

## The Association and Cartels

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### Abstract

As Section 2 of the Fair Trade Act defines an “association” as a type of enterprise, such an association should be regulated by the Fair Trade Act. Due to the characteristics of the association, the association has become the hotbed of cartels.

Although associations are regulated by the Fair Trade Act, considerable proportions of cartel cases are dominated by associations, and still lead to many controversies. First, what types of organizations are within the definition of “association” as stipulated in Section 2 of the Fair Trade Act? In particular, as professional associations by law have the power to establish their own internal disciplinary regulations, how should the law under Section 46 of the Fair Trade Act be applied? Secondly, the methods for forming a cartel differ between associations and other enterprises, and thus it needs to be asked how the association should be identified as a perpetrator. Lastly, in the case of an association’s cartel activities, who should assume the legal responsibility? These issues not only affect the Fair Trade Commission’s enforcement of the law and the justice of laws and the making of appropriate judgments, but have also become a focus of academic research. This thesis explores these issues and hopefully provides some ideas for reference.

Keywords: Association, Professional Associations, Cartel, Resolution, Perpetrator.