

JAPAN			
COMPETITION FRAMEWORK			
Competition Law	The Anti-Monopoly Act (“AMA”) was promulgated on April 14, 1947 and executed on July 20, 1947.		
Competition Authority	The Japan Fair Trade Commission (“JFTC”) was established on July 1, 1947. Website: http://www.jftc.go.jp/en/		
STATUS OF THE COMPETITION AUTHORITY			
Accountability			
Does the Competition Authority have obligations before the executive?	Yes	X	Obligations to report to the executive on on-going investigations upon request.
		X	The decisions of the Competition Authority may be vetoed by a ministry or by the executive branch.
		√	The Competition Authority has to report on an annual basis to the executive.
Does the Competition Authority have obligations before the legislature?	Yes	√	Obligation to publish an annual report on its activities.
		X	Obligation to stand before parliament and to respond to congressmen on an annual basis.
		X	Its activities are monitored by an independent auditor or by oversight committees.
Does the Competition Authority have obligations before the judiciary?	No	√	Decisions of the Competition Authority are subject to judicial review.
Independence			
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes	<i>See</i> AMA, articles 29(2), 31, and 32.	
Does the executive have powers to decide on specific cases based on public interest?	No	There is nothing explicitly stated in the law about the executive retaining any powers to decide on specific cases. That is up to the JFTC to do that.	
Does the executive retain decision-making powers over the Competition Authority?	No		
Is the Competition Authority obliged to publish its reasoned decisions to ensure transparency?	Yes	<i>See</i> AMA, articles 49 and 50	
Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	Yes	Nothing is outlined in the AMA.	
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	No	Article 7(2) of AMA provides that the JFTC shall order the antitrust infringers to pay a surcharge to the national treasury and not the NCA.	
GOVERNANCE OF THE COMPETITION AUTHORITY			
Is the Competition Authority governed by a single chairman or by a collegiate body?	Collegiate body	The JFTC is composed of six members.	
Are the heads appointed by a minister?	Yes	<i>See</i> AMA, article 29(2).	
Are the heads appointed by representatives of more than one government branch?	Yes	<i>See</i> AMA, article 29(2), the chairman and commissioners shall be appointed by the prime minister with the consent of both houses of the diet	
Is there a fixed period during which removal is prohibited?	Yes	<i>See</i> AMA, articles 30(1)(2), 31 and 32 provide that the term of office of the chairman and commissioners shall be five years and may be reappointed. The chairman or a commissioner may not, against his/her will, be dismissed from office while (s)he in office, except in limited cases.	
Is the tenure of the heads renewable?	Yes	<i>See</i> AMA, article 30(3). The head shall retire from the office upon reaching the age of 70.	
Are the heads required to have certain minimum qualifications (degree in law or economics, age, experience)?	Yes	<i>See</i> AMA, article 29(2), among persons aged thirty-five or above and who have knowledge and experience in law or economics.	
ARCHITECTURE			
Is the Competition Authority a stand-alone agency with an independent physical location or is it part of a bigger entity such as a minister?	Stand-alone agency	<i>See</i> AMA, article 28.	
POLICY-MAKING AGENTS -DIVERSIFICATION-			
How many agencies are responsible for competition enforcement?	One agency.		
Do sector regulators have competition policy enforcement mandate?	No		

Have the Competition Authority and other agencies signed protocols or memoranda of understanding?	No		
POLICY DUTIES			
Does the Competition Authority have exclusive mandate on competition or multiple mandates?	Exclusive competition mandate	X	Concurrent consumer protection mandate.
		X	Concurrent IP mandate.
		Other mandates: N/A	
PORTFOLIO INSTRUMENTS			
Law Enforcement			
Does the Competition Authority have powers to investigate cartels?	Yes	<i>See</i> AMA, articles 47 and 101 et seq.	
Does the Competition Authority have powers to conduct dawn raids at premises?	Yes	<i>See</i> AMA, articles 47(l)(iv) and 102.	
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	<i>See</i> AMA, articles 40 and 47(1).	
Does the Competition Authority have powers to accept leniency applications?	Yes	<i>See</i> AMA, articles 7-2(10)(11)(12).	
Does the Competition Authority have powers to accept seek criminal punishment?	Yes	<i>See</i> AMA, articles 74 and 96. They also can file a claim with the Prosecutor General.	
Advocacy			
Can the Competition Authority issue opinions on draft legislation?	Yes	The opinions are not binding.	
Is the executive and/or the legislature obliged to request the opinion of the Competition Authority when drafting legislation that may impact competition?	No	They can issue opinions.	
Rulemaking			
Can the Competition Authority issue guidelines or other type of secondary legislation?	Yes	X	Guidelines on the calculation of fines.
		√	Guidelines on merger control.
		√	Guidelines on the economic analysis of abuse of dominance cases.
Research & Reporting			
Can the Competition Authority carry out market studies?	Yes		
Can the Competition Authority report to the legislature on the results of market studies?	Yes	The JFTC shall report annually to the Diet, through the Prime Minister, on the enforcement of this Act. <i>See</i> AMA, article 44(1).	
DECISION-MAKING FUNCTIONS			
Aggregated Functions			
Does the Competition Authority make the decision to investigate and to prosecute cases?	No		
Does the Competition Authority make guilty findings?	No		
Does the Competition Authority impose punishments?	Yes		
Is there a single body that carries out the investigation and the guilty findings within the Competition Authority?	No		
Can the Competition Authority's decisions be appealed to a court?	Yes		
Disaggregated Functions—Prosecutorial Model			
Are there different authorities that make the decision to investigate and to prosecute cases?	Yes		
Are disputes presented for decision to a separate entity/tribunal?	Yes		