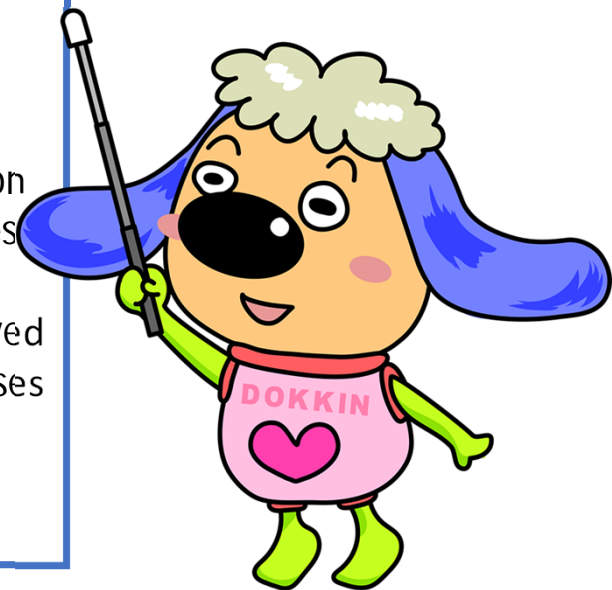
- Under the leniency program, the JFTC received 109 self-reporting applications in FY 2024.
- Enforcement focused on diversified cases: e.g., price-fixing cartels, bid-rigging (public and private demand), unfair trade practices.



