



**OECD/KOREA POLICY CENTRE
COMPETITION PROGRAMME**

ANNUAL REPORT 2012

OECD:

www.oecd.org/competition/seoulrcc

Korea Policy Centre:

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1. INTRODUCTION TO THE OECD/KOREA POLICY CENTRE'S COMPETITION PROGRAMME

The Centre is a joint venture between the Organisation for Economic Co-operation and Development (the OECD) and the Korean Government. The function of the Centre is to provide education and training to government officials in the Asia-Pacific in the fields of tax, competition, public governance and social policy. The Centre also undertakes research in these subject areas.

The Centre's Competition Programme draws on the experience of:

- the OECD's Competition Committee which oversees an extensive programme of work, involving both member and non-member countries, in developing recommendations and best practices, as well as discussing and publishing papers on topical issues in competition law and policy; and
- the Korea Fair Trade Commission (KFTC) which is a cabinet level agency responsible for both competition law enforcement and competition policy advocacy.

Each of these bodies has an extensive capacity building programme to assist younger competition enforcement agencies in skills development. The OECD/Korea Policy Centre's Competition Programme (the Programme) is an important part of each of the two joint venture parties' capacity building efforts in the Asia-Pacific region.

Mission of the Centre's Competition Programme

To assist Asia-Pacific competition authorities in developing and implementing sound competition law and policy.

The primary activities of the Programme are competition law and policy workshops which are held five or six times a year. Details of the 2012 workshops are provided in section 3 of this Report.

The Programme's workshops provide an opportunity for:

- younger competition authorities to learn the skills necessary to efficiently enforce new competition laws;
- younger competition authorities to share the details of their early decisions and discuss their challenges and successes with their peer agencies from developing and developed countries;
- all competition agencies, old and new, to learn new approaches and techniques from each other; and
- the staff of all competition agencies, old and new, to meet and form enduring professional contacts with officials from other countries to facilitate effective international co-operation in competition law enforcement.

The events also provide a forum for policy makers from countries who are in the process of drafting, enacting or implementing competition law to:

- gain a more detailed understanding of the practicalities, practices and approaches of different enforcement agencies in various countries when designing competition laws; and
- begin the preparations for the formation of their country's competition authority.

2. REGIONAL CONTEXT FOR THE CENTRE'S WORK: COMPETITION LAW DEVELOPMENTS IN THE ASIA-PACIFIC

The year 2012 was once again a year of rapid development of competition law in the Asia-Pacific region. Some of the many notable milestones among our participating countries included:

- The Malaysia Competition Act 2012 coming into force on 1 January 2012 and the Malaysia Competition Commission handling its first cases;
- In June, the Bangladesh Parliament (Jatiya Sangsad) passing the Competition Act 2012 bringing competition law to Bangladesh;
- Hong Kong's Legislative Council passing the Competition Ordinance on 14 June 2012 – the first cross-sector competition law for Hong Kong;
- The Competition Commission of India issuing a record fine of more than 60 billion rupees (more than US\$1 billion) on cement manufacturers for cartel conduct;
- In April, the Competition Commission of Pakistan granting full immunity under its leniency programme for the first time;
- Indonesia's KPPU issuing further regulations relating to its merger control regime, including one relating to the procedure for imposing fines for the late notification of mergers and acquisitions;
- In its first ever decision on an abuse of dominance case, Singapore's Competition Appeal Board upholding the Competition Commission of Singapore's decision that SISTIC had abused its dominant position in the market for open ticketing services in Singapore;
- In October 2012, the Vietnam Competition Authority publishing recommendations to improve Vietnam's competition law (including through the introduction of a leniency policy); and
- A new director general of Thailand's Department of Internal Trade, Viboonlasana Ruamraksa, being appointed in October 2012.

In order to match the ongoing development of competition law in the Asia-Pacific region, the Programme's workshops are evolving to adapt to the needs of participants.

The year 2012 saw the Programme hold its second successful workshop for judges. This workshop was held in Beijing in November 2012 and looked at the topic of abuse of dominance. A total of 26 judges attended including 15 from China and 11 from other countries in Asia. Further information about this workshop is provided in section 3 below.

3. DETAILED REVIEW OF THE ACTIVITIES OF THE CENTRE IN 2012

In 2012, the Programme included workshops on the following topics:

- Rewarding co-operation in cartel investigations
- Merger remedies
- Vertical restraints
- Bringing competition to regulated sectors (joint event with ASEAN Secretariat)
- Workshop for Asian Judges on Abuse of Dominance
- Competition Issues in the Aviation Sector

The Programme seeks to evaluate its workshops by asking participants to complete a detailed evaluation form. The target for the workshops is to achieve, on average, a rating of 4.0 out of a possible 5.0.

A brief description of each workshop, and the evaluation by the attendees, is set out below.

