Global Forum on Competition

7-8 December 2017
OECD Conference Centre, Paris

PROGRAMME
About the OECD Global Forum on Competition

Established in 2001, the OECD Global Forum on Competition brings together each year high-level officials from more than 100 competition authorities and international organisations worldwide, from both OECD and non-OECD economies. Joining with representatives of international organisations and invited experts, participants debate and discuss key topics on the global competition agenda. With a broad focus on development, the Forum promotes a wider dialogue that encompasses the linkages between competition policy and other cornerstones of economic development.

The programme includes OECD-style roundtable discussions, presentations from notable experts as well as peer reviews. Discussion topics benefit from the input of the Competition Committee whose work is at the forefront of debate on competition policy and enforcement. The Committee promotes the regular exchange of views, analysis and best practices on key competition policy issues and is supported by the Competition Division within the OECD Directorate for Financial and Enterprise Affairs.

www.oecd.org/competition/globalforum
www.oecd.org/daf/competition

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www.oecd.org/competition/globalforum
#OECDcomp @OECD_BizFin
### FORUM TIMETABLE

#### DAY 1
07 DEC 2017

- **09:15 - 10:15**  
  CC1  
  Opening remarks 🎤

- **10:15 - 12:30**  
  CC1  
  Session 1  
  Are competition and democracy symbiotic? 🎤

- **12:30 - 12:45**  
  Atrium  
  Group picture 📸

- **12:45 - 14:45**  
  Expresso café  
  Buffet lunch offered by the OECD 🍽️

- **14:45 - 15:30**  
  CC1  
  Special remarks by Angel Gurría  
  OECD Secretary-General 🎤

- **15:30 - 18:45**  
  CC1  
  Session 2  
  Judicial perspectives on competition law 🎤

- **18:45 - 20:45**  
  Buffet du Parc  
  Cocktail 🍷

#### DAY 2
08 DEC 2017

- **09:00 - 09:30**  
  CC1  
  Session 3  
  Focus on small agencies and those in developing economies  
  PLENARY SESSION oe.cd/sda

- **09:30 - 11:30**  
  Break-out sessions  
  1. Advocacy  
  2. Enforcement  
  3. Creating legitimacy

- **11:30 - 13:00**  
  CC1  
  Wrap-up plenary

- **13:00 - 14:30**  
  Buffet du Parc  
  Lunch break 🍽️

- **14:30 - 16:30**  
  CC1  
  Session 4  
  Peer Review of Viet Nam 🎤

- **16:30 - 17:30**  
  CC1  
  Session 5  
  Competition in public markets 🎤

- **17:30 - 18:00**  
  CC1  
  Final Session  
  Other business and future work
General information

Documentation & Presentations
All Forum documentation is available on the Forum website oe.cd/gfc under each discussion page [see also the short URLs given throughout the agenda].

Powerpoint presentations will be uploaded progressively on the site after they are presented.

Interpretation
Discussions will be held in the two OECD official languages (English and French), with simultaneous interpretation. Headphones are available for you under the main tables or in the side pockets of the chairs at the back of the room. Please choose one of the two channels to listen to English or French interpretation.

Sharingbox & Social Media
Please note that a Sharingbox is available during the two days of the Forum so that you may take a picture as a souvenir and share it through social media.

When tweeting about the Forum, please use the hashtag #OECDcomp.

Hot drinks available
Please note coffee and tea will be available continuously to Forum participants outside the entry of the room.

Conference centre facilities

Internet & WiFi
There is a free WiFi service in the room and in the Conference Centre. Please connect to the network “HotspotOECD”, open a browser page and accept the OECD terms of use.

Restaurants
There is a coffee bar (red chairs) and a self-service restaurant in the OECD Conference Centre.

Please note they do not accept credit card payment. If you need to withdraw cash, an ATM is available near the Bookshop at level -1 (Société Générale).

Printing
The Copycentre can handle any printing jobs you may have. It is located at the bottom of the escalators.

Bookshop
You are invited to visit the OECD Bookshop to discover our latest publications and a range of OECD souvenirs.

The bookshop is adjacent to the coffee bar (red chairs) area at level -1 and open Monday to Friday.

KEY TIMES & EVENTS

DAY 1

12:30 Official Photo & Buffet Lunch
The group photo will be taken on the stairs next to the escalators. A buffet lunch is offered to you at the Expresso Café in the Conference Centre (red chairs) directly after the official photo is taken.

14:45 Speech by OECD Secretary-General

18:45 Cocktail
Buffet du Parc (restaurant on the entrance level of the Conference centre).

DAY 2

09:30 Break-out sessions in Rooms 1, 2 and 10
The break-out sessions for session 3 will allow for an informal and lively dialogue among participants. The allocation of participants per session will be displayed in room CC1.

Participants are kindly invited to return to room CC1 immediately after the break-out sessions where they will hear reports from the session moderators and continue the discussions.

