



## **OECD/KOREA POLICY CENTRE COMPETITION PROGRAMME**

### **2019 ANNUAL REPORT**

OECD:

[www.oecd.org/competition/seoulrcc](http://www.oecd.org/competition/seoulrcc)

Korea Policy Centre:

[www.oecdkorea.org](http://www.oecdkorea.org)

## 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. The function of the Centre is to provide education and training to government officials in the Asia-Pacific in the fields of tax, competition, public governance and social policy. The Centre also undertakes research in these subject areas.

The Centre's Competition Programme draws on the experience of:

- the OECD's Competition Committee which oversees an extensive programme of work, involving both 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 responsible for both competition law enforcement and competition policy advocacy.

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 Asia-Pacific region.

### *Mission of the Centre's Competition Programme*

To assist Asia-Pacific competition authorities in developing and implementing sound competition law and policy.

The primary activities of the Programme are competition law and policy workshops which are held five or six times a year. Details of the 2019 workshops are provided in section 2 of this Report.

The Programme's workshops and seminars provide:

- an opportunity for younger competition authorities to learn the skills necessary to efficiently enforce new competition laws;
- an opportunity for younger competition authorities to share the details of their early decisions and discuss their challenges and successes with their peer agencies from developing and developed countries;
- an opportunity for all competition agencies, old and new, to learn new approaches and techniques 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 international cooperation in competition law enforcement.

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

## 2. DETAILED REVIEW OF THE ACTIVITIES OF THE CENTRE IN 2019

In 2019, the Programme included the following 6 workshops:

- Sector Workshop – Competition Rules in the Transport Sector
- OECD/KPC Bilateral Workshop with OTCC
- 9th OECD/KPC Competition Law Seminar for Asia-Pacific Judges - Main Challenges in Adjudicating Competition Law Cases
- Workshop – Vertical Restraints
- Workshop – Competition Issues of Digitalisation
- Workshop – Investigative Techniques for Cartels

In total there were 215 participants in attendance in 2019.

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

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

### 2.1) Sector Specific Workshop: Transport Sector (Busan, Korea), 26 – 28 March 2019

On 26-28 March 2019, the OECD/KPC organized its annual sector workshop in Busan. The workshop was devoted to competition rules in the transport sector, also in light of digitisation. Representatives from 12 Asian competition authorities (China, Chinese Taipei, Hong Kong, India, Indonesia, Malaysia, Mongolia, Pakistan, Philippines, Singapore, Thailand and Viet Nam) attended the workshop and actively engaged in the discussions.

Representatives from 12 Asian competition authorities (China, Chinese Taipei, Hong Kong, India, Indonesia, Malaysia, Mongolia, Pakistan, Philippines, Singapore, Thailand and Vietnam) attended the workshop and actively engaged in the discussions.

This was also a good networking opportunity for Asia-Pacific competition authorities that often face similar issues when dealing with cross-border cases, as happened with the acquisition of Uber by Grab that faced scrutiny in a number of ASEAN countries (Malaysia, Philippines, Singapore, and Vietnam) with different approaches and outcomes.

The panel of invited speakers included Mr. Daniel Boeshertz (head of the European Commission unit dealing with antitrust in the transport sector), Mr. Jorge Nieto Rueda (Deputy Head of Public Aids and Draft Regulation Unit, Advocacy Department of the Spanish Competition Authority), Mr. Ruben Maximiano (Senior Competition Expert, OECD Competition Division) and Mr. Gaetano Lapenta (Competition Analyst, OECD Competition Division).

On the first day, Mr. Peter JK Kim (Director General, OECD/KPC Competition Programme) gave his opening remarks and welcomed all participants to the workshop. Following his intervention, Mr. Maximiano provided an overview of the main competition law issues in the transport sector. He highlighted what mainly differentiates today's transport sector from the past as well as from other sectors, namely disruptive innovation and the new business models characterised by network effects and multi-sidedness. These new models bring some specific issues, for example:

- 1) Concerning merger control, many of the transactions in digital markets escape merger notification as the current thresholds laid down in the law are mostly turnover-based and, for the purposes of triggering a filing obligation, do not give relevance to the value of the transaction.
- 2) Concerning unilateral conduct, although exclusionary conducts, for instance via predatory pricing, are common means for attempting to drive disruptive firms out of the market, the latter have often managed to erode the demand of incumbents through innovation.
- 3) The development of algorithms and the use of data may facilitate collusion as well as the implementation of certain vertical restraints such as MFNs, RPM and territorial restrictions.

