

**Intergovernmental Group of Experts on Competition Law and
Policy, Fifteenth Session**

Geneva, 19-21 October 2016

Round Table on:

***"Strengthening private sector capacity for competition
compliance"***

Contribution

By

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The views expressed are those of the author(s) and do not necessarily reflect the views of UNCTAD



Business Compliance to Enhance the Competition Culture

**Round table on
“Strengthening private sector capacities for competition compliance”**

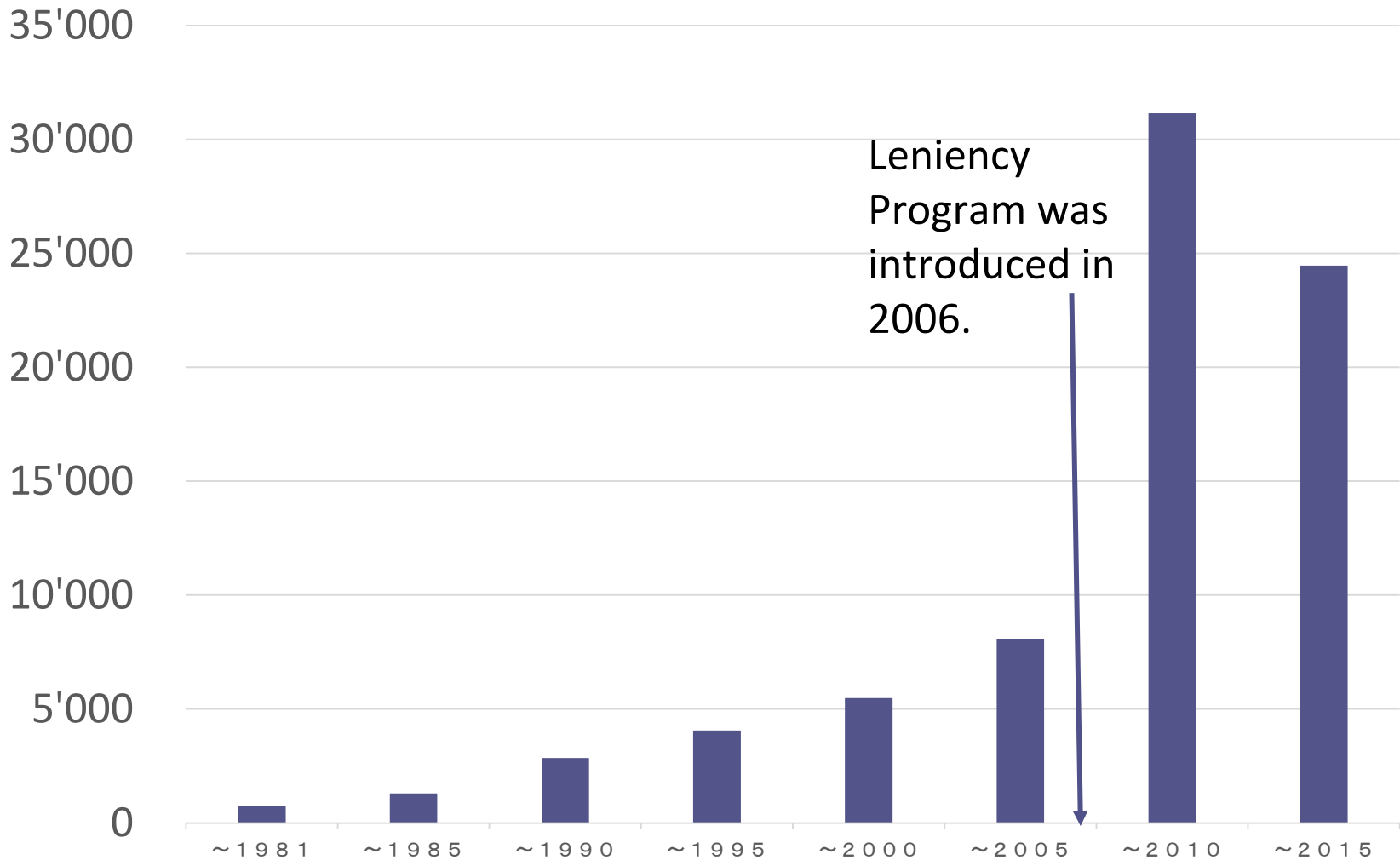
**15th Session of the Intergovernmental Group of Experts
21 October, 2016**