3.1 Rewarding co-operation in cartel investigations, Seoul: 14-16 March

For the first OECD/Korea Policy Centre Competition Programme event of 2012, representatives from competition authorities across Asia came together to discuss the topic of “Rewarding Co-operation in Cartel Investigations”.

Rewarding co-operation in cartel investigations, particularly through the use of leniency policies, has become increasingly common in the last decade. Today, over 50 countries have adopted leniency policies, including a number of countries in the Asian region. As Mr Soohuyn Yoon of the Korea Fair Trade Commission (KFTC) said during the workshop, leniency programmes are considered “*the most effective tool for cartel detection*”.

The workshop looked not only at leniency policies, but also at reward and bounty schemes which are used by a number of national competition authorities (including in Korea, the United Kingdom, Pakistan and Hungary) to reward co-operation in cartel cases.

The workshop focussed on both why co-operation should be rewarded in cartel investigations and how co-operation can be rewarded in practice.

The workshop started with a welcome from the Director-General of the OECD/Korea Policy Centre Competition Programme, Mr Jay Young Kang. Mr Kang also gave a presentation on the activities of the Korea Policy Centre and the KFTC.

Ms Simone Warwick of the OECD set the scene for the workshop with an opening presentation discussing the reasons why rewarding co-operation in cartel investigations is effective and providing an overview of the prerequisites for implementing a successful leniency policy. Later in the workshop, Ms Warwick gave a second presentation detailing the key elements of successful leniency policies and reward schemes.

Mr Takujiro Kono of the Japan Fair Trade Commission (JFTC) gave a presentation on the leniency policy of the JFTC. The presentation provided an overview of the JFTC's leniency policy of and also focussed on the way the JFTC operates the policy in practice. Mr Kono also spoke about international co-operation in leniency cases.

Mr Adam Louka of the Australian Competition and Consumer Commission (ACCC) gave two presentations during the workshop. The first presentation was an overview of the two policies the ACCC has put in place to reward co-operation – its immunity policy and its co-operation policy. Mr Louka's second presentation provided a practical perspective on how applications are made and received under the ACCC's policies. That presentation also considered how a number of hypothetical scenarios would be dealt with under the policies.

Mr Soohyun Yoon of the KFTC presented on both the leniency and bounty schemes of the KFTC. Mr Yoon's presentation illustrated that changes made to Korea's leniency policy since 2005 (including the adoption of automatic immunity) had made the policy significantly more effective. Mr Yoon also described the KFTC's bounty scheme and explained its role as a complement to the KFTC's leniency policy in tackling cartel cases.

Ms Hilary Jennings of the OECD gave a presentation on international co-operation in cartel cases involving leniency applicants. Ms Jennings spoke about the opportunities and challenges that leniency applications present when it comes to international co-operation. This included a discussion of the role of waivers and the need for competition authorities to co-ordinate their investigations in leniency cases.

The participants also took part in a practical exercise based on a hypothetical cabbage cartel. Mr Geronimo Sy of the Philippines Department of Justice and Mr Harikumar Sukumar Pillay of the Competition Commission of Singapore (CCS) took lead roles in the exercise. They played the parts of two hypothetical competition officials and acted out a series of scenes about the leniency applications made in the cabbage cartel investigation. Between each scene, the participants discussed the issues which had arisen during the previous scene and gave recommendations as to how the investigation should proceed.

During the workshop presentations were also made by:

- Mr Harikumar Sukumar Pillay of the CCS (about its practical experiences in leniency cases and the ways in which it promotes its leniency policy);
- Mr Pramod Singh of the Competition Commission of India (about the leniency programme under the Indian Competition Act 2002); and
- Mr Ishtiaq Ahmed of the Competition Commission of Pakistan (about both the leniency regulations and reward scheme operating in Pakistan).

EVALUATION

OVERALL AVERAGE SCORE FOR EVENT ACROSS ALL CATEGORIES	4.5
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DETAILED RESPONSES TO QUESTIONS <i>(Numerical score for each category)</i>	Average Score	Number of Responses	% in Highest Category	Number of Responses				
				Very High <i>(5)</i>	High <i>(4)</i>	Moderate <i>(3)</i>	Low <i>(2)</i>	Very Low <i>(1)</i>
I. The overall usefulness for your work of the topics addressed.	4.6	18	67	12	6			
II. The overall quality of the presentations.	4.4	18	39	7	11			
III. The overall usefulness of the case studies.	4.4	18	50	9	8	1		
IV. The overall usefulness of the seminar materials.	4.5	18	56	10	8			
V. The overall usefulness of this event.	4.5	18	50	9	9			

3.2 Merger Remedies, Jeju Island: 8-10 May

Countries throughout Asia shared their experiences and expertise in merger control enforcement techniques and the enforcement of remedies at the Centre's second seminar for 2012. The different practices and investigatory techniques of the following countries were compared and contrasted in the seminar: China, India, Indonesia, Korea, Mongolia, Pakistan, Philippines, Singapore, Chinese Taipei, Thailand and Vietnam.

