


Creation of a model competition law based on Japan's competition law database

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	Project Information	Project Number : 24H00013 Project Period (FY) : 2024-2028 Keywords : Competition Law, Antitrust, Economic Law, Model Law, Globalisation

Purpose and Background of the Research

● Outline of the Research

With digitalisation, the economy has become increasingly concentrated, whereby a small number of companies, such as the 'big tech', holds a dominant position in the market. In a market economy system, maintaining competitive markets means the competition amongst the current competitors as well as the new entrants exerts competitive constraints over each other. The competition is what ensures allocative and dynamic efficiency, high quality of products and services at an affordable price. The market concentration and dominant position recently present serious global concerns as to such a market economy system.

Against such backgrounds, the effectiveness of the current competition laws are also questioned. We need to consider why the competition law could not stop such companies from becoming dominant, what law and system should be implemented, and how competition law can control dominant companies so that they do not abuse their position to exclude rivals or engage in unfair exploitation.

Such a quest needs to be carried out globally. The project tackles such tasks as follows.

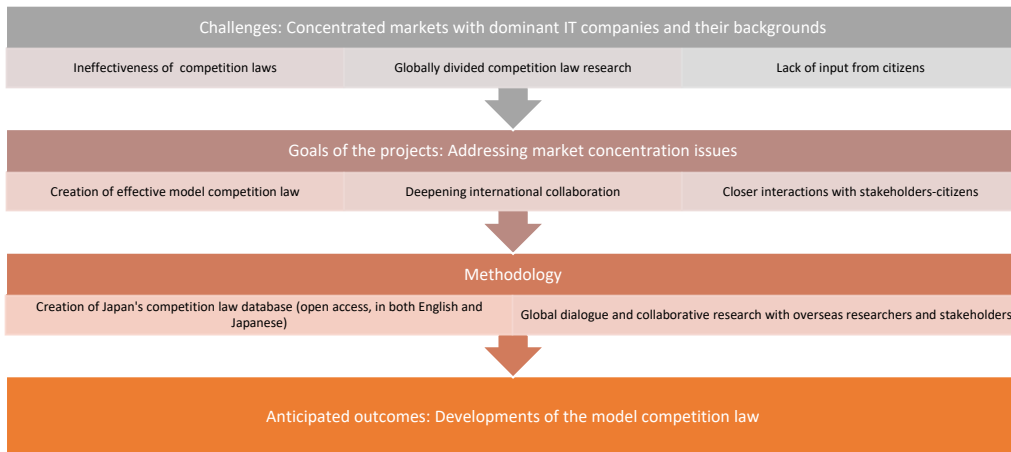


Figure 1. Research Plan

● Creation of an EN/JP database of Japanese competition law

The Antimonopoly Act of Japan was enacted in 1947 in the process of post-war democratisation and liberalisation of the wartime economy in Japan, which went through unique changes and is associated with rich cases, analysis and academic discussion. By providing this information in both English and Japanese, the database provide the foundation of the subsequent study in the project.

● Dialogue with stakeholders - citizens

The competition law exists for citizens and consumers and they should be heard and get involved in the process of policy making, law amendments and enforcements. This project empowers citizens and consumers and collaborate with them.

- Creation of the model competition law
The project ultimately aims to design the model competition law both in English and Japanese.

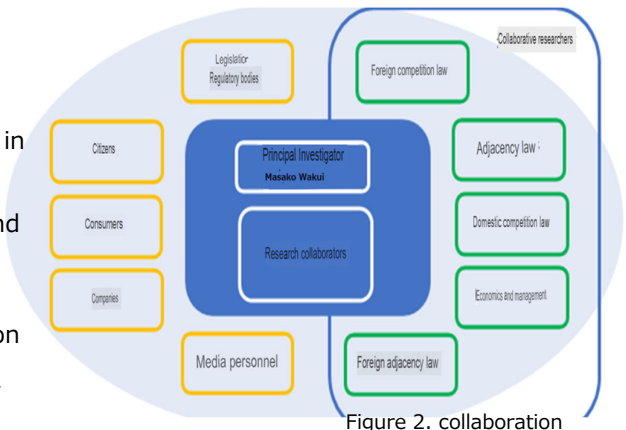


Figure 2. collaboration

Expected Research Achievements

● Research themes and researchers

The project will focus on the following issues, which are assigned to the members as follows.

- Mergers and acquisitions: Kuninobu Takeda & Megumi Tahira
- Exclusionary conducts: Arisa Wakabayashi & Sei Shishido
- Abuse of power: Junko Shibata & Kazuhiko Fuchikawa
- Enforcements: Simon Vande Walle
- Extraterritoriality and international cooperation: Yoshizumi Tojo & Shin Ru Cheng
- Relationship with other laws: Masako Wakui

● Developments of the Model Competition Law

Ultimately, the project aims to develop "the model competition law" and present it both in Japanese and English. It is expected that such model law become a reference for legislators, policy makers, researchers and citizens around the world in assessing the existent law is effective and what amendments should be necessary.

The model competition law is comprised of the model provisions of the law, which may accompany a few variations, the intent and backgrounds of such provisions, concrete cases and examples of the application of the provisions and the explanation as to whether and how the provision defers from the current provisions of the competition laws in major jurisdictions, including Japan. As such, the model law provides not only the referable model but also the concise information and data of the varieties of competition laws and cases.

The methodology of the research is innovative in the competition law field in Japan, and it should transform the way that the competition law and policy is studied and analysed in Japan. Meanwhile, the project gives the rest of the world a great deal of knowledge of Japan's law and cases as well as academic developments on the above issues.