

- the EU competition policy, with regard to both substantive standards and enforcement, is located not very far from the Japanese communitarian position.

We now turn to develop these conclusions by comparing the similarities and differences in the Triad with regard to:

(a) specific **characteristics** of competition policies, such as:

- criminal vs. civil treatment,
- the development of the rule of reason vs. the *per se* standard,
- the interplay of public interest, integration and economic efficiency considerations,
- economic efficiency, producer and consumer welfare, and
- corporate governance issues, such as relationship-based networks.

(b) competition **law jurisprudence and enforcement** relating to major anti-competitive business practices, such as:

- conspiracy,
- abuse of dominant position/firm size,
- mergers,
- vertical arrangements, and
- enforcement of competition laws in practice.

## 7.1 A comparison of characteristics

### ● Criminal vs. civil law treatment

The criminal vs. civil process dichotomy has an impact on the eventual legal outcome, since the standard of proof to be met by the prosecution in criminal cases is substantially higher than that placed on the plaintiff/applicant in civil litigation.

Among the four Triad jurisdictions, there is not much formal statutory difference in competition law with regard to the criminal and civil dichotomy.