During the seminar, the presentations by both the expert speakers and the participant countries covered all relevant issues related to merger control enforcement, including such essential steps as defining the relevant market, analysing the market structure, assessing any harm to competition and imposing remedies. Some of the presentations dealt specifically with the complexities involved in the imposition or negotiation of remedies in merger cases.

Dr Sang-Woo Nam, the Executive Secretary of the OECD/Korea Policy Centre introduced the workshop. He was followed by Mr Jay Young Kang, Director General of the Competition Programme, OECD/Korea Policy Centre who gave an introduction to the Centre and the KFTC.

Mr João Azevedo, from the OECD, gave a talk about the introductory principles of merger analysis. Later on, he also presented a session about the monitoring and the enforcing of behavioural remedies and the role of arbitration clauses. Ms Morag Bond, of the Australian Competition Consumer Commission, talked about the ACCC's approach to merger control. She then detailed several merger cases that involved behavioural remedies. Ms Dina Kallay from the US Federal Trade Commission, explained the FTC's experience with behavioural and structural remedies. She also gave a talk about the difficulties of implementing merger remedies with an international dimension and the need for international co-operation in those cases.

Mr Sung-Keun Kim, from the Korea Fair Trade Commission presented the competition law and the procedures of the KFTC and he detailed the analysis of remedies through a case study in the brewery industry.

During the seminar, a hypothetical merger analysis session in the telecoms sector was organised where the participant countries were split into three groups. Each group was asked to analyse the facts of the case, including defining the relevant market, assessing the anti-competitive implications of the proposed merger, the effects of entry and competition on prices and innovation, and the impact of different sets of remedies.

Case studies were presented by the following participant countries: Indonesia, Chinese Taipei, Singapore and Pakistan.

EVALUATION

OVERALL AVERAGE SCORE FOR EVENT ACROSS ALL CATEGORIES	4.4
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DETAILED RESPONSES TO QUESTIONS <i>(Numerical score for each category)</i>	Average Score	Number of Responses	% in Highest Category	Number of Responses				
				Very High (5)	High (4)	Moderate (3)	Low (2)	Very Low (1)
I. The overall usefulness for your work of the topics addressed.	4.4	19	42	8	11			
II. The overall quality of the presentations.	4.4	19	42	8	10	1		
III. The overall usefulness of the case studies.	4.4	19	42	8	11			
IV. The overall usefulness of the seminar materials.	4.3	19	32	6	13			
V. The overall usefulness of this event.	4.5	19	58	11	7	1		

3.3 Vertical Restraints, Seoul: 27-29 June

The OECD/Korea Policy Centre's June 2012 workshop was on the topic of Vertical Restraints. Representatives from 14 competition authorities from across Asia took part in the workshop. This included for the first time a representative from Bangladesh.

The workshop began with an introductory presentation from Ms Simone Warwick of the OECD/Korea Policy Centre. This presentation provided participants with an overview of the different types of vertical restraints. It also looked at the extent to which vertical restraints are prohibited in different jurisdictions and at some of the reasons for the adoption of different approaches around the world. As the topic of vertical restraints typically requires a level of economic analysis, the next presentation, by Ms Lilla Csorgo, Chief Economist at the New Zealand Commerce Commission, focussed on the economics of vertical restraints. Ms Csorgo's presentation dealt with two key points. First, the four main ways in which vertical conduct can result in competition concerns, and second, the economic justifications or rationale for vertical restraints.

After lunch on the first day, the workshop moved away from a general discussion and into specific types of vertical restraints. Mr Byung Geon Lee, Senior Deputy Director at the Korea Fair Trade Commission (KFTC), spoke about the KFTC's kiwi fruit case which involved an exclusive dealing arrangement imposed by New Zealand kiwi fruit supplier, Zespri, on major retailers in Korea. Mr Lee's presentation resulted in a lively discussion between participants on the features of that case. Day one ended with a short quiz about the day's discussions.

Day two began with another presentation from Ms Simone Warwick, this time on the European approach to vertical restraints. This presentation started with an outline of the way in which the European competition law looks at vertical restraints. Ms Warwick then focussed on a number of European cases – in particular some exclusive dealing cases and a number of resale price maintenance cases which also involved indirect horizontal collusion (so-called hub and spoke arrangements). This was followed by a second presentation from Ms Lilla Csorgo on the topic “Exclusion Good, Exclusion Bad” in which she looked in detail at two different exclusive dealing cases. One was about exclusive dealing in garbage disposal and the other was about exclusive dealing in movie exhibition. Ms Csorgo contrasted the two cases, as one was found to raise competition concerns while the other did not. The session also included two presentations from participating countries – one from Mr Kuldeep Kumar of the Competition Commission of India and the other from Ms Hoang Thi Thu Trang of the Vietnam Competition Authority.

