
1 December 2019

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

Cancels & replaces the same document of 31 October 2019

Global Forum on Competition

Draft Agenda: Global Forum on Competition

5-6 December 2019

The 18th meeting of the Global Forum on Competition will be held on 5-6 December 2019 in Room 1 of the OECD Conference Centre, 2 rue André Pascal, 75116 Paris.

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Thursday 5 December 2019

Chair: Frédéric Jenny, Chairman of the OECD Competition Committee

OPENING SESSION

09:30-10:30

Opening Remarks

Angel Gurría, OECD Secretary-General

Keynote Address by Jean Tirole, Honorary Chairman of the Jean-Jacques Laffont - Toulouse School of Economics Foundation and Chairman of the Institute for Advanced Study in Toulouse (IAST)

Introductory Comments

Frédéric Jenny, Chair, OECD Competition Committee

SESSION I: COMPETITION UNDER FIRE

10:30-13:00

The current policy debate criticising the activities of competition authorities is broad and wide ranging from questioning the inadequacy of the consumer welfare standard, to concerns about the current merger control standards. Competition authorities face questions about the effectiveness of their activities and whether competition maybe skewed, favouring large firms to the detriment of smaller ones or certain economic classes of the population over others. Considerations of industrial policy, and public interest objectives, also enter into the debate of whether competition as we know it is still relevant. This session will address the growing scepticism of competition, examining and responding to the broad criticisms which antitrust policy has been subject to in recent times. The panel will also look at the role that competition policy could play when pursuing such broader interests; the enforcement standard that agencies could apply; and, if competition should have any role in promoting industrial policy objectives and reduction of inequalities in modern societies. 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 of the OECD Competition Committee

Speakers:

- **Tembinkosi Bonakele**, Commissioner, South African Competition Commission
- **Elie Cohen**, Economist, Research Director at France's national scientific research center (CNRS) and Professor at SciencePo
- **William E. Kovacic**, Global Competition Professor of Law and Policy; Professor of Law Director, Competition Law Center, George Washington University
- **Joshua D. Wright**, University Professor of Law and Executive Director, Global Antitrust Institute, Antonin Scalia Law School, George Mason University

Special remarks by Rt. Hon. Andrew Tyrie, Chair, Competition and Markets Authority (CMA), United Kingdom

Documentation:

Documentation is also available at: oe.cd/cunf.

GFC official photo for all participants (13:00-13:20)

Lunch break (13:20-15:00)

SESSION II: COMPETITION PROVISIONS IN TRADE AGREEMENTS

15:00-18:00

The majority of trade agreements include a competition policy chapter or individual competition provisions. These cover a range of issues, such as the adoption or maintenance of competition laws, international co-operation on competition policy or the introduction of procedural safeguards. This session will consider the purpose and impact of these competition provisions in practice, to discuss their usefulness in broadening and strengthening the application of competition law worldwide. In addition, the session will look at the role of competition authorities in the drafting and negotiation of competition provisions in trade agreements.

Chair: Frédéric Jenny, Chair, OECD Competition Committee.

Speakers:

- **François-Charles Laprèvote**, Partner, Cleary Gottlieb Steen & Hamilton LLP
- **Anna Caroline Müller**, Legal Affairs Officer, WTO
- **Susan Stone**, Head, Emerging Policy Issues Division, Trade and Agriculture Directorate, OECD

Documentation:

Call for contributions: DAF/COMP/GF(2019)1
 Paper by François-Charles Laprèvote: DAF/COMP/GF(2019)5
 Paper by Robert D. Anderson, William E. Kovacic, Anna Caroline Müller and Nadezhda Sporysheva:
 DAF/COMP/GF(2019)11
 Note by the Secretariat: DAF/COMP/GF(2019)6

Contributions from:

Algeria - DAF/COMP/GF/WD(2019)9
 Australia - DAF/COMP/GF/WD(2019)10
 Botswana - DAF/COMP/GF/WD(2019)51
 Canada - DAF/COMP/GF/WD(2019)5
 Eurasian Economic Commission - DAF/COMP/GF/WD(2019)25
 European Union - DAF/COMP/GF/WD(2019)7
 Finland - DAF/COMP/GF/WD(2019)11
 Hong Kong, China - DAF/COMP/GF/WD(2019)2
 Indonesia - DAF/COMP/GF/WD(2019)1
 Mexico (COFECE & IFT) - DAF/COMP/GF/WD(2019)12
 Philippines - DAF/COMP/GF/WD(2019)6
 Serbia - DAF/COMP/GF/WD(2019)13

