

OECD-Korea Policy Centre

**Competition Programme
Annual Report 2010**

OECD: www.oecd.org/competition

Korea Policy Centre: www.oecdkorea.org/competition/cp_main_eng.asp

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, which is also a member of the OECD. The function of the Centre is to provide education and training to the officials Asian governments in the fields of tax, competition, public governance, and social policy. The Centre also undertakes research in these subject areas.

The joint venture partners' competition law and policy bodies are the following:

- the OECD's Competition Committee which oversees an extensive programme of work involving 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 and in Korea responsible for both competition law enforcement and competition policy advocacy across the government more broadly.

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 Asian region.

Mission of the Centre's Competition Programme

To assist Asian competition authorities in developing and implementing sound competition law and policy.

The primary activities of the Programme are competition law and policy seminars which occur five or six times a year. The details of the 2010 programme are provided in section 3 of this Report.

The Programme's seminars provide:

- an opportunity for young competition authorities to learn the skills necessary to efficiently enforce new competition laws, with a view to raising the economic performance of their own countries, and through international trade, contribute to economic performance globally;
- an opportunity for young competition authorities to share the details of their early case decisions and discuss their challenges and successes with their peer agencies from developing countries and developed countries;

- an opportunity for all competition agencies, old and new, to learn of new trends and approaches from each other; and
- an opportunity for the staff of all competition agencies, old and new, to meet and form enduring professional contacts with officials from other countries to facilitate effective cooperation on international cartels and multi-jurisdictional merger reviews.

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 different approaches of enforcement agencies in various countries when designing competition laws; and
- begin the preparations for the formation of their country's competition authority.

In addition, to the main activity of conducting seminars, the Programme conducts some other competition related work in Asia. In 2010, the OECD staff member funded through the Programme:

- organised and hosted a training event conducted jointly with the Asian Development Bank for China's MOFCOM on merger remedies;
- jointly organised and hosted a training event specifically for China's NDRC on bid rigging; and
- was also a key speaker at a merger administration event held by MOFCOM and the ADB.

For the first time in 2010 the Programme also published a newsletter and this initiative is further discussed in section 6 of this Report.

2. Regional Context for the Centre's Work: Competition Law Developments in Asia

The focus of the Programme is the Asian region and, within that region, competition law and policy continues to develop rapidly.

In the Programme's 2009 annual report, there is a list of countries that recently adopted competition law. In 2010, these countries made important strides in the transition process towards competition law becoming a normal and established part of business regulation with a series of key cases having been decided in each of those countries. For example, by the end of 2010:

- China's MOFCOM has decided a significant number of merger cases. A majority of the cases resulted in unconditional approvals, a small number resulted in conditional approvals and there was one outright opposition decision. These statistics are broadly similar with those of the competition law regimes of OECD member countries.

- The Competition Commission of Pakistan has decided a significant number of cases including both cartel cases and abuse of dominance cases.
- The Competition Commission of Singapore has decided its three cartel cases including the first one involving a leniency applicant and one abuse of dominance case.
- The Vietnamese Competition Council has decided its first abuse of dominance case and its first cartel case, in both cases deciding that there was indeed a breach of the competition law as alleged by the Vietnamese Competition Authority.
- In India, important progress has been made in conducting investigations and testing the legal provisions applying to the investigation process. There has been important Tribunal decision and a Court appeal of that decision which ultimately confirmed the correctness of key aspects of the investigatory process currently used by the Competition Commission.

All the above countries' competition agencies, have been extensive direct beneficiaries of the Programme's capacity building work.

At the same time, additional jurisdictions continue to move towards the adoption of competition law.

- A revised Bill for a new competition law has been put before the Philippines Congress.
- The Hong Kong Government has introduced a general economy wide Competition Bill into the Legislative Council.
- Mongolia adopted a new and vastly improved competition law.
- Pakistan replaced its former Competition Ordinance (put in place by the former President) with a permanent Competition Act passed by Parliament.

As a result of these developments, the Programme's seminars are adapting:

- First, as some competition agencies progress from having successfully deciding their first competition law cases, their needs change to learning about the specific competition issues that arise in particular industries or more complex competition law issues. For the first time, in 2010 a seminar was conducted focusing exclusively on one industry and the particular competition law issues that arise in that key business sector. The banking sector was chosen because it is a sector of interest to most Asian countries and, in the wake of the crisis, it is topical; and
- Second, there will continue to be a steady stream of countries newly passing competition laws or new formed agencies seeking to make their first decisions. For this reason, the Programme continues to include many 'first principles' type seminars with a growing group of new countries invited to these events (such as Cambodia and Fiji).