Mr Will Tom, General Counsel of the United States Federal Trade Commission, gave two presentations on the final day of the workshop. His two presentations looked at the US approach to both vertical interbrand conduct and vertical intrabrand conduct. Mr Tom’s spoke about the theory behind the US approach to vertical restraints (for example in respect of resale price maintenance and exclusive dealing) and also about the application of that theory in specific cases. Among others, Mr Tom talked about the Department of Justice’s case against Microsoft in the 1990’s and the FTC’s recent case against Intel.

The final day also included two presentations from participating countries, one from Ms Amun Sikander Khan of the Competition Commission of Pakistan and the other from Ms Rahma Wati Faisal of the KPPU, Indonesia. The workshop ended with a lively discussion and debate among the participants as they considered a hypothetical exclusive dealing case.

EVALUATION

OVERALL AVERAGE SCORE FOR EVENT ACROSS ALL CATEGORIES	4.4
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DETAILED RESPONSES TO QUESTIONS <i>(Numerical score for each category)</i>	Average Score	Number of Responses	% in Highest Category	Number of Responses				
				Very High <i>(5)</i>	High <i>(4)</i>	Moderate <i>(3)</i>	Low <i>(2)</i>	Very Low <i>(1)</i>
I. The overall usefulness for your work of the topics addressed.	4.6	16	69	11	5			
II. The overall quality of the presentations.	4.1	16	25	4	11	1		
III. The overall usefulness of the case studies.	4.4	16	44	7	9			
IV. The overall usefulness of the seminar materials.	4.3	16	31	5	11			
V. The overall usefulness of this event.	4.5	16	56	9	7			

3.4 Bringing competition into regulated sectors, Makati City, Philippines: 8-10 August

In 2012 the OECD/Korea Policy Centre Competition Programme held its first ever joint event with the ASEAN Secretariat. The workshop was exclusively for participants from ASEAN nations and was generously hosted by the Office for Competition of the Philippines Department of Justice. The participants and experts received a warm, if rather wet, welcome to Makati City for the workshop.

The topic selected for this event was “Bringing Competition into Regulated Sectors” and the participants included representatives from competition agencies, sector regulators and other relevant government agencies.

The workshop began with welcomes from Mr Jay Young Kang, Director-General of the OECD/Korea Policy Centre Competition Programme, Ms Thitapha Wattanapruttipaisan, Head of the Competition, Consumer Protection and IPR Division of the ASEAN Secretariat, and Mr Geronimo Sy, Assistant Secretary of the Philippines Department of Justice.

Ms Wattanapruttipaisan then started the substantive part of the workshop with a presentation on competition law and policy in ASEAN, outlining work towards the goal for all ASEAN nations to have competition laws by 2015.

This was followed by an introductory presentation by Ms Simone Warwick of the OECD/Korea Policy Centre about the workshop topic of bringing competition into regulated sectors. Ms Warwick continued with a second presentation after lunch looking at the factors relevant to the enforcement of competition law in regulated sectors. The final presentation of the day was a country presentation by Mr Herbert Fung of the Competition Commission of Singapore (CCS). Mr Fung’s presentation considered a range of issues relating to different methods for electronic payments in Singapore and posed the question as to whether regulation or competition law enforcement was the best way to deal with to the issues in question.

Day two of the workshop commenced with a presentation by Mr Simon Constantine of the United Kingdom’s Office of Fair Trading (OFT). Mr Constantine explained the way in which jurisdiction over competition matters in the UK is shared between the competition authorities and certain sector regulators who all hold concurrent powers. Following this, Mr Satoru Ara of the Japan Fair Trade Commission (JFTC) shared some of the JFTC’s experiences in coordinating and co-operating with sector regulators when dealing with competition issues in regulated sectors.

Mr Tim Hughes of the United States Federal Trade Commission (USFTC) then spoke about co-operation and coordination between the USFTC and Department of Justice with the Federal Communications Commission regarding antitrust concerns in the telecommunications sector.

Ms Fintri Hapsari of Indonesia’s KPPU ended the day with an outline of the role of the KKPU and a discussion of the KPPU’s work in the telecommunications sector and its particular in its SMS case.

On the final day of the workshop, Ms Hilary Jennings of the OECD started the day with a presentation on policy considerations relevant to the promotion of competition in regulated sectors. Mr Adonis Sulit of the Philippines Department of Justice Office for Competition (OFC) then spoke about the OFC’s first year of work, with a particular focus on its advocacy activities with sector regulators.

Mr Hughes returned for a second presentation, this time on the efforts made to improve competition in regulated professions in the United States. Mr Ara also made a second presentation about the work of the JFTC in advocating for a reduction of exemptions from Japan’s Antimonopoly Law.

In the afternoon the participants heard from Mr Joongkyu Sun of the Korea Fair Trade Commission (KFTC). Mr Sun explained the way in which the KFTC carries out competition assessment in line with the OECD’s Competition Assessment Toolkit.

