

15th GLOBAL FORUM ON Competition



PARIS, 1-2 DECEMBER 2016



OECD Conference Centre, Paris

Draft Agenda

» About the OECD

The Organisation for Economic Co-operation and Development (OECD) is a forum in which governments compare and exchange policy experiences, identify good practices in light of emerging challenges, and promote decisions and recommendations to produce better policies for better lives. The OECD's mission is to promote policies that improve economic and social well-being of people around the world.

» About the OECD Global Forum on Competition

The OECD Global Forum on Competition (GFC) brings together high-level competition officials from around the world on a regular basis. Close to 90 competition authorities currently participate in the Forum.

The GFC provides an opportunity for policy dialogue between OECD countries and non-OECD economies. The discussion benefits from the input of the Competition Committee whose work has already generated substantial results in many countries, such as the voluntary adoption of 'best practices', substantial analytical convergence, the establishment of strong networks of enforcement authorities, and enhanced co-operation in international merger reviews, cartel investigations and other cases.

The GFC provides a venue in which these important issues can be debated with competition authorities and other representatives of the developing world. At the same time, given its broad focus on development, the GFC promotes a wider dialogue that encompasses the linkages between competition policy and other cornerstones of economic development.

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» Date, time and venue

1-2 December 2016, 9:00-18:00

Room CC1, OECD Conference Centre, Paris

» Contacts

Ms. Lynn ROBERTSON (*Substantive Matters*)

Global Relations Co-ordinator, OECD Competition Division

Email: Lynn.ROBERTSON@oecd.org or tel. +33 (0)1 45 24 18 77

Miss Angélique SERVIN (*Logistics, Attendance and Documentation*)

GFC Co-ordinator, OECD Competition Division

Email: Angélique.SERVIN@oecd.org or tel. +33 (0)1 45 24 15 15



Chair: Frédéric Jenny
Chairman of the OECD Competition Committee (France)

Thursday 1 December

OPENING SESSION

9:00 - 10:00

Opening Remarks

Gabriela Ramos

OECD Chief of Staff and Sherpa

Keynote Speaker

Margrethe Vestager

European Commissioner for Competition

Introductory Comments

Frédéric Jenny

Chair, OECD Competition Committee

SESSION I

10:00 - 11:45

PROMOTING COMPETITION; PROTECTING HUMAN RIGHTS

Competition law enforcement depends on an effective system of human rights, most obviously the right to property, the right to contract and rights to due legal process. Policies promoting competition between providers can also be effective in supporting human rights more broadly, for example through providing checks on the power of corporations, as well through helping fight corruption in government. However, economic competition itself is occasionally portrayed as harming human rights along with social values, for example through “social dumping, or environmental damage. Furthermore, some policies intended to safeguard human rights depend on agreements between suppliers - agreements that might be in conflict with competition law (or which might at the least raise the risk or suspicion of being in such conflict). The GFC will therefore try to bring experts from the competition and human rights policy communities into dialogue, to understand better each other’s one another’s perspectives and to explore the ways in which any apparent conflicts between their objectives can be resolved.

Chair: Frédéric Jenny, Chair, OECD Competition Committee

Panellists:

- **Jean-Pierre Chauffour**, Lead Economist for the Maghreb countries, World Bank Group
- **John Evans**, General Secretary, TUAC
- **Gönenç Gürkaynak**, Managing Partner, ELIG, Attorneys-at-Law, Turkey
- **Roel Nieuwenkamp**, Chair, OECD Working Party on Responsible Business Conduct
- **Toh Han Li**, Chief Executive, Competition Commission of Singapore
- **Anna Wu Hung-yuk**, Chairperson, Competition Commission, Hong Kong, China