A programme that has industry specific seminars, and seminars with different levels of difficulty, are already features of the OECD's sister programme which is a joint venture between the OECD and the Hungarian competition agency. To enable these approaches and other experiences to be better shared between the two OECD outreach programmes, an exchange was organised for

the first time in 2010 whereby the OECD staff member assigned to the Hungarian centre organised one event at the Korean centre and vice versa.

Looking into the future, while many competition agencies have gained a strong understanding of competition law fundamentals, that is not necessarily the case within other parts of government. Arising from this observation, two additional areas of need were identified during 2010. In particular:

- the judiciary in many Asian countries could benefit from competition law training to ensure that there is a strong competition law decision making capacity throughout the initial and appeals decision stages; and
- government agencies in other parts of government who are not competition specialists could benefit from understanding better how to better frame business laws and regulations to avoid unnecessarily reducing competition.

The Programme will explore whether it can address these areas of need in future years.

3. Detailed Review of the Activities of the Centre in 2010

In 2010, the Programme included seminars on the following:

- A seminar for the Indonesian KPPU on cartels and market definition.
- Analysis of mergers where there are vertical/conglomerate effects and merger remedies.
- Cartel enforcement.
- Price related abuse of dominance.
- Competition issues in the banking industry.
- Investigation techniques.

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

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

3.1) Indonesian event on cartels and market definition

The KPPU hosted a OECD-Korea Policy Centre seminar in Bogor near Jakarta attended by more than 45 KPPU officers and staff from other Indonesian ministries. Experts were invited from the Australian Competition and Consumer Commission, the Italian Competition Authority, the Japan Fair Trading Commission, the Korean Fair Trade Commission and the OECD.

The first part of the seminar concerned complex market definition cases.

As informed readers will already know, substitution is the key to market definition – if goods can be substituted for each other by consumers and suppliers they are in the same market. But, how much substitution is enough substitution for two goods to be in the same market? And, what if the substitution goes in only one direction (in other words, the customers or suppliers of good can switch to other goods but the customers or suppliers of the other goods cannot switch back. have no choices)? What is a '2-sided market' and how are they treated by competition laws?

All these questions were the subject of theoretical lectures and case study presentations by Nick Taylor of the OECD, Peter Van de Hoek of the ACCC and Jaeho Moon of the KFTC.

The KPPU participants then had the opportunity to demonstrate their interview and analytical skills in a hypothetical in which the correct market definition was highly debatable and, indeed, changeable over time.

The second part of the seminar concerned using indirect evidence to prove the existence of cartels. Gianluca Sepe of the Italian Competition Authority presented on a baby milk cartel case that was decided on the basis of indirect evidence such as price movements and price comparisons with adjacent markets that could be demonstrated to be competitive. There was also evidence that meetings between competitors had taken place followed by what appeared to be coordinated market conduct even though the details of the discussions and any agreement could not directly be proved. Similarly Peter Van de Hoek presented on a petrol cartel case in which the Australian competition authority had obtained penalty orders following an investigation that relied substantially on indirect evidence.

Kentaro Hirayama of the JFTC, too, presented on two cartels in the telecommunications and chemicals industries in which the Japanese Courts were satisfied that there had been a cartel based on indirect evidence. The types of indirect evidence presented to the courts included evidence of price movements, proof that the companies involved had strong incentives to enter into anticompetitive agreements and, in one case, the fact that the competitors had formed a club known as the Kabuto Club which met immediately before tender bids were due.

EVALUATION

OVERALL AVERAGE SCORE FOR EVENT ACROSS ALL CATEGORIES	4.0
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DETAILED RESPONSES TO QUESTIONS	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.	4.1	35	30	9	21	4		1
II. The overall quality of the presentations.	3.9	35	10	4	24	7		
III. The overall usefulness of the case studies.	3.9	35	10	4	25	6		
IV. The overall usefulness of the seminar materials.	3.7	35	10	3	21	10	1	
V. The overall usefulness of this event.	4.1	35	20	7	24	4		

3.2) Mergers with vertical/conglomerate effects and merger remedies

Every year the Programme includes a workshop on mergers. In 2009 the topic was horizontal mergers and joint ventures. To complete the picture on how to analyse different types of mergers, one of the key topics at the Programme's 2010 mergers workshop was a discussion of non-horizontal mergers. The other key topic discussed was the topic of merger remedies.

