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13 December 2017

**DIRECTORATE FOR FINANCIAL AND ENTERPRISE AFFAIRS  
COMPETITION COMMITTEE**

**Global Forum on Competition**

**Agenda: Global Forum on Competition**

**7-8 December 2017**

*The 16th meeting of the Global Forum on Competition will be held on 7-8 December 2017 in Room 1 of the OECD Conference Centre, 2 rue André Pascal, 75116 Paris.*

Ms. Lynn ROBERTSON, Manager GFC, LACCF, Competition Expert, OECD Competition Division. E-mail address: Lynn.ROBERTSON@oecd.org, Tel.: +(33-1) 45 24 18 77.

**JT03424697**

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**Thursday 7 December 2017**

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**OPENING SESSION**

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09:15-10:15

**Opening Remarks****Masamichi Kono**, OECD Deputy Secretary-General**Keynote Speaker****Hernando de Soto**, President of the Institute for Liberty and Democracy (ILD)**Introductory Comments****Frédéric Jenny**, Chair, OECD Competition Committee

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**SESSION I: ARE COMPETITION AND DEMOCRACY SYMBIOTIC?**

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10:15-12:30

Competition has traditionally been considered as supportive of democracy by dispersing economic power through efforts that guard against concentrations and cartelisation. Economic power would then be shared across a wide range of economic actors rather than in the hands of a select few who would have the potential to exert influence over government and political leaders. This session will consider to what extent competition is a sufficient or a necessary condition for democracy to thrive, particularly when considering countries transitioning to democratic systems. As competition enforcement evolves, does this change the nature to which it can or does support democracy? Are there linkages between democracy, the degree to which a country is democratic, and the prevalence of competition across an economy? The session will be led by a panel of experts from different policy areas to debate the question and discuss with delegates in an interactive Q&A format.

**Chair: Frédéric Jenny**, Chair, OECD Competition Committee**Panellists:**

- **Lars P. Feld**, Director Walter Eucken Institute, Professor for Economic Policy, Albert-Ludwigs-University of Freiburg and Member of the German Council of Economic Experts
- **Ian S. Forrester**, Judge, General Court of the European Union
- **Eleanor M. Fox**, Walter J. Derenberg Professor of Trade Regulation, New York University School of Law
- **David Lewis**, Executive Director Corruption Watch, Former Chairperson Competition Tribunal of South Africa
- **Spencer Weber Waller**, Associate Dean and Professor, Loyola University Chicago School of Law

**Documentation:**

Paper by Eleanor M. Fox

[DAF/COMP/GF\(2017\)5](#)

Paper by Spencer W. Waller [DAF/COMP/GF\(2017\)6](#)

**Contributions from:**

BIAC [DAF/COMP/GF/WD\(2017\)1](#)

BEUC [DAF/COMP/GF/WD\(2017\)36](#)

Documentation is also available at: [www.oecd.org/competition/globalforum/democracy-and-competition.htm](http://www.oecd.org/competition/globalforum/democracy-and-competition.htm).

*GFC official photo for all participants (12:30-12:45)*

*Buffet lunch – Espresso Café, OECD Conference Centre (12:45-14:45)*

**Special Remarks by Angel Gurría, OECD Secretary-General (14:45-15:30)**

**SESSION II: JUDICIAL PERSPECTIVES ON COMPETITION LAW**

15:30-18:45

Competition cases are often characterised by complex litigation and differing sets of economic evidence. Compounding these difficulties, judges may also face the prospect of overturning decisions from a competition agency with vast resources and expertise that may exceed their own. This Roundtable will 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.

