

The Reviewing the Surcharge System Unit,
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Brussels, 29 June 2017

Re.: Antimonopoly Act Study Group Report

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE) which represents the bars and law societies of 32 member countries and 13 further associate and observer countries, and through them more than 1 million European lawyers.

On July 8, 2014, CCBE submitted to the Cabinet Office, Government of Japan its comments on Attorney - Client - Privilege in Japan¹, in which CCBE concluded that:

"the confidentiality of communications between clients and lawyers is given particularly high attention by the European courts and relevant European bodies. Confidentiality is not only seen as the lawyer's duty, but as a fundamental human right of the client. Without the certainty of confidentiality there cannot be trust, which is key to the proper functioning of the administration of justice and the rule of law."

The Japan Federation of Bar Associations has recently drawn the CCBE's attention to the Antimonopoly Act Study Group Report, which has been considering the reform of the administrative surcharge system under the Antimonopoly Act. We are disappointed to learn that the government of Japan has not implemented the confidentiality of communications between client and lawyers and it fails to recognize it as a right of the client. The conclusion in our comments of July 8, 2014 remains unchanged.

Yours sincerely,



Ruthven Gemmell WS
President

¹ English language text is available at:

https://www.nichibenren.or.jp/library/ja/committee/list/data/attorney-client_privilege/CCBE_original.pdf

Japanese language translation is available at:

https://www.nichibenren.or.jp/library/ja/committee/list/data/attorney-client_privilege/CCBE_ja.pdf