Following this introduction, Mr. Nieto Rueda gave two presentations on market definition and the assessment of market power in the ride-hailing sector. Through several real-life examples in Spain, he explained how regulations sometimes contribute to the creation of market power in the form of legal monopolies, for instance by raising strong entry barriers, introducing quotas and minimum prices, thus guaranteeing strong monopoly rents. He then briefly summarised the ongoing battle in the EU regarding the nature of ride-hailing platforms (i.e., whether they should be considered as mere intermediaries or as transport operators as the European Court of Justice seems to suggest) and the role that platforms can have for anticompetitive purposes, acting as hub and spoke cartels.

Mr. Yogesh Dubey (CCI, India), Ms. Ethel Lin (CCCS, Singapore) and Ms. Devi Matondang (KPPU, Indonesia) shared with the participants the experience of their respective agencies. Mr. Dubey focussed on two cases regarding radio taxi services that were eventually closed due to lack of evidence. Ms. Lin then extensively presented the Grab/Uber merger and the assessment conducted by CCCS. Following that, Mr. Jhe Hao Yang (Chinese Taipei FTC) shared his agency's experience the Taiwantaxi/Fanyataxi merger, with particular focus on the competitive analysis it conducted and the relevance given to pre- and post-transaction market shares, HHI and pro-competitive justifications brought by the parties (e.g., economies of scale, enhanced dispatch ability and shorter waiting times following the transaction). Finally, Ms. Matondang presented a number of cases that KPPU dealt with regarding taxi operators from and to the airport. The first day of the workshop finished with a hypothetical case prepared by the OECD where participants split into teams and simulated an oral hearing concerning an exclusive dealing and rebate case.

The second day of the workshop was dedicated to maritime transport. Mr. Boeshertz gave two presentations on European Union merger control of container liner shipping operators and block exemption regulations in the maritime sector. He provided a comprehensive overview of the assessment framework for maritime mergers as well as an explanation of some recent European Commission decisions (CMA CGM/CEVA, NYK/MOL K-Line, Cosco/OOCL). Then, he presented the work that the European Commission is conducting for reviewing its consortia block exemption regulation, before answering some questions posed by the participants many of whom are currently reviewing or have recently reviewed their block exemption regulations in this field. Mr. Michael Lee (KFTC, South Korea) then presented the experience of KFTC in the marine car carriers cartel, highlighting the issues, assessment and outcomes of the case.

The last day began with a second hypothetical case study on a maritime transport operators' merger. The plenary was divided into two smaller groups to discuss and deal with the case, before presenting their preliminary findings and making proposals to a hypothetical board for future action and investigation. Then, the workshop continued with a session on competition authorities' advocacy efforts concerning transport sector regulations.

Mr. Lapenta presented the project that the OECD is currently conducting in all ten ASEAN countries in the logistics sector. First, he provided a short overview of the project, which consists of a competition assessment of laws and regulations in the logistics sector, and a study on the impact on competition of SOEs that provide small package delivery services. Then, he introduced the OECD Competition Assessment toolkit, which is specifically designed for government and decision-making officials to assess the potential obstacles that old and new regulations can represent for competition. The OECD has already used this toolkit in several countries (Greece, Romania, Mexico, Portugal, and now Tunisia and ASEAN) and Mr. Lapenta provided a sample of the steps and analysis that the OECD conducted in its past projects. Following his presentation, Mr. Nieto Rueda presented the advocacy work that his division within the Spanish Competition Authority has done regarding the transport sector. All participants then actively discussed the difficulties faced when dealing with competition-restrictive regulations and shared tips and experiences that can help them move forward (e.g., market studies, regulatory reports, actions brought before national courts). Mr. Norris Chan (Hong Kong Competition Commission) presented views and the Hong Kong experience on policy advocacy and enforcement in the transport sector.

This event allowed participants to explore a sector that is currently facing disruptive innovation and raises challenges for traditional competition analytical tools. Regulators around the world are faced with concerns of unfair competition (e.g., taxi drivers vis-à-vis Uber drivers), waves of consolidation (e.g., big liner shipping alliances) or difficulties in applying and possibly adjusting traditional analytical tools for the digital age. ASEAN and Asia-Pacific antitrust watchdogs are all dealing with this type of issues at the moment and this workshop was a good and timely occasion for sharing their experiences and learning from each other.

