



# Knowledge Co-Creation Program (Group & Region Focus)

GENERAL INFORMATION ON

## COMPETITION LAW AND POLICY

-Laying the Foundation for Investment Promotion-

課題別研修「競争法・政策-投資を促進するための基盤づくり-」

**JFY 2018**

NO. J1804340 / ID. 1884620

Course Period in Japan: From July 22, 2018 to August 4, 2018

This information pertains to one of the JICA Knowledge Co-Creation Programs (Group & Region Focus) 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.

‘JICA Knowledge Co-Creation (KCC) Program’ as a New Start

In the Development Cooperation Charter which was released from the Japanese Cabinet in February 2015, it is clearly pointed out that *“In its development cooperation, Japan has maintained the spirit of jointly creating things that suit partner countries while respecting ownership, intentions and intrinsic characteristics of the country concerned based on a field-oriented approach through dialogue and collaboration. It has also maintained the approach of building reciprocal relationships with developing countries in which both sides learn from each other and grow and develop together.”* We believe that this ‘Knowledge Co-Creation Program’ will serve as a center of mutual learning process.

# **I. Concept**

## **Background**

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

When a country introduces a competition law to its economy, the organization in charge is likely to face the challenges in building of its own capacity, such as how to detect, investigate, and remedy the anticompetitive conducts. It is especially evident for the country with a new law (or in the process of drafting one), as a successful enforcement of a competition law relays not only the theoretical knowledge, but also the practical understanding and buildup of an experience in its application.

As countries introducing a competition law increased, many have shown their strong interests in learning from Japan's 70 year experience in implementing competition law and policy. Responding to those needs from the countries which have newly introduced (or plans to introduce) a competition law, JICA formulated this Knowledge Co-Creation Program together with the Japan Fair Trade Commission (JFTC).

## **For what?**

This course aims to contribute to (1) effective implementation of competition law, (2) review of the existing competition law and policy, and/or (3) drafting a new competition law or amendments of the existing competition law. By providing an opportunity to obtain the knowledge and expertise on the implementation of competition law and policy in Japan, this program further seeks to promote fair and competitive environments in the participating countries.

## **For whom?**

This program is offered to mid-level governmental officials of competition related authorities and other authorities responsible for regulating anti-competitive activities. This program aims to empower the core personnel who implements competition law and policy in participating countries.

