

IMMEDIATE

No. 2(4)/2011-Admn-I
Government of Pakistan
Ministry of Commerce



Islamabad, the 4th May, 2012

CIRCULAR

Copy of JICA letter No. JICA/04-24002/TA-G/2012 dated 24-04-2012 is forwarded alongwith its enclosures with the request that the nominations of the suitable Officers duly recommended/approved by their respective Senior Officers may kindly furnished to Admn-I Section latest by **15-05-2012** positively.


(MARTA KAZI)
Section Officer (Admn-I)



**JAPAN INTERNATIONAL COOPERATION AGENCY
PAKISTAN OFFICE**

JICA/ 04-24002 /TA-G/ 2012

April 24, 2012

Mr. Rana Yasir Arfat
Section Officer (JPN-II)
Economic Affairs Division
Government of Pakistan Islamabad

Dear Mr. Arfat,

I have the pleasure to inform you that Japan International Cooperation Agency (JICA) will hold a Group Training Course/Seminar No. 12 - 00910 (28) in :

Competition Policy and Law

under its Technical Cooperation Programme from **August 15, 2012** to **September 15, 2012**

I request you to advise the Government of Pakistan to nominate its candidate (s) for the above course in accordance with enclosed Requirement for Application as per the following conditions:

1. Five(5) copies of Prescribed Application Form duly filled-in and signed alongwith a **copy of Passport (if available) and National Identity Card (NIC)** should be submitted to this office **NOT LATER THAN June 1, 2012**
2. In case the Forms do not reach JICA Office on the above due date, you may inform this office about (a) nominee's name, (b) sex, (c) age, (d) educational background, (e) present job, (f) job description, (g) experience in the field of said course, (h) English language ability necessary for pre-screening.
3. Although Pakistan is allocated only **one** seat(s) for this course, more than **one** candidate(s) may be nominated indicating priority order such as Principal, Alternate.
4. The candidate must submit One (1) copy of the "**Country or Job Report / Questionnaire / Organization Chart**" with the application form to this office as advised in the G.I. Booklet.
5. The nominees must contact Section Officer, Economic Affairs Division (EAD), Government of Pakistan, Block-C, Pak Secretariat, Islamabad (Ph: 051-9206167) for General Information (G.I) Booklet regarding the subject course.
6. Please read the enclosed Terms and Conditions for the applicants carefully before applying/nominating. The applicants not fulfilling the mentioned criteria will simply not be entertained.

Enclosed: 1) New Prescribed Application Forms. Also available on www.jica.go.jp/pakistan/english/index.html
2) Eligibility of Applicants

Sincerely yours,

Nozomu ONO
Representative



TRAINING AND DIALOGUE PROGRAMS

GENERAL INFORMATION ON
COMPETITION POLICY AND LAW

集团研修「競争法・政策研修」

JFY 2012

<Type: Trainers Training/ 類型: 人材育成普及型>

ID:1280896 / NO. J12-00910

From Jun., 2012 to Jan., 2013

Phases in Japan : From Aug. 15, 2012 to Sep. 15, 2012

This information pertains to one of the Training and Dialogue Programs of the Japan International Cooperation Agency (JICA), which shall be implemented as part of the Official Development Assistance of the Government of Japan based on bilateral agreement between both Governments.

I. Concept

Background

A successfully functioning market economy requires functioning competition laws as a basic rule for economic activities. Generally, competition laws prohibit a variety of anticompetitive practices, such as cartels, anticompetitive mergers, and exclusionary acts by firms with monopoly power/dominant positions, for protecting the competitive process, ultimately benefiting consumers.

Once a country introduced a competition law, the country would face difficulties such as how to build capacity to detect, investigate, and remedy anticompetitive conduct. Successful enforcement of a competition law requires not only theoretical knowledge, but also practical knowledge and experience. Along with increasing countries which introduce a competition law, many countries have shown strong interests in learning from Japan's 60 year experience in implementing competition policy and law. Responding to their needs, JICA decided to implement this training course working with the *Japan Fair Trade Commission (JFTC)* for officials of competition related authorities in countries which have newly introduced or planned to introduce a competition law.

For what?

This course aims to contribute to effective implementation of competition law, review of the existing competition policy and law, and drafting a new competition law or amendments of the existing competition law, and eventually promotions of competitive environments in the participating countries, by providing an opportunity to obtain the knowledge and expertise on the implementation of competition policy and law, and its related legislation in Japan.

For whom?

This program is offered to mid-level government officials of competition related authorities and other authorities responsible for regulating anti-competitive activities, since this program aims to foster core personnel who has the capability of implementing competition policy and law in participating countries in the future.

How?

Participants shall have opportunities to learn competition policy and law in Japan, the US, Korea and Chinese Taipei, and experience in investigating actual violation cases through both theoretical and practical perspectives. Participants will also have opportunities to gain knowledge on the latest issues and discussion in the field of competition policy, and compare Japan's competition legislation with other countries' ones. The experience and knowledge obtained through the program are expected to contribute to develop the competition law and policy in each country.

II. Description

1. Title: COMPETITION POLICY AND LAW(J12- 00910)

2. Period of program:

Duration of the Whole Program: June 2012 to January 2013

Phase in Japan: August 15 to September 15, 2012

Finalizing Phase: October 2012 to January 2013

3. Target Regions or Countries: Philippines, Indonesia, Pakistan, Kenya, Nicaragua
(there will be additional participants from other countries, participating in this course in the framework of other technical cooperation projects with JICA)

4. Overall Goal:

Strengthening skills of officials at the competition authorities in participants' countries to produce enactment, enhancement, or more vigorous and appropriate enforcement of their competition law.