## EVALUATION

<b>OVERALL AVERAGE SCORE FOR EVENT USEFULNESS</b>	<b>4.7</b>
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### **2.2) OECD/KPC Bilateral Workshop with OTCC (OECD-Thailand Country programme), 27-28 May 2019**

Under the Thailand Country programme 2 two-day OECD/KPC workshops were organised in Bangkok on the week of the 27th May 2019. One was organised for the OTCC (the competition authority) and the other for the Thai Judiciary, organised together with the Supreme Court of the Kingdom of Thailand. These were very timely considering the new Competition Law that came into force together with the new competition authority.

The first Bilateral workshop under the Thai Country Programme took place on 27th and 28th May and was divided into two, with the first day dedicated to the Senior Management of the OTCC (Commissioners and Chairperson) as well as for selected senior staff of Thai regulators with competition powers. In attendance were also senior officials from Lao PDR, Myanmar and Cambodia. The second day was targeted to case handlers of the OTCC and so was more focusing on technical aspects of dealing with cases.

On the first day, there were initial remarks from Mr. Sakon Waranyuwattana (OTCC Chairperson), Peter JK Kim (Director General of the OECD/KPC Competition Programme) and Ruben Maximiano (Senior Competition Expert OECD).

The speakers were then Ruben Maximiano, Wouter Meester (Competition Expert OECD), Bill Kovacic (non-executive board member of the CMA, UK), Johannes Bernabe (Commissioner of Philippines

Competition Commission) and Kirtikumar Mehta (Université de Fribourg, former Director Cartels, European Commission). The first topic on the menu was led by Bill Kovacic where he introduced and then discussed with participants the management of the external politics of a regulator – dealing with stakeholders of all kinds. The discussion focused in particular on the challenges and opportunities of a new competition authority, in particular one that is independent but still needs to be part of the political system in order to make its voice heard. The experience of the Philippines provided valuable insights from an agency that has developed fast in the region and was brought by a Commissioner that sits on the Board of the Philippines Competition Commission since its inception, Johannes Bernabe. This was then complemented also by the perspective from the EU regarding its enforcement effectiveness, providing a history of enforcement and how it developed its practice over time and then some current cases and issues. The afternoon was dedicated to the discussion of management strategies and prioritisation, in a session led by Bill Kovacic, that greatly benefited from the insights also from Johannes Bernabe from the Philippines, in particular offering the experience of the first steps of the agency and how it met internal challenges and prioritised its actions.

The final session was dedicated to the important role that competition guidelines can play. Given the complex economic and legal issues in competition law, competition laws require some sort of practical guidance to ensure the understanding of the various legal aspects of competition. For this reason, as well as to raise public awareness with regard to competition rules, the competition agencies, as part of their competition advocacy, may draft guidelines with regard to significant aspects of applying competition legislation. They aim at enhancing the competition culture of both the business and the society as a whole with regard to specific issues. In the particular case of Thailand, the OTCC together with the OECD (under the Thailand Country Programme) have decided to focus on merger control rules. An OECD report will be issued by 2021 on merger guidelines to be prepared by the OTCC. This session provided for an opportunity for a first discussion of the possible content of those guidelines by making a comparative analysis with 6 other jurisdictions.

The second day was at a more technical level, with sessions dedicated to mergers, cartels and abuse of dominance, with case studies and with speakers including Ruben Maximiano, Wouter Meester, Kirtikumar Mehta, Jennifer Orr (Australian ACCC) and Derek Ritzmann (University of Hong Kong). This workshop had approximately 50 participants of competition officials from the OTCC, ie., most of the technical staff of the OTCC. Before the event the OTCC had made specific requests about the topics to be discussions which ensured that the topics were relevant for the current status of discussions in Thailand. Derek Ritzmann provided a very valuable session that covered the basic economics at the core of competition law and set the foundations for the rest of the day. Wouter Meester then presented in detail the role that market definition plays in all competition cases, and Ruben Maximiano covered the merger control economic fundamentals.