Singapore - DAF/COMP/GF/WD(2019)14
Switzerland - DAF/COMP/GF/WD(2019)15
Turkey - DAF/COMP/GF/WD(2019)16
Thailand - DAF/COMP/GF/WD(2019)60
Ukraine - DAF/COMP/GF/WD(2019)4
United States - DAF/COMP/GF/WD(2019)3
BIAC - DAF/COMP/GF/WD(2019)17
TUAC - DAF/COMP/GF/WD(2019)18
World Bank - DAF/COMP/GF/WD(2019)8

UNCTAD "Assessing regional integration in Africa: Next steps for the African Continental Free Trade Area" https://www.uneca.org/sites/default/files/PublicationFiles/aria9_en_fin_web.pdf.

Summaries of contributions: DAF/COMP/GF/WD(2019)20

Documentation is also available at: oe.cd/cpta.

18:00-18:15 UNCTAD: Brief presentation of the Guiding Policies and Procedures under Section F of the UN Set on Competition

Speakers:

- **Teresa Moreira**, Head, Competition and Consumer Policies Branch, UNCTAD
- **Pierre Horna**, Legal Affairs Officer, CCPB, UNCTAD
- **Akari Yamamoto**, Competition Expert seconded to UNCTAD

UNCTAD document is available at:

https://unctad.org/meetings/en/SessionalDocuments/ccpb_comp1_%20Guiding_Policies_Procedures.pdf

SIDE MEETING: DIGITAL CASE LAB

15:00-18:00

The Digital Lab will provide practical support to authorities seeking guidance on competition and the digital economy. In an innovative new format, the OECD Secretariat will share its work and expertise directly with authorities seeking advice and information on specific digital issues, providing guidance on methodologies and analytical tools to participating agencies. Meetings throughout the GFC will be held between the Secretariat and individual authorities based on the results of the questionnaire circulated and returned to the Secretariat prior to the GFC.

Documentation:

Explanation and participation questionnaire: DAF/COMP/GF(2019)2

Documentation is also available at oe.cd/dclab.

This side meeting will take place in Room 9.

Cocktail hosted by Peru – G. Marshall/R. Okrent rooms, Château de la Muette, OECD (18:30-21:00)

Friday 6 December 2019

**SESSION IV: INTRODUCTORY PLENARY - MERGER CONTROL IN DYNAMIC
MARKETS**

09:30-11:15

The modern competition dynamics observed in rapidly-evolving sectors, such as high-technology, consumer services and online retail, is challenging the role of competition authorities in merger control, where enforcement decisions fundamentally depend on an effects-based analysis of the likely future effects of the merger. This plenary session on Merger Control in Dynamic Markets will debate the relevant timeframe of merger control and to try to determine how far into the future should authorities look when assessing the effects of a merger. This session will allow participants to discuss through three breakout sessions.

Chair: Frédéric Jenny, Chair, OECD Competition Committee

Speakers:

- **Giulio Federico**, Head of Unit, Chief Economist Team, DG COMP, European Commission
- **Geoffrey Manne**, President & Founder at International Center for Law and Economics
- **Helder Vasconcelos**, Vice-Rector, Porto University

Contributions from:

Brazil - DAF/COMP/GF/WD(2019)53
 Colombia - DAF/COMP/GF/WD(2019)21
 Chile (FNE) - DAF/COMP/GF/WD(2019)55
 Egypt - DAF/COMP/GF/WD(2019)22
 European Union - DAF/COMP/GF/WD(2019)27
 France - DAF/COMP/GF/WD(2019)23
 India - DAF/COMP/GF/WD(2019)24
 Japan - DAF/COMP/GF/WD(2019)26
 Kenya - DAF/COMP/GF/WD(2019)49
 Korea - DAF/COMP/GF/WD(2019)52
 Malaysia - DAF/COMP/GF/WD(2019)28
 Moldova - DAF/COMP/GF/WD(2019)50
 Romania - DAF/COMP/GF/WD(2019)58
 Russian Federation - DAF/COMP/GF/WD(2019)56
 Singapore - DAF/COMP/GF/WD(2019)29
 South Africa - DAF/COMP/GF/WD(2019)47
 Chinese Taipei - DAF/COMP/GF/WD(2019)30
 United Kingdom - DAF/COMP/GF/WD(2019)31