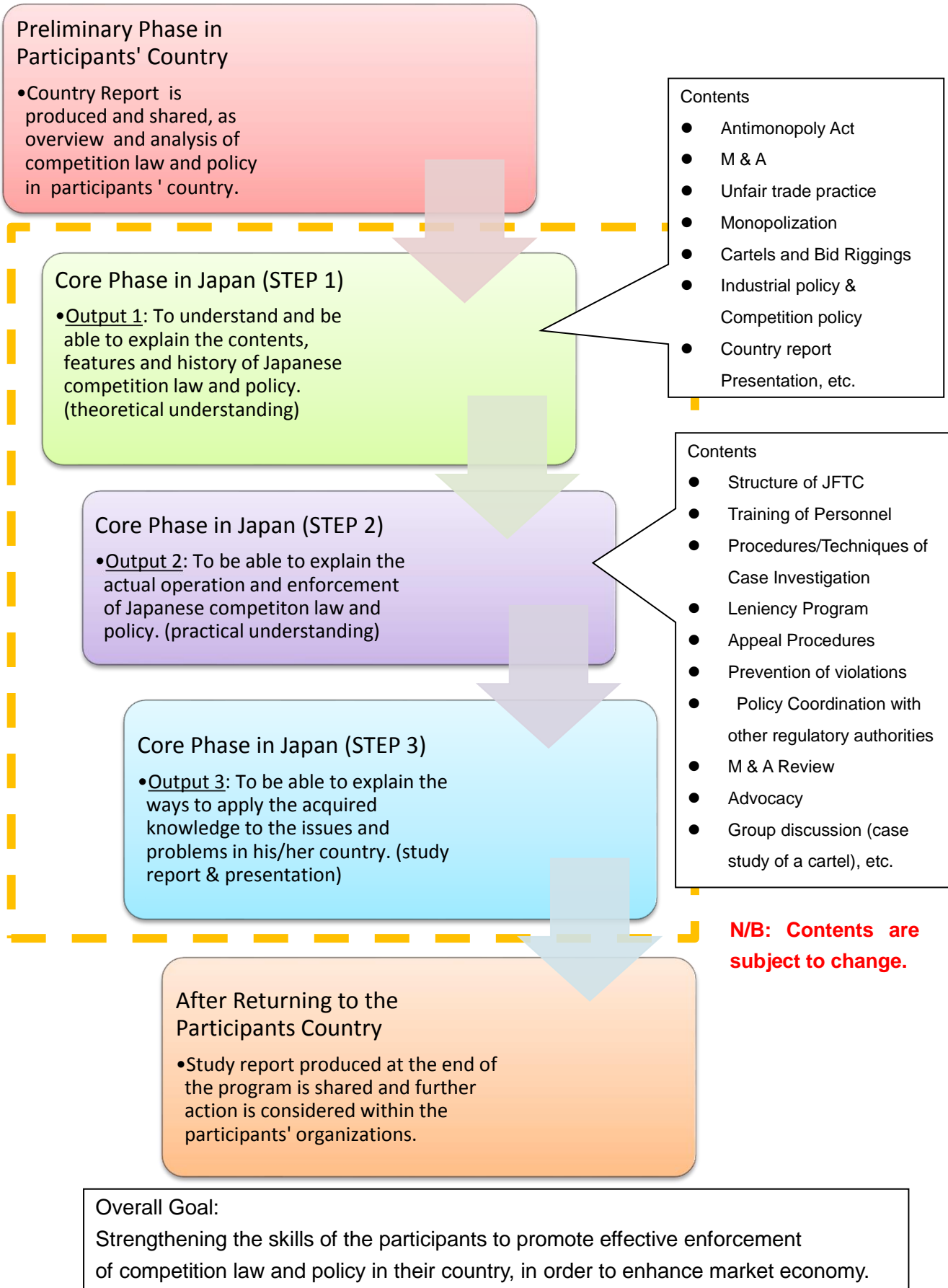
## **How?**

Participants shall have opportunities to learn competition law and policy in Japan and experience in investigating actual violation cases from both theoretical and practical perspectives. Participants will have opportunities to gain knowledge on the latest issues and discussion in the field of competition policy as well. The experience and knowledge obtained through this program are expected to contribute to the development of competition law and policy in their respective countries.

## ***II. Description***

- 1. Title (J-No.): Competition Law and Policy –Laying the Foundation for Investment Promotion– (J1804340)**
- 2. Course Period in JAPAN**  
July 22, 2018 to August 4, 2018
- 3. Target Regions or Countries**  
Former Yugoslav Republic of Macedonia, Ghana, Indonesia, Kenya, Mongolia, Montenegro, Morocco, Philippines, Serbia, Uzbekistan, and Zimbabwe
- 4. Eligible / Target Organization**  
This program is designed for governmental organization in charge of implementing competition law and policy, or governmental organization in charge of drafting comprehensive competition laws.
- 5. Course Capacity (Upper limit of Participants)**  
11 participants
- 6. Language to be used in this program:** English
- 7. Course Objective**  
By the end of the program, the participants are expected to:  
1) enhance their knowledge on competition law and policy of Japan and other countries, and 2) consider how to promote effective enforcement of competition law and policy.
- 8. Overall Goal**  
Strengthening skills of the participants to promote effective enforcement of competition law and policy in their countries in order to enhance market economy.

## 9. Expected Module Output:



### <Required Tasks >

This program is designed primarily for competition authorities, responsible for implementing competition law and policy, such as regulation against cartel, abuse of dominant position, or anticompetitive merger. In order to maximize the impact of the program, the participants and their organizations are required to complete several tasks as listed below.

(1) **Submission of the country report**

All the participants are requested to submit their country reports at the time of application.