In the afternoon, Kirtikumar Mehta provided in depth look at how cartels are investigated and analysed in the European Union, and Jennifer Orr discussed a number of cases of abuse of dominance in Australia.

Overall, a bilateral event that was very complete in providing an overview at both the management level – fundamental to run a successful competition authority, as well as more technical level, allowing case handlers to have contact and understand how more experienced agencies deal with issues in the context of their cases in mergers, cartels and abuse of dominance.

## EVALUATION

<b>OVERALL AVERAGE SCORE FOR EVENT USEFULNESS</b>	<b>4.4</b>
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### **2.3) 9th OECD/KPC Competition Law Seminar for Asia-Pacific Judges - Main Challenges in Adjudicating Competition Law Cases, Bangkok, 30-31 May 2019**

The ninth OECD/ Korea Policy Centre Competition Law Seminar for Asia-Pacific Judges took place on 30-31 May 2019 in Bangkok (Thailand) under the auspices of the OECD Thailand Country Programme and in close cooperation with the Supreme Court of Thailand and with the ASEAN Secretariat. This ninth edition of the Seminar for Asia-Pacific Judges dealt with Main Challenges in Adjudicating Competition Law Cases. It was attended by 25 judges from Thailand and 25 other participants from Asia Pacific jurisdictions, representing more than 15 jurisdictions.

The event was also an opportunity to disseminate an important tool for judges dealing with competition cases - the CLIP OECD Competition Primers for ASEAN judges. These Primers are a series of information sheets designed to offer practical guidance to members of the judiciary when analysing competition cases. The Primers bring together the Federal Court of Australia's technical knowledge and first-hand experience with the OECD's international experience working with judges and in the ASEAN region. Whilst made in the context of the ASEAN Competition Action Plan, these Primers may be useful for judges from all jurisdictions. The Seminar started with opening speeches by Peter JK Kim (Director General of the OECD/KPC Competition Programme) and Ruben Maximiano (OECD).

The Seminar included keynote speeches by Nopporn Bhotirung-Siyakorn (President, Intellectual Property and International Trade Division, Supreme Court of Thailand) on the newly-enacted competition law in Thailand, Frédéric Jenny (Chairman of the OECD Competition Committee) on the role of economics in courts, and José Luís da Cruz Vilaça (former Advocate General and Judge of the European Court of Justice and President of the Court of First Instance of the European Communities) on EU judicial review in the context of economic matters. The Seminar also included speeches by Woochan Kang (Chief Judge of the Cheonan District Court) on judicial review and economics in the Korean Courts. The key economic concepts were explained in special sessions led by Derek Ritzmann (Adjunct Professor, Hong Kong University) who also participated in a hypothetical case session as an "economic witness".

Central to the Seminar were also three panel discussions that took place, with panellists from different jurisdictions. The panels were on:

- Key challenges for judges in competition cases
- Admissibility and probative value of economic evidence
- Presumptions and standard of proof for evidence

The first panel addressed the main challenges that judges face in competition cases. The discussion focused on the difficulties of decision-making in competition cases in various jurisdictions. Frédéric Jenny (speaking as former judge at the French Supreme Court), Paul Lomas (Ordinary Member of the UK Competition Appeal Tribunal) and Queeny Au-Yeung (Deputy President at the Competition Tribunal of Hong Kong) intervened in the discussion. The panel was moderated by Ruben Maximiano (OECD).

One of the main issues discussed and where there was considerable consensus among the speakers that the interaction and dialogue between judges and economists may give raise to difficulties and that great effort should be put by the experts in the 'translation' of economic concepts for the judge.

The second panel discussed the admissibility and probative value of economic evidence in competition cases. The panel was composed of Jennifer Orr (Principal Economist, ACCC), Zhang Bo (Justice, Intellectual Property Division, Supreme People’s Court China), Paul Lomas (Ordinary Member of the UK Competition Appeal Tribunal) and Sorawit Limparangsri (Judge in the Research Division of the Specialised Court of Appeal, Thailand). The panel was moderated by Matteo Giangaspero (OECD).

Some of the elements discussed included considerations on the importance for judges to take economics into the decision making, as this is needed to ensure that the competitive process in the market is maintained and that in this context it is important and necessary for economic witnesses to be heard in the context of competition cases. However, whilst there was overall agreement that whilst it is important for the court to take into account economic expert witnesses given competition law is an economic law, it is for the judge to interpret and apply the law based on economic and other factual evidence.