To end the workshop Mr Constantine gave a second presentation, this time looking in detail at the financial services sector in the United Kingdom and at the dual regulatory and competition enforcement approaches which have been used in that industry. The OECD/Korea Policy Centre would like to thank the ASEAN Secretariat and the Philippines Department of Justice for supporting this workshop.

EVALUATION

OVERALL AVERAGE SCORE FOR EVENT ACROSS ALL CATEGORIES	4.3
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DETAILED RESPONSES TO QUESTIONS <i>(Numerical score for each category)</i>	Average Score	Number of Responses	% in Highest Category	Number of Responses				
				Very High <i>(5)</i>	High <i>(4)</i>	Moderate <i>(3)</i>	Low <i>(2)</i>	Very Low <i>(1)</i>
I. The overall usefulness for your work of the topics addressed.	4.4	29	45	13	14	2		
II. The overall quality of the presentations.	4.1	29	17	5	22	2		
III. The overall usefulness of the case studies.	4.2	29	31	9	17	3		
IV. The overall usefulness of the seminar materials.	4.3	29	38	11	15	3		
V. The overall usefulness of this event.	4.4	29	45	13	15	1		

3.5 Competition Issues in the Aviation Sector, Busan: 17-19 October

In 2012 the OECD/Korea Policy Centre Competition Programme's sector focused event looked at competition issues in the aviation sector. Participants and experts from 14 countries met in the port city of Busan to discuss this topic.

After a welcome from Mr Jay Young Kang, Director-General of the OECD/Korea Policy Centre, the workshop started with a presentation by Ms Simone Warwick of the OECD/Korea Policy Centre. This presentation provided an overview of the regulatory changes in the aviation industry in recent decades and considered how those changes impact the role of competition authorities in the sector.

This was followed by a presentation from Mr Herbert Fung of the Competition Commission of Singapore (CCS) entitled *Aviation Economics 101*. Mr Fung's presentation provided an overview of the economic incentives relevant to the airline industry.

After lunch on the first day, Mr Jaegul Park of the Korea Fair Trade Commission (KFTC) presented on the KFTC's experiences in the airline cargo cartel, a cartel which has seen enforcement action by competition authorities all around the world. This was followed by a country presentation from Dr K.D. Singh of the Competition Commission of India (CCI) which provided some background on the aviation industry in India and then looked at the airline cases considered by the CCI to date.

Day two of the seminar began with a second presentation by Ms Warwick, this time on the European approach to airline mergers. In addition to outlining the European approach to aviation mergers, Ms Warwick discussed in detail the European Commission's 2007 prohibition decision in the Ryanair/Aer Lingus merger case. This presentation was followed by a country presentation by Ms Noor Aisyah Amini

of Indonesia's KKPU which highlighted both the successful advocacy work of the KPPU in the area of aviation regulation and also its enforcement activity with respect to airlines.

Dr Richard Chadwick of the Australian Competition and Consumer Commission (ACCC) then gave the first of two presentations looking at the way in which the ACCC deals with the authorisation of aviation alliances. To end the morning session, Mr Fung returned to talk about some of the airline alliance cases considered by the CCS.

The final day of the workshop started with Dr Chadwick presenting in detail two airline alliance authorisation decisions made by the ACCC in recent years. One case focused on the trans-Tasman market and the other focused on the trans-Pacific market. This was followed by a country presentation from Ms Aleezay Khaliq of the Competition Commission of Pakistan (CCP). Ms Khaliq shared two airline related cases which have been considered by the CCP in recent years.

Ms Warwick then returned for her final presentation of the workshop, this time on the question of airports and competition. This presentation considered two different issues – on the one hand the problems that arise from airport market power and the on the other hand the possibility that different airports may in fact compete.

After lunch the participants welcomed Mr Robert Young of the United States Department of Justice Antitrust Division. Mr Young shared some of his extensive experience in dealing with competition cases in the US aviation industry. In particular he spoke about the US approach to both airline mergers and airline alliances.

The workshop ended with a practical exercise. This involved the participants breaking into small groups to consider three scenarios which raised questions of market definition, competitive assessment and possible remedies in airline merger or alliance cases. After a lively discussion each group reported back on their preliminary conclusions.

EVALUATION

OVERALL AVERAGE SCORE FOR EVENT ACROSS ALL CATEGORIES	4.5
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DETAILED RESPONSES TO QUESTIONS <i>(Numerical score for each category)</i>	Average Score	Number of Responses	% in Highest Category	Number of Responses				
				Very High (5)	High (4)	Moderate (3)	Low (2)	Very Low (1)
I. The overall usefulness for your work of the topics addressed.	4.6	14	57	8	6			
II. The overall quality of the presentations.	4.5	14	50	7	7			
III. The overall usefulness of the case studies.	4.6	14	64	9	5			
IV. The overall usefulness of the seminar materials.	4.4	14	43	6	8			
V. The overall usefulness of this event.	4.6	14	57	8	6			

3.6 Workshop for Judges on Abuse of Dominance, Beijing, China: 28-29 November

Following on from a successful first event in 2011, the OECD/Korea Policy Centre Competition Programme held its second annual workshop for judges in 2012. The 2012 workshop was held in Beijing and focussed on the topic of abuse of dominance.