公正取引委員会
Japan Fair Trade Commission

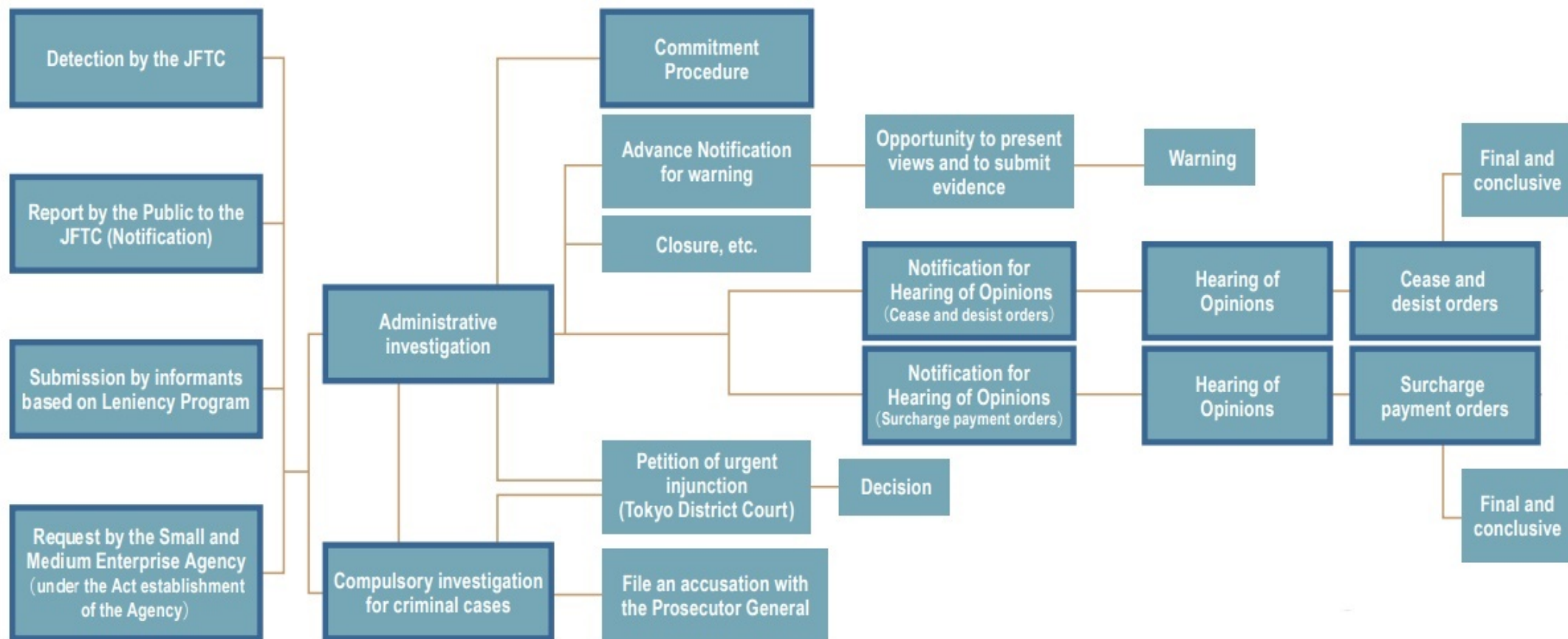
1-2 Criminal Accusation

- 'The JFTC's Policy on Criminal Accusation of Violation of the Antimonopoly Act.'
Policy of actively seeking criminal penalty and filing accusation in cases of price cartels, bid rigging and other malicious and serious cases that are considered to have a broad impact on the lives of the public.
- 19 criminal accusations (As of October 2025)
- Enforcement policy
 1. Malicious and serious cases of (...) bid rigging (...) that substantially restricts competition in certain trading areas and that are considered to have a significant impact on the lives of the public.
 2. Cases in which the objectives of the Antimonopoly Act are not considered to be achieved by administrative penalties imposed by the JFTC, among violations relating to enterprises and business sectors that have repeatedly committed violations and enterprises that have not complied with cease and desist measures.





1-3 Procedure of Investigation & Enforcement





1-4 Compulsory Investigation for Criminal Cases



Comparison of JFTC's Administrative and Criminal Investigations

Administrative Investigations

- Indirect coercion (penalties) for inspections, orders, and detentions.

Criminal Investigations

- Direct coercion (searches and seizures) via judicial warrants.

JFTC and Prosecution Collaboration

Prosecution Issues Consultation

- Regular meeting between prosecutors (Fiscal and Economic Affairs Bureau) and JFTC officials (Criminal Investigation Department) to discuss case-specific issues.

Leniency Program

- The enterprise that voluntarily reports the violation to the JFTC earliest can have its surcharge fully waived and be excluded from prosecution.



1-5 Filing an accusation with the Prosecutor General

➤ Accusation

（Article 74(1)）

If the Fair Trade Commission is convinced, after an investigation conducted pursuant to the procedures provided in Chapter XII, that a criminal offense has taken place, it must file an accusation with the Prosecutor General.

（Article 74(2)）

In addition to what is provided for in the preceding paragraph, if the Fair Trade Commission believes that a crime violating the provisions of this Act has taken place, it must file an accusation with the Prosecutor General.

Table of Contents

1. Overview of the JFTC's Criminal Enforcement
2. Case related to the leniency program
 - Bid rigging in the Tokyo 2020 Olympic and Paralympic Games (2023, 2025) –
3. Cases showing differing determinations between cease and desist orders and criminal accusations
 - Bid rigging for the construction of new stations on the Linear Central Shinkansen (2018, 2020)
 - Bid rigging concerning the disaster restoration paving works for the Great East Japan Earthquake ordered by the Tohoku branch of East Nippon Expressway Company Ltd. (2016) -
4. Criminal Enforcement and Individual Liabilities
5. Summary of Differences and Key takeaways