**Chair: Frédéric Jenny**, Chair, OECD Competition Committee.

**Panellists:**

- **Paul Crampton**, Chief Justice, Federal Court, Canada
- **Dennis Davis**, Judge of the High Court and President of the Competition Appeal Court, South Africa
- **Mouhamadou Diawara**, President, Competition Commission, Senegal
- **Donghwan Shon**, Presiding Judge, Goyang district court, Korea
- **Enrique Vergara V.**, President, Competition Tribunal, Chile
- **Nils Wahl**, Advocate General, Court of Justice of the European Union

Call for contributions: [DAF/COMP/GF\(2017\)1](#)  
(English and French)

Paper by Mouhamadou Diawara (in French only): [DAF/COMP/GF\(2017\)8](#)

**Contributions from:**

- Algeria - [DAF/COMP/GF/WD\(2017\)9](#)  
(English and French)
- Argentina - [DAF/COMP/GF/WD\(2017\)8](#)
- Brazil (CADE) - [DAF/COMP/GF/WD\(2017\)3](#)
- Egypt - [DAF/COMP/GF/WD\(2017\)10](#)
- El Salvador - [DAF/COMP/GF/WD\(2017\)4](#)
- European Union - [DAF/COMP/GF/WD\(2017\)25](#)
- Italy - [DAF/COMP/GF/WD\(2017\)24](#)
- Kazakhstan - [DAF/COMP/GF/WD\(2017\)6](#)
- Korea - [DAF/COMP/GF/WD\(2017\)11](#)
- Lithuania - [DAF/COMP/GF/WD\(2017\)35](#)
- Malaysia - [DAF/COMP/GF/WD\(2017\)14](#)
- Mexico (COFECE) - [DAF/COMP/GF/WD\(2017\)29](#)
- Mongolia - [DAF/COMP/GF/WD\(2017\)33](#)
- Papua New Guinea - [DAF/COMP/GF/WD\(2017\)15](#)
- Peru - [DAF/COMP/GF/WD\(2017\)22](#)
- Portugal - [DAF/COMP/GF/WD\(2017\)34](#)
- Russian Federation - [DAF/COMP/GF/WD\(2017\)5](#)
- Serbia - [DAF/COMP/GF/WD\(2017\)18](#)
- Slovak Republic - [DAF/COMP/GF/WD\(2017\)20](#)
- Chinese Taipei - [DAF/COMP/GF/WD\(2017\)7](#)
- Turkey - [DAF/COMP/GF/WD\(2017\)19](#)
- Ukraine - [DAF/COMP/GF/WD\(2017\)17](#)
- United Kingdom - [DAF/COMP/GF/WD\(2017\)32](#)
- United States - [DAF/COMP/GF/WD\(2017\)28](#)
- BIAC - [DAF/COMP/GF/WD\(2017\)2](#)
- Summaries of contributions: [DAF/COMP/GF/WD\(2017\)16](#)

Documentation is also available at: [www.oecd.org/competition/globalforum/judicial-perspectives-competition-law.htm](http://www.oecd.org/competition/globalforum/judicial-perspectives-competition-law.htm).

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*Cocktail – Buffet du Parc, OECD Conference Centre (18:45-20:45)*

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**Friday 8 December 2017**

**SESSION III: FOCUS ON SMALL AGENCIES AND THOSE IN DEVELOPING ECONOMIES: OVERCOMING ADVERSITY AND ATTAINING SUCCESS**

09:00-09:30

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. A lack of a competition culture, or even a hostile environment, created by government, business and society at large can hinder the work of an agency with few resources. Relations with regulators as well as other parts of government can take on a particular complexity when competition authorities are young, lack resources and influence. This lack of resources, along with other institutional design issues, or inadequate legislation can further distance these authorities from success.

**BREAKOUT SESSIONS: CHALLENGES FACED BY SMALL AGENCIES AND THOSE IN DEVELOPING ECONOMIES**

09:30-11:30

**Breakout Session 1: Advocacy**

Advocacy efforts within the government and creating a competition culture in the public “within the budget”.

