



OECD Conference Centre, Paris

## Agenda

**Chair:** Frédéric Jenny

Chairman of the OECD Competition Committee

### Thursday 29 November

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| <p><b>OPENING SESSION</b></p> <p>09:00 – 09:30</p> | <p><b>Opening Remarks:</b></p> <p>Ludger Schuknecht, OECD Deputy Secretary General</p> <p><b>Introductory Comments:</b></p> <p>Frédéric Jenny, Chair, OECD Competition Committee</p>   |
| <p><b>SESSION I</b></p> <p>09:30 - 12:00</p>       | <p><b>HOW CAN COMPETITION CONTRIBUTE TO FAIRER SOCIETIES?</b></p> <p><i>The term “fairness” has emerged increasingly as part of the discourse of many antitrust enforcers without a universal definition, particularly in the competition context. Fairness, while innate to most individuals, is fluid, subject to the influence of many factors: culture, education, experience, society. Behavioural scientists have attempted to examine how fairness works; is defined relative to economic theory; and how “fairness” plays out in markets. While common tendencies may emerge, no consensus has been observed. Concerns with fairness in societies may reflect a growing, and positive desire, to reduce societal inequalities, and ensure that opportunities are shared more broadly across society, whether amongst individuals or firm. Taken in this context, does fairness have a role to play in economic theory; and how can competition authorities and judges interpret fairness without becoming moralistic or undermining the proven criteria that underpin competition enforcement? This session will explore the concept of fairness, whether and how it can relate to competition and what fairness can mean in practical terms to competition enforcers. 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&amp;A format.</i></p> <p><b>Chair:</b> Johannes Laitenberger, Director-General of the Directorate-General Competition (DG COMP), European Commission</p> <p><b>Panellists:</b></p> <ul style="list-style-type: none"> <li>• <b>Pinar Akman</b>, Professor of Competition Law &amp; Director of Centre for Business Law and Practice at University of Leeds</li> <li>• <b>Jonathan B. Baker</b>, Research Professor of Law at American University Washington College of Law</li> <li>• <b>Arsenio M. Balisacan</b>, Chairman, Philippine Competition Commission</li> <li>• <b>Frédéric Jenny</b>, Chair, OECD Competition Committee</li> </ul> <p>Contribution from Greece</p> |



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|                    | Documentation is also available at <a href="http://oe.cd/cfs">oe.cd/cfs</a>   |
| 12:00 - 12:20      | <b>GFC official photo for all participants</b>  |
| 12:20 - 14:30      | <b>Buffet lunch hosted by the OECD, Espresso café, OECD Conference Centre</b>   |
| <b>SESSION II</b>  | <b>GENDER AND COMPETITION</b>   |
| 14:30 – 15:30      | <p><i>Competition policy usually thinks in terms of consumers and firms, government and regulators. Traditionally, consumers have been considered only by their willingness to pay, their (rational) preferences, their ability to substitute between products offered by firms. Meanwhile firms are treated as entities that are defined by the profit-maximising objectives of their owners, and only rarely seen as collections of people. Competition policy is therefore largely gender blind and prides itself on its objectivity. This session will explore whether a gender lens might in fact help deliver objective competition policy by identifying additional relevant features of the market, and of the behaviour of consumers and firms. We will also discuss whether a competition perspective can help inform policymaking on gender equality.</i></p> <p><b>Chair:</b> Frédéric Jenny, Chair, OECD Competition Committee</p> <p><b>Speaker:</b> Estefania Santacreu-Vasut, Associate Professor in Economics, ESSEC Business School</p> <p><b>Documentation :</b> Paper by Estefania Santacreu-Vasut and Chris Pike (OECD Competition Division) <a href="http://DAF/COMP/GF(2018)4">DAF/COMP/GF(2018)4</a></p> <p>Documentation is also available at <a href="http://oe.cd/gnc">oe.cd/gnc</a></p>   |
| 15:30 – 16:30      | <b>Keynote Address by Margrethe Vestager, European Commissioner for Competition, followed by Q&amp;A with delegates</b>   |
| <b>SESSION III</b> | <b>REGIONAL COMPETITION AGREEMENTS: BENEFITS AND CHALLENGES</b>   |
| 16:30 – 18:30      | <p><i>Regional competition agreements (RCAs) hold great potential for both developed and developing jurisdictions, for instance by promoting convergence in competition laws and instruments, ensuring effective and efficient cross-border enforcement, or by supporting young authorities in their efforts to create a competition framework coherent with international standards. However, serious obstacles to the success of RCAs can undermine the harvesting of these benefits. This roundtable discussion will explore the potential benefits and challenges of RCAs. During the session, the different approaches will be examined of geographic regions that have adopted a regional competition framework (including regional competition provisions and a regional competition authority) in order to strengthen their competition law and policy in their pursuit of increased regional integration. The session will specifically focus on RCAs between three or more jurisdictions (so excluding bilateral agreements) that are located in the same geographic region, as they usually offer deeper levels of integration and a higher degree of co-operation on competition enforcement than bilateral agreements. The discussion will be supported by an inventory of RCAs that will be developed by the OECD and shared before the session.</i></p> <p><b>Chair:</b> Frédéric Jenny, Chair of the Competition Committee</p> <p><b>Presentation by</b> Wouter Meester, Competition Expert, OECD</p> |



