

# Cabinet Order on Expenses, etc. for Hearings by the Japan Fair Trade Commission

(Cabinet Order No. 332 of November 9, 1948)

The Cabinet hereby enacts the Cabinet Order on Expenses, etc. for Hearings by the Japan Fair Trade Commission based on the provisions of Articles 70 and 75 of the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade (Act No. 54 of 1947).

## (Travel Expenses)

Article 1 (1) The travel expenses which a witness or an expert witness may claim pursuant to the provisions of Article 75 of the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade (hereinafter referred to as the "Act") are to be of four types, these being train fares, boat fares, distance fees, and air fares; train fares are paid for travel by land in areas where rail transport service is available, boat fares are paid for travel by waterway in areas where ship transport service is available, distance fees are paid for travel by land for areas where no rail transport service is available or for travel by waterway in areas where no ship transport service is available, and air fares are paid for travel by air in cases where there are special reasons for which aircraft should be used.

(2) Train fares and boat fares are to be calculated based on the passenger fare for the travel route (including lighterage or pier fees, and in the case of travel by rail transport or water transport where the fare varies by grade, when the fare has three grades, to be the fare for the middle or the lowest grade, whichever the Japan Fair Trade Commission finds reasonable, and if the fare has two grades, to be the fare for whichever grade the Japan Fair Trade Commission finds reasonable), express fare (for travel of 100 kilometers or more for one way in an area where a special express train is operated, to be the special express fare, and for travel of 50 kilometers or more for one way in an area where an ordinary express train or a local express train is operated, to be the ordinary express fare or the local express fare), and special vehicle charge and special cabin charge or reserved-seat charge (limited to a reserved-seat charge for travel of 100 kilometers or more for one way in an area where an ordinary express train that charges a reserved-seat charge is operated or for travel in an area where a ship that charges a reserved-seat charge is operated) which the Japan Fair Trade Commission finds reasonable, according to the distance of the traveled section; distance fees are to be calculated based on the amount which the Japan Fair Trade Commission finds reasonable not exceeding 37 yen

per kilometer; and air fares are to be calculated based on the passenger fare that is actually paid.

- (3) If the actual travel expenses cannot be fully covered by a distance fee in the amount specified in the preceding paragraph due to a natural disaster or other unavoidable circumstances, the distance fee are to be paid in an amount not exceeding the actual costs, notwithstanding the provisions of that paragraph.

#### (Allowances)

Article 2 (1) The allowances which a witness or expert witness may claim pursuant to the provisions of Article 75 of the Act are to be a daily allowance, accommodation fee, and special allowance.

- (2) The daily allowance is to be paid in accordance with the number of days required to make an appearance or give an expert opinion, or to travel for these purposes (hereinafter referred to as "making an appearance, etc."), and the amount of the daily allowance is to be the amount which the Japan Fair Trade Commission finds reasonable not exceeding 8,000 yen per day in the case of a witness and not exceeding 7,600 yen per day in the case of an expert witness.

- (3) The accommodation fee is to be paid according to the number of overnight stays required for making an appearance, etc., and the amount of the accommodation fee is to be the amount which the Japan Fair Trade Commission finds reasonable, not exceeding 8,700 yen per night where the place of stay is in Area A specified in the Appended Table 1 of the Act on Travel Expenses of National Public Officers, etc. (Act No. 114 of 1950) and not exceeding 7,800 yen per night where the place of stay is in Area B specified in the Table.

- (4) The special allowance is to be paid to an expert witness when special skills or expenses or long hours are required to give an expert opinion, and the amount of the special allowance is to be the amount deemed to be reasonable by the Japan Fair Trade Commission.

#### (Calculation of Travel Expenses)

Article 3 The number of days of travel to be used in the calculation of the traveling expenses (excluding air fare), daily allowance, and accommodation fee are calculated based on travel by the most economical, ordinary route and method; provided, however, that when it is difficult to travel by the most economical, ordinary route or method due to a natural disaster or other unavoidable circumstances, the number of days of travel are calculated based on the actually used route and method.

#### (Procedure for Claiming Travel Expenses and Allowances)

Article 4 A witness must claim travel expenses and allowances within thirty

days of making the appearance, and an expert witness must claim them within thirty days of giving the expert opinion.