**Moderator: Anna Wu Hung-yuk, Chairperson, Competition Commission, Hong Kong, China**

**Speakers**

- **Paulus Ain**, Commissioner & Chief Executive Officer, Independent Consumer & Competition Commission, Papua New Guinea
- **Arsenio M. Balisacan**, Chairman, Philippine Competition Commission
- **Evelyn Olmedo**, Inter-agency Affairs and Cooperation Analyst, Superintendencia de Competencia, El Salvador
- **Daniela Trampert-Paparella**, Expert, Federal Competition Authority, Austria
- **Dato' Jagjit Singh A/L Bant Singh**, Commission Member, Malaysia Competition Commission
- **Mario A. Umaña**, Lead Trade and Competition Specialist Integration and Trade Sector, IDB

**Breakout Session 2: Enforcement**

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

**Moderator: Tebelelo Pule, Chief Executive Officer, Competition Authority, Botswana**

**Speakers**

- **Skaidrīte Ābrama**, Chairwoman, Competition Council of Latvia
- **Alexandre Barreto de Souza**, President, CADE, Brazil

- **Felipe Irrarrázabal**, Public Economic Prosecutor, FNE, Chile
- **Nika Sergia**, Head of the Division for the detection and prevention of competition restrictive agreements, Competition Agency, Georgia
- **Pradeep S Mehta**, Secretary General, CUTS International

### **Breakout Session 3: How can competition authorities overcome hostility or indifference?**

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

**Moderator: Sarunas Keserauskas, Chairman, Competition Council of the Republic of Lithuania**

#### **Speakers**

- **Hardin Ratshisusu**, Deputy Commissioner, Competition Commission, South Africa
- **Teresa Moreira**, Head, Competition and Consumer Policies Branch, UNCTAD
- **Graciela Miralles Murciego**, Senior Economist, Trade & Competitiveness, World Bank

*Written contributions: Countries are welcome to provide a note on the challenges or solutions they wish to highlight.*

#### **Contributions from:**

Dominican Republic - [DAF/COMP/GF/WD\(2017\)31](#)

Greece - [DAF/COMP/GF/WD\(2017\)12](#)

Philippines - [DAF/COMP/GF/WD\(2017\)30](#)

Russian Federation - [DAF/COMP/GF/WD\(2017\)13](#)

Singapore - [DAF/COMP/GF/WD\(2017\)26](#)

CUTS - [DAF/COMP/GF/WD\(2017\)23](#)

RECAC (Central American National Competition Authorities Network) - [DAF/COMP/GF/WD\(2017\)27](#)

Documentation is also available at: [www.oecd.org/competition/globalforum/small-competition-agencies-developing-economies.htm](http://www.oecd.org/competition/globalforum/small-competition-agencies-developing-economies.htm).

## **WRAP-UP PLENARY: CHALLENGES FACED BY SMALL AGENCIES AND THOSE IN DEVELOPING ECONOMIES**

11:30-13:00

**Chair: Frédéric Jenny**, Chair, OECD Competition Committee

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

*Lunch Break (13:00-14:30)*

## SESSION IV: PEER REVIEW OF VIET NAM

14:30-16:30

“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.

**Chair:** Frédéric Jenny, Chair, OECD Competition Committee

**Lead Examiners:** Australia, France, Japan, Romania

**Introduction:** Nicolas J. Taylor, Partner, Jones Day Australia

**Documentation:**

**For discussion:**

Draft Report by the Secretariat [DAF/COMP/GF\(2017\)3](#)

Documentation is available at: [www.oecd.org/competition/globalforum/competition-law-and-policy-in-vietnam.htm](http://www.oecd.org/competition/globalforum/competition-law-and-policy-in-vietnam.htm).

*[Open to country representatives and intergovernmental organisations only - Report under restricted circulation on O.N.E]*

## SESSION V: SPECIAL SESSION: COMPETITION IN PUBLIC MARKETS

16:30-17:30

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

**Documentation:**

Paper by Allan Fels AO and Darryl Biggar [DAF/COMP/GF\(2017\)7](#)

Documentation is available at:

[www.oecd.org/competition/globalforum/public-markets-competition.htm](http://www.oecd.org/competition/globalforum/public-markets-competition.htm).

**FINAL SESSION: OTHER BUSINESS AND PROPOSALS FOR FUTURE WORK**

17:30-18:00

**Chair: Frédéric Jenny**, Chair, OECD Competition Committee