17:30 Evaluation questionnaire
We hope you enjoy your Forum experience. Please give us your views and choices for next year’s topics by filling in the evaluation questionnaire before you leave.
DAY 1 – 7 DECEMBER 2017

Opening session

📅📅 7 December 2017 ⌚ 09:15 - 10:15 ✈️ Room CC1

📍 Opening remarks

🎤 Opening remarks

🎤 Keynote speaker

Masamichi Kono
Deputy Secretary General, OECD

Hernando de Soto
President of the Institute for Liberty and Democracy (IDL)

📍 Introductory remarks

🎤 Introductory remarks

Frédéric Jenny
Chairman, OECD Competition Committee
Democracy and competition law and policy are often considered as interwoven, and mutually beneficial. The argument being that competition supports democracy by dispersing economic power through by ensuring against concentrations and cartelisation. Economic power is thus shared across a wide range of economic actors rather than in the hands of a select few who could potentially exert undue influence over government and political decision-making processes. Democracies grow and thrive based on a multitude of factors such as strong rule of law, respect for institutions and a sufficiently large voting population.

This session will consider if competition can be included amongst the success factors for democratic government particularly when considering countries transitioning to democratic systems of government. Are there linkages between democracy, the degree to which a country is democratic, and the prevalence of competition across an economy? As competition enforcement evolves, does this change the nature to which it can or does support democracy? How can competition enforcement be a vector for democracy? Is it possible for market liberalisation and competition to thrive in the absence of democracy? This session will be held on the first day and led by a panel of experts from different policy areas who will debate the topic and discuss with participants in an interactive Q&A format.

**Panellists**

- **Lars P. Feld**
  Member of the German Council of Economic Experts

- **Ian S. Forrester**
  Judge, General Court of the European Union

- **Eleanor M. Fox**
  Professor of Trade Regulation, NY University School of Law

- **David Lewis**
  Executive Director, Corruption Watch

- **Spencer Weber Waller**
  Associate Dean and Professor, Loyola University Chicago School of Law

All related documentation is available at [oe.cd/283](http://oe.cd/283).
Competition cases are often characterised by complex litigation and differing sets of economic evidence. This roundtable will be led by a panel of world senior members of the judiciary so as to address various dimensions of the judicial adjudication of competition law. While recognising the differences that exist across jurisdictions, the session will try to elicit the main common challenges that judges face when applying competition law, and find ways to address those challenges. Since the audience comprises not only other judges, but also representatives of competition agencies from around the world, the roundtable will provide a venue for an exchange of views regarding the interaction between competition agencies and courts.

**Topics explored:** Standard of proof and the evidence in judicial proceedings related to competition, Interactions between judges and competition authorities, and Experiences and lessons regarding the use of generalist and specialised competition courts.

**Panellists**

- **Paul Crampton**  
  Chief Justice, Federal Court, Canada

- **Dennis Davis**  
  President of the Competition Appeal Court, South Africa

- **Mouhamadou Diawara**  
  President, Competition Commission, Senegal

- **Donghwan Shon**  
  Presiding Judge, Goyang district court, Korea

- **Enrique Vergara**  
  President, Competition Tribunal, Chile

- **Nils Wahl**  
  Advocate General, Court of Justice of the European Union

All documentation is available at [oe.cd/jpcl](http://oe.cd/jpcl).
Session 3. Overcoming adversity and attaining success: Focus on small agencies and those in developing economies

📅 8 December 2017
⌚ 09:00 - 13:00
URL oe.cd/sda

Plenary session

📅 09:00 - 09:30
📍 Room CC1

Every competition agency has to overcome obstacles to enforce its competition law. But for small and developing jurisdictions these obstacles are often more acute, numerous and reinforced by challenges specific to these jurisdictions.

Last June, the OECD circulated a survey among the Global Forum members, to discover what are the hardest challenges competition agencies are facing, and how they managed to overcome them.

The three most ranked challenges (Advocacy, Enforcement, and how can competition authorities overcome hostility or indifference?) will be discussed during three parallel break-out sessions during which speakers from different agencies will present case studies for their challenges and success stories.

Break-out sessions

1. Advocacy
   - Advocacy efforts within the government and creating a competition culture in the public "within the budget".

2. Enforcement
   - Co-operating with public prosecutors and work relations between the competition authority and the sectoral regulators.

3. Creating legitimacy
   - Different techniques to develop authorities’ credibility and legitimacy in particular through fighting bid-rigging in public procurement.

Moderators

Anna Wu Hung-yuk
Chair, Competition Commission, Hong Kong, China

Tebelelo Pule
Chief Executive Officer, Competition Authority, Botswana

Sarunas Keserauskas
Chairman, Competition Council of Lithuania
## Break-out sessions Con’t.