(2) **Active participation in lectures and discussions:**

All the participants to this KCC program are expected actively engage in lectures and its discussions.

(3) **Sharing of the study report:**

Participants are expected to submit a study report by the end of the program. After returning to their country, the participants are expected to share their reports with their organizations to make use of the acquired knowledge.

## ***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 utilize 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.

### **2. Nominee Qualifications:**

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

**(1) Essential 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) Experience in the relevant field: have more than 5 years' experience in the above mentioned field.
- 3) Educational Background: be a graduate of university or the equivalent.

- 4) Language: have a competent command of spoken and written English which is equal to TOEFL iBT 100 or more (This program includes active participation in discussions, which requires high competence of English ability. Attach an official certificate for English ability such as TOEFL, TOEIC etc, if possible.) The country report will also be used to determine the language proficiency of applicant.
- 5) Health: must be in good health, both physically and mentally, to participate in the program in Japan. Pregnant applicants are not recommended to apply due to the potential risk of health and life issues of mother and fetus.

**(2) Recommendable Qualifications:**

- 1) Age: between the ages of twenty-five (25) and forty-five (45) years

**3. Required Documents for Application:**

- (1) **Application Form:** The Application Form is available at **the JICA office (or the Embassy of Japan)**.
- (2) **Photocopy of passport:** to be submitted with the Application Form, if you possess your passport which you will carry when entering Japan for this program. If not, you are requested to submit its photocopy as soon as you obtain it.  
\*Photocopy should include the followings:  
Name, Date of birth, Nationality, Sex, Passport number and Expiry date.
- (3) **Nominee's English Score Sheet (photocopy):** to be submitted with the Application Form, if you have any official documentation of English ability (e.g., TOEFL, TOEIC, IELTS).
- (4) **Country Report:** to be submitted **with the Application Form**. Fill in **ANNEX** of this General Information. For the accepted participants, additional request of documents will be sent after the notice of acceptance.

**4. Procedures for Application and Selection :**

**(1) Submission of the Application Documents:**

Closing date for applications: **Please inquire to the JICA office (or the Embassy of Japan)**.

(After receiving applications, the JICA office (or the Embassy of Japan) will send them to **the JICA Center in JAPAN by June 22, 2018**)

**(2) Selection:**

After receiving the documents through proper channels from your government, the JICA office (or the Embassy of Japan) will conduct screenings, and then forward the documents to the JICA Center in Japan. Selection will be made by the JICA Center in consultation with concerned organizations in Japan. *The applying organization with the best intention to utilize the opportunity of this program will be highly valued in the selection.* Qualifications of applicants who belong to the military or other military-related organizations and/or who are enlisted in the military will be examined by the Government of Japan on a case-by-case basis,

consistent with the Development Cooperation Charter of Japan, taking into consideration their duties, positions in the organization, and other relevant information in a comprehensive manner.

**(3) Notice of Acceptance:**

Notification of results will be made by the JICA office (or the Embassy of Japan) **not later than June 29, 2018**.

**5. Conditions for Attendance:**

- (1) to strictly adhere to the program schedule,
- (2) not to change the program topics,
- (3) not to extend the period of stay in Japan,
- (4) not to be accompanied by family members during the program,
- (5) to return to home countries at the end of the program in accordance with the travel schedule designated by JICA,
- (6) to refrain from engaging in any political activities, or any form of employment for profit or gain,
- (7) 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 program expenditure depending on the severity of said violation, and
- (8) to observe the rules and regulations of the accommodation and not to change the accommodation designated by JICA.

## IV. Administrative Arrangements

### 1. Organizer:

(1) **Name:** JICA Kansai

(2) **Contact:** Mr. Minori Gunji

(Gunji.Minori.2@jica.go.jp and jicaksic-unit@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:** Coverage is from time of arrival up to departure in Japan. Thus, traveling time outside Japan will not be covered.