The 26 participants included 15 judges from courts across China as well as judges from Indonesia, Malaysia, Singapore, Vietnam, Pakistan, Mongolia and the Philippines.

The invited expert speakers at the event were Professor Frédéric Jenny, Chairman of the OECD Competition Committee and former judge of the French Supreme Court (Cour de Cassation), Dr Mike Walker from CRA in London, Judge Sangwook Kang from the Seoul High Court and Mr François Renard from Allen & Overy in Beijing.

The two day workshop started with opening remarks from Professor Jenny which were followed by two introductory presentations by Ms Simone Warwick of the OECD/Korea Policy Centre Competition Programme – one on the principles of competition law and the second an introduction to the topic of abuse of dominance. This was followed by a more in-depth presentation by Dr Walker on the question of “What is dominance?”. In the afternoon, Mr François Renard spoke about exclusionary abuses before handing over to Professor Jenny to share his perspectives on key issues for judges in abuse of dominance cases.

Day two started with a presentation by Dr Walker on the use of economic evidence (and economic experts) in abuse of dominance cases. Professor Jenny then returned to speak about some of the tests which can be used to identify abusive conduct before sharing his views on a number of abuse of dominance cases in Europe and Asia.

In the afternoon, the final presentation of the workshop was given by Judge Kang of the Seoul High Court who spoke about his experience in dealing with an appeal from a decision of the Korea Fair Trade Commission in an abuse of dominance case relating to subscription television. The workshop ended with a hypothetical case study exercise facilitated by Dr Walker and Ms Warwick which prompted a great deal of discussion and debate among the judges.

EVALUATION

OVERALL AVERAGE SCORE FOR EVENT ACROSS ALL CATEGORIES	4.4
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DETAILED RESPONSES TO QUESTIONS <i>(Numerical score for each category)</i>	Average Score	Number of Responses	% in Highest Category	Number of Responses				
				Very High <i>(5)</i>	High <i>(4)</i>	Moderate <i>(3)</i>	Low <i>(2)</i>	Very Low <i>(1)</i>
I. The overall usefulness for your work of the topics addressed.	4.3	18	39	7	10	1		
II. The overall quality of the presentations.	4.4	18	39	7	11			
III. The overall usefulness of the case studies.	4.2	18	33	6	10	2		
IV. The overall usefulness of the seminar materials.	4.6	18	56	10	8			
V. The overall usefulness of this event.	4.4	18	44	8	10			

4. PROGRAMME NEWSLETTER

In 2012 the Programme continued to publish its regular newsletter, now known as the “Asia-Pacific Competition Update”. The newsletter is available online at the following address <http://www.oecd.org/daf/competition/koreacentrenewsletter.htm>.

There are two primary reasons for publishing the newsletters. The first is to ensure that the benefit of the Programme’s workshops can extend beyond only those officials who are able to attend the workshop in person. The newsletter enables a wider audience to have access to information exchanged during the events.

The second reason for publishing the newsletter is to enable Asia-Pacific competition authorities to establish and maintain links between each other. The newsletter provides a means by which countries can report the details of their key cases to each other and, hopefully, assist agencies to contact each other in the event that there is a joint investigation or an investigation that would benefit from the insights gained by a similar investigation in another Asia-Pacific country.

5. CENTRE STAFFING

During 2012, the Programme’s staff comprised:

Title	Name	Location
General Director	Mr Jay Young Kang	Seoul
Senior Competition Expert	Ms Simone Warwick (OECD’s dedicated staff member)	Paris
Director	Mr Sungku Lee (until February 2012) Mr Hyungsoo Kim (from February 2012)	Seoul
Communications officer	Ms Young Park (until May 2012) Ms Michelle Ahn (from May 2012)	Seoul
Programme coordinator	Ms Sooah Shin (until April 2012) Ms Eun-Sung Kim (from April 2012)	Seoul
Programme researcher	Ms Jinkyung Jung	Seoul

6. CONTRIBUTIONS

The following OECD Member States and organisations generously provided expert speakers for the Programme's workshops in 2012:

Country	Agency/Organisation
Australia	Australian Competition and Consumer Commission
Japan	Japan Fair Trade Commission
Korea	Korea Fair Trade Commission Seoul High Court Korean Judicial Research and Training Institute
New Zealand	New Zealand Commerce Commission
United Kingdom	Office of Fair Trading
United States of America	Federal Trade Commission Department of Justice
Other	Allen & Overy, Beijing ASEAN Secretariat Charles River Associates, London

In addition, officials from the following participating agencies made presentations during the 2012 workshops:

Country	Agency
Chinese Taipei	Fair Trade Commission
India	Competition Commission of India
Indonesia	Business Competition Supervisory Commission (KPPU)
Pakistan	Competition Commission of Pakistan
Philippines	Philippines Department of Justice, Office for Competition
Singapore	Competition Commission of Singapore
Vietnam	Vietnam Competition Authority

Particular thanks goes to all the speakers listed in Appendix A for their presentations, which were invaluable for the Centre's competition workshops.