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<tr>
<td>• Paulus Ain, Commissioner &amp; Chief Executive Officer, Independent Consumer &amp; Competition Commission, Papua New Guinea</td>
<td>• Skaidrite Ābrama, Chairwoman, Competition Council of Latvia</td>
<td>• Hardin Ratshisusu, Deputy Commissioner, Competition Commission, South Africa</td>
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<td>• Arsenio M. Balisacan, Chairman, Philippine Competition Commission</td>
<td>• Alexandre Barreto de Souza, President, CADE, Brazil</td>
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<td>• Evelyn Olmedo, Inter-agency Affairs and Cooperation Analyst, Superintendencia de Competencia, El Salvador</td>
<td>• Felipe Irarrázabal, Public Economic Prosecutor, FNE, Chile</td>
<td>• Graciela Miralles Murciego, Senior Economist, Trade &amp; Competitiveness, World Bank</td>
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<td>• Daniela Trampert-Paparella, Expert, Federal Competition Authority, Austria</td>
<td>• Nika Sergia, Head of the Division for the detection and prevention of competition restrictive agreements, Competition Agency, Georgia</td>
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<td>• Dato' Jagjit Singh A/L Bant Singh, Commission Member, Malaysia Competition Commission</td>
<td>• Pradeep S Mehta, Secretary General, CUTS International</td>
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<td>• Mario A. Umaña, Lead Trade and Competition Specialist, Integration and Trade Sector, IDB</td>
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### Session 3. Wrap-up plenary

- **11:30 - 13:00**
- **Room CC1**

1. Report by Moderators
2. General Discussion
3. Summary and final remarks by session Chair

All documentation is available at [oe.cd/sda](http://oe.cd/sda).

### Lunch Break

- **8 December 2017**
- **13:00 - 14:30**
- **N/a**
“Peer review” is a core element of OECD work. The mechanisms of peer review vary, but it is founded upon the willingness of a country to submit its laws and policies to substantive questioning by other peers. The process provides valuable insights into the country under study, getting to the heart of ways in which each country deals with competition and regulatory issues, from the soundness of its competition laws to the structure and effectiveness of its competition institutions.

In 2017, Viet Nam will be subject to such a review.

**Lead Examiners**

- **Australia**
- **France**
- **Japan**
- **Romania**

**Introductory presentation**

Nicolas Taylor  
Partner,  
Jones Day Australia
Session 5. Competition in public markets

Public markets, such as those in health, education and the provision of various public services, make up a large part of the economy, and the quality and efficiency of the services that they provide are fundamental to a country’s ability to achieve inclusive growth. Yet these markets attract relatively little attention from competition authorities in many countries. It is well established that important market failures can arise in these services if markets are left entirely to themselves. These markets therefore tend to be heavily subsidised by governments, and highly regulated. Nevertheless, careful use of choice and competition in these markets has been shown to help improve quality and efficiency. As a result, competition agencies would appear to have opportunities to advocate for a broader role for competition in these markets, to provide expert advice on the design and regulation of those markets that do exist, and to enforce within these markets.

The aim of this session is to open up for discussion issues concerning the role of choice and competition in public markets, and the enforcement of competition law in those markets.

Keynote speaker

Allan Fels AO
Professor, University of Melbourne, Monash & Oxford and former Chair of the Australian Competition and Consumer Commission

All documentation is available at oe.cd/28n.

Final session. Other business and future work

All documentation is available at oe.cd/28n.
OECD Competition & Global Relations

Using its vast storehouse of expertise accumulated over the past 50 years, the OECD has created a range of mechanisms to engage with authorities around the world to help reinforce their competition framework.

Two annual fora disseminate the work of the OECD Competition Committee and bring over 100 jurisdictions into the OECD family: Global Forum on Competition and the OECD-IDB Latin American and Caribbean Competition Forum.

www.oecd.org/competition/globalforum
www.oecd.org/competition/latinamerica

The two regional centres for competition provide regular training seminars for the countries and economies within their regions: the OECD/Korea Policy Centre Competition Programme in Seoul, Korea and the OECD-GVH Regional Centre for Competition in Budapest, Hungary.

www.oecd.org/competition/seoulrcc
www.oecd.org/competition/budapestrcc

Capacity building

Capacity building remains a cornerstone of the OECD’s competition global relations activities. Through bilateral or regional workshops, training, and advice, the OECD targets the specific needs of the participating authorities on topics ranging from cartel prosecution, merger analysis, competition economics for both specialists and non-specialists, abuse of dominance, legislative drafting, studies in sector specific regulation. Fighting bid rigging in public procurement and competition assessment of laws and regulations are the OECD’s flagship training programmes.

Competition Assessment

Laws, regulations or other government-imposed barriers can unduly restrain market activities. One important step to eliminate these restraints is “competition assessment”, that is, the evaluation of policies to find those unnecessarily restricting competition in order to develop alternative policies which still achieve governments objectives.

A number of approaches to competition assessment are possible and the OECD has developed a Competition Assessment Toolkit which is one of them. The OECD has led projects on competition assessment of specific sectors in Greece, Mexico, Portugal and Romania.

The toolkit is available for download in several languages at oe.cd/cat.

Fighting Bid Rigging in Public Procurement

Bid rigging happens when groups of firms conspire to raise prices or lower the quality of goods, works or services offered in public tenders. OECD countries spend approximately 12% of their GDP in public procurement and this percentage can be higher in developing countries. Efficient and competitive procurement processes are thus key to obtaining goods and services at the best value for money.

The OECD Guidelines for Fighting Bid Rigging in Public Procurement help public officials reduce the risks of bid rigging, through the careful design of public procurement tenders, and to detect bid rigging conspiracies during procurement processes.

The Guidelines are available for download in several languages at oe.cd/gfbr.