5. Objective:

By the end of the program, the participants are expected to:

Enhance their knowledge about contents, history, feature and actual condition of enforcement of Japanese competition policy and law and share with other officers in their competition (related) authorities.

6. Eligible / Target Organization :

This program is offered to Governmental agencies responsible for implementing competition policy and law.

* Below is a list of examples of relevant authorities in respective countries for your reference and consideration;

Philippines: the Office for Competition, the Department of Justice

Indonesia: Commission for the Supervision of Business Competition (KPPU)

Pakistan: Competition Commission of Pakistan

Kenya: Competition Authority of Kenya

Nicaragua: National Institute for the Promotion of Competition in Nicaragua
(PROCOMPETENCIA)

7. Target Participants:

This program is targeting government officials with either of the following duties and preferably with more than 5 years of experience in the field,

- a) government officials of competition authorities, which is responsible for implementation of competition law, regulating cartel, abuse of dominant position,

and/or anticompetitive merger; or

b) government officials in charge of drafting comprehensive competition laws, or competition advocacy in countries without comprehensive competition laws.

* For qualification required for the nomination, please refer to "III. Conditions and Procedures for Application" below.

8. Total Number of Participants : Maximum 6 participants.

* Invited authorities are encouraged to nominate more than one nominee for selection at JICA/Embassy of Japan. In case of Indonesia which has officially 2 allocations already, nomination with more than 2 candidates are appreciated.

9. Language to be used in this program : Japanese with English interpretation / English

10. Contents:

<Structure of the Program >

This program consists of the following components. Details on each component are given below:

(1) Preliminary Phase in a participant's home country	
<i>Participating organizations make required preparation for the Program in the respective country.</i>	
Output	Activities
Country report	Formulation and submission of country report

(2) Core Phase in Japan
(Aug 15 2012 to Sep 15 2012)

Participants dispatched by the organizations attend the Program implemented in Japan.

STEP 1

HYOGO (1 Week)

- Lectures (Theoretical Focus)
- Country Report (Presentation by participants)

[Objective]

To be able to understand and explain the contents, history, features of competition policy and law in Japan

[Contents]

- Introduction to the Antimonopoly Act (AMA)
- Mergers and Acquisitions
- Unfair Trade Practices
- Monopolization
- Cartels and Bid Riggings
- Competition Policy and Intellectual Property Rights
- Industrial Policy and Competition Policy
- Comparison of Competition Laws in Developing Countries
- Country Report Presentation

STEP 2

TOKYO (2 Weeks)

- JFTC Lectures (Practical Focus)

[Objective]

To be able to explain actual operation and enforcement of competition policy and law in Japan

[Contents]

- Organization and Training System of the JFTC
- Procedures/Techniques of Case Investigation
- Case Initiation
- Leniency Program
- Realities of Case Investigation
- Hearing System and Procedures
- Activities of Prevent Violations
- Enforcement of Competition Law in the US and/or EU
- Coordination with other regulatory authorities
- Trade Practice Surveys
- Realities of M&A Investigation
- International Activities of the JFTC

[STEP 3]



HYOGO (1 Week)

Practical Training
(Presentation by participants)

[Objective]
To be able to explain the following things in the Study report.

- 1) the contents, actual enforcement of competition policy and law in Japan
- 2) how to utilize the acquired knowledge and skills to solve the challenges and problems in each participant organization.

[Contents]

- Case Study
- Study presentation (Dissemination Plan)

[Course Objectives]
The participants enhance their knowledge about contents, history, feature and actual condition of enforcement in Japanese competition policy and law, and share with other officers in their competition (related) authorities.

(3) Finalizing Phase in a participant's home country
Participants produce final outputs by making use of their experience or knowledge acquired from this program.

Output	Activities
To share and examine the content of the Study report with officers at participants' organizations.	Final report will be submitted by January 2013 to respective country's JICA office or JICA Kansai International Center

<Required Tasks >

As indicated below, this program is designed primarily for competition authorities which is responsible for implementation of competition policy and law, including regulation against cartel, abuse of dominant position, or anticompetitive merger. In order to maximize the impact of the program, the Participating Organizations and participants are required to be engaged in some tasks. The below is the list of the main tasks;

- (1) **Country report submission as application document (during the Preliminary Phase in a participant's home country) and presentation after arrival in Japan:** The participants are strongly requested to finalize their country reports, including section 1 and 2, and submit them at the time of application. The participants are also requested to give their presentation based upon section 2 of their country report after their arrival in Japan.
- (2) **Active participation in lectures and discussions, and presentation of case study report (during the Core Phase in Japan):** All participants to this training program are expected to make contributions by actively engaged in lectures and discussions. They will be also required to make presentations on their case studies in the field of competition policy and/ or law at the end of the

program.

- (3) **Sharing the study report and submitting a final report** (during the Finalizing Phase in a participant's home country): The Participating Organizations and the participants are expected to share and examine the content of the study report with officials at participants' organizations. The results and follow up activities will be implemented, which will be compiled as a final report for submission to JICA Kansai via respective JICA offices.