For this event, the OECD-Korea Policy Centre arranged an exchange of staff with the OECD's sister Centre located in Budapest. The Budapest Centre is a joint venture between the OECD and the Hungarian Competition Authority and it holds events that are very similar to those held by the OECD-Korea Policy Centre. Attendees in Budapest typically come from Central and Eastern European countries. The purpose of the staff exchange between the Korean and Hungarian OECD Centres was to enable the cross-fertilization of competition thinking and skills between Europe and Asia. Hence Joao Azavedo, who is the OECD staff member attached to the Budapest Centre, was the coordinator of the mergers event in Seoul in April 2010.

The first of the two key topics discussed at the workshop, vertical mergers, usually involve a supplier of goods purchasing a company that is its customer. Or, of course, a vertical merger could involve the reverse concept – a customer acquiring the business of one of its suppliers. Conglomerate mergers, on the other hand, involve businesses trading in diverse products that are usually indirectly related products, for example, a telephone company may merge with a pay TV operator. Or a manufacturer of one type of airplane parts may merge with a manufacturer of a different kind of airplane parts.

The discussion of these types of mergers commenced with an introductory lecture from the OECD. Betsy Piotrowski of the Federal Trade Commission then presented on the analysis of a vertical merger in the US and Jongbae Park of the Korean Fair Trade Commission presented an analysis of a conglomerate merger in Korea.

Turning to the other key topic for the seminar (merger remedies), it is often the case that a competition authority identifies competition problems with a merger but the problems may not affect the whole merger. In these cases, it is sometimes possible for the merging parties to proceed with their merger provided that they abide by competition related requirements such as a requirement to divest a particular business unit. Competition related requirements connected with a merger are commonly called “merger remedies”.

Merger remedies can be very beneficial because sometimes they can solve competition problems and enable mergers that improve business efficiency to occur. However, designing and enforcing a set of effective merger remedies can be difficult. Common pitfalls include adopting remedies that do not really correct the competition problem or adopting remedies that involve such intensive supervision by the competition authority that its resources become over-stretched.

Again the discussion of this topic commenced with an introductory presentation by the OECD and detailed experience was shared in presentations given by Agnieszka Marek of the Australian Competition and Consumer Commission, Betsy Piotrowski of the US FTC and June Lee of the US Department of Justice.

Additionally, two presentations showcased the mergers work of the Pakistan Competition Commission (Vadiyya Khalil) and the Chinese Ministry of Commerce (Zhiqiang Li). Both presentations concerned horizontal mergers and served as good reminders of the key points from the Programme’s 2009 workshop on horizontal mergers and joint ventures.

Finally, all the above speakers, and also the attendees from India, Indonesia, Mongolia, Papua New Guinea, Singapore, Thailand and Vietnam participated in a hypothetical exercise concerning a complex merger involving remedies.

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.	4.5	18	60	10	7	1		
II. The overall quality of the presentations.	4.2	18	40	7	8	3		
III. The overall usefulness of the case studies.	4.2	18	30	6	9	3		

IV. The overall usefulness of the seminar materials.	4.5	18	40	8	7	3		
V. The overall usefulness of this event.	4.4	18	40	8	9	1		

3.3) Cartel enforcement

Eighteen delegates from nine Asian countries visited the beautiful Korean island of Jeju in June to attend a program focused on cartel investigations.

The event started with an overview of cartel enforcement. This session covered the theory of why cartels are damaging to the economy, a review of the research estimating the extent of the damage and how countries can best fight against cartels.

Over a series of sessions during the event, a hypothetical case study provided an opportunity for the participants to practice investigation techniques together. The case study was based originally on a real case example of an asphalt bid rigging conspiracy from Sweden but significant changes were made so that the case would be relevant to participants from the Asian region. The participants reviewed a package of materials supposedly obtained in a dawn raid and interviews were conducted with certain participants playing the part of customers and competitors.

The different stages of the hypothetical were punctuated by lectures from a Japanese delegate providing an overview of that country's cartel enforcement activities and the OECD bid rigging guidelines and a lecture by a Korean delegate outlining the history and showcasing the successes of that country's leniency program.