Appendix A Speakers at Competition Programme Events in 2012

Speaker	Presentation	Workshop
Mr Ishtiaq Ahmed (Competition Commission of Pakistan)	Leniency and Reward Payment Schemes in Pakistan	Rewarding co-operation in Cartel Investigations
Mrs Noor Aisyah Amini (KPPU, Indonesia)	Competition in the Indonesian Aviation Industry	Competition Issues in the Aviation Sector
Mr Satoru Ara (Japan Fair Trade Commission)	Coordination and Co-operation with Other Agencies: the JFTC's Experience	Bringing Competition into Regulated Sectors
	The History of the Work on Abolishment of Antimonopoly Exemptions in Japan	Bringing Competition into Regulated Sectors
Mr João Azevedo (OECD)	Essentials of merger control	Merger Analysis and the Implementation of Remedies
	Remedies in merger cases	Merger Analysis and the Implementation of Remedies
Ms Morag Bond (Australian Competition and Consumer Commission)	Overview of Australian merger control & merger remedies	Merger Analysis and the Implementation of Remedies
	Merger remedies in Australia: Behavioural and structural undertakings	Merger Analysis and the Implementation of Remedies
Dr Richard Chadwick (Australian Competition and Consumer Commission)	Competition Regulation of Aviation Alliances in Australia	Competition Issues in the Aviation Sector
	ACCC Analysis of Aviation Alliances: some recent case studies	Competition Issues in the Aviation Sector
Mr Simon Constantine (UK Office of Fair Trading)	Concurrency in the UK – Past, Present and Future	Bringing Competition into Regulated Sectors
	Making Regulated Markets Work Well for Consumers – a Case Study	Bringing Competition into Regulated Sectors
Ms Lilla Csorgo (New Zealand Commerce Commission)	Vertical Restraints	Vertical Restraints
	Exclusion Good, Exclusion Bad: A Study of Two Exclusive Dealing Cases	Vertical Restraints
Ms Rahma Wati Faisal (KPPU, Indonesia)	Vertical Restraints in Cement Distribution	Vertical Restraints

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Speaker	Presentation	Workshop
Mr Herbert Fung (Competition Commission of Singapore)	The e-Payment Eco-System in Singapore – Regulation or Antitrust?	Bringing Competition into Regulated Sectors
	Aviation Economics 101	Competition Issues in the Aviation Sector
	CCS's Approach to Airlines Alliances	Competition Issues in the Aviation Sector
Ms Fintri Hapsari (KPPU, Indonesia)	Co-operation with Sector Regulator in Enforcement	Bringing Competition into Regulated Sectors
Mr Timothy Hughes (US Federal Trade Commission)	Co-operation and Coordination with Sectoral Regulators	Bringing Competition into Regulated Sectors
	Competition and Regulated Professions in the United States	Bringing Competition into Regulated Sectors
Mr Mubashar Jamal (Competition Commission of Pakistan)	Merger remedies in Pakistan	Merger Analysis and the Implementation of Remedies
Ms Hilary Jennings (OECD)	International Co-operation in Leniency Cases	Rewarding co-operation in Cartel Investigations
	Promoting Competition in Regulated Markets: a Policy Approach	Bringing Competition into Regulated Sectors
Professor Frédéric Jenny (Chairman of OECD Competition Committee and Former Judge of French Supreme Court)	Key challenges for judges in abuse of dominance cases	Workshop for Judges on Abuse of Dominance
	Abuse of dominance: case studies from Europe	Workshop for Judges on Abuse of Dominance
Mr Sangwook Kang (Judge at the Seoul High Court) and Mr Jaehun Jung (Judge at the Korean Judicial Research and Training Institute)	Requirements and Burden of Proof in the Case of Harming Consumers' Interests by Market Dominance in Korea	Workshop for Judges on Abuse of Dominance
Ms Dina Kallay (US Federal Trade Commission)	FTC experience with structural and behavioural remedies	Merger Analysis and the Implementation of Remedies
	International co-operation with respect to merger analysis & remedies	Merger Analysis and the Implementation of Remedies
Ms Aleezay Khaliq (Competition Commission of Pakistan)	Competition in the Aviation Sector in Pakistan	Competition Issues in the Aviation Sector
Ms Amun Sikander Khan (Competition Commission of Pakistan)	An Overview of Vertical Restraints under the Competition Act 2010	Vertical Restraints