11. Follow-up Cooperation by JICA:

In this program, JICA might extend follow-up support to participating organizations that intend to develop the result of the program further. Please note that the support shall be extended selectively based on proposals from the participating organizations.

III. Conditions and Procedures for Application

1. Expectations for the Participating Organizations:

- (1) This program is designed primarily for organizations that intend to address specific issues or problems identified in their operation. Participating organizations are expected to use the program for those specific purposes.
- (2) This program is enriched with contents and facilitation schemes specially developed in collaboration with relevant prominent organizations in Japan. These special features enable the program to meet specific requirements of applying organizations and effectively facilitate them toward solutions for the issues and problems.
- (3) As this program is designed to facilitate organizations to come up with concrete solutions for their issues, participating organizations are expected to make due preparation before dispatching their participants to Japan by carrying out the activities of the Preliminary Phase described in section II-10.
- (4) Participating organizations are also expected to make the best use of the results achieved by their participants in Japan by carrying out the activities of the Finalization Phase described in section II-10.

2. Nominee Qualifications:

Applying organizations are expected to select nominees who meet the following qualifications.

- (1) Current Duties: be either
 - a) government officials in charge of operations at competition authorities in countries with competition laws already in place; or
 - b) government officials in charge of drafting comprehensive competition laws, or competition advocacy in countries without comprehensive competition laws.
- (2) Have more than 5 years of experience in the relevant field
- (3) be nominated by their government in accordance with the procedures mentioned in Section III-4 below.
- (4) Educational Background: be a graduate of university or the equivalent.
- (5) English Language Skill: have sufficient command of spoken and written English.
 - * IMPORTANT: Please note that this program requires high English proficiency for active participation in discussions and presentation.
- (6) Must not be serving any form of military service.
- (7) Health: must be in good health, both physically and mentally, to participate in the program in Japan

***PREGNANCY :**

Pregnant participants are strictly requested to complete the required procedures and submit the necessary documents before departure in order to minimize the risk for their health. The procedures include;

- 1) letter of the participant's consent to bear economic and physical risks
- 2) letter of consent from the participant's supervisor
- 3) letter of consent from your Embassy in Japan,
- 4) medical certificate.

Please ask National Staffs in respective JICA office for the details.

***IMPORTANT REMARK FOR PARTICIPANTS WITH CHRONIC DISEASES:**

Applicants who suffer from chronic diseases, such as respiratory illness, cardiac disease, metabolic disease (diabetes, etc.), renal dysfunction and immune insufficiency (systemic steroid administration, etc.), shall NOT be accepted in principle for their security reasons. Please note that it would be extremely difficult to purchase appropriate medicines for this type of diseases and that medical care covered by JICA insurance (indicated in IV. Administrative Arrangements) does NOT cover the cost for any treatment for pre-existing chronic diseases.

In case the applicant and his/her organization recognize strong necessity for sending applicant with chronic disease, JICA might consider it as an exceptional case under the conditions as below:

- A) Submission of "the letter of consent" from applicant and his/her organization;
 - (i) that they will bear all responsibilities and expenses for any risks and problems arising from his/her participation in the program and
 - (ii) that the participant in question will bring all necessary medicines.
- B) Submission of "medical doctor's diagnosis and recommendation".

Please ask national staffs at JICA office for the details.

3. Required Documents for Application:

The following application documents should be submitted at the time of application

(1) Application Form: The Application Form is attached to this General Information.

(2) Country Report (Section 1 and 2): Each applicant should prepare a report in accordance with the items listed in the ANNEX. This country report should be typewritten and submitted together with the Application Form.

4. Procedure for Application and Selection:

(1) Submitting the Application Documents:

Application documents should be submitted through due administrative procedures in your government to JICA Office/ Embassy in your country as instructed, which will send them to JICA Kansai in Japan by **June 8, 2012**, final closing date.

Note: Please confirm the closing date set by the respective country's JICA office or Embassy of Japan of your country to meet the final date in Japan.

(2) Selection:

After receiving the document(s) through due administrative procedures in the respective government, the respective country's JICA office (or Embassy of Japan) shall conduct screenings, and send the documents to the JICA Kansai in charge in Japan, which organizes this project. Selection shall be made by the JICA Kansai in consultation with the organizations concerned in Japan based on submitted documents according to qualifications. The organization with intention to utilize the opportunity of this program will be highly valued in the selection.

(3) Notice of Acceptance:

Notification of results shall be made by the respective country's JICA office (or Embassy of Japan) to the respective Government by **not later than June 29, 2012**

5. Conditions for Attendance:

- (1) to follow the schedule of the program,
 - (2) not to change the program subjects or extend the period of stay in Japan,
 - (3) not to bring any members of their family,
 - (4) to return to their home countries at the end of the program in Japan according to the travel schedule designated by JICA,
 - (5) to refrain from engaging in political activities, or any form of employment for profit or gain,
 - (6) to observe Japanese laws and ordinances. If there is any violation of said laws and ordinances participants may be required to return part or all of the training expenditure depending on the severity of said violation.
 - (7) observe the rules and regulations of their place of accommodation and not to change the accommodation designated by JICA, and
 - (8) to participate the whole program including a preparatory phase prior to the program in Japan.
- Applying organizations, after receiving notice of acceptance for their nominees, are expected to carry out the actions described in section II -10.