The third panel dealt with presumptions and standard of proof for evidence. It addressed how economic considerations may inform the assessment, and the procedural devices affecting the burden and the standard of proof. To explore these issues, Cristina Volpin (OECD) moderated the panel and was joined by José Luís da Cruz Vilaça, Paul Lomas and Sorawit Limparangsri.

On presumptions these can serve as guidance to the judges as well as enabling economic actors to predict how rules would apply. An interesting element discussed was in the context of a relatively recent ASEAN jurisdiction such as the Thai competition regime where the judiciary may need more guidance to facilitate the adjudication of cases.

In conclusion the two day workshop provided judges with an understanding of fundamental competition economic concepts. It also allowed judges to understand how different jurisdictions adjudicate competition cases, in particular considering the importance played by economics and the role that economic expertise and witnesses may play and how jurisdictions deal with these issues. This will allow judges of Asia Pacific to build their expertise on competition cases.

## EVALUATION

<b>OVERALL AVERAGE SCORE FOR EVENT USEFULNESS</b>	<b>4.5</b>
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### 2.4) Workshop on Vertical Restraints, Ulaan Baatar, Mongolia, 4 -6 September, 2019

The OECD-Korea Policy Centre teamed up with Mongolia’s AFCCP (the Authority for Fair Competition and Consumer Protection) to host a meeting in Ulaan Baatar in September 2019 on the competition issues related to vertical restraints.

In total, 25 delegates from Mongolia’s AFCCP, the country’s judiciary and its legislature participated in the event along with another 25 delegates drawn from the staff and commissioners of competition authorities across Asia.

In opening the event, Chairman Byambasuren (AFCCP) and Director General Kim (OECD-KPC) spoke of the importance of this issue in particular in the context of e-commerce but more broadly in retail markets. Speakers were: Ruben Maximiano (OECD), Ms. Céline Espesson (Advisor, Autorité de Concurrence, France), Ms. Sara Bacchio (Case Handler, DG Competition, European Commission), Mr. Mathew Argy

(Assistant Director, SLC Unit, ACCC, Australia) and Mr. Hiroyuki Kishimoto (Deputy Director, International Division, JFTC).

The AFCCP and its predecessor have already been actively enforcing competition laws for approximately two decades. However, the initial law had very low maximum fines and, even when a revised law significantly increased the penalties, it did not provide the authority with the full “tool-box” of detection and investigatory powers such as a leniency policy. Hence, there is now a need for a further law reform to enable a fully effective system.

The event commenced with scene setting presentations by Mr Maximiano (of the OECD) on defining vertical agreements, reasons for these agreements, the economic pro’s and con’s of such agreements, the main and broad differences in practices across jurisdictions and the main issues raised by Online Platforms and vertical restraints. Céline Espesson delved into the market definition issues, with an emphasis on e-commerce, drawing upon the experience of the French Competition Authority. Sara Bacchio continued with a deep dive into the recent cases of the European Commission in the RPM and E-commerce space. The day finished with a hypothetical case scenario of an RPM case.

The second day started with Céline Espesson discussing selective distribution systems and platform bans, which was followed by the rich experience of the JFTC on vertical restraints. The ACCC’s Mathew Argy then explained Australia’s framework for addressing anti-competitive vertical restraints, and provided a number of case studies, including a cement case and the Flight Centre case. Mathew also then led the second hypothetical case scenario in which all participants took part in small groups.

The Final day had another hypothetical case looking at an MFN case, which provided quite room for discussion amongst the several groups of participants. This was followed by the Key Findings of the E-Commerce Sector Enquiry of the European Commission. Finally there was opportunity for a lengthy final Q&A session with all speakers.

## EVALUATION

<b>OVERALL AVERAGE SCORE FOR EVENT USEFULNESS</b>	<b>4.7</b>
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### **2.5) Workshop – Competition Issues of Digitalisation, Tokyo, Japan - 16 – 18 October 2019**

From the 16<sup>th</sup> to 18<sup>th</sup> of October 2019, the Centre held a workshop in Tokyo, Japan dedicated to sharing best practices in digital markets, or markets where digital issues can be raised. This was an event co-hosted with the JFTC.