	<p>Written contribution: BIAC DAF/COMP/GF/WD(2016)74</p> <p>Documentation: Paper by Toh Han Li DAF/COMP/GF(2016)13</p> <p>Documentation is also available at: www.oecd.org/competition/globalforum/promoting-competition-protecting-human-rights.htm</p>
<p>SESSION II 11:45 - 13:30</p>	<p>THE ROLE OF MARKET STUDIES AS A TOOL TO PROMOTE COMPETITION</p> <p><i>Market studies provide competition authorities with an in-depth understanding of how sectors or markets work, and are usually conducted whenever there are concerns about the functioning of markets. This tool is often used to identify problematic markets and to recommend areas of improvement. The use of market studies varies widely across jurisdictions and is characterised by significant conceptual and procedural differences.</i></p> <p><i>This session will discuss the results of a recent survey by the OECD on market studies, summarising similarities across jurisdictions, significant differences as well as their pros and cons. It will aim to identify practices that competition authorities can consider for use in future market studies.</i></p> <p>Chair: Devender Kumar Sikri, Chair, Competition Commission of India</p> <p>Written contribution: Malta DAF/COMP/GF/WD(2016)75 Montenegro DAF/COMP/GF/WD(2016)80 BIAC DAF/COMP/GF/WD(2016)79</p> <p>Documentation: Background note by the Secretariat English French Call for contributions English French</p> <p>Documentation is also available at: www.oecd.org/competition/globalforum/the-role-of-market-studies-as-a-tool-to-promote-competition.htm.</p>
<p>13:30 - 13:35</p>	<p>GFC official photo for all participants</p>
<p>13:35 - 15:00</p>	<p>Buffet lunch, Espresso Café, OECD Conference Centre</p>
<p>SESSION III 15:00 - 18:00</p>	<p>INDEPENDENCE OF COMPETITION AUTHORITIES - FROM DESIGNS TO PRACTICES</p> <p><i>Agency independence is often taken to be a key element of effective enforcement of competition rules. However, given that national competition agencies (NCAs) face different sets of political, legal, administrative, economic and cultural conditions, it is not possible to define any one fit-for-all model that can guarantee formal or informal independence and insulate all NCAs against political pressures. Nevertheless, it is widely recognised that there exist some general principles that could provide NCAs with a certain level of protection and freedom of manoeuvre.</i></p>



The session aims to outline these general principles which are mainly related to the legal framework under which an agency is set up. In addition to legal and structural safeguards, the session also intends to highlight the importance of effective enforcement and advocacy efforts that an NCA can undertake as a tool for enhancing independence, and to discuss the initiatives that can be taken by the agencies regardless of their formal structures.

Chair: Frédéric Jenny, Chair, OECD Competition Committee

Panellists:

- **Allan Fels AO**, Professor, University of Melbourne, Monash & Oxford and former Chair of the Australian Competition and Consumer Commission
- **Michal S. Gal**, Professor and Director of the Forum on Law and Markets, Faculty of Law, University of Haifa

Written contributions:

Argentina	DAF/COMP/GF/WD(2016)1
Belgium	DAF/COMP/GF/WD(2016)55
Brazil	DAF/COMP/GF/WD(2016)4
Bulgaria	DAF/COMP/GF/WD(2016)6
Canada	DAF/COMP/GF/WD(2016)8
Chile (TDLC - FNE)	DAF/COMP/GF/WD(2016)10
Colombia	DAF/COMP/GF/WD(2016)61
Costa Rica (COPROCOM)	DAF/COMP/GF/WD(2016)63
Czech Republic	DAF/COMP/GF/WD(2016)13
Egypt	DAF/COMP/GF/WD(2016)60
El Salvador	DAF/COMP/GF/WD(2016)15
Estonia	DAF/COMP/GF/WD(2016)16
Georgia	DAF/COMP/GF/WD(2016)67
Iceland	DAF/COMP/GF/WD(2016)76
Indonesia	DAF/COMP/GF/WD(2016)19
Japan	DAF/COMP/GF/WD(2016)23
Kazakhstan	DAF/COMP/GF/WD(2016)25
Latvia	DAF/COMP/GF/WD(2016)26
Lithuania	DAF/COMP/GF/WD(2016)27
Mexico (COFECE)	DAF/COMP/GF/WD(2016)29
Mexico (IFT)	DAF/COMP/GF/WD(2016)31
Norway	DAF/COMP/GF/WD(2016)66
Peru	DAF/COMP/GF/WD(2016)64
Portugal	DAF/COMP/GF/WD(2016)35
Romania	DAF/COMP/GF/WD(2016)58
Russian Federation	DAF/COMP/GF/WD(2016)37
Serbia	DAF/COMP/GF/WD(2016)39