Case studies were provided by Chinese Taipei concerning an investigation in response to a series of consumer complaints using indirect evidence that resulted in a finding of no breach of the competition law. The Indonesian delegates presented on a cartel between telecommunications companies concerning the prices of short messages (SMSs). The last day of the seminar was also the same day that the Singapore Competition Commission released its third ever cartel decision which was also the first decision in a cartel case where a participant had applied for leniency. A delegate from Singapore presented that case.

Attendees at this seminar included delegates from the following jurisdictions: Chinese Taipei, India, Indonesia, Japan, Korea, Mongolia, Singapore, Thailand and Vietnam.

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.	4.5	13	50	7	5	1		
II. The overall quality of the presentations.	4.5	13	50	7	6			
III. The overall usefulness of the case studies.	4.6	13	60	8	5			
IV. The overall usefulness of the seminar materials.	4.6	13	60	8	5			
V. The overall usefulness of this event.	4.5	13	50	7	6			

3.4) Price related abuse of dominance

The most common complaints that competition authorities typically receive concern prices. Consumers may complain that a large company over-charges. The competitors of a large company may complain that the large company's low prices are driving them out of business or, a range of trading partners may complain that a large company discriminates by charging different customers different prices.

In September, the Centre conducted a workshop on price related abuse of dominance to explore all these pricing issues. Attendees at the workshop also attended part of the Korean Fair Trade Commission's 6th Seoul International Competition Forum.

The first topic addressed at the Centre's workshop on price related abuse of dominance was low or predatory pricing. Presentations on this topic were provided by Nick Taylor of OECD, Will Tom of the US Federal Trade Commission, Geronimo Sy of the Philippines Department of Justice and Tsung-Yung Tsai of the Chinese Taipei Fair Trade Commission.

The second topic concerned excessive pricing. Presentations on this topic were provided by Nick Taylor and Sarah Ahmad of the Competition Commission of Pakistan (the latter presentation also covered discriminatory pricing).

The third topic concerned price differences in prices. On this topic, presentations were provided by Nick Taylor, Brice Allibert of the European Commission, Seungkyu Lee of the Korean Fair Trade Commission and Timothy Chew of the Competition Commission of Singapore.

Given that pricing complaints are so frequent and real cases of price related abuse so rare, Dr Stan Wong of the Irish Competition Authority made a presentation on the topics of prioritising the

resources of competition authorities and managing the expectations of the public concerning what a competition authority can and should seek to achieve.

Attendees at this seminar included delegates from the following jurisdictions: China, Chinese Taipei, Ecuador, European Union, India, Indonesia, Ireland, Korea, Mongolia, Pakistan, Philippines, Singapore, United States and Vietnam.

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.	4.3	16	31	5	11			
II. The overall quality of the presentations.	4.3	16	31	5	11			
III. The overall usefulness of the case studies.	4.3	16	37	6	8	2		
IV. The overall usefulness of the seminar materials.	4.4	16	37	6	10	-		
V. The overall usefulness of this event.	4.4	16	37	6	10	-		

3.5) Competition issues in the banking industry

For the first time the Centre conducted a seminar on a particular industry.

From a competition perspective, the banking industry is special in many ways. For example, an important function of the banks is to make and receive payments for their clients. For payments to occur efficiently and effectively, competing banks have to work together to enable payments to be sent from one bank to another. Another interesting issue arises at times of crisis: because banks are so important to the working of the economy, it is sometimes argued that it is necessary for anticompetitive mergers to be approved to save a bank from failing.

The seminar covered a wide range of issues. An introductory presentation by Nick Taylor of the OECD outlined in detail the reasons why the banking industry is different or special from a competition viewpoint and David Stallibrass of the UK Office of Fair Trading summarised that agencies “sector inquiries” into the banking industry. The UK’s sector inquiries are an interesting power that many competition agencies do not have whereby the competition authority can make a formal, broad ranging study of a particular market or part of a market and make recommendations even if no breaches of competition law are found.

Vanessa Holliday from the ACCC presented on market definition in banking mergers and explained case studies of Australian banking industry merger cases both before and during the

recent global financial crisis. David Stallibrass also presented a similar case study of a UK merger decision conducted during crisis. Yuhn-Shan Chen of the Chinese Taipei FTC also presented case studies of merger cases considered by that agency.