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Speaker	Presentation	Workshop
Mr Sung Keun Kim (Korea Fair Trade Commission)	Introduction to Merger Enforcement by the KFTC	Merger Analysis and the Implementation of Remedies
Mr Takujiro Kono (Japan Fair Trade Commission)	Leniency Program of the Japan Fair Trade Commission	Rewarding co-operation in Cartel Investigations
Mr Kuldeep Kumar (Competition Commission of India)	Vertical Agreements: Provisions of the Competition Act, 2002	Vertical Restraints
Mr Byung Geon Lee (Korea Fair Trade Commission)	Competition Law Enforcement on Vertical Restraints in Korea	Vertical Restraints
Mr Adam Louka (Australian Competition and Consumer Commission)	The ACCC's Immunity Policy for Cartel Conduct and Co-operation Policy	Rewarding co-operation in Cartel Investigations
	Seeking Immunity in Australia – the Application Process in Practice	Rewarding co-operation in Cartel Investigations
Mr Jae-Keol Park (Korea Fair Trade Commission)	Investigative Experiences in the Air Cargo Cartel Case	Competition Issues in the Aviation Sector
Mr Harikumar Sukumar Pillay (Competition Commission of Singapore)	Cartel Investigations and Leniency – CCS' Experience	Rewarding co-operation in Cartel Investigations
Mr François Renard (Allen & Overy, Beijing)	Exclusionary Abuses	Workshop for Judges on Abuse of Dominance
Ms Lina Rosmiati (KPPU, Indonesia)	Merger case in Commission for the Supervision of Business Competition (KPPU), Indonesia	Merger Analysis and the Implementation of Remedies
Mr Terence Seah (Competition Commission of Singapore)	Merger Analysis and Remedies, Singapore Case Study	Merger Analysis and the Implementation of Remedies
Mr P.K. Singh (Competition Commission of India)	Getting Started – India's Leniency Regulations	Rewarding co-operation in Cartel Investigations
Dr K.D. Singh (Competition Commission of India)	Competition Issues in the Aviation Sector in India	Competition Issues in the Aviation Sector
Mr Adonis Sulit (Philippines Department of Justice, Office for Competition)	DOJ- Office for Competition: Year 1: Our Competition Story	Bringing Competition into Regulated Sectors
Mr Joongkyu Sun (Korea Fair Trade Commission)	The KFTC's Work on Competition Assessment	Bringing Competition into Regulated Sectors
Ms Hoang Thi Thu Trang (Vietnam Competition Authority)	Vertical Restraint: A Case Study	Vertical Restraints

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Speaker	Presentation	Workshop
Mr Willard Tom (United States Federal Trade Commission)	U.S. Approaches to Vertical Interbrand Conduct	Vertical Restraints
	U.S. Approaches to Vertical Intrabrand Conduct	Vertical Restraints
Dr Mike Walker (CRA, London)	What is dominance?	Workshop for Judges on Abuse of Dominance
	Economic evidence in abuse of dominance cases	Workshop for Judges on Abuse of Dominance
Ms Simone Warwick (OECD/Korea Policy Centre)	Rewarding Co-operation: an Introduction	Rewarding co-operation in Cartel Investigations
	Practical Considerations for Effective Co-operation	Rewarding co-operation in Cartel Investigations
	Introduction to Vertical Restraints	Vertical Restraints
	A European Perspective on Vertical Restraints	Vertical Restraints
	Bringing Competition into Regulated Sectors: an Introduction	Bringing Competition into Regulated Sectors
	Enforcing Competition Law in Regulated Sectors	Bringing Competition into Regulated Sectors
	Introduction and overview	Competition Issues in the Aviation Sector
	Airline Mergers: A European Approach	Competition Issues in the Aviation Sector
	Competition and Airports	Competition Issues in the Aviation Sector
	Introduction and Overview	Workshop for Judges on Abuse of Dominance
	Introduction to abuse of dominance	Workshop for Judges on Abuse of Dominance
	Exploitative Abuses	Workshop for Judges on Abuse of Dominance
Ms Thitapha Wattanapruttipaisan (ASEAN Secretariat)	Competition Law and Policy in ASEAN	Bringing Competition into Regulated Sectors
Ms Shih Ya-Ching (Chinese Taipei Fair Trade Commission)	A case study on merger remedies	Merger Analysis and the Implementation of Remedies

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Speaker	Presentation	Workshop
Mr Soo-hyun Yoon (Korea Fair Trade Commission)	The Application of the Leniency and Bounty Schemes in Korea	Rewarding co-operation in Cartel Investigations
Mr Robert D. Young (United States Department of Justice)	The Department of Justice's Work on Aviation	Competition Issues in the Aviation Sector