公正取引委員会

Japan Fair Trade Commission

2. Case related to the leniency program

- Bid rigging in the Tokyo 2020 Olympic and Paralympic Games (2023, 2025) –

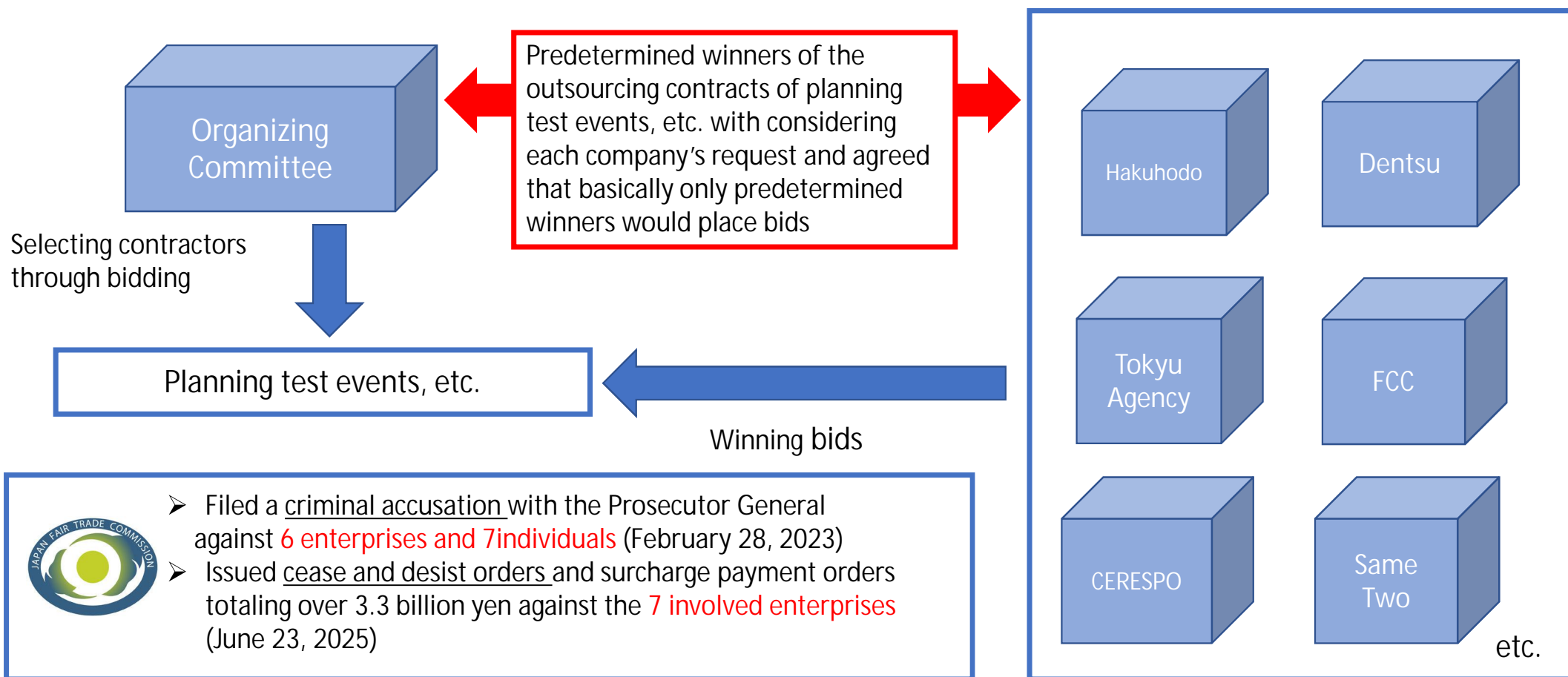


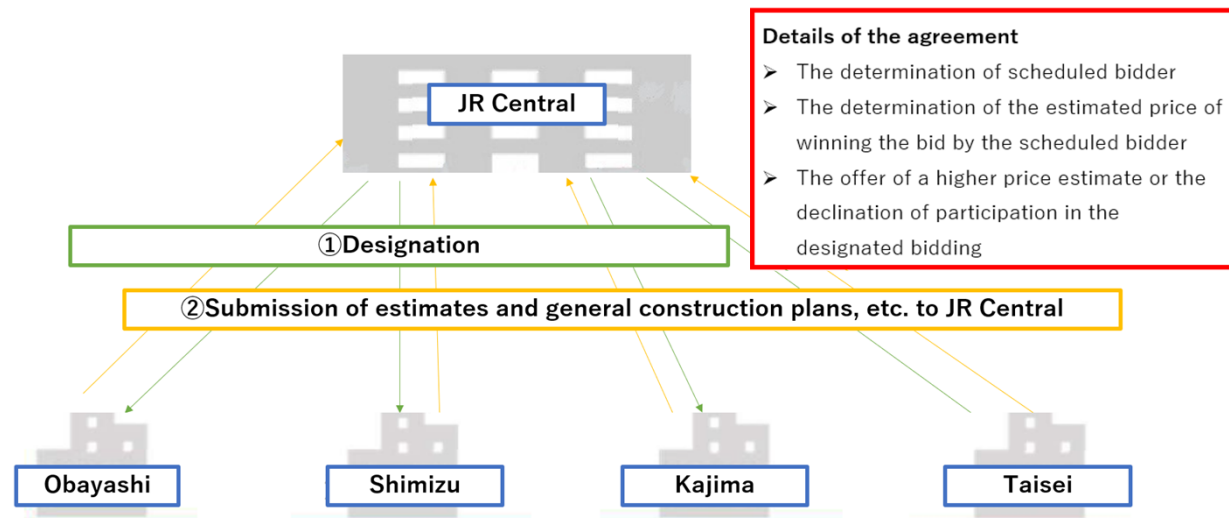
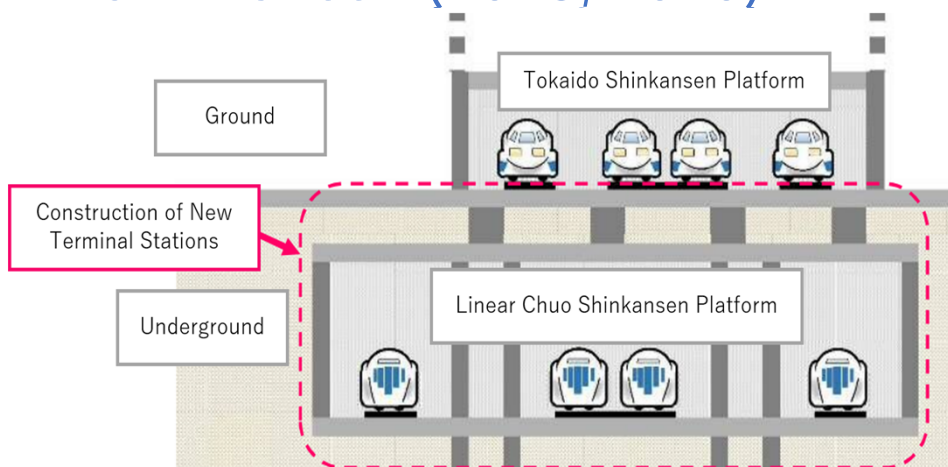
Table of Contents

1. Overview of the JFTC's Criminal Enforcement
2. Case related to the leniency program
 - Bid rigging in the Tokyo 2020 Olympic and Paralympic Games (2023, 2025) –
3. Cases showing differing determinations between cease and desist orders and criminal accusations
 - Bid rigging for the construction of new stations on the Linear Central Shinkansen (2018, 2020)
 - Bid rigging concerning the disaster restoration paving works for the Great East Japan Earthquake ordered by the Tohoku branch of East Nippon Expressway Company Ltd. (2016) -
4. Criminal Enforcement and Individual Liabilities
5. Summary of Differences and Key takeaways



<https://linear-chuo-shinkansen.jr-central.co.jp/>

3-1 Bid rigging for the construction of new stations on the Linear Central Shinkansen (2018, 2020)



Factual Basis for Accusation

- From around late April 2014 to late August 2015, interviews, etc. were held at restaurants, etc. in Tokyo.

- Agreement on the planned winners and the estimated price for the new construction project.
- Determination of the winner for each of the construction works in accordance with the agreement.
- Before submitting the estimates to JR Central, the accused enterprises communicated information on the estimated prices, etc. to other accused enterprises.