Turning to banking cartels, Dong-Wook Oh of the KFTC made a presentation on cartels in the banking industry (and related industries) and in particular the issues that can arise when other parts of government encourage the entry into an anticompetitive agreement or the cartelists claim that they have entered the agreement in response to ‘guidance’ from government agencies. Similarly, Nadia Nabi of the Pakistan Competition Commission presented a case study of Pakistan’s first ever cartel case under modern competition law which also involved a claim by the cartelists that their agreement was entered into in response to the actions of the central bank.

The final phase of the seminar focused on payments systems. Nick Taylor gave an over-view of how payments systems work and what is the language commonly used to describe the industry’s activities. Alexander Gee of the European Commission explained the different types of competition issue that can arise and provided detailed case studies on the European Commission’s consideration of the Visa and MasterCard cases. Chi Ho Fung of the Singapore Competition Commission made a ‘state of play’ presentation on that Commission’s ongoing process of considering Visa’s application for approval for certain of its business arrangements under Singapore’s Competition law.

Attendees at this seminar included delegates from the following jurisdictions: Australia, Cambodia, China, Chinese Taipei, European Union, India, Indonesia, Korea, Mongolia, Pakistan, Singapore, Thailand, United Kingdom and Vietnam.

EVALUATION

OVERALL AVERAGE SCORE FOR EVENT ACROSS ALL CATEGORIES	4.6
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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.	4.2	9	33	3	5	1		
II. The overall quality of the presentations.	4.5	9	56	5	4			
III. The overall usefulness of the case studies.	4.7	9	67	6	3			
IV. The overall usefulness of the seminar materials.	4.7	9	67	6	3	-		
V. The overall usefulness of this event.	4.7	9	67	6	3	-		

3.6) Investigation techniques

The seminar started with a very brief presentation from each country present on what are the agency's formal investigatory powers, have they been used yet and could the speaker share with the group a favourite informal technique for gathering information. All of the following countries participated in this introductory session: China, Chinese Taipei, Fiji India, Indonesia, Japan, Korea, Mongolia, New Zealand, Pakistan, Papua New Guinea, Thailand and Vietnam.

Some themes were very similar to those found in OECD countries such as the usefulness of leniency policies. However, there were other themes that were a feature of more developing countries such as the problem of ensuring the personal security of competition agency staff conducting dawn raids or leniency applicants and the usefulness of bounties or cash rewards for cartel information. All these themes provided a good backdrop for discussions during the seminar.

Nick Taylor of the OECD presented a session on planning and managing an investigation and Barrie Sutton of the New Zealand Commerce Commission presented sessions on preparing document requests and interviewing witnesses.

Masunori Tsukada of the Japan Fair Trade Commission and Yong-Rae Ryu of the Korean Fair Trade Commission presented sessions on planning and executing dawn raids.

A particular feature of this final session of the year was that there were many case studies presented by participant countries who have not often presented case studies at the Programme's previous events. Aramsri Rupan of the Thai Trade Competition Bureau presented a case study on competition issues in book publishing, wholesaling and retailing. The case was interesting because the industry participants had made a series of claims and counterclaims covering alleged cartel conduct, abuse of dominance and anticompetitive exclusive dealing.

Nguyen Duc Minh of the Vietnamese Competition Authority presented a case study on a cartel in the auto insurance market. This case is very interesting because it is the first ever cartel case in Vietnam. It also revealed some of the difficulties that with putting into practice Vietnam's unusual cartel provisions in which a cartel is only illegal if it covers at least 30% of the trade in the relevant market.

Mr Shijirbaatar of the Mongolian Competition Authority introduced that country's new competition law and also an interesting cartel involving local and multi-national accounting firms. Helli Nurcahyo of Indonesia's KPPU presented a case study on an investigation in the telecommunications industry.

Hui-Wen Tsao and Hsing-Yuan Wang of the Chinese Taipei Fair Trade Commission each presented cases, the first concerning lawyers in the local bar associations boycotting a provider of a new channel for legal services and the other involving price fixing and other conduct by competing pharmacies.

This is the first of the Programme's events held in Busan, Korea's second biggest city. The city is both an impressive port – one of the biggest in the world – and also has beautiful beaches.

