

OECD-Korea Policy Centre, Competition Programme

Regional Antitrust Workshop

On

Anti-Cartel Enforcement

Seoul, Korea, 10-12 December 2008

Seminar Overview

This workshop is designed to give participants an introduction to the theory and practical considerations involved in modern anti-cartel enforcement. It is structured around an extended case study of a hypothetical asphalt cartel, interspersed with lectures from experts on various aspects of cartels and cartel investigations. The hypothetical case study is divided into three blocks. During the first block, participants meet with whistleblowers and a market expert and review case documents. After the first block, a dawn raid is supposed to have taken place, and the Competition Commission has initiated and formally started an investigation. During the second block, the participants meet with the customers and one of the cartel companies which has decided to cooperate with the Competition Commission. During the third block, the participants will meet with the cartel companies themselves. During each block, the participants will be divided into two groups, and each group will interview one character each. The two groups, subsequent to the interviews, will brief each other on each group's findings and thereafter jointly assess and determine what has taken place. Each block will conclude with a discussion among the participants in which they jointly decide what will be the appropriate next steps in carrying out the investigation.

Attending Experts and Participants

China, Chinese Taipei, Hong Kong China, Indonesia, Korea, Mongolia, OECD, Singapore, Sri Lanka, Sweden, United States, Vietnam

Seminar Agenda

Wednesday, December 10th : Overview of Cartels and Investigative Methods, and Beginning of Case Study

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| 9:00-9:15 | Welcome and Opening Remarks: <i>Mr. Jai-un YU, Director, OECD Korea Policy Centre, Competition Programme</i> |
| 9:15-9:30 | Introductions and Photo Session |
| 9:30-10:15 | Lecture – Overview of Anti-Cartel Enforcement: <i>Mr. Eric EMCH, OECD</i> |

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| 10:15-10:30 | <i>Break</i> |
| 10:30-11:15 | Lecture – Methods of Detecting Cartels and Launching an Investigation: <i>Ms. Karin LUNNING, KKV Sweden</i> |
| 11:15-12:00 | Lecture – Investigative Strategy: <i>Ms. Leihling WU, Chinese Taipei Fair Trade Commission</i> |
| 12:00-12:15 | Introduction to the Asphalt Case |
| 12:15-1:30 | <i>Lunch</i> |
| 1:30-2:00 | Group Discussion/Investigation Plan for the Asphalt Case |
| 2:00-2:45 | Lecture – Interviewing Techniques: <i>Mr. Sidney MAJALYA, U.S. Department of Justice</i> |
| 2:45-3:15 | Start of First Block – Participants Discuss Goals of Interviews with “Whistleblowers” and One Market Expert |
| 3:15-3:45 | <i>Break</i> |
| 3:45-4:45 | Group Sessions – Conduct Interviews, Review Documents |
| 4:45-5:30 | Case Review – Compare Notes, Discuss and Update Investigative Plan |

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| Thursday, December 11th – Economics of Cartels and Continuation of Case Study |
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| 9:00-9:45 | Lecture – The Economics of Cartel Formation: <i>Mr. Eric EMCH, OECD</i> |
| 9:45-10:15 | Start of Second Block – Participants Discuss Goals of Interviews with Customers and One of the Alleged Cartelists |
| 10:15-10:30 | <i>Break</i> |
| 10:30-11:30 | Group Sessions – Conduct Interviews, Review Documents |
| 11:30-12:15 | Case Review – Compare Notes, Discuss and Update Investigative Plan |
| 12:15-1:45 | <i>Lunch</i> |
| 2:00- | Cultural Tour of Seoul and Dinner |

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| Friday, December 12th – Legal Proof, Effective Sanctions, and Conclusion of Case Study |
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9:30-10:15 **Lecture – Cartel Case Study, The Lysine Conspiracy:** *Mr. Eric EMCH, OECD*

10:15-10:45 **Start of Third Block – Participants Discuss Goals of Interviews of Alleged Cartelists**

10:45-11:00 *Break*

11:00-12:00 **Group Sessions – Interview Alleged Cartelists, Review Documents**

12:00-12:45 **Case Review – Compare Notes, Discuss and Update Investigative Plan**

12:45-2:00 *Lunch*

2:00-2:45 **Lecture – Effective Sanctions:** *Mr. Eric EMCH, OECD*

2:45-3:45 **Group Discussion – Analysis of Case**

3:45-4:00 *Break*

4:00-4:30 **Final Overview of Case and Closing Remarks**