

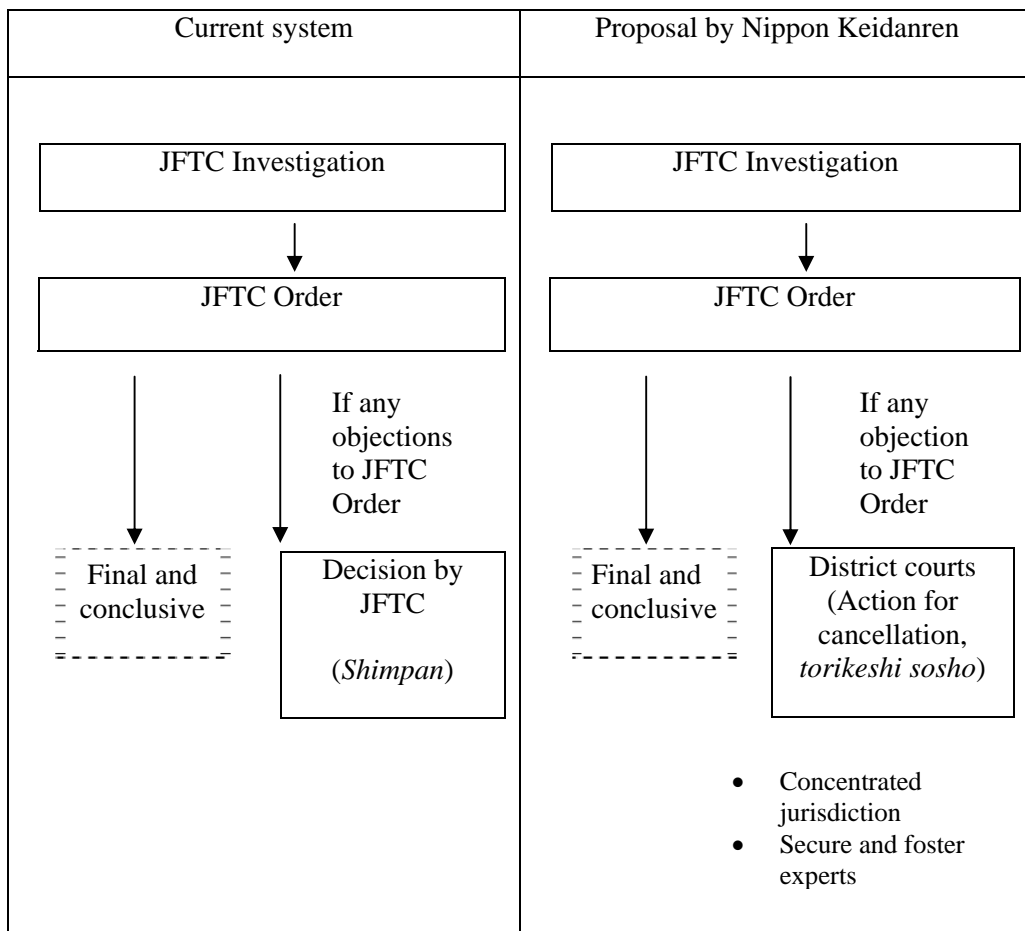
SUMMARY

Proposal for Comprehensive Amendments to the Antimonopoly Act

-To Establish International Parity in the Investigation and Appeals Process –

Nippon Keidanren

1. Ensuring the fairness and justice of appeals process
 - (1) Abolition of the current quasi-judicial appeals proceedings by JFTC and introducing specialized court hearings by experts



Appeal proceedings by the administrative agency that has decided the initial administrative dispositions have no other example in any other country or even in Japan except for the Japanese Antimonopoly Law.

- (2) Disclosure of evidence held by the JFTC and ensuring due process prior to the issuance of a cease-and-desist order

In the event of evidence disclosure, the relevant undertakings should be allowed to request that business secret remain undisclosed.

2. Establishing new investigation systems in line with the international standards
 - (1) Protection of the right of attorney presence and client-attorney privilege regarding any conversations and communications
 - (2) Creation of privilege against self-incrimination (right not to be forced to make any disadvantageous statement)
 - (3) Access to the copies of interview/question records

	Method to record interviews	Attorney Presence	Client-attorney privilege	Privilege against self-incrimination	Access to the copies of interview/question records
UK	Entire statement must be recorded. Any correction is separately attached to the tape transcription.	Permitted <input type="radio"/>	Yes <input type="radio"/>	Yes <input type="radio"/>	Permitted <input type="radio"/>
France	Summary is recorded. Signature of the interviewee is required. Supplements to a statement are permitted.	Permitted <input type="radio"/>	Yes <input type="radio"/>	Yes <input type="radio"/>	Permitted <input type="radio"/>
Germany	Entire statement must be recorded although the record needs not to be verbatim. Interviewees are asked to confirm or correct each section once it is completed and to sign it.	Permitted <input type="radio"/>	Yes <input type="radio"/>	Yes <input type="radio"/>	Permitted <input type="radio"/>
Japan	If the interviewee refuses to affix his/her seal on the interview record, such fact must be recorded.	Not permitted X	No X	No X	Not permitted X

3. Other opinions on JFTC's view
 - (1) Review of the scope of surcharge in a manner to avoid chilling effect
 Conducts newly subject to surcharges should be specified in the Antimonopoly Act.
 - (2) Clarification of the conditions for JFTC warning and its publication
 - (3) Proper treatment of evidential and other documents
 - (4) Due consideration of business practice with regard to the introduction of pre-notification system for share acquisitions

End