Singapore	DAF/COMP/GF/WD(2016)56
Slovak Republic	DAF/COMP/GF/WD(2016)41
South Africa	DAF/COMP/GF/WD(2016)43
Spain	DAF/COMP/GF/WD(2016)45
Sweden	DAF/COMP/GF/WD(2016)46
Chinese Taipei	DAF/COMP/GF/WD(2016)51
Ukraine	DAF/COMP/GF/WD(2016)49
United Kingdom	DAF/COMP/GF/WD(2016)77
United States	DAF/COMP/GF/WD(2016)71
BIAC	DAF/COMP/GF/WD(2016)53
CUTS	DAF/COMP/GF/WD(2016)62

Documentation:

Summaries of the contributions	DAF/COMP/GF/WD(2016)21
Background note by the Secretariat	English French
Paper by Allan Fels AO.	DAF/COMP/GF(2016)11
Paper by Michal Gal	DAF/COMP/GF(2016)12
Call for contributions	English French

Documentation is also available at:
www.oecd.org/competition/globalforum/independence-of-competition-authorities.htm

18:00 - 20:00

Cocktail hosted by the Antimonopoly Committee of Ukraine and the Ukrainian Bar Association - R. Okrent and G. Marshall Rooms, Château de la Muette, OECD

Friday 2 December

SESSION IV

SANCTIONS IN ANTITRUST CASES

09:30 - 12:30

This session will look at antitrust fines and other sanctions imposed in different jurisdictions. Antitrust fines play a role in deterrence by making anticompetitive conduct less profitable. The amount of fines has dramatically increased in recent years while competition authorities have adopted or revised their legislation or guidelines on fines. However, competition authorities often face several problems such as collecting fines and inability to pay when imposing them. In order to increase deterrence, some argue that higher fines are necessary while others maintain that there is a need to impose other forms of sanctions. This session will provide an overview of how competition authorities impose antitrust fines and alternatives in order to achieve deterrence, punishment, compensation and other objectives, addressing the problems that can arise at different stage of imposing antitrust fines. Participants will be encouraged to discuss relevant cases from their own jurisdictions.

Chair: Márcio de Oliveira Júnior, Acting President, CADE, Brazil

Panellists:

- **Caron Beaton-Wells**, Professor, University of Melbourne



- **Vani Chetty**, Partner, Baker & McKenzie, BIAC
- **John M. Connor**, Professor Emeritus, Purdue University – West Lafayette
- **Hwang Lee**, Professor, Korea University School of Law

Written contributions:

Argentina	DAF/COMP/GF/WD(2016)2
Australia	DAF/COMP/GF/WD(2016)3
Austria	DAF/COMP/GF/WD(2016)82
Brazil	DAF/COMP/GF/WD(2016)5
Bulgaria	DAF/COMP/GF/WD(2016)7
Canada	DAF/COMP/GF/WD(2016)9
Chile (TDLC)	DAF/COMP/GF/WD(2016)11
Costa Rica (SUTEL)	DAF/COMP/GF/WD(2016)12
Czech Republic	DAF/COMP/GF/WD(2016)14
European Union	DAF/COMP/GF/WD(2016)17
Georgia	DAF/COMP/GF/WD(2016)65
Hungary	DAF/COMP/GF/WD(2016)69
India	DAF/COMP/GF/WD(2016)18
Indonesia	DAF/COMP/GF/WD(2016)20
Ireland	DAF/COMP/GF/WD(2016)22
Japan	DAF/COMP/GF/WD(2016)24
Korea	DAF/COMP/GF/WD(2016)57
Lithuania	DAF/COMP/GF/WD(2016)28
Mexico (COFECE)	DAF/COMP/GF/WD(2016)30
Mexico (IFT)	DAF/COMP/GF/WD(2016)32
Netherlands	DAF/COMP/GF/WD(2016)33
Pakistan	DAF/COMP/GF/WD(2016)34
Peru	DAF/COMP/GF/WD(2016)68
Portugal	DAF/COMP/GF/WD(2016)36
Romania	DAF/COMP/GF/WD(2016)59
Russian Federation	DAF/COMP/GF/WD(2016)38
Serbia	DAF/COMP/GF/WD(2016)40
Slovak Republic	DAF/COMP/GF/WD(2016)42
South Africa	DAF/COMP/GF/WD(2016)44
Spain	DAF/COMP/GF/WD(2016)73
Sweden	DAF/COMP/GF/WD(2016)47
Switzerland	DAF/COMP/GF/WD(2016)48
Chinese Taipei	DAF/COMP/GF/WD(2016)52
Turkey	DAF/COMP/GF/WD(2016)78
Ukraine	DAF/COMP/GF/WD(2016)50
United Kingdom	DAF/COMP/GF/WD(2016)70
United States	DAF/COMP/GF/WD(2016)72
BIAC	DAF/COMP/GF/WD(2016)54



