

## Processing status of the enforcement of the Antimonopoly Law

### (1) Processing status in FY2006 (from April to December, 2006) (6 cease and desist orders and 1 surcharge payment order (Note))

Type of violation	Number of cases	Typical case	Outline of the case
Bid rigging	1	Case of bid rigging for tunnel ventilation construction procured by the former Metropolitan Expressway Public Corporation (issued a surcharge payment order in September 2006)	The bid participants, in collusion with each other, preliminarily decided the winner and cooperated with the prearranged winner to ensure that it would win the bid for tunnel ventilation construction at the Metropolitan Expressway Outer Circular Route Shinjuku Line procured by the former Metropolitan Expressway Public Corporation by means of general competitive bidding.
Price cartel	3	Case of a price cartel by polyvinyl chloride flooring and tile carpet manufacturing/sales companies (issued cease and desist orders in May 2006)	The manufacture/sales companies set the minimum selling prices of commodity-type polyvinyl chloride flooring, 2.8 millimeter thick composite polyvinyl chloride flooring, and commodity-type tile carpet, and agreed to maintain the prices already offered in response to inquiries.
Unjust low price sales	1	Case of unjust low price sales of oil products by an oil products retail distributor (issued a cease and desist order in May 2006)	The oil products retail distributor continually sold regular gasoline at filling stations located in the Tanabe Area in Wakayama Prefecture at a lower price than the purchase price or the price including the purchase price and sales charges, and created the possibility of difficulties for retail distributors of other oil products who had filling stations in the same area in conducting their business activities.
Resale price restrictions	1	Case of retail price restrictions on herbicides by a herbicide manufacturer/sales company (issued a cease and desist order in May 2006)	The herbicide manufacturer/sales company requested the retail distributors to sell its herbicide at the manufacturer's suggested retail price by implying that otherwise there would be a disruption in supply. The company stopped or reduced supplies to retail distributors who did not accept their request and forced them to sell at the suggested retail price.
Abuse of a dominant bargaining position	1	Case of the abuse of a dominant bargaining position in relation to suppliers by a large-scale retail distributor (issued a cease and desist order in October 2006)	The large-scale retail distributor imposed on its suppliers forceful sales activities such as giving gifts, dispatching of employees to the opening of its new stores, and financial contributions.

(Note) No cease and desist order was issued.

### (2) Processing status in FY2005 (17 recommendations and 2 cease and desist orders)

Type of violation	Number of cases	Typical case	Outline of the case
Bid rigging	13	Case of bid rigging for the construction of the upper part of steel bridges procured by the Government of Japan and the Japan Highway Public Corporation (issued recommendations in September 2005, issued recommendation decisions to 40 companies in November 2005, and initiated hearings in relation to five companies in November 2005)	The bid participants, in collusion, preliminarily decided the winner and cooperated with the prearranged winner for it to win the bid for construction of the upper part of steel bridges procured by the Government of Japan and the Japan Highway Public Corporation by means of competitive bidding.
Price cartel	4	Case of a price cartel established by aluminum foil manufacturers (issued a recommendation decision in December 2005)	The manufacturers decided to raise the delivery price of plain foil and PTP processed foil to the users.
Abuse of a dominant bargaining position	2	Case of the abuse of a dominant bargaining position by a bank (issued a recommendation decision in December 2005)	The bank offered to conduct interest swap transactions for its finance-related clients in the process of financing. The bank coerced the clients into purchasing interest swaps by expressing clearly or implying that the purchase of an interest swap was a prerequisite for financing or that the financing would be treated unfavorably if there was no purchase of an interest swap.