Factual Basis for cease and desist order

- The JFTC found that the violations were committed after February 2015 at the latest.

etc.



公正取引委員会

Japan Fair Trade Commission

3-2 Bid rigging concerning the disaster restoration paving works for the Great East Japan Earthquake ordered by the Tohoku branch of East Nippon Expressway Company Ltd. (2016)

Occurrence of
the Great East
Japan
Earthquake



12 Pavement
Disaster
Restoration
Projects Bids

The JFTC found that **violating enterprises** had determined the intended winners of bids and ensured that those intended winners would get the contracts.

Defendants in criminal accusation

- 10 enterprises and 11 individuals of the 10 enterprises accused who were engaged in the contract such as road construction business.

Violating enterprises in cease and desist order

- 20 enterprises were subject to cease and desist orders, and 11 enterprises were subject to surcharge payment orders.

Table of Contents

1. Overview of the JFTC's Criminal Enforcement
2. Case related to the leniency program
 - Bid rigging in the Tokyo 2020 Olympic and Paralympic Games (2023, 2025) –
3. Cases showing differing determinations between cease and desist orders and criminal accusations
 - Bid rigging for the construction of new stations on the Linear Central Shinkansen (2018, 2020)
 - Bid rigging concerning the disaster restoration paving works for the Great East Japan Earthquake ordered by the Tohoku branch of East Nippon Expressway Company Ltd. (2016) -
4. Criminal Enforcement and Individual Liabilities
5. Summary of Differences and Key takeaways



4. Criminal Enforcement and Individual Liabilities

Criminal Penalties for Individuals

- Violations of the Act by corporate officers or employees are punishable under Article 89, targeting those who engage in unreasonable restraint of trade.

Dual Punishment for Enterprises

- Article 95 imposes penalties on both individuals and the enterprise itself, holding the company accountable alongside its officers.

Triple Penalty for Non-Intervening Representatives

- Article 95-2 allows fines to be imposed on representatives who knew of the violation but failed to prevent or correct it.

Individual Liabilities and Derivative Lawsuits

- Under the Companies Act, officers may face personal liability through shareholder derivative lawsuits for failing to prevent cartels or report violations promptly.

Table of Contents

1. Overview of the JFTC's Criminal Enforcement
2. Case related to the leniency program
 - Bid rigging in the Tokyo 2020 Olympic and Paralympic Games (2023, 2025) –
3. Cases showing differing determinations between cease and desist orders and criminal accusations
 - Bid rigging for the construction of new stations on the Linear Central Shinkansen (2018, 2020)
 - Bid rigging concerning the disaster restoration paving works for the Great East Japan Earthquake ordered by the Tohoku branch of East Nippon Expressway Company Ltd. (2016) -
4. Criminal Enforcement and Individual Liabilities
5. Summary of Differences and Key takeaways



5. Summary of Differences and Key takeaways

Criminal Accusations

- Exclusive right to file criminal accusations.
- The first enterprise to self-report receives full immunity.
- Direct coercion (searches and seizures) via judicial warrants.

Cease and Desist Orders

- The scope of persons involved can be broader than in criminal enforcement.
- Even the first leniency applicant remains subject to a cease and desist order.
- Indirect coercion (penalties) for inspections, orders, and detentions.

Key takeaways

Strict Enforcement with Prosecutors

- JFTC will collaborate closely with the Public Prosecutors Office for violations that impact the public, bridging the gaps in understanding through personnel exchanges between administrative and criminal procedures.

Shifting the Corporate Mindset

- Enterprises must understand that “cartels are criminal offenses,” strengthening compliance to prevent violations, as demonstrated in the Linear Central Shinkansen case.

Leveraging the Leniency Program

- The leniency program aids investigations by allowing companies to submit evidence like meeting records, making cartel structures more transparent, as seen in the Bearing Price Cartel case.



公正取引委員会

Japan Fair Trade Commission



Thank you very
much for your kind
attention.