IV. Administrative Arrangements

1. Organizer:

- (1) **Name:** JICA Kansai International Center
- (2) **Contact:** TERAKADO Masayo (Ms.) (Terakado.Masayo@jica.go.jp)

2. Implementing Partner:

- (1) **Name:** Japan Fair Trade Commission (JFTC)
- (2) **URL:** <http://www.jftc.go.jp/en/index.html>

3. Travel to Japan:

(1) **Air Ticket:** The cost of a round-trip ticket between an international airport designated by JICA and Japan will be borne by JICA.

(2) **Travel Insurance:** Term of Insurance: From arrival to departure in Japan. *The traveling time outside Japan shall not be covered.

4. **Accommodation in Japan:**

JICA will arrange the following accommodations for the participants in Japan:

JICA Kansai

Address: 1-5-2, Wakino-hama-kaigandori, Chuo-ku, Kobe, Hyogo 651-0073, Japan

TEL: 81-78-261-0341 FAX: 81-78-261-0342

where "81" is the country code for Japan, and "78" is the local area code)

If there is no vacancy at JICA Kansai, JICA will arrange alternative accommodations for the participants. Please refer to facility guide of JICA Kansai at its URL, <http://www.jica.go.jp/english/contact/domestic/index.html>.

Expenses:

The following expenses will be provided for the participants by JICA:

- (1) Allowances for accommodation, living expenses, outfit, and shipping;
- (2) Expenses for study tours (basically in the form of train tickets);
- (3) Free medical care for participants who become ill after arriving in Japan (costs related to pre-existing illness, pregnancy, or dental treatment are not included); and
- (4) Expenses for program implementation, including materials.

For more details, please see p. 9-16 of the brochure for participants titled "KENSU-IN GUIDE BOOK," which will be given to the selected participants before (or at the time of) the pre-departure orientation.

5. **Pre-departure Orientation:**

A pre-departure orientation will be held at the respective country's JICA office (or Embassy of Japan), to provide participants with details on travel to Japan, conditions of the workshop, and other matters.

6. **Other Information**

- (1) Participants who have successfully completed the program will be awarded a certificate by JICA.
- (2) For the promotion of mutual friendship, JICA Kansai encourages international exchange between JICA participants and local communities, including school and university students as a part of development education program. JICA participants are expected to contribute by attending such activities and will possibly be asked to make presentations on the society, economy and culture of their home country.
- (3) Participants are recommended to bring laptop computers for your convenience, if possible. During the program, participants are required to work on the computers, including preparation of Action Plans, etc. Most of the accommodations have internet access. Also, there is a computer room in JICA KANSAI where sixteen desk-top computers have the internet access.

(4) Allowances, such as for accommodation, living, clothing, and shipping, will be deposited to your temporary bank account in Japan after 2 to 5 days after your arrival to Japan. It is highly advised to bring some cash / traveler's check in order to spend necessary money for the first 2 to 5 days stays after your arrival.

(5) It is very important that your currency must be exchanged to Japanese Yen at any transit airport or Kansai Airport soon after your arrival. It is quite difficult to exchange money after that, due to no facility or time during the training program.

V. Other Information

The following is last year schedule for your reference only. (The schedule will be changed for this year)

Training on Competition Policy and Law Program in 2011

Training Program

Course (Group): COMPETITION POLICY AND LAW

Training period: SEPTEMBER 28 -OCTOBER 27, 2011

Date	Time	Type	Subject	Lecturer/Organization		Place to visit
				Name	Position & Organization	
28	WED		Arrival in Japan			
29	THU		Briefing		Briefing Unit, JICE	JICA Osaka
		15:30-16:15	Programme Orientation		Training Program Division, JICA	JICA Osaka
30	FRI	10:00-11:30	Japanese History and Culture			JICA Osaka
		13:15-15:15	L Japanese Economy			
		15:30-17:30	Japanese Government & Politics			
01	SAT		N (No Official Programme)			
2	SUN					
3	MON	10:00-10:20	L Course Orientation	Mr. Yamachi	Kinki-Chugoku-Shikoku Office, JFTC	JICA Osaka
		10:30-12:30	L History of Japanese Competition Law and Policy	Mr. Obata	Professor, University of Marketing and	
		13:30-16:00	L Outline of Japanese Antimonopoly Act	Ms. Maryama	Lecturer, Doshisha University	
		16:00-17:00	Flight Meeting (Bring your Passport)	Ms. Kizaki	KSA	
4	TUE	10:00-15:00	L Merger and Acquisition (M&A) (including Case Study)	Mr. Sato	Professor, Okayama University	JICA Osaka
		15:00-16:00	D Q&A, Discussion			
05	WED	01:00-15:00	L Unfair Trade Practices (including Case Study)	Mr. Takeda	Associate Professor, Osaka University	JICA Osaka
		15:00-16:00	D Q&A, Discussion			
6	THU	10:00-16:00	L Private Monopolization (including Case Study)	Ms. Baba	Associate Professor, Teikyo University	JICA Osaka
		15:00-16:00	D Q&A, Discussion			
7	FRI	10:00-16:00	L Horizontal Agreement	Mr. Ito	Lecturer, Suzuyama Jogakuen University	JICA Osaka
		15:00-16:00	D Q&A, Discussion			
8	SAT		N (No Official Programme)			
9	SUN					