#### Panellists:

- **Mor Bakhoun**, Affiliated Research Fellow, Max Planck Institute for Intellectual Property and Competition
- **G. Deniz Both**, Independent Researcher, specialising in international competition law and trade law
- **Mario A. Umaña**, Lead Trade and Competition Specialist, Integration and Trade Sector, Inter-American Development Bank

**Contributions from:** Albania, Australia with New Zealand, Bulgaria, EU, Japan, Kazakhstan, Kenya, Latvia, Mexico (COFECE), Russian Federation, Serbia, Singapore, South Africa, Sweden jointly with Denmark, Finland, Norway, and Iceland; United States, CARICOM

#### Documentation:

Call for contributions: [English](#)

Paper by Mario A. Umaña, IDB [DAF/COMP/GF\(2018\)6](#)

Background note by the Secretariat [DAF/COMP/GF\(2018\)5](#)

Inventory of RCAs by the Secretariat [DAF/COMP/GF\(2018\)12](#)

Summaries of contributions DAF/COMP/GF/WD(2018)16 (*forthcoming*)

Documentation is also available at [oe.cd/rca](#)

18:30 - 21:00

**Cocktail hosted by INDECOPI Peru- G. Marshall/R. Okrent rooms, Château de la Muette, OECD**

## Friday 30 November

### SESSION IV

09:00 – 10:00

#### INTRODUCTORY PLENARY: INVESTIGATIVE POWERS IN PRACTICE

*Competition authorities assume a crucial and challenging mission: protecting competition in the markets. This mission requires intensive evidence and data gathering. To meet this end, competition authorities are armed with various investigative powers ranging from voluntary interviews to searches in non-business premises. This session will allow participants to discuss practical issues and share best practices regarding the use of investigative powers through three breakout sessions.*

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

**Contributions from:** Albania, Australia, Austria, Botswana, Brazil, Chile (FNE), Croatia, Dominican Republic, EU, Hong Kong, China; Hungary, Kenya, Korea, Malaysia, Mexico (COFECE), Moldova, Mongolia, Peru, Portugal, Russian Federation, Serbia, Singapore, Slovak Republic, South Africa, Sweden, Chinese Taipei, Ukraine, United Kingdom, United States

#### Documentation:

Call for contributions: [English](#)

Issues note by the Secretariat – breakout session 1 [DAF/COMP/GF\(2018\)7](#)