### 4. Accommodation in Japan:

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

JICA Tokyo International Center

Address: 49-5, Nishihara 2 chome, Shibuya-ku, Tokyo 151-0066, Japan

TEL: 81-3-3485-7051 FAX: 81-3-3485-7904

(where "81" is the country code for Japan, and "3" is the local area code)

### 5. Expenses:

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

(1) Allowances for accommodation, meals, 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 "III. ALLOWANCES" of the brochure for participants titled "KENSU-IN GUIDE BOOK," which will be given before departure for Japan.

### 6. 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 participation in the program, and other matters.



## V. Other Information

1. Participants who have successfully completed the program will be awarded a certificate by JICA.

Participants are recommended to bring laptop computers for their convenience. During the program, participants are required to work on the computers, including preparation of study report and final presentation, etc. Most of the accommodations will have internet access.

2. Allowances, such as for accommodation, living, clothing, and shipping, will be deposited to your temporary bank account (opened by JICA) 2 to 5 days after your arrival in Japan. It is highly advised to bring some cash in order to cover necessary expense for this period.
3. It is very important that some of your currency must be exchanged to Japanese Yen at any transit airport or International Airport (Narita or Haneda) in Tokyo, Japan soon after your arrival. It is quite difficult to exchange money after that, due to limited availability of facility or time during the program.
4. Most of the accommodations and conference room will have internet access. However, please note that the conference room in JFTC does not have internet access (Wi-fi) for security reasons.

## **VI. ANNEX:**

### ***Instruction for Preparation of the Country Report***

You are requested to prepare the country report on the following format (Microsoft Word) and **submit it to JICA as an attachment to the application form.**

The Country Report consists of the following two parts.

In Section 1: Basic Information, you will describe about your work in relation to competition law and policy.

In Section 2: Country Report, you will summarize the current situation of the competition law and policy in your country.

The given format is prepared for reasons below;

1. The report will be used to evaluate your general knowledge in this area of study and to determine your acceptance as one of participants (screening).
2. Because the participants of this course will gather from different countries, they will have different background knowledge and understanding of competition law. Therefore, use of standardized format by all participants will be necessary for ease of doing comparative study.
3. Your country reports submitted will be compiled in booklet and shared with Japanese lecturers and specialists, who are cooperating with this course. It will be vital information in designing and facilitating the group discussion.

At the beginning of the program, each country will be making a brief presentation. Detailed instruction about the preparation of the Power Point presentation will be informed at the time of the Notice of Acceptance.

**Country Report for the JICA's Knowledge Co-Creation Program  
 "Competition Law and Policy –Laying Foundation for  
 Investment Promotion-" (J1804340)**

Name of Applicant	
E-mail	
Name of Organization	

**Section 1: Basic Information**

Please describe your work (or your duties) in relation to the competition policy/law.

**Section 2: Country Report**

Read the question carefully and please respond **in right column**. This section may be printed and filled out in hand writing for the convenience.

Question 1

Does your country have existing "Comprehensive Competition Laws"?	Yes / No  <i>If your answer is "Yes", go to Question 2. If your answer is "No", go to Question 3.</i>
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Question 2 (*For Applicants from countries **with** comprehensive competition laws*)

Name of Competition Law	
Year of Enactment	
Latest or major amendment of competition law (if any)	
<i>Please provide below the information on Implementing</i>	

<i>Organization</i>	
Name of Implementing Organization	
Annual Budget	US\$: (Year: )
Number of Personnel:	
Organizational Structure	<i>Please attach an organization chart. (If possible include the number of employees of each division)</i>
Official Web-Site (URL) of Implementing Organization (English preferable, if any)	http://www.

Skip Question 3 and continue to Question 4

Question 3 (For Applicants from countries **without** comprehensive competition laws)

Name of Competition-related Law(s)  <i>(If there are several laws, please list them)</i>	
Year(s) of Enactment	
Control subjects	
Does your government plan to enact a comprehensive law?	Yes / No
If you answered "Yes", please give the brief description and the expected schedule of its enactment (time frame).	
<i>Please provide the information on Implementing Organization below</i>	
Name of Implementing Organization	
Official Web-Site (URL) of Implementing Organization (English preferable, if any)	http://www.