As speakers the workshop benefitted from talks from Kris Dekeyser (Director, Policy and Strategy Directorate, DG Competition, European Commission), Daniel Francis (Associate Director for Digital Markets, Bureau of Competition, FTC), Peter Alexiadis (Partner, Gibson Dunn & Crutcher, Belgium, Visiting Professor at Kings College), Fiona Grant (Director, Enforcement NSW & ACT, ACCC), Sungkyoon Kim (Researcher, Supreme Court, Korea), Yasuhiro Yoshikawa (Senior Investigator, JFTC), Ruben Maximiano (OECD) and Pedro Caro Sousa (OECD).

Digitalisation has led to the introduction of new markets, change of old ones, and a transformation in how consumers obtain information and make purchases. This Workshop provided participants with an opportunity to explore the common competition issues and challenges arising from the digitalisation of economies. In particular, digital products and markets can exhibit some particular characteristics that affect

market structure, including: strong digital platform network effects, substantial economies of scale and scope, significant user data, low or zero prices. This workshop helped identify and develop those issues via analysis of the recent studies undertaken in a number of jurisdictions as well as through cases (vertical restraints, merger and abuse of dominance cases).

The workshop was opened by Mr. Akinori Yamada (Secretary General, JFTC), DG Dae-Young Kim (Director, KPC) and Ruben Maximiano (OECD).

This workshop had 20 participants from competition officials from a multiplicity of jurisdictions in the Asia Pacific Region (China, India, Mongolia, Malaysia, Pakistan the Philippines, Singapore, Chinese Taipei, Thailand and Viet Nam).

The event opened with introductory speeches by Director General Yoon of the Korea Policy Centre, Mr. Devender Sikri (Chairman of the CCI) and by Mr. Ruben Maximiano of the OECD. The first session was offered by Mr. Maximiano, The importance of digital markets in SEA, the characteristics that make digital markets different from a competition perspective from other markets, the main challenges for competition authorities and the role of co-operation. Mr. Maximiano also provided a road map of the three day workshop introducing the topic at a general level and putting it into the context of the toolbox at the disposal of competition agencies.

The keynote address was provided by Mr. Dekeyser from the European Commission, and his speech touched upon enforcement in a number of cases and discussed self preferencing, pre-installation and tying (2009 Microsoft browser decision) and Google Android, interoperability issues ( Microsoft/Linkedin merger), ebooks – collusion, MFNs, RPMs. He also discussed merger control cases (eg. Apple / Shazam), in particular the issue of accumulation of large amounts of data not available to competitors and where it is important as an input. Mr. Dekeyser tried to draw some lessons from the practice so far.

The second started with a keynote speech from Mr. Francis, where he touched upon the state of competition policy in digital markets in the US, made some observations on enforcement in digital markets, and then delved into cases and investigations in horizontal and vertical agreements, unilateral cases and mergers. He discussed the difficulty in making general remarks given the difference in markets with competitive constraints that are not similar offering the examples of search engines and ride hailing that are very different. Finally, he looked at the issue of whether modern antitrust has the right tools. Mr. Alexiadis took a detailed look at the cross-cutting issues from the different market enquiries that have been undertaken across the world. He compared some main parameters and findings to find common threads and differences between the different studies. We dived into the Australian digital enquiries in a presentation by Ms. Grant. The Korean experience was shared with Mr. Kim and Ng Ming Jie (Deputy Director, CCCS) then presented the work of the CCCS in the field, starting with the 2015 Study on E-commerce, online food delivery industry, online booking and the Grab/ Uber case. The Second day finished with a presentation from Mr. Caro de Sousa on vertical restraints, looking at the treatment in different jurisdictions for Marketplace Bans, Price Comparison Tools, Most Favoured Nation and Hub-and-Spoke/Collusion.

The third day started with a hypothetical case led by Ms. Grant of the ACCC. This was followed by Mr. Yoshikawa very practical presentation looking into different types of cases that have been dealt with by the JFTC in the digital space. Ms. Wu a Specialist of the CTFTC then presented the work done on Mobile Payment Market and Apple Pay cases.

Mr. Alexiadis then analysed the interface between regulation and competition in digital markets. He observed that there is a growing body of economic regulation that creates greater conditions of commercial transparency, thereby acknowledging the information asymmetries which exist between suppliers and commercial customers or end-users. He offered the porting of numbers in the world of telecoms and the specific regulatory regime that applies in the world of payments systems as a basis for the establishment of an interoperability regime in the digital platform space. However, he noted that privacy concerns and the difficulties of extricating personal data from data that has been processed and adapted may prove challenging.

