



公正取引委員会

Japan Fair Trade Commission

ICN Framework for Merger Review Cooperation

-Survey Results and Possible Improvements-

Outline of the ICN Merger Cooperation Framework

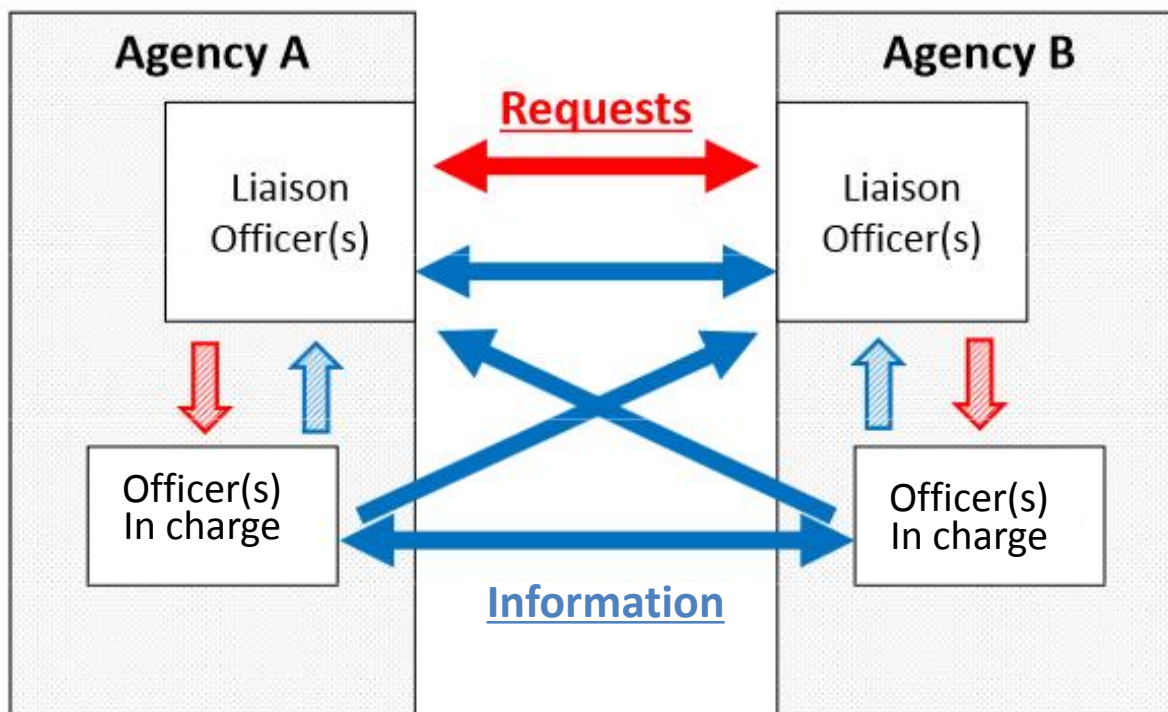
1. Registration with icn@jftc.go.jp and getting the Contact list