Date	Time	Type	Subject	Lecturer or Organization		Place to visit	
				Name	Position & Organization		
10	MON		T	Move to Tokyo		Osaka-Kyoto-Tokyo	
11	TUE	10:00-16:00	T	Country Report Presentation (Outlines and Case Studies on Competition Law, Progress of Competition Law)	Ms. Wakabayashi	Professor, Komazawa University	Head Office, Japan Fair Trade
		16:00-16:30	T	Orientation on Case Study Presentation and Study Report	Mr. Katano	Assistant Director, International Affairs Division, JFTC	
12	WED	10:00-12:30	T	Organization and Training System of the JFTC	Mr. Hatton, Mr. Terui	Assistant Director, Personnel Division	Head Office, Japan Fair Trade
		13:30-16:00	T	Procedures & Techniques of Case Investigation	Mr. Tanaka	Assistant Director, Management and Planning Division	
13	THU	10:00-11:00	T	Case Initiation	Mr. Takagi	Investigator, Information Analysis Office	Head Office, Japan Fair Trade
		11:15-12:30	T	Lemency Program	Mr. Ishimoto	Investigator under Senior Officer for Lemency Program	
		13:30-16:00	T	Realities of Case Investigation (Comments on Actual Cases by a Investigator)	Mr. Kawaguchi	Investigator, Investigation Division V	
10-14	FRI	10:00-11:10	T	Hearing System and Procedures	Mr. Iyoshi	Assistant Director, Decision And Litigation Office	Head Office, Japan Fair Trade
		11:20-12:30	T	Advocacy & Coordination of Other Policies	Mr. Aoi	Assistant Director, Coordination Division	
		13:30-14:00	T	JFTC Tour	Mr. Obata	Assistant Director, International Affairs Division	
		14:15-16:30	T	Mock on-the-spot inspection	Mr. Yoshidome	Investigator, Investigation Division IV	
			N	(No Official Programme)			
17	MON	10:00-11:15	T	Procedure of Business Combination Review	Mr. Oizumi	Assistant Director, Mergers and Acquisitions Division	Head Office, Japan Fair Trade
		11:30-11:45	T	Realities of M&A Investigation	Mr. Ohara, Mr. Shigemura	Merger Investigator, Mergers and Acquisitions Division	
		15:00-16:00	T	Q&A, Discussion on M&A Investigation			
18	TUE	10:00-11:15	T	Trade Practice Surveys	Mr. Yamada	Assistant Director, Trade Practices Research Office	Head Office, Japan Fair Trade
		11:30-12:30	T	Activities to Prevent Violations	Mr. Honma	Deputy Director, Consultation and Guidance Office	
		13:30-14:00	T	International Activities of the JFTC	Mr. Obata	Assistant Director, International Affairs Division	
		14:15-16:30	T	Q & A Session	Mr. Obata	Assistant Director, International Affairs Division	
			N	(No Official Programme)			
19	WED	10:00-12:30	T	Investigation Techniques in Asian Developed Economies: KFTC	Mr. Junheon Lee	Deputy Director, Competition Policy Division, KFTC	Head Office, Japan Fair Trade
		13:30-16:00	T	Investigation Techniques in Asian Developed Economies: TFIC	Ms. Lieb-ling Wu	Section Chief for Section Department, TFIC	
20	THU	10:00-12:30	T	(ICN) Development of the ICN and its major work products, and the importance of the ICN activities to the	Ms. Maria Coppola	Counsel for International Antitrust, USFTC	Head Office, Japan Fair Trade
		13:30-16:00	T	Antitrust Law in the US	Ms. Maria Coppola	Counsel for International Antitrust, USFTC	
10-21	FRI		T	Enforcement of Competition Law in the US	Ms. Maria Coppola	Counsel for International Antitrust, USFTC	Head Office, Japan Fair Trade
22	SAI		T	Move to Osaka			Tokyo-Kyoto-Osaka
23	SUN		N	(No Official Programme)			
24	MON			Submission of JICA Questionnaire C			
		10:00-12:30	P	Preparation for Study Presentations			JICA Osaka
		13:30-16:00	P	Preparation for Study Presentations	Mr. Obata, Mr. Katano	Assistant Director, International Affairs Division	
25	TUE			Submission of Presentation Materials (PPT)			
		10:00-16:00	D	Study Presentations: 30min Presentation and 15min Q&A	Mr. Sato, Mr. Obata	Professor, Okayama University, International Affairs Division	JICA Osaka
26	WED	10:00-12:30	D	Study Presentations: 30min Presentation and 15min Q&A	Mr. Takeda, Mr. Obata	Associate Professor, Osaka University	JICA Osaka
		13:00-16:00		Evaluation Meeting / Closing Ceremony / Tea Party		JICA, JFTC, JICE	JICA Osaka
27	THU			Departure from Japan			

VI. ANNEX

COUNTRY REPORT FOR THE GROUP TRAINING COURSE ON COMPETITION POLICY AND LAW

— Competition Policy and/or Law of Your Country —

1. Please fill out "BASIC INFORMATION" and "SECTION 1".
2. Please prepare a presentation in line with "SECTION 2". Please read the guide in this Section carefully and prepare MS Power Point presentation material.
3. All documents including the "BASIC INFORMATION", "SECTION 1" and your presentation material based on "SECTION 2" should be submitted along with the Application Form at the time of application.
4. Example for completing these sections are provided at the end of the section

BASIC INFORMATION

* to be submitted at the time of application

1. Name of Applicant
2. Applicant's E-Mail Address and Fax Number (Note: Clearly Displayed and Legible)
3. Relationship Between Your Work [or Duty] and Competition Policy/Law

SECTION 1

* to be submitted at the time of application

1. Existing Comprehensive Competition Laws: YES / NO

2. For Applicants from countries with comprehensive competition laws

2-1 Name of Competition Law: _____

2-2 Year of enactment: ____

2-3 Information on Implementing Organization

(a) Name of Implementing Organization: _____

(b) Organizational Structure: _____

Budget: US\$_____ (Year: ____)

Number of Personnel: _____ (Year: ____)

NOTE: 1. Where possible please attach an organization chart.

