

第1問

2つの下線部を続けて日本語訳せよ。（「Posner II 判決」の一部である。）

The price fixers had, it is true, been selling the panels not in the United States but abroad, to foreign companies (the Motorola subsidiaries) that incorporated them into cellphones that the foreign companies then exported to the United States for resale by the parent company, Motorola. The effect of fixing the price of a component on the price of the final product was therefore less direct than the conduct in *Minn-Chem*, where “foreign sellers allegedly created a cartel, took steps outside the United States to drive the price up of a product that is wanted in the United States, and then (after succeeding in doing so) sold that product to U.S. customers.” *Id.* at 860 (emphasis added). But at the same time the facts of this case are not equivalent to what we said in *Minn-Chem* would definitely block liability under the Sherman Act: the “situation in which action in a foreign country filters through many layers and finally causes a few ripples in the United States.” *Id.* ...

第2問

下線部を日本語訳せよ。（欧州委員会の高官による講演原稿の一部である。）

In recent years, mostly from within the business world, it has been questioned whether the Commission's geographic market definitions are perhaps too narrow. Today, many companies operate on a global scale and compete with a variety of suppliers in different parts of the world. From their perspective, markets should always be defined as global.

However, a market definition exercise is essentially a customer-focused exercise; it is about looking at customers in a given area and finding out which alternative suppliers are realistically available to them. In this context, the decisive question is not whether the companies are active globally but to which alternative suppliers customers in a geographic area could turn in the business reality.

第3問

福井県経済連に対する平成27年1月16日の排除措置命令書〔別添〕を読み、以下の問いに答えよ。

- 1 この事件における（1）～（3）はそれぞれ何か。各1行程度以内で答えよ。
 - （1）検討対象市場（一定の取引分野）における供給者
 - （2）検討対象市場（一定の取引分野）における需要者
 - （3）7条の2第2項にいう被支配事業者
- 2 この事件では排除措置命令の名宛人（略して「福井県経済連」）に対し課徴金納付命令はされなかった。その理由を排除措置命令書から推測して説明せよ。
- 3 この事件とは関係なく一般に、「私的独占に課徴金が導入されたために、公取委が私的独占の適用を躊躇するようになった」と指摘されてきた。この指摘について自由に論ぜよ。

以上