2. Finding the Liaison Officer in the Contact List
(59 competition authorities have been registered)



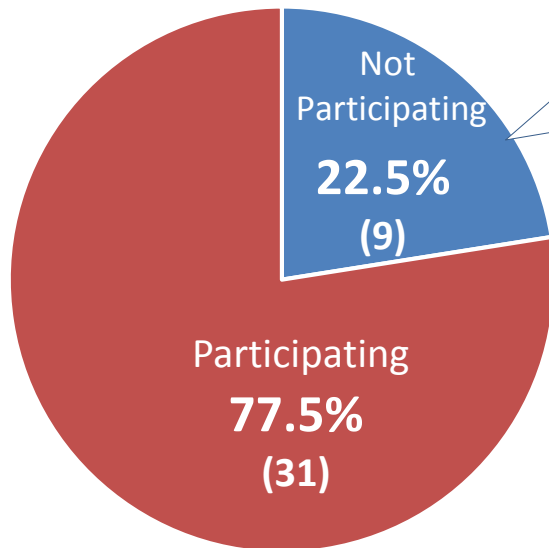
3. Request information



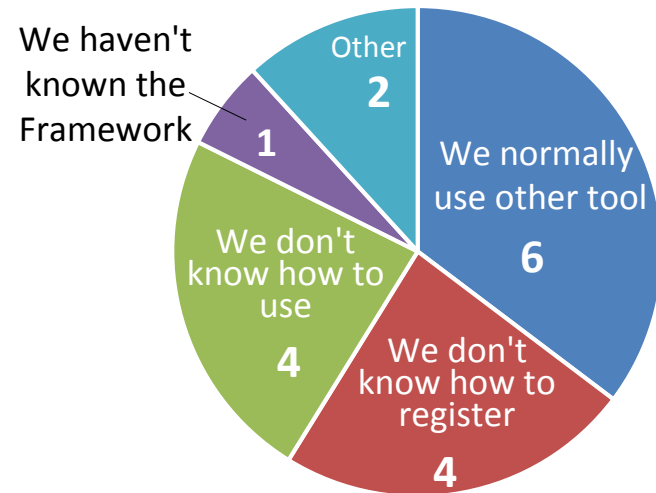
Outlines of the Results of Survey (1)

- ◆ Survey questionnaire was sent in September 2018
- ◆ Response Rate: 51.3% (40 / 78 authorities)

