

Steps taken to implement and enforce the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions

JAPAN

(Information as of 12 September 2008)

Date of deposit of instrument of ratification/acceptance or date of accession

Japan signed the Convention on December 17, 1997, and deposited the instrument of acceptance with the OECD on 13 October 1998.

Implementing legislation

On 18 September 1998, Japan enacted implementing legislation in the form of amendments to the Unfair Competition Prevention Law, which came into force on February 15, 1999.

The purpose of this Law is by providing for measures for the prevention of, and compensation for damages from unfair competition, etc. in order to ensure fair competition among entrepreneurs and the full implementation of international agreements related thereto, and thereby to contribute to the wholesome development of the national economy.

In 2001, Unfair Competition Prevention Law (UCPL) was amended to meet part of the recommendations under Phase 1 by 1) removing the so-called “Main office” exception from “UCPL”, and 2) by broadening the definition of foreign public officials in relation to public enterprises, as well as by enacting a government ordinance.

In January 2005, an amendment to the UCPL came into force to extend nationality jurisdiction under article 3 of the Penal Code to the offence of bribing a foreign public official under the UCPL. Article 3 of the Penal Code does not require dual criminality, so that the briber is punishable even if the conduct is not criminalised in the foreign State where it occurred.

In June 2005, the Diet passed an amendment extending the statute of limitations for natural persons to five years. At the same time, and in order to facilitate the extension, the Diet passed an amendment that increased the sanctions for natural persons convicted of foreign bribery. The fine sanction was increased from a maximum of 3 million yen to 5 million yen, and the maximum sentence of imprisonment was increased from three to five years. In addition, natural persons can now be sentenced to both a fine and imprisonment, whereas previously only one or the other penalty was available. Also increase the statute of limitation in respect of legal persons for the foreign bribery from three to five years.

Other relevant laws, regulations or decrees that have an impact on a country's implementation of the OECD Convention or the Recommendations

Relevant laws

- *Penal Code*
- *Code of Criminal Procedure*
- *Whistleblower Protection Act*
- *Act on Prevention of Transfer of Criminal Proceeds*
- *Financial Instruments and Exchange Act*

- *Companies Act*
- *Income Tax Law*
- *Corporation Tax Law*
- *Law for International Assistance in Investigation and other Related Matters*
- *Law of Extradition*
- *Law for Judicial Legal Assistance to Foreign Courts*

Other information

Relevant authorities

- Ministry of Economy, Trade and Industry
- Ministry of Justice
- Ministry of Foreign Affairs

- Cabinet Office
- Japan Fair Trade Commission
- National Police Agency
- Financial Services Agency
- Ministry of Finance

Relevant Internet links to national implementing legislation, for example

<http://law.e-gov.go.jp/htmldata/H05/H05HO047.html> (Japanese only)

Signature/Ratification of other relevant international instruments

1. December 2000, signature of the United Nations Convention against Transnational Organized Crime.
2. December 2003, signature of the United Nations Convention against Corruption.

Working Group on Bribery Monitoring Reports

Phase 1: Review of Implementation of the Convention and 1997 Recommendation

<http://www.oecd.org/dataoecd/15/21/2387870.pdf>

Phase 2: Report on the Application of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and the 1997 Recommendation on Combating Bribery in International Business Transactions

<http://www.oecd.org/dataoecd/34/7/34554382.pdf>

Phase 2bis: Second report on the Application of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and the 1997 Recommendation on Combating Bribery in International Business Transactions

<http://www.oecd.org/dataoecd/54/23/37018673.pdf>

Phase 2bis: Follow-up Report on the Implementation of the Phase 2 Recommendations on the Application of the Convention and the 1997 Recommendation on Combating Bribery of Foreign Public Officials in International Business Transactions

<http://www.oecd.org/dataoecd/49/44/39591489.pdf>