**Sadaaki Suwazono
Director, International Affairs Division
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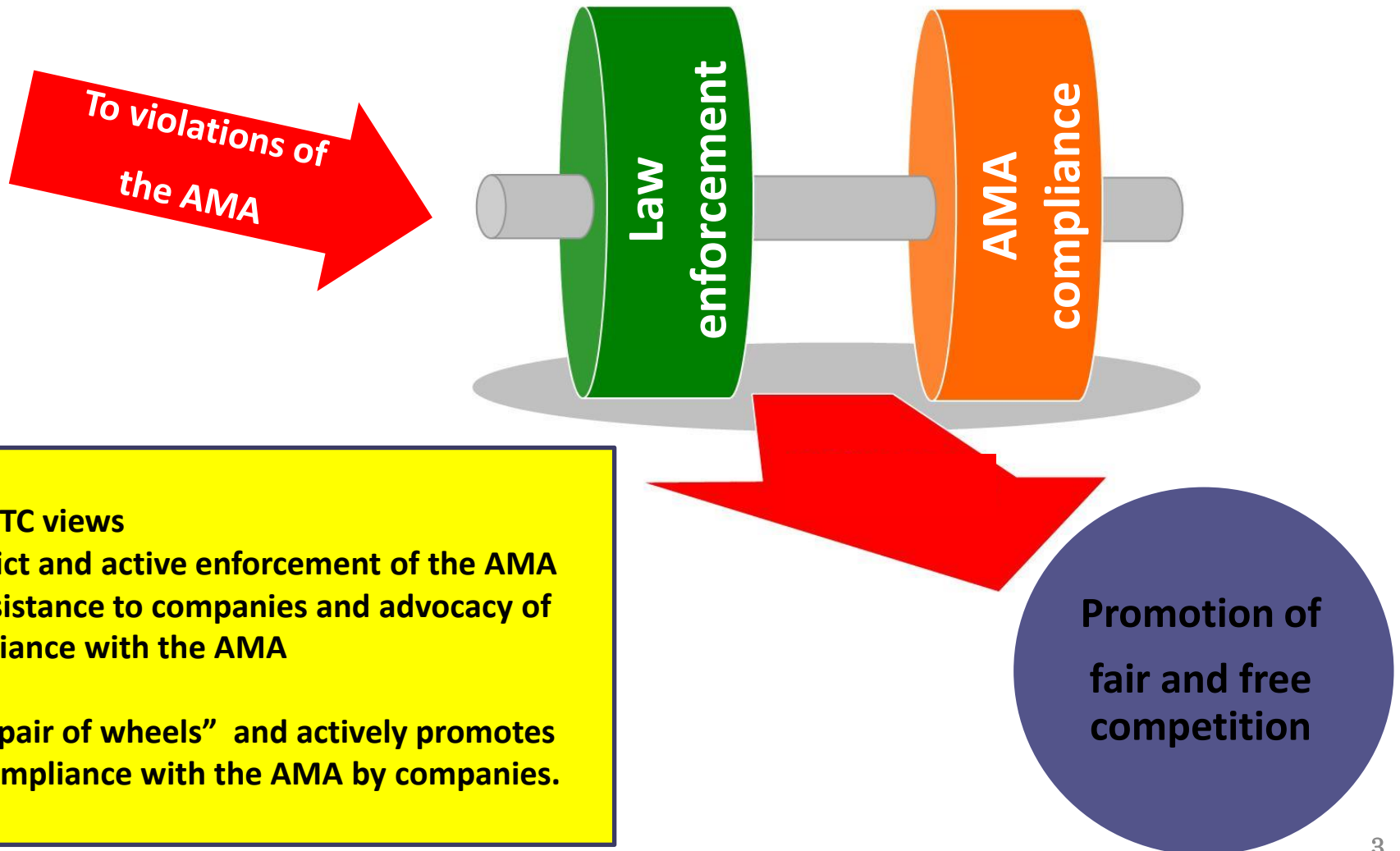
1. Enforcement of Competition Law in Japan

million yen

Surcharge Amount 5 year-average



2. Efforts of the JFTC towards Corporate Compliance



The JFTC views

- Strict and active enforcement of the AMA
- Assistance to companies and advocacy of compliance with the AMA

as “a pair of wheels” and actively promotes the compliance with the AMA by companies.