EVALUATION

OVERALL AVERAGE SCORE FOR EVENT ACROSS ALL CATEGORIES	4.7
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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.	5	19	100	19				
II. The overall quality of the presentations.	4.6	19	58	11	8			
III. The overall usefulness of the case studies.	4.4	19	48	9	9	1		
IV. The overall usefulness of the seminar materials.	4.6	19	63	12	7	-		
V. The overall usefulness of this event.	4.8	19	84	16	3	-		

4. Programme Newsletter

In mid-2010, the Programme launched a periodical newsletter and by the end of the year two issues had been published. There are two principal rationales for the launching the newsletter.

Over the five years that the Programme has been in operation, many competition agency staff members have had the opportunity to come to the centre's events. However, the work of the centre is potentially of interest to a much wider group of officials within Asian competition authorities than those delegates sent to the meetings and one purpose of the newsletter is to enable that wider audience to have access information exchanged during the events.

The second reason for the newsletter is to enable Asian competition authorities to establish and maintain links between each other. While there are many mechanisms in Europe and North America for authorities to keep abreast of each others' work, there are fewer opportunities to do so in Asia. 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 Asian country.

5. Centre Staffing

During 2010, the Programme's staff comprised:

- The General Director (Seoul based);

- The OECD's dedicated staff member (Paris based);
- The Director (Seoul based);
- A dedicated translator (Seoul based); and
- A support staff member (Seoul based).

In early 2010 Mr Dong Kweon Shin was appointed the General Director of the Centre and he presided over all the events that year and the launch of the Newsletter. At the conclusion of 2010, Mr Shin returned to the KFTC. The Centre thanks him for his enthusiastic leadership during 2010 and wishes him well in his return to the KFTC.

6. Contributions

The following agencies have generously provided the time of their officers and financial resources to be presenters at the Programme's seminars:

Australia	Australian Competition and Consumer Commission (ACCC)
China	Ministry of Commerce (MOFCOM)
Chinese Taipei	Fair Trading Commission (CTFTC)
European Union	European Commission's Directorate General for Competition (DG Comp)
Ireland	Irish Competition Authority (ICA)
Italy	Italian Competition Authority (AGCM)
Indonesia	Business Competition Supervisory Commission (KPPU)
Japan	Japan Fair Trade Commission (JFTC)
Korea	Korea Fair Trade Commission (KFTC)
Mongolia	Mongolian Competition Authority (AFCCP)
New Zealand	New Zealand Commerce Commission (NZCC)

Pakistan	Competition Commission of Pakistan (CCP)
Philippines	Philippines Department of Justice (PDoJ)
Singapore	Competition Commission of Singapore (CCS)
Thailand	Thai Trade Competition Bureau (TTCB)
United Kingdom	Office of Fair Trading (OFT)
United States of America	Federal Trade Commission (US FTC) Department of Justice (US DoJ)
Vietnam	Vietnam Competition Authority (VCA) Vietnam Competition Council (VCC)

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

Appendix A**Speakers at Competition Programme Events in 2010**

Presenter	Presentation
Ms Sarah Ahmad (CCP)	"Case study: Price Discrimination by Pakistan International Airlines"
Mr Brice Allibert (EU)	"A price discrimination investigation"
Mr J Azevedo (OECD)	"The essentials of merger enforcement" "An introduction to the economics of vertical/ conglomerate effects in mergers" Joao Azevedo also hosted a half-day hypothetical case exercise
Ms Yuhn-Shan Chen (CTFTC)	"Case study: banking mergers in Chinese Taipei"
Mr Timothy Chew (CCS)	"Case study: Using price evidence in Singapore's first abuse of dominance case"
Mr Ananda Fajar (KPPU)	"Case study: Investigation and enforcement in a cartel case concerning SMSs in Indonesia"
Mr Chi Ho Fung (CCS)	"Stocktake on progress in consideration of Visa's application for exemption"
Mr Alexander Gee (DG Comp)	"European Commission's Visa & Mastercard cases" "Single Euro Payments Area (SEPA) initiative"
Mr Kentaro Hirayama (JFTC)	"International Case Study in Using Indirect Evidence – Country 2"
Ms Vanessa Holliday (ACCC)	"Market definition for merger analysis in the banking industry" "Case study: Westpac/St George merger"
Ms Hsiao-Yin Huang (CTFTC)	"Case study: Investigating cartels using economic and indirect evidence"
Mr Osamu Igarashi (JFTC)	"Methods of detecting cartels and launching an investigation"
Ms Hee-Eun Jeong (KFTC)	"Cartel matters undertaken by the KFTC using the leniency policy"
Ms Vadiyya Khalil (CCP)	"Analysing a horizontal merger – a case study"
Ms June Lee (DoJ)	"Managing Complex Mergers and Remedies"

