

Rules on Investigation of Criminal Cases by the Fair Trade Commission

(Fair Trade Commission Rule No. 6 of October 19, 2005)

Pursuant to the provisions of paragraph (1) of Article 76 of the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade (Act No. 54 of 1947), the Rules on Investigation of Criminal Cases by the Fair Trade Commission are provided as follows.

(Purpose of the Rules)

Article 1 Procedures for investigations of criminal cases (meaning the cases pertaining to the crimes from Article 89 through Article 91 of the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade (hereinafter referred to as the "Act"), the same shall apply hereinafter) that are conducted by officials (hereinafter referred to as the "Criminal Investigators") designated by the Fair Trade Commission (hereinafter referred to as the "Commission"), as provided for in paragraph (1) of Article 101 of the Act, shall be pursuant to the provisions of the Rules in addition to as provided for by the Act.

(Designation of Criminal Investigators)

Article 2 The Commission's designation, provided for in paragraph (1) of Article 101 of the Act, shall only be given to staff members of the General Secretariat's Criminal Investigation Department at the Investigation Bureau.

(Identification)

Article 3 The format of the identification cards that indicate the staff members' identities pursuant to Article 106 of the Act shall be as shown in the appended form.

(Start of Investigation in a Criminal Case)

Article 4 (1) The Director General of the Investigation Bureau at the General Secretariat shall report to the Commission when the Director General has discovered a fact that constitutes a clue to a criminal case.

(2) The report set forth in the preceding paragraph shall clarify the following items to the extent that it is possible to do so.

- (i) The clue
- (ii) An outline of the fact
- (iii) The relevant provisions of the law

- (3) When the Commission finds it to be necessary with regard to a case set forth in paragraph (1), it shall let the Criminal Investigators investigate the case.
- (4) When an investigator believes that a fact that the investigator e has discovered in a case for which a disposition was rendered pursuant of Article 47, paragraph (1) of the Act based on the provisions of paragraph (2) of the same Article constitutes a clue to a criminal case, the investigator shall not report said fact directly to the Criminal Investigators, but shall immediately report to the Director General of the Investigation Bureau to receive instructions therefrom.

(Particulars to Report After the Close of an Investigation)

Article 5 In giving a report pursuant to the provisions of Article 115 of the Act, the following particulars shall be clarified.

- (i) Clues
- (ii) The progression of the investigation
- (iii) An outline of the facts
- (iv) The relevant provisions of the law
- (v) Opinions of the criminal investigators.

Supplementary Provisions

These rules shall come into effect as of the day of enforcement of the Act Partially Revising the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade (Act No. 35 of 2005) (January 4, 2006).