

COMPLETION REPORT

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【Subject of Research Project】

The Study on 75 Years History of Japan's Anti-Monopoly Law (1947-2022) : The Valuable Reference to China's Enforcement of Competition Law

The research on Japan's Antimonopoly Act over the past 70 years points out that the development history of Japan's Antimonopoly Act can be divided into five major historical phases: the "Forced Introduction Period" from 1947 to 1952, the "Relaxation and Revision Cold Period" from 1953 to 1973, the "Localization and Strengthening Period" from 1974 to 1999, the "Establishment of Economic Constitutional Status Period" from 2000 to 2010, and the "Latest Development Period" from 2010 to the present. The main institutions of Japan's Antimonopoly Act have also undergone a process of development from "strict—lenient—strict," reflecting the following patterns:

1. Based on the characteristics of Japan's oligopolistic market structure, a behavioral regulation framework was established, supported by private monopolization, unreasonable restraint of trade, and unfair trade practices, as well as structural regulations centered on monopolistic situations and corporate combinations. Japan's antimonopoly behavior regulations have distinctive features.

2. Strengthening the regulation of administrative guidance and anti-competitive behavior by industry associations, rooted in the characteristic of Japan's government-led market economy.

3. Japan relied on industrial policy to promote economic development for a period after World War II but gradually reduced this reliance. Therefore, Japan achieved the coordinated application of competition policy and industrial policy through the Antimonopoly Act's exemptions.

4. Japan practised Fair Trade Commission centrism, with administrative antimonopoly enforcement taking the lead. In recent years, criminal justice and private civil enforcement have been strengthened, establishing a diversified enforcement system. Japan also emphasizes the "government-business consultation mechanism" in its enforcement system.

5. Japan emphasizes quantified legislation, clarifying the elements of various behaviors and legal responsibilities, and standardizing the exercise of discretion by enforcement agencies.

6. Japan's Antimonopoly Act values procedural safeguards to ensure the proper exercise of public power and the realization of market participants' rights.

The development experience of Japan's Antimonopoly Act over the past 70 years is worth learning from for other Asian countries.

Publication of the Results of Research Project:

Verbal Presentation (Date, Venue, Name of Conference, Title of Presentation, Presenter, etc.) 1. In July 2024, in the “25th National Economic Law Frontier Theory Seminar” (Nanjing, China), Professor Wang Yuhui made a speech entitled “<i>Innovations in Japan's Antitrust Regulation Based on the Characteristics of Its Domestic Market Economy</i>”. 2. In July 2024, in the “international academic seminar” (Nanjing, China), Professor Wang Yuhui made a speech entitled “<i>Comparative Legal Perspectives on Market Regulation</i>”. 3. In May 2024, in the “21st Annual Asian Law Institute Conference” (Bangkok, Thailand), Professor Wang Yuhui made a speech about “<i>Dilemmas and Approaches: The Competition Law Regulation of Algorithmic Collusion</i>”. 4. In April 2024, in the “Anti-Monopoly, Business Environment, and Unified Large Market Thematic Seminar” (Wuhan, China), Professor Wang Yuhui made a speech entitled “<i>Building a Fairly Competitive National Unified Market with the Rule of Law</i>”. 5. In November 2023, in the “ACA Annual Conference 2023” (Doshisha University Kanbaikan, Japan), Professor Wang Yuhui made a speech about “<i>Current Issues in Competition Law Enforcement in Asia</i>”. 6. In October 2023, in the “China Intellectual Competition Forum (7th Edition)” (Wuhan, China), Professor Wang Yuhui presided over “<i>Intellectual Competition Youth Forum</i>”.
Thesis (Name of Journal and its Date, Title and Author of Thesis, etc.) 1. Wang Yuhui. “<i>Defects in the Organizational Assistance Clause of Monopoly Agreements and Their Remedies</i>”, LAW Science, 2023. 2. Wang Yuhui. “<i>On the Approaches and Methods for Determining the Illegality of Information Exchange</i>”, Academic Journal of Zhongzhou, 2023. 3. Wang Yuhui. “Ensure the development of private enterprises with a market environment of fair competition”, China Social Sciences Daily, 2023.
Book (Publisher and Date of the Book, Title and Author of the Book, etc.) 1. Wang Yuhui. “<i>Case Studies in Economic Law</i>”, Intellectual Property Publishing House, June, 2023. 2. Wang Yuhui. “<i>The Historical Evolution And Institutional Change Of The Antitrust Law In Japan</i>”, Shanghai Joint Publishing House