Presenter	Presentation
Mr Seungkyu Lee (KFTC)	"A price discrimination investigation into Qualcomm"
Mr Zhiqiang Li (MOFCOM)	"Merger review in China: enforcement and cases"
Ms Agnieszka Marek (ACCC)	"Implementing merger remedies: Some experiences of the ACCC" "Managing merger remedy risk: Approaches utilised by the ACCC"
Mr Jaeho Moon (KFTC)	"Determining Market Definition II – Collecting Evidence from Customers & Competitors: Conducting Surveys and Conducting Interviews" (presented jointly) "Two Sided Markets"
Mr Nguyen Duc Minh (VCA)	"Case study: Insurance Cartel Investigation"
Ms Nadia Nabi (CCP)	"Case study: banking cartel investigation in Pakistan"
Mr Helli Nurcahyo (KPPU)	"Case study: Telecommunications Industry Investigation"
Mr Dong-Wook Oh (KFTC)	"Banking cartels"
Mr Jongbae Park (KFTC)	"Korean Experience of Merger Review & Remedies" "Analysing a conglomerate merger – a case study"
Ms Betsy Piotrowski (FTC)	"Merger remedies: general principles and approaches" "Analysing a vertical merger, including the implementation of remedies – a case study" "Merger remedies – implementing lessons learned"
Mrs Aramsri Rupan (TTCB)	"Case study: Book Wholesaling Investigation"
Mr Yong-Rae Ryu (KFTC)	"Executing a dawn raid"
Mr Gianluca Sepe (AGCM)	"International Case Study in Using Indirect Evidence – Country 1" Gianluca Sepe also participated in an "ask the experts" panel discussion in Indonesia
Mr Shijirbaatar (AFCCP)	"Briefing on the new Mongolian competition law and accountants cartel case study"
Mr David Stallibrass (OFT)	"UK's financial sector inquiries" "Case study: HBOS/ Lloyds merger"
Mr Barrie Sutton (NZCC)	"Preparing Document Requests" "Interviewing witnesses"

Presenter	Presentation
Mr Geronimo Sy (PDoJ)	"Case study: Predatory pricing investigation in the telecommunications industry"
Mr Sebastian Tan (CCS)	"Case Study: Singapore's first cartel matter"
Mr Nick Taylor (OECD)	<p>"Overview and purpose of market definition"</p> <p>"Determining Market Definition I – Assessing Substitution between Goods When Evidence is Limited"</p> <p>"Developing a Theory of the Case and Testing It"</p> <p>"Overview of cartel enforcement"</p> <p>"Optimal sanctions"</p> <p>"Overview of abuse of dominance cases related to price"</p> <p>"Overview of the economics, policy and law of predatory pricing"</p> <p>"Overview of the economics, policy and law of excessive pricing"</p> <p>"Overview of the economics, policy and law of price discrimination"</p> <p>"Overview of how competition law interacts with the banking sector"</p> <p>"Planning and managing an investigation"</p> <p>"Collecting information from public sources and third parties"</p> <p>"Penalties and other orders"</p> <p>Nick Taylor also hosted two three day hypothetical case exercises and participated in an "ask the experts" panel discussion in Indonesia</p>
Mr Will Tom (FTC)	"Predatory Pricing Issues in Practice"
Mr Tsung-Yung Tsai (CTFTC)	"Case study: Predatory pricing investigation in LPG"
Ms Hui-Wen Tsao (CTFTC)	"Case study: Bar Association Investigation"
Mr Masunori Tsukada (JFTC)	"Planning a dawn raid"
Mr Peter Van de Hoek (ACCC)	<p>"Determining Market Definition II – Collecting Evidence from Customers & Competitors: Conducting Surveys and Conducting Interviews" (presented jointly)</p> <p>"Developing Economic Evidence on Cartels and Strategies for Convincing Judges Using Economic Evidence"</p> <p>Peter Van de Hoek also participated in an "ask the experts" panel discussion in Indonesia</p>
Mr Hsing-Yuan Wang (CTFTC)	"Case study: Pharmacies Investigation"
Dr Stan Wong (ICA)	"Prioritisation and Public Expectations in Enforcement of Competition Law"