(Please include the number of employees of each division)

2. Please provide web-site (in English, if any) address of Implementing Organization

http://www. _____

2-4 Brief description of the latest amendment of competition law (if any):

3. For Applicants from countries without comprehensive competition laws

(a) Competition-Related Law Name(s), Year(s) Enacted, and control subjects: _____

(b) Implementing Organization: _____

Note: Please provide web-site (in English, if any) address of Implementing Organization

http:// _____

(c) Is there any plan to enact a comprehensive competition law? If so, please give us the brief description and the expected schedule of its enactment. _____

4. Overview of Regulations

4-1 Abuse of Market-Dominant Position (Monopolization)

(a) Existing Regulations: YES / NO

(b) Brief description of penalty or relief on it: _____

(c) Brief description of regulation: _____

(d) Major Violation Cases in Recent Years: _____

4-2 Cartels (except bid-riggings)

(a) Existing Regulations: YES / NO

(b) Brief description of penalty or relief on it: _____

(c) Brief description of regulation: _____

(d) Major Violation Cases in Recent Years: _____

4-3 Bid-riggings

(a) Existing Regulations: YES / NO

(b) Brief description of penalty or relief on it: _____

(c) Brief description of regulation: _____

(d) Major Violation Cases in Recent Years: _____

4-4 Mergers and Acquisitions

(a) Existing Regulations: YES or NO

(b) Brief description of penalty or relief on it: _____

(c) Brief description of regulation: _____

(d) Major Violation Cases or Consultation Cases in Recent Years: _____

4-5 Unfair Trade Practices

(a) Existing Regulations: YES or NO

(b) Brief description of penalty or relief on it: _____

(c) Brief description of regulation: _____

(d) Major Violation Cases in Recent Years: _____

4-6 Other regulations

(a) Existing Regulations: YES or NO

(b) Brief description of penalty or relief on it: _____

(c) Brief description of regulation: _____

(d) Major Violation Cases in Recent Years: _____

5. Performance

5-1 Numbers of Cases Investigated

- (a) Abuse of Market-Dominant Position: _ Cases (Year: ____)
- (b) Cartels (including bid-riggings): __ Cases (Year: ____)
- (c) Unfair Trade Practices: __ Cases (Year: ____)
- (d) Mergers/Acquisition Notifications: __ Cases (Year: ____)
- (e) Other regulations: __ Cases (Year: ____)

5-2 Number of Legislative Measures

- (a) Abuse of Market-Dominant Position: _ Cases (Year: ____)
- (b) Cartels(including bid-riggings): __ Cases (Year: ____)
- (c) Unfair Trade Practices: _ Cases (Year: ____)
- (d) Mergers and Acquisitions _ Cases (Year: ____)
- (e) Other regulations: __ Cases (Year: ____)

6. Other Characteristics : (Relation to Administration for Consumer Protection)

GUIDE for SECTION 2

Section 2 of the country report should be submitted at the time of application and will be a material for your Country Report Presentation which you are going to give in this program in Japan. Each participant shall refer either of the following topics in his/ her presentation. Participants are recommended to make their presentation material using MS Power Point Format, in reference to the example provided at the end of the section.

a) For participants from countries with existing competition law:

- i) Outline of the competition law
- ii) The status of enforcement of the competition law including numbers of legislative measures in recent three (or more) years classified by the types of violation (such as abuse of market-dominant Position, cartel, bid-rigging, unfair trade practices, mergers and acquisitions)
- iii) Numbers of consultation cases including those concerning mergers and acquisitions in recent three (or more) years
- iv) Case Studies with regard to competition policy and law

b) For participants from countries now in the drafting process: Issues and Problems; date of the drafting process started / expected date of issuance and enforcement / system of the drafting process (person in charge, members, advices from overseas experts, etc) / regulations under discussion in the drafting process (outline, topic of discussion, etc) / issues interfering the drafting process.

EXAMPLE OF COUNTRY REPORT

ANNEX I

Sample Report (Japan's case)

COUNTRY REPORT FOR THE GROUP TRAINING COURSE ON
COMPETITION POLICY AND LAW
— Competition Policy and/or Law of Your Country —

BASIC INFORMATION

1. Name of Applicant

[Name], the International Affairs Division, Japan Fair Trade Commission

2. Applicant's E-Mail Address and Fax Number (Note: Clearly Displayed and Legible)

E-mail: xxxxxx@jftc.go.jp

Fax: +81-3-3581-1944

3. Relationship Between Your Work [or Duty] and Competition Policy/Law

The Japan Fair Trade Commission which I work for is in charge of enforcement of the Japanese competition law (AMA: Antimonopoly Act) and my duty is to operate the AMA as an investigator of competition cases such as Cartel and Private Monopolization.