3. Measures for Ensuring the Effectiveness of Compliance

Commitment and Initiative of the Top Management

Establishment of the Compliance Program in Accordance with the Actual Situation

Establishment of Departments in Charge of the Compliance System

Integrated Approaches as a Group of Enterprises



4. The “3Ds” for ensuring the effectiveness of Compliance

Deterrence

Detection

Damage Control

4. The “3Ds” for ensuring the effectiveness of Compliance (Cont.)

Deterrence

- a. Formulation of the compliance manual
- b. In-house training on compliance
- c. Development of legal consultation system
- d. Development of internal disciplinary rules
- e. Formulation of rules concerning contacts with other competing enterprises

Detection

- a. Audits
- b. Development of internal reporting system
- c. In-house leniency policy

Damage Control

- a. Prompt response and appropriate decision-making at the initiative of top management
- b. Active use of leniency programs
- c. Prior development of a contingency manual
- d. Appropriate internal probe



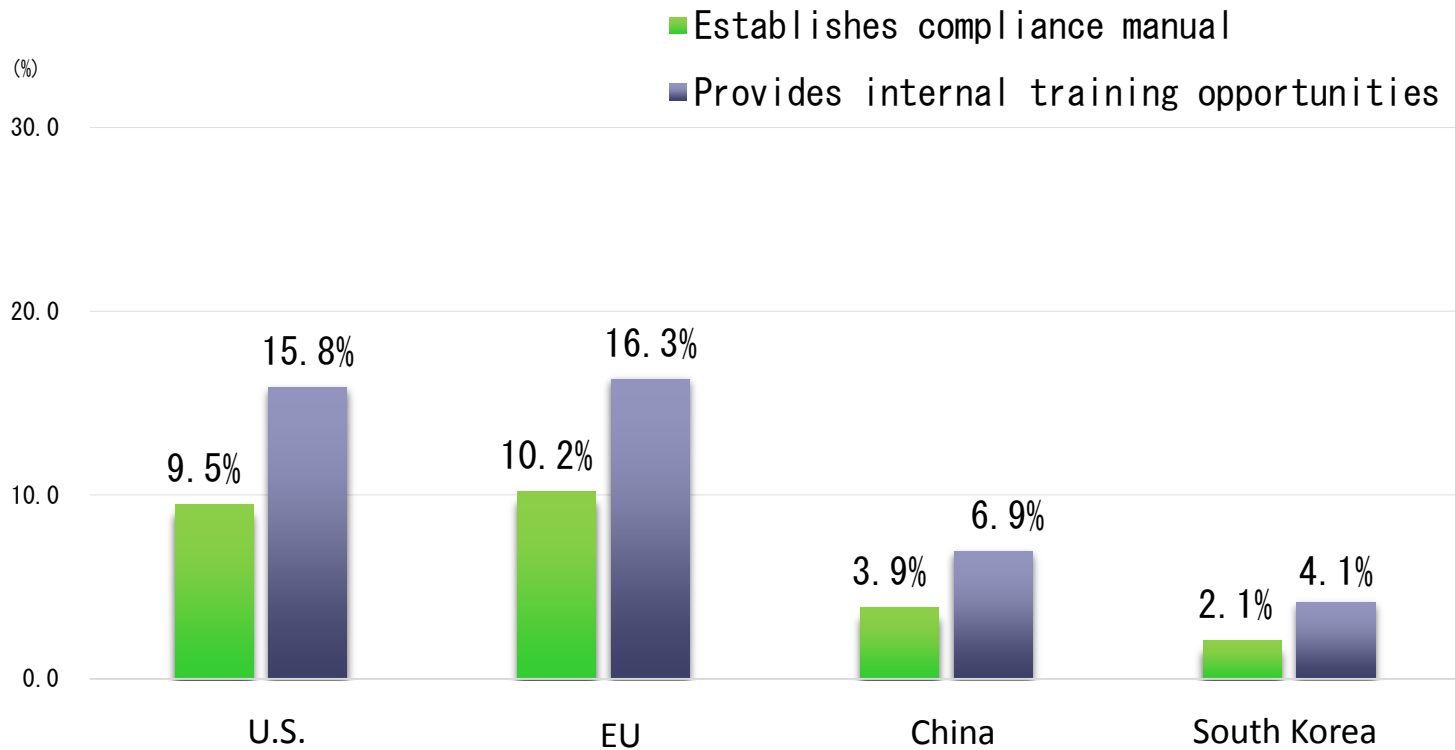
5. For Promotion of Compliance with Foreign Competition Laws

3 Pillars of Actions

1. **Integrated actions by parent companies and overseas subsidiaries (integration)**
2. **Extensive actions with awareness of competition laws of all countries where companies operate (extensiveness)**
3. **Flexible actions based on characteristics of the legal systems for foreign competition laws different from Japanese system (flexibility)**

5. For Promotion of Compliance with Foreign Competition Laws (Cont.)

Efforts of companies that answered that they are doing business in the U.S., EU, China and South Korea by country/region





**Thank you very much
for your kind attention.**

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