REVISED DRAFT AGENDA OF THE 80TH MEETING OF THE COMMITTEE ON COMPETITION LAW AND POLICY

To be held at the Château de la Muette, 2 rue André-Pascal, on 24 and 25 October 2000, beginning at 09:15 am
I. ADOPTION OF DRAFT AGENDA

II. APPROVAL OF SUMMARY RECORD OF LAST MEETING

List of participants
Future Work Programme [CONFIDENTIAL ITEM]

For information

Competition Law and Policy Development in Lithuania
Competition Law and Policy Development in Israel
UNCTAD report
Roundtable on Mergers in Financial Services

III. REPORTS BY CHAIRMEN OF WORKING PARTIES

a) Competition Policy and International Trade
   -- Report by the co-Chairman of the Joint Group on Trade and Competition

b) Competition Policy and Regulation
   -- Report by the Chairman of Working Party No. 2

c) Competition Policy and International Co-operation
   -- Report by the Chairman of Working Party No. 3

d) UNCTAD
   -- Oral report by the UNCTAD Co-ordinator

IV. RELATIONSHIP WITH NON MEMBER COUNTRIES (CONFIDENTIAL ITEM)

a) The OECD Global Competition Forum
   For discussion
      Note by the Secretariat
b) Accession to the 1998 Recommendation on Hard Core Cartels

For discussion

Note by the Secretariat DAFFE/CLP(2000)25

c) Observership in the CLP

- Request from Israel and Lithuania

V. ROUNDTABLE ON JOINT VENTURES

For discussion

Issues paper by the Secretariat DAFFE/CLP(2000)23

Notes by Delegations:

Australia DAFFE/CLP/WD(2000)26
Czech Republic DAFFE/CLP/WD(2000)28
Denmark DAFFE/CLP/WD(2000)29
Germany DAFFE/CLP/WD(2000)30
Ireland DAFFE/CLP/WD(2000)31
Italy DAFFE/CLP/WD(2000)32
Japan DAFFE/CLP/WD(2000)33
Korea DAFFE/CLP/WD(2000)52
Netherlands DAFFE/CLP/WD(2000)34
Turkey DAFFE/CLP/WD(2000)48
United Kingdom DAFFE/CLP/WD(2000)35
United States FTC DAFFE/CLP/WD(2000)51

VI. ANNUAL REPORTS ON COMPETITION POLICY

- Reports to be presented by the Delegates at this meeting:

Austria DAFFE/CLP(2000)20/02
Canada DAFFE/CLP(2000)20/04
Germany DAFFE/CLP(2000)20/01
Greece DAFFE/CLP(2000)20/09
Italy DAFFE/CLP(2000)20/12
Norway DAFFE/CLP(2000)20/14
Spain DAFFE/CLP(2000)20/06
Argentina DAFFE/CLP(2000)24
Brazil DAFFE/CLP(2000)28
Russian Federation DAFFE/CLP(2000)27

- Additional reports for this meeting:

Australia DAFFE/CLP(2000)20/23
France DAFFE/CLP(2000)20/08
Japan DAFFE/CLP(2000)20/21
Korea DAFFE/CLP(2000)20/29
Netherlands DAFFE/CLP(2000)20/15
New-Zealand DAFFE/CLP(2000)20/24
Portugal DAFFE/CLP(2000)20/16
Switzerland DAFFE/CLP(2000)20/19

VII. GLOBAL COMPETITION INITIATIVE

Oral intervention by the US Delegation

VIII. REGULATORY REFORM

Review of Ireland

Country examiners: Korea and New-Zealand

For discussion

Note by the Secretariat DAFFE/CLP(2000)21

IX. ROUNDTABLE ON ELECTRONIC COMMERCE

For discussion

Issues paper by the Secretariat DAFFE/CLP(2000)22

Notes by Delegations

Australia DAFFE/CLP/WD(2000)37
Canada DAFFE/CLP/WD(2000)38
Germany DAFFE/CLP/WD(2000)39
Hungary DAFFE/CLP/WD(2000)50
Ireland DAFFE/CLP/WD(2000)40
Japan DAFFE/CLP/WD(2000)41
X. OTHER BUSINESS

a) Future CLP roundtables;

b) An update on publications;

c) Self-evaluation questionnaire;

ANNOTATIONS

Item III

(a) A report of the Joint Group on Trade and Competition’s meeting held on 9th June 2000 will be made to CLP Delegates. The Chairman will report, as well, on recent developments in WTO.

(b) The Chairman of the Working Party No. 2 will report on the meeting of the Working Party held on 7th June 2000.

(c) The Chairman of Working Party No. 3 will report on the meeting of the Working Party held on 8th June 2000 as well as on its meeting to be held on 23d October 2000.

(d) The UNCTAD co-ordinator will report on the UNCTAD 4th Review Conference of the Set of Rules of the United Nations on RBPs.

Item IV.

CLP Delegates will consider under this Confidential item several related sub items. This will take place on Tuesday morning as of 11.30am.

Under a) the Secretariat will report on plans shifting the focus of the competition law and policy outreach program by creating an OECD Global Competition Forum that will focus on issues that are best addressed in a global context and present opportunities for genuine policy dialogue. Other issues, including capacity building, will continue to be addressed in Regional and Country programmes. It is currently contemplated that the first Global Forum would be a 1.5-day event to be held in 2001.