United States - DAF/COMP/GF/WD(2019)32

BIAC - DAF/COMP/GF/WD(2019)41

Summaries of contributions - DAF/COMP/GF/WD(2019)34

Documentation:

Call for contributions: DAF/COMP/GF(2019)3

Background note by the Secretariat: DAF/COMP/GF(2019)8

Documentation is also available at oe.cd/mcdym.

BREAKOUT SESSIONS: MERGER CONTROL IN DYNAMIC MARKETS

11:30-13:30

Breakout Session 1: Competitive assessment of mergers

This session will also debate additional tools and information that might be relevant to assess potential competition, as well as to evaluate dynamic effects of the merger in the relevant market or in future markets.

- **Moderator: Fatma Al Zahraa**, Legal Advisor to the Chairman on Competition Law and Policy, Egyptian Competition Authority

Breakout Session 2: Competitive assessment of mergers

This session will also debate on the Competitive assessment of mergers.

- **Moderator: Arsenio M. Balisacan**, Chairman, Philippine Competition Commission

Breakout Session 3: Efficiency Effects and Design of Remedies

This session will discuss dynamic efficiency effects, as well as the design of remedies that may help addressing competitive concerns without necessarily compromising efficiency gains.

- **Moderator: Darya Cherednichenko**, Deputy Chair, AMCU, Ukraine

Lunch Break (13:30-14:45)

WRAP-UP PLENARY: MERGER CONTROL IN DYNAMIC MARKETS

14:45-15:30

Chair: Frédéric Jenny, Chair, OECD Competition Committee

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

SESSION IV: COMPETITION FOR-THE-MARKET

15:30-18:00

Some products have characteristics that lead firms to compete to be the supplier of a whole market of product or services, rather than for market share (whether it be a share of units, of contracts or of consumer relationships). These might for example include: a) natural monopolies (with large economies of scale); b) publicly-funded monopolies (that would not be provided by markets); c) legally-protected monopolies (e.g. products protected by intellectual property rights); and d) platform monopolies (e.g. digital platforms with powerful direct or cross-platform network effects that generate increasing value from scale). This Roundtable will focus on the first of these categories, natural monopolies, and publicly-funded monopolies, particularly on the enforcement challenges that arise when concessions are offered on these services.

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

Speakers:

- **Elisabetta Iossa**, Full Professor of Economics, University of Rome Tor Vergata
- **Rory Macmillan**, Founding Partner, Macmillan Keck

Contributions from:

Albania - DAF/COMP/GF/WD(2019)35
 Colombia - DAF/COMP/GF/WD(2019)36
 Ecuador - DAF/COMP/GF/WD(2019)46
 Hong Kong, China - DAF/COMP/GF/WD(2019)40
 Latvia - DAF/COMP/GF/WD(2019)38
 Lithuania - DAF/COMP/GF/WD(2019)39
 Mexico (COFECE & IFT) - DAF/COMP/GF/WD(2019)62
 Peru - DAF/COMP/GF/WD(2019)42
 Russian Federation - DAF/COMP/GF/WD(2019)57
 South Africa - DAF/COMP/GF/WD(2019)48
 Thailand - DAF/COMP/GF/WD(2019)59
 United States - DAF/COMP/GF/WD(2019)44
 BIAC - DAF/COMP/GF/WD(2019)61
 Summaries of contributions - DAF/COMP/GF/WD(2019)45

Documentation:

Call for contributions: DAF/COMP/GF(2019)4
 Paper by Elisabetta Iossa: DAF/COMP/GF(2019)10
 Background note by the Secretariat: DAF/COMP/GF(2019)7

Documentation is also available at oe.cd/cmkt.

FINAL SESSION: OTHER BUSINESS AND PROPOSALS FOR FUTURE WORK

18:00-18:30

Chair: Frédéric Jenny, Chair, OECD Competition Committee