Documentation:

Summaries of the contributions	DAF/COMP/GF/WD(2016)81
Background note by the Secretariat	English French
Paper by Caron Beaton-Wells	DAF/COMP/GF(2016)7
Paper by Vani Chetty	DAF/COMP/GF(2016)8
Paper by John M. Connor	DAF/COMP/GF(2016)9
Paper by Hwang Lee	DAF/COMP/GF(2016)10
Call for contributions	English French
Documentation is also available at: www.oecd.org/competition/globalforum/competition-and-sanctions-in-antitrust-cases.htm	

12:30 - 14:00 pm

LUNCH BREAK

SESSION IV
(cont'd)

BREAKOUT SESSIONS: SANCTIONS IN ANTITRUST CASES

(Participants will be allocated to breakout rooms for this session by the Secretariat)

14:00 - 15:30

Breakout Session 1: **The steps of the fines setting process across jurisdictions**

This session will examine how jurisdictions go through several steps to determine antitrust fines. This discussion will consider how to set the basic fines and adjust them based on aggravating and mitigating factors.

- **Moderator: Maria João Melícias**, Member of the Board, Portuguese Competition Authority

Breakout Session 2: **Practical issues in imposing fines**

Participants will discuss practical issues such as inability to pay, judicial scrutiny and collecting fines, which are often faced by competition authorities when imposing antitrust fines.

- **Moderator: Ivo Gagliuffi**, Chairman of the Board of Directors, INDECOPI, Peru

Breakout Session 3: **Alternatives to fines**

Session 3 will look at alternatives to fines. Participants will examine the pros and cons of other forms of sanctions, which include criminal sanctions, disqualification, private damages and debarment. Also, they will discuss the interactions of antitrust fines and other forms of sanctions.

- **Moderator: Munrokhim Misanam**, Commissioner, KPPU, Indonesia

SESSION IV
(cont'd)

SANCTIONS IN ANTITRUST CASES: Wrap up plenary session

15:30 - 17:00

Chair: Márcio de Oliveira Júnior, Acting President, CADE, Brazil

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

FINAL SESSION

OTHER BUSINESS AND PROPOSALS FOR FUTURE WORK

17:00 - 18:00

Chair: Frédéric Jenny



Annex 1: Practical Information

1. Registration

Forum participation is **by invitation only**. It is restricted to government representatives, competition authorities, intergovernmental/international organisations as well as selected invitees. No financial support is available for participants' travel to and stay in Paris. Registration is mandatory. For OECD non-members, registration should be done as soon as possible. Members should register as usual through their Permanent Delegations in Paris.

When you arrive at the [OECD Conference Centre in Paris](#), you will need to present an identity card or passport to obtain your Forum badge. In addition, please bring a copy of your registration or the Forum agenda to pass the security. Badges will be delivered at the Welcome Desk upon arrival. **The desk will open at 8.00 am on Thursday 1 December 2016. Given the high number of participants, you should allow a minimum of 30-45 minutes for registration.** We encourage delegations to pick-up the badges on Tuesday/Wednesday. The GFC will start at 9 am sharp and you should plan to be seated in the room behind your plate at least 5 minutes before the start.