Under sub item b), the CLP Delegates will consider the policies and procedures it will apply when non-Member countries want to associate with the 1998 OECD Council Recommendation on hard core cartels. The Recommendation invites such association without specifying any criteria, and is consistent with permitting unilateral association (as occurred in the case of Brazil). After Ukraine, which is not an observer in the CLP, expressed interest in adhering, the CLP is consulted on the approach to be taken to this and similar requests which may be forthcoming from other non-Member countries.

Under sub item c), on Observership in the CLP, Delegates will have to express a technical advice to the Council on the observership requests put forward by the Israel and Lithuania a year ago. (Delegates will recall that the countries made presentations to the CLP in June [DAFFE/CLP/WD(2000)23 and 24].)

As item IV is Confidential, observers will be asked not to attend that part of the CLP meeting.

Item V.

Delegates will recall that the Committee decided to hold a roundtable on Joint Ventures. This roundtable will take place on Tuesday 24th October from 3pm to 6pm. A number of issues for discussion
were suggested by the Secretariat in its letter requesting country contributions (on 30 June CLP/2000.90; see also DAFFE/CLP(2000)23). These country contributions will provide the background for discussion.

**Item VI.**

In 1997, at its 72d session, the CLP decided (DAFFE/CLP/M(97)2) “to change the country review periodicity in the Committee. From now on, country reports will continue to be submitted annually but only presented and discussed every two years. This should allow more time for discussions in the CLP while avoiding the information being outdated.”

According to that decision, Delegates were invited to submit their country report as usual while taking note that only half of them will be presented to the October 2000 CLP meeting. Countries listed in the Agenda will be invited to make an oral presentation at this session. Moreover, oral introductory remarks are not obligatory but if such remarks are made, they should be brief (no more than five minutes) with presenters focusing on one or two important points only. As usual these presentations will be spread over the two meeting days, according to the constraints of the timetable.

Two exceptions will be made to this request of brevity. They concern, on an exceptional basis, Brazil and the Russian Federation:

- The Brazil presentation, which will take place on **Tuesday morning from 9.50am to 10.15am**, will be followed by a short question/answer session, with the Secretariat commenting on the recent OECD report on Competition policy and regulatory reform in Brazil [DAFFE/CLP(2000)26].

- The report of the Russian Federation will be presented by Mr. Ilia YUZHANOV, Minister for Antimonopoly Policy and Support of Entrepreneurship of the Russian Federation whose portfolio includes competition policy, regulation of natural monopolies, support for small and medium enterprises, competition in financial services and consumer protection. Given Mr. Yushanov’s status and responsibilities, the Center for Co-operation with Non-members has invited the Ambassadors to the OECD to participate in this discussion. It has thus been set aside one hour for a presentation and an exchange with Delegates and Permanent Delegations. This will take place on **Tuesday 24th October 2000 from 10.15am to 11.15am**.

**Item VII.**

The U.S. delegation will describe the proposal for a Global Competition Initiative, raised by former Assistant Attorney General Joel Klein at the EC Merger Control Xth Anniversary Conference in Brussels on Sept. 14. The remarks of Mr. Klein can be found at http://www.usdoj.gov/atr/public/speeches/6486.htm.

**Item VIII.**

One new regulatory reform country review will be carried out. It concerns the report on the role of competition policy and enforcement in regulatory reform in Ireland. This chapter, which is prepared by the Secretariat, will be circulated to all delegates before the meeting. The country review, which will be led
by Korea and New Zealand as examining countries, will last about two hours and a half, and will be performed on Wednesday 25th, starting at 10.30am, according to the following schedule:

(5’) Chairman and Secretariat’s opening remarks
(10’) Opening remarks by the country under review
(60’) Questions/ answers session with two examiners
(30’) Further questions by other delegations
(30’) General discussion on the overall merits of the chapter and its recommendations
(10’) The country under review responds to the assessment
(5’) Chairman sums up

Item IX.

Delegates will recall that the Committee decided to hold a roundtable on Electronic Commerce. A Secretariat note and country contributions will provide the background to the discussion, which will be held on Wednesday 25th October from 2.30 p.m. (Secretariat letter on 30 June 2000, CLP/2000.89; see also DAFFE/CLP(2000)22).

Item X.

a) CLP Delegates will decide on 2001 CLP roundtables; the document DAFFE/CLP/WD(2000)22, updated after the June 2000 CLP meeting, lists possible topics and records support from delegations.

b) The Secretariat will provide an update on publications, including sales figures for the CLP Journal

c) The CLP Delegates will be requested to fill in a self-evaluation questionnaire [DAFFE/CLP/QUEST(2000)1] to evaluate this session’s work.

d) CLP Delegates will be invited to agree on the meeting dates for 2001. The May/June session had to be rescheduled due to the recent decision to hold the annual OECD Ministerial meeting during the week originally planed for the CLP. October meetings will be held during the week of the 15th October but more precise scheduling will follow the CLP discussions on the Global Competition Forum.

February 2001

Monday 12 Working Party N°2
Tuesday 13 Working Party N°3
Wednesday 14 Joint Group on Trade and Competition
Thursday 15 CLP/GCF Advisory Body
May/June 2001

Monday 28       Working Party N°2
Tuesday 29      Working Party N°3
Wednesday 30    Joint Group on Trade and Competition
Thursday 31     CLP
Friday 1st      CLP

October 2001 (from 15th to 19th, inclusive)

Sequencing to be determined