The OECD's Ruben Maximiano and Pedro Caro de Sousa finalised the workshop by drawing upon the discussions to draw some main principles debated.

Overall, this was a very successful event with many and enthusiastic participants showing great interest in the practical details of how to conduct a cartel investigation.

## EVALUATION

<b>OVERALL AVERAGE SCORE FOR EVENT USEFULNESS</b>	<b>4.60</b>
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### **2.6) Workshop on Investigative techniques for cartels, Seoul, Korea, 12- 14 November 2019**

The OECD/KPC held a workshop on investigative techniques for cartel cases. The workshop covered the different stages of a cartel investigation, from detection, to dawn raids to evidence collection. The seminar encouraged an exchange of experiences between the participants and aimed to enrich agencies' expertise in cartel enforcement. There was a total of 15 participants from different jurisdictions present.

Detection and collection of valuable evidence are key issues for effective anti-cartel enforcement. This seminar will offer insights into best practices of experienced OECD countries in this respect, by engaging participants in in-depth discussions on leniency systems, detection tools, dawn raids and evidence gathering. Hypothetical exercises throughout the seminar provided participants an opportunity to practice and translate theory into practice.

The workshop benefitted from two leading experts in Investigative Techniques for Cartels: Mr. Nik Tumbri from the Australian ACCC and Mr. Oswaldo García-Hernán from the Spanish CNMC. The workshop was chaired by Mr. Renato Ferrandi of the OECD who offered two presentations, one on the the fight against cartels: detection tools; and the other on Effective dawn raids: tips and traps. and this included how to act in politically charged environments, deal with numerous stakeholders etc.

Throughout the workshop it showed that jurisdictions with experience had very similar learnings and that these can help younger jurisdictions avoid the mistakes their experienced peers have made.

## EVALUATION

<b>OVERALL AVERAGE SCORE FOR EVENT USEFULNESS</b>	<b>4.6</b>
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### 3. PROGRAMME NEWSLETTER

The Programme continued to publish regular newsletter, known as the “Asia-Pacific Competition Update” in 2019. All the editions of the newsletter are available online at the following address <http://www.oecd.org/daf/competition/koreacentrenewsletter.htm>.

There are two primary reasons for publishing the newsletters. The first is to ensure that the benefit of the Programme’s workshops can extend beyond only those officials who are able to attend the workshop in person. The newsletter enables a wider audience to have access to information exchanged during the events.

The second reason for publishing the newsletter is to enable Asia-Pacific competition authorities to establish and maintain links between each other. 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 Asia-Pacific country.

### 4. CENTRE STAFFING

During 2019, the Programme’s staff comprised:

<b>Title</b>	<b>Name</b>	<b>Location</b>
Director General	<i>Mr. Peter JK Kim</i>	Seoul, Korea
OECD Senior Competition Expert	<i>Mr. Ruben Maximiano</i>	Paris, France
Director	<i>Ms. Daeyoung Kim</i>	Seoul, Korea
Research officer	<i>Mr. Daniel Oh</i>	Seoul, Korea
Communications officer	<i>Michelle Ahn</i>	Seoul, Korea
Programme coordinator	<i>Ms. Hyekyoung Jun</i>	Seoul, Korea

## 5. CONTRIBUTIONS

The following OECD Member States and organisations generously provided expert speakers for the Programme's workshops in 2019:

<b>Country</b>	<b>Authority/Organisation</b>
Australia	Australian Competition and Consumer Commission Melbourne University Federal Court of Australia
European Union	European Commission - DG Competition European Court of Justice
China	Intellectual Property Division, Supreme People's Court of China
France	French Competition Authority
Japan	Japan Fair Trade Commission
Hong Kong	Competition Tribunal, Hong Kong Hong Kong University
Korea	Korea Fair Trade Commission Cheonan District Court of Korea
The Philippines	Philippines Competition Commission
Spain	CNMC
Switzerland	Université de Fribourg
Thailand	OTCC Supreme Court of Thailand Specialized Court of Appeal
United Kingdom	Competition Appeals Tribunal, UK
United States	FTC George Washington University