2. Documentation

The Global Forum on Competition website (www.oecd.org/competition/globalforum) is our vehicle for conveying general information and documentation. Unless explicitly requested not to do so, we will reproduce written contributions on the site. GFC participants will find the background documentation and the agenda on their table upon their arrival in Room 1 where the Forum will take place.

In a bid to be environmentally friendly, we will not circulate paper copies of the numerous country contributions. Please bring your own copies with you. Participants will also be able to access Forum documentation on their personal computers through the OECD's free WiFi access in the room. For participants who wish to tweet during our events, please use the twitter hashtag: #OECDcomp, #OECDgfc and the twitter handle: OECD BusinessFinance @OECD_BizFin.

3. Seating arrangements

Participants will be seated behind their country/economy plate in French alphabetical order, followed by international organisations and selected invitees from business and civil society. Given the large number of delegations represented at the Forum, access to seats equipped with a microphone is limited. In principle, each delegation will have a minimum of one seat with a microphone. For countries with large delegations, the allocation of more seats equipped with a microphone will be considered. Such allocation will be made according to registrations on a first come, first served basis. A number of seats without a microphone will also be available in the rear of the room.

4. Breakout Sessions

For the discussion on "Sanctions in antitrust cases" on Friday 2 December, three breakout sessions are organised in addition to the plenary session to allow a more informal and lively dialogue among fewer participants. Participants will be allocated to the three sessions by the Secretariat. Information on allocation to the three sessions will be provided during the plenary session prior to the breakout sessions. Participants are kindly invited to attend the session they have been allocated to, and to observe the timing and to return to the plenary session immediately after. During the final plenary session they will hear reports from the breakout session moderators and from the experts. A number of participants will be called to describe in four minutes experiences of particular interest to all participants.

5. Working Methods

Discussions will be held in the two OECD official languages (English and French), with simultaneous interpretation. The Chairman (and Session Chairs where relevant) will use traffic lights to regulate the timing of interventions. The high number of participants means that participants will need to be disciplined in their interventions in order to allow as many delegates as possible to have the opportunity to speak.

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Interventions should be as concise as possible, and each intervention will be limited to a maximum of three minutes. Time constraints may not permit the presentation of the numerous written contributions. Countries who have contributed in writing (in response to the two calls prepared by the OECD Secretariat) will be notified in advance if the session's Chair intends to call upon them to make brief comments on specific points from their written contributions. We will do our best to warn those concerned as soon as feasible, but the late receipt of some country contributions often delays this process. Consequently, countries may not be notified until a few days before, or even on the eve or on the first day of the Forum. Please carefully check your emails on those days since this will be the only way to communicate efficiently with you. The Secretariat will inform the speakers scheduled on the agenda of the time allocated to them. They are kindly invited to keep their presentations strictly within the indicated limits. This should allow for periods of general discussion long enough to encourage lively exchanges among participants.

6. Accommodation, Visas, About the Conference Centre

A [list of hotels](#) is provided on the OECD website* and [bookings](#) may also be made through our booking website. Hotel information and booking facilities are provided for convenience only and do not constitute an endorsement or recommendation by the OECD of the services of a particular hotel, nor a guarantee of quality. We suggest that you verify the nature of the services, the applicable rates and any other relevant information directly with the hotel.

European Union citizens do not require a visa for entry into France. For others, depending on your nationality, the length and purpose of your stay in France, a visa may be required before departure. For further information, please consult the [French Ministry of Foreign Affairs](#) website.

Please note that the **OECD cannot organise a visa on your behalf** and that there are long deadlines to get visas in some countries. A personalised invitation letter can be provided by the OECD for the purpose of getting a visa if necessary.

The [OECD Conference Centre](#) provides all necessary facilities including phone booths, free WiFi access, computers with free Internet access, a bookshop, coffee and snack bars, and a restaurant. Please consult the Conference Centre website for more information.

*OECD Conference Centre website: www.oecd.org/site/conferencecentre/.

7. General information

Currency: Euro (EUR, EUR)

Electricity: 220 V, 50 Hz

Time Zone: GMT/UTC + 1 (Central European Time)

Telephone Area Code: The international code to call France is "+ 33". When calling from abroad, the number should be dialled without the first "0".