

Client Alert

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Legal Alert



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JFTC Announces Establishing A Permanent Investigators of International Cartel From April, 2010

The Fair Trade Commission of Japan has announced recently that they would establish a permanent staff of investigators specialized in international cartel first in a number of such investigators of ten and to be increased up to 25 from the year starting from April 1, 2010. Until now, international cartel investigations had been conducted by an ad-hoc team of the JFTC. Recently, in October of 2009, the JFTC ordered a foreign corporation with no subsidiary or similar base to do business in Japan to pay administrative penalties. This was the first time in more than 60 years history for this type of case to occur. With the expectation of an increase in the number of cross-border cartel cases to be investigated by the JFTC after April of 2010, many foreign corporations conducting business or having an influence over the market in Japan will be exposed to such investigations by the JFTC. This is significant because it represents the fact that in the near future, the Japanese leniency program will be a crucial component of practice in antitrust cases involving an international cartel; which in many ways affects the Japanese market.

We, a team of Japanese lawyers of more than 30 in Tokyo, specialize in Antitrust Law. Together with the global network of 360 lawyers in 37 countries around the world who also specialize in antitrust law, have been warned and are preparing for the "internationalization" of the JFTC investigation and Japanese leniency program. This is going to be a new reality from April 2010. Our team in Tokyo, with the assistance of the global antitrust teams of Baker & McKenzie, published a book called "A Practice of Cartel and Leniency" in 2008 to consider practices of international cartels from the perspective of American, European and Japanese leniency programs to be utilized at the same time to such cartels, and to study possible problems arising from these circumstances. The practices described in this book are expected to become an urgent reality for business around the world in the near future from April 2010 onward.

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A Japanese version of this client alert will be sent in the near future.

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