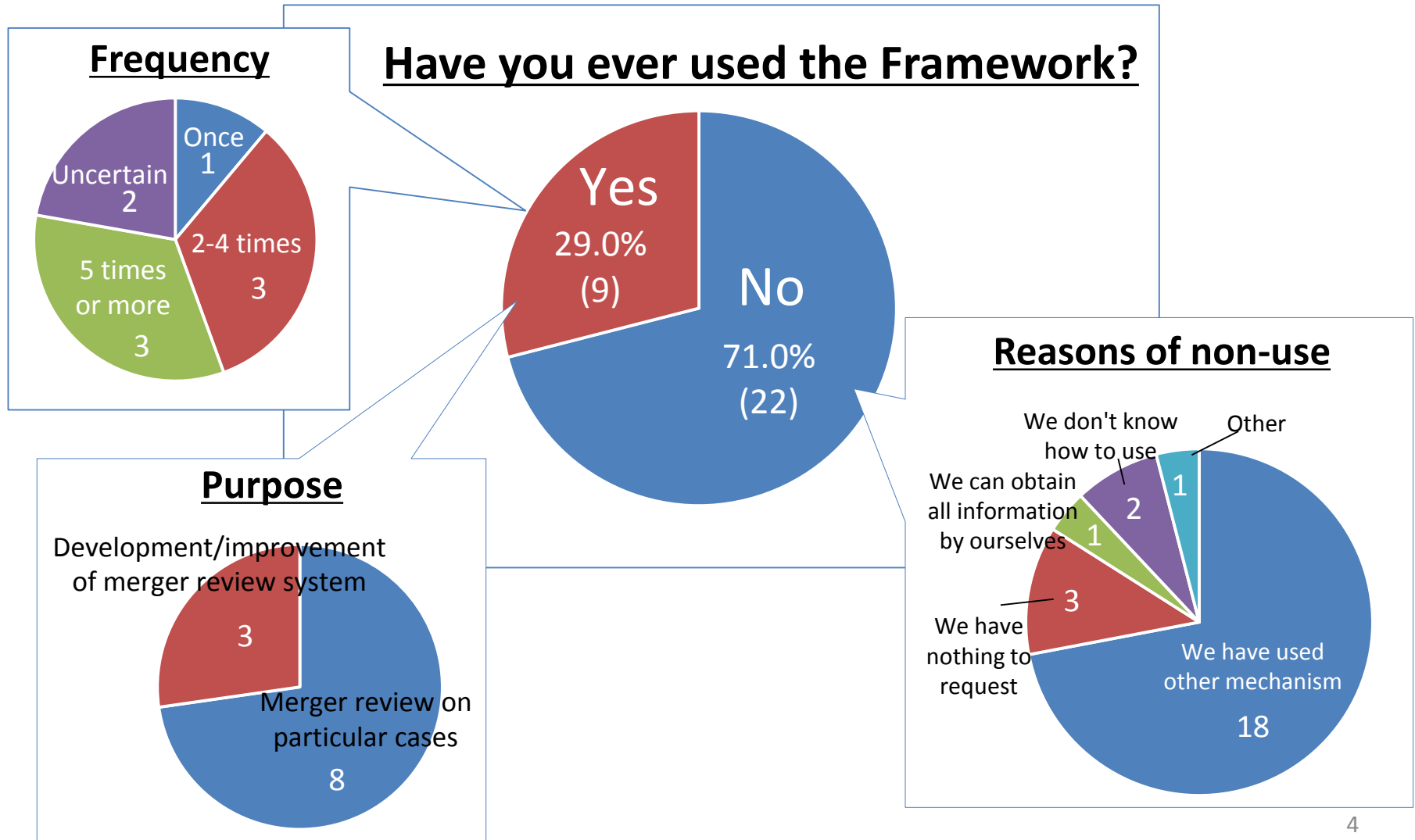
Participation in the Framework



Reasons of non-participation

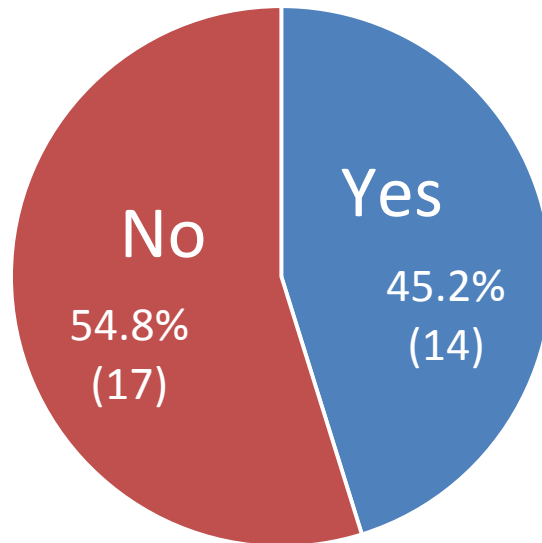


Outlines of the Results of Survey (2)

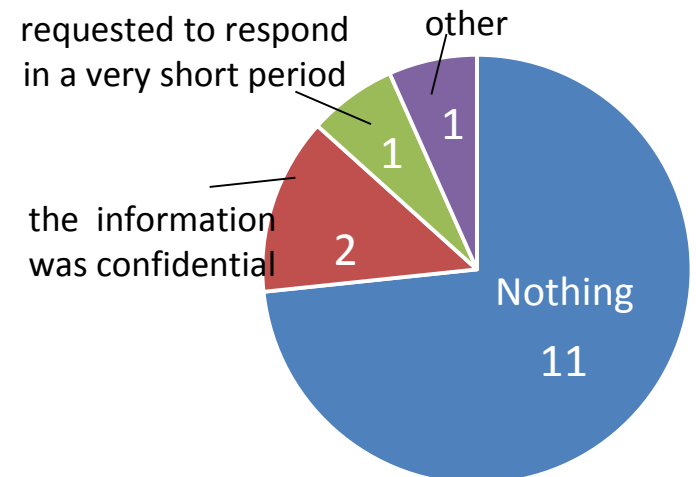


Outlines of the Results of Survey (3)

Has another agency requested to cooperate under the Framework?



Difficulties for answer



Outlines of the Results of Survey (4)

Experiences of using the Framework

- The Framework has been used for;
 - enforcement cooperation for merger review on particular cases
 - gathering past case examples on novel issues
 - reference for development/improvement of merger review systems
[Canada, Kenya, Japan, anonymous authorities.]

- In enforcement cooperation, the authorities have exchanged information such as market definition, theories of harms, remedies, etc. [Kenya, anonymous authorities]

- In addition, it is useful to use it for gathering information of other jurisdiction's system for law amendment, etc. [Kenya, etc.]

Improvement of the Framework

<u>Suggestions from the survey</u>	<u>Possible improvements</u>
✓ Promote understanding of how to use the Framework (73% authorities)	Further promotion such as creating and distributing a Flyer
✓ Increase the number of competition authorities participating in the Framework (37.5% authorities)	
✓ Provide a list describing the category of information which can be exchanged through the Framework (70% authorities)	Create and provide a Information Category List and a Information Request Form
✓ Provide a form which can be used for initial contact with other authorities (42.5% authorities)	
✓ Include in the contact list whether the agency has an online public register of the mergers under review and include a link	Include link to public case information in the contact list

Other

- ✓ Use direct contact details of case team or relevant division for merger review in the contact list
- ✓ Review framework in light of recent MWG work to consider whether new language or new terms are appropriate for it