SECTION 1

1. Existing Comprehensive Competition Laws: YES / NO

2. For Applicants from countries with comprehensive competition laws

2-1 Name of Competition Law: Antimonopoly Act (Act concerning Prohibition of Private Monopolization and Maintenance of Fair Trade)

2-2 Year of enactment: 1947

2-3 Information on Implementing Organization

(a) Name of Implementing Organization: Japan Fair Trade Commission (JFTC)

(b) Organizational Structure: Administrative committee comprising a chairman and four commissioners, and assisted by the General Secretariat. The JFTC is attached to the Cabinet Office and in charge of implementing the AMA.

Budget: US Million \$ 8,682 (Year: FY2008)

Number of Personnel: 795 members in secretariat (Year: FY2008)

NOTE: 1. Where possible please attach an organization chart.

(Please include the number of employees of each division)

2. Please provide web-site (in English, if any) address of Implementing Organization

http://www.jftc.go.jp/e-page/index.html

2-4 Brief description of the latest amendment of competition law (if any):

3. For Applicants from countries without comprehensive competition laws

(a) Competition-Related Law Name(s), Year(s) Enacted, and Control Subjects: _____

(b) Implementing Organization: _____

Note: Please provide web-site (in English, if any) address of Implementing Organization

http:// _____

(c) Is there any plan to enact a comprehensive competition law? If so, please give us the brief description and the expected schedule of its enactment. _____

4. Overview of Regulations

4-1 Abuse of Market-Dominant Position(Monopolization)

(a) Existing Regulations: YES / NO

(b) Brief description of penalty or relief on it:

- Cease and desist order by JFTC

- Surcharge payment order by JFTC

In case of "control" type of "private monopolization" (mentioned below (c)) affecting price, JFTC is obliged to order the violator to pay a surcharge to the National Treasury. The amount of surcharge to be paid is calculated by multiplying the sale price of the relevant goods or services by up to 10%.

(c) Brief description of regulation:

In Japan, article 3 of the AMA regulates "private monopolization" which is defined as such business activities, by which any entrepreneur, individually or by combination or conspiracy with other entrepreneurs, or by in any other manner, excludes or controls the business activities of other entrepreneurs, thereby causing, contrary to the public interest, a substantial restraint of competition in any particular field of trade.

Note: the regulation on abuse of dominant position is to control against entrepreneurs' practice in order to creates, maintains and reinforces their market power through such

conducts as "Exclusion" or "Control". Please note that monopolistic market situation itself does not constitute violation of the Antimonopoly Act. With regard to the interpretation of Market-Dominant position, the JFTC does not employ any concrete numerical criteria such as market share.

(d) Major Violation Cases in Recent Years:

- Cease and Desist Order against exclusion of rival by Japanese Society for Rights of Authors, Composers and Publishers.

In this case, the Society excluded new entrants by adopting a method where the percentage of use for broadcasting, etc. is not reflected in the royalties. This makes the total amount of royalties for broadcasting, etc. paid by such broadcasters increase by the amount paid to other management business operators if such broadcasters also pay them the royalties for broadcasting, etc.

4-2 Cartels (except bid-riggings)

(a) Existing Regulations: YES / NO

(b) Brief description of penalty or relief on it:

(i) Criminal penalty

- On natural persons: imprisonment up to 3 years or fine up to ¥5 million (Articles 89(1)1, 89(1)2 and 95 of AMA)

- On judicial persons: fine up to ¥500 million

(ii) Administrative procedure

- Cease and desist order by JFTC

- Surcharge payment order by JFTC:

The amount of surcharge to be paid is calculated by multiplying the sale price of the relevant goods or services by up to 10%.

(c) Brief description of regulation:

Article 3 of AMA prohibits "unreasonable restraint of trade" which is defined as such business activities, by which any entrepreneur, in concert with other entrepreneurs, mutually restrict or conduct their business activities in such a manner as to fix prices etc., contrary to the public interest, a substantial restraint of competition in any particular field of trade.

It may include price cartels, supply cartels, market-dividing cartels, bid rigging, standard-setting or product-type-limiting cartels, etc.

(d) Major Violation Cases in Recent Years:

- Criminal accusation on price-fixing cartels over galvanized steel sheets by steel sheets producers as a result of criminal investigation (November 2008)
- Cease and desist order and surcharge payment order on price-cartel of TFT liquid crystal display module for "Nintendo DS" and "Nintendo DS Lite (December 2008)

4-3 Bid-riggings

(a) Existing Regulations: YES / NO

(b) Brief description of penalty or relief on it: (Same as 4-2 above)

(c) Brief description of regulation: (Same as 4-2 above)

(d) Major Violation Cases in Recent Years:

- Cease and desist order and surcharge payment order against bid-riggings by electric companies in the biddings for electric facilities procured by Sapporo city, and demand to the mayor of Sapporo city for improvement measures against involvement of the said bid-riggings by officials of the City (October 2008). In this case, based on the leniency program, Toshiba received 100% immunity of surcharge, and Hitachi and Mitsubishi received 30% reduction of surcharge.

4-4 Mergers and Acquisitions

(a) Existing Regulations: YES or NO

(b) Brief description of penalty or relief on it:

- Cease and desist order by JFTC which may include demerger.

(c) Brief description of regulation:

AMA prohibits business combinations including mergers, shareholdings, demergers, interlocking directorates, acquisition of business etc. which may be substantially to restrain competition in any particular field of trade.

