



**Asia-Pacific
Economic Cooperation**

2013/SOM1/CPLG/013

Agenda Item: 7

Towards more Effective and Efficient Cooperation in Merger Review - Framework for Merger Review Cooperation

Purpose: Information

Submitted by: Japan



**Competition Policy and Law Group Meeting
Jakarta, Indonesia
3-4 February 2013**




公正取引委員会
Japan Fair Trade Commission

Towards more effective and efficient cooperation in merger review -Framework for Merger Review Cooperation-

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*February 3rd, 2013
CPLG Annual Meeting
Jakarta, Indonesia*

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JFTC's Experience – International Merger Cases  公正取引委員会
Japan Fair Trade Commission

□ Cases

- Acquisition of Sanyo Electric by Panasonic
(2009)
- Proposed joint venture for iron ore
production between BHP Billiton and Rio
Tinto
(2010)
- Two M&As in Hard Disc Drives
(2011)

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JFTC's Experience – International Merger Cases 公正取引委員会 Japan Fair Trade Commission

◆ We have learned from these cases:

- Formal and informal relationships among competition agencies are very important in merger review.
- However, information exchanges are still taking place only on an ad hoc basis.



It is critical to establish some kind of framework within the ICN for exchanging information on specific merger cases in a more timely and efficient way.

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ICN Framework for Merger Review Cooperation 公正取引委員会 Japan Fair Trade Commission

□ Key points of the framework

- Purpose of the framework
 - Facilitate effective and efficient cooperation between and among ICN member agencies
- Participation in the framework
 - Open to all ICN member agencies responsible for reviewing mergers
 - Framework is non-binding
 - Does not create any legally binding rights or obligations

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□ Key points of the framework – cont'd

- Framework contacts
 - ICN members are invited to fill in and submit a simple information form
 - The JFTC has created and maintained a contact list of liaison officers and made it available to the participating ICN members
- Contacting relevant agencies and exchanges of information
 - Agencies may take steps to promote effective and efficient cooperation depending on the cases
 - Further guidance may be developed by the MWG

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□ Current status

- 51 member agencies have joined the Framework
(As of February 3)
- A survey on the use of the Framework has been conducted.
- The JFTC, in collaboration with the Co-Chairs of the MWG, will assess the results of the survey and, as appropriate, make a brief report based on the results at the next ICN annual conference in Warsaw

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*Thank you very much
for your attention!!*



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The mascot character of the
JFTC named "Dokkin"