Continue to Question 4

Question 4

This section will be **for all the applicants**. Please give an overview of regulations best to your knowledge.

A. Abuse of Market Dominant Position (Monopolization)

Is there any regulation in your country to above offense?	Yes / No
If you responded "Yes", please give the brief description referring to relevant articles.	
If you responded "Yes", what are the penalty or relief (remedy) (administrative sanctions and/or criminal ones)	
Please give a detail of the Major violation case in recent years in your country	

B. Cartels (*exclude "bid-rigging" as you will respond in next C*)

Is there any regulation in your country to above offense?	Yes / No
If you responded "Yes", please give the brief description referring to relevant articles.	
If you responded "Yes", what are the penalty or relief (remedy) (administrative sanctions and/or criminal ones)	
Please give a detail of the Major violation case in recent years in your country	

C. Bid-riggings

Is there any regulation in your country to above offense?	Yes / No
If you responded "Yes", please give the brief description referring to relevant articles.	
If you responded "Yes", what are the penalty or relief (remedy) (administrative	

sanctions and/or criminal ones)	
Please give a detail of the Major violation case in recent years in your country	

**D. Merger and Acquisitions (M & A)**

Is there any regulation in your country for above subject?	Yes / No
If you responded "Yes", please give the brief description referring to relevant articles.	
If you responded "Yes", what are the penalty or relief (remedy) (administrative sanctions and/or criminal ones)	
Please give a detail of the Major case investigated in recent years in your country	

**E. Unfair Trade Practice (exclude the conducts as you responded in A, B and C)**

Is there any regulation in your country to above offense?	Yes / No
If you responded "Yes", please give the brief description referring to relevant articles.	
If you responded "Yes", what are the penalty or relief (remedy) (administrative sanctions and/or criminal ones)	
Please give a detail of the Major violation case in recent years in your country	

**F. Other Regulations related to the competition law**

Is there any regulation in your country to which was not listed above (A to E)?	Yes / No
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If you responded "Yes", please give the brief description.	
If you responded "Yes", what are the penalty or relief (remedy)	
Please give a detail of the Major case in recent years in your country	

Question 5

This section will be **for all the applicants**. Please give an overview of performances best to your knowledge.

**A. Number of cases investigated**

Abuse of Market-Dominant Position	No. of cases: (Year: )
Cartels (including bid-riggings)	No. of cases: (Year: )
Unfair Trade Practices	No. of cases: (Year: )
Mergers/Acquisition Notifications	No. of cases: (Year: )
Other regulations	No. of cases: (Year: )

**B. Number of legislative measures taken**

Abuse of Market-Dominant Position	No. of measures: (Year: )
Cartels (including bid-riggings)	No. of measures: (Year: )
Unfair Trade Practices	No. of measures: (Year: )
Mergers/Acquisition approved	No. of measures: (Year: )
Mergers/Acquisition conditional approved	No. of measures: (Year: )
Mergers/Acquisition issued cease and desist orders	No. of measures: (Year: )
Other regulations	No. of measures: (Year: )

Question 6

This section will be **for all the applicants**. Please give an overview of below procedures best to your knowledge.

**A. Criminal Procedure**

Is there criminal procedure for the violation of competition law in your country?	Yes / No
If you responded "Yes", please give the brief description.	

**B. Leniency Program**

Is there leniency program in your country?	Yes / No
If you responded "Yes", please give the brief description.	

Question7

This section will be **for all the applicants**. If possible, please give an overview of international relationship.

The agreements/Memoranda of international cooperation with other countries/agencies	
The technical assistance from other countries/agencies	

END



## ***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, Knowledge Co-Creation programs (until 2015, so called “training”), JOCV programs, etc.

Within this wide range of programs, Knowledge Co-Creation 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 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 Embassy of Japan. Further, address correspondence to:

**JICA Kansai International Center (JICA Kansai)**

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

TEL: +81-78-261-0388 FAX: +81-78-261-0465