In cases of mergers, demergers, and business acquisitions which involve a substantial size of business (in total assets), the party must notify the JFTC ex-ante. In the case of a certain size of acquisitions and holding of stock, an ex-post notification has to be submitted to the JFTC by the acquiring, or holding, party.

(d) Major Violation Cases or Consultation Cases in Recent Years:

➤ Violation Cases:

There was no violation case for over a decade.

➤ Consultation Cases:

- Merger between Mitsubishi Pharma Corporation and Tanabe Seiyaku Co., Ltd. (F.Y. 2007)

This case concerns the planned merger between Mitsubishi Pharma Corporation and Tanabe Seiyaku Co., Ltd., both of which engage in manufacturing and selling pharmaceutical products for medical use. JFTC has judged that the act in question substantially restrain competition in no particular field of trade provided that the action suggested by the companies concerned (transfer of the manufacturing approval from the Minister of Health, Labour and Welfare for all specified systemic hemostatic drugs manufactured and sold by Mitsubishi Pharma to a third-party pharmaceutical company) is definitely carried out.

4-5 Unfair Trade Practices

(a) Existing Regulations: YES or NO

(b) Brief description of penalty or relief on it:

- Cease and desist order by JFTC

- Injunctive remedy by civil court

(c) Brief description of regulation:

Article 19 of the AMA prohibits the unfair trade practices by entrepreneurs including group boycott, unilateral refusal to deal, predatory pricing, discriminatory treatment on transaction terms such as prices, misleading representation, exclusive dealing, tying, resale price maintenance, abuse of dominant bargaining position, interference with a competitor's transaction etc.

(d) Major Violation Cases in Recent Years:

4-6 Other regulations

(a) Existing Regulations: YES or NO

(b) Brief description of penalty or relief on it: _____

(c) Brief description of regulation: _____

(d) Major Violation Cases in Recent Years: _____

5. Performance

5-1 Numbers of Cases Investigated

(a) Abuse of Market-Dominant Position: ___ Cases (FY 2008)(*nonpublic)

(b) Cartels (including bid-riggings): ___ Cases (FY 2008)(*nonpublic)

(c) Unfair Trade Practices: ___ Cases (FY 2008)(*nonpublic)

(d) Mergers/Acquisitions Notifications: 1284 Cases (FY 2007)

(e) Other regulations: ___ Cases (Year: ___)

5-2 Number of Legislative Measures

(a) Abuse of Market-Dominant Position: 1 Cases (FY 2008)

(b) Cartels (including bid-riggings): 11 Cases (FY 2008)

(c) Unfair Trade Practices: 5 Cases (FY 2008)

(d) Mergers and Acquisitions 0 Cases (FY 2008)

(e) Other regulations: Cases (Year:)

6. Other Characteristics (Relation to Administration for Consumer Protection)

The JFTC is involved in consumer policy through implementation of the Act against Unjustifiable Premiums and Misleading Representations.

For Your Reference

JICA and Capacity Development

The key concept underpinning JICA operations since its establishment in 1974 has been the conviction that “capacity development” is central to the socioeconomic development of any country, regardless of the specific operational scheme one may be undertaking, i.e. expert assignments, development projects, development study projects, training programs, JOCV programs, etc.

Within this wide range of programs, Training Programs have long occupied an important place in JICA operations. Conducted in Japan, they provide partner countries with opportunities to acquire practical knowledge accumulated in Japanese society. Participants dispatched by partner countries might find useful knowledge and re-create their own knowledge for enhancement of their own capacity or that of the organization and society to which they belong.

About 460 pre-organized programs cover a wide range of professional fields, ranging from education, health, infrastructure, energy, trade and finance, to agriculture, rural development, gender mainstreaming, and environmental protection. A variety of programs and are being customized to address the specific needs of different target organizations, such as policy-making organizations, service provision organizations, as well as research and academic institutions. Some programs are organized to target a certain group of countries with similar developmental challenges.

Japanese Development Experience

Japan was the first non-Western country to successfully modernize its society and industrialize its economy. At the core of this process, which started more than 140 years ago, was the “*adopt and adapt*” concept by which a wide range of appropriate skills and knowledge have been imported from developed countries; these skills and knowledge have been adapted and/or improved using local skills, knowledge and initiatives. They finally became internalized in Japanese society to suit its local needs and conditions.

From engineering technology to production management methods, most of the know-how that has enabled Japan to become what it is today has emanated from this “*adoption and adaptation*” process, which, of course, has been accompanied by countless failures and errors behind the success stories. We presume that such experiences, both successful and unsuccessful, will be useful to our partners who are trying to address the challenges currently faced by developing countries.

However, it is rather challenging to share with our partners this whole body of Japan's developmental experience. This difficulty has to do, in part, with the challenge of explaining a body of “tacit knowledge,” a type of knowledge that cannot fully be expressed in words or numbers. Adding to this difficulty are the social and cultural systems of Japan that vastly differ from those of other Western industrialized countries, and hence still remain unfamiliar to many partner countries. Simply stated, coming to Japan might be one way of overcoming such a cultural gap.

JICA, therefore, would like to invite as many leaders of partner countries as possible to come and visit us, to mingle with the Japanese people, and witness the advantages as well as the disadvantages of Japanese systems, so that integration of their findings might help them reach their developmental objectives.



CORRESPONDENCE

For enquiries and further information, please contact the JICA office or the Embassy of Japan. Further, address correspondence to:

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