Issues note by the Secretariat – breakout session 2 [DAF/COMP/GF\(2018\)8](#)

Issues note by the Secretariat – breakout session 3 [DAF/COMP/GF\(2018\)9](#)

Summaries of contributions DAF/COMP/GF/WD(2018)42 (*forthcoming*)

Documentation is also available at [oe.cd/invpw](#)



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| <p>10:00 – 12:00</p>                      | <p><b>BREAKOUT SESSIONS: INVESTIGATIVE POWERS IN PRACTICE</b></p> <p><b>Breakout session 1. Unannounced inspections in the digital age.</b> <i>This session will discuss challenges and best practices regarding the unannounced inspections in a world where information is mostly produced and stored digitally.</i></p> <ul style="list-style-type: none"> <li>• <b>Moderator: Sophie Bresny, Head of the Inspection Unit, <i>Autorité de la concurrence, France</i></b></li> </ul> <p><b>Breakout session 2. Requests for information: Limits and effectiveness.</b> <i>This session will explore requests for information, one of the most often used investigative powers, with a focus on the effective use and limitations of power to request information.</i></p> <ul style="list-style-type: none"> <li>• <b>Moderator: Mario Ybar, National Economic Prosecutor, Chilean Competition Authority (FNE)</b></li> </ul> <p><b>Breakout session 3. Due process in relation to evidence gathering.</b> <i>This session will be devoted to due process and the protection of rights of subjects and third parties, without hindering effective investigations.</i></p> <ul style="list-style-type: none"> <li>• <b>Moderator: Amir Nabil Gamil Ibrahim, Chairperson, Egyptian Competition Authority</b></li> </ul>   |
| <p>12:00 – 13:00</p>                      | <p><b>WRAP-UP PLENARY: INVESTIGATIVE POWERS IN PRACTICE</b></p> <p><b>Chair: Frédéric Jenny, Chair, OECD Competition Committee</b></p> <ol style="list-style-type: none"> <li>1. Report by Moderators</li> <li>2. General Discussion</li> <li>3. Summary and final remarks by session chair</li> </ol>  |
| <p>13:00 – 15:00</p>                      | <p><b>LUNCH BREAK</b></p>   |
| <p><b>SESSION V</b><br/>15:00 – 17:00</p> | <p><b>COMPETITION LAW AND STATE-OWNED ENTERPRISES</b></p> <p><i>Like private firms, state-owned enterprises (SOEs) might seek to maximise profit, even if they ultimately re-invest the surplus that they earn. Alternatively, their objective might be to expand their output, or they may have another goal. Regardless of their objectives, there remains a risk that their actions, agreements and mergers may sometimes harm consumers, causing competition agencies to sometimes investigate their behaviour. However, in undertaking such investigations there will be particular challenges, some relating to the status of these organisations, some to their different objectives which may affect the analytical tools that an agency uses.</i></p> <p><i>This session will look at investigations into anticompetitive conduct, mergers, and agreements by SOEs, both those owned or controlled by a competition authority's own government, and those owned or controlled by other governments. In particular, it will examine the type of conduct that they have engaged in, the rationale for doing so, the key analytical questions that arose in these cases, and the way in which their status and objectives affected those investigations. In doing so, we aim to draw out the main challenges of enforcing competition law against SOEs and look for ways to address them.</i></p> |

# 17<sup>th</sup> GLOBAL FORUM ON Competition



PARIS, 29-30 NOVEMBER 2018



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

**Speaker:** Deborah Healey, Professor, Faculty of Law, University of New South Wales

**Contributions from:** Algeria, Argentina, Botswana, Brazil, Costa Rica (SUTEL), Korea, Latvia, Malaysia, Mexico (COFECE), Mexico (IFT), Mongolia, Romania, Russian Federation, Singapore, South Africa, Sweden, Tunisia, Ukraine, United States, BIAC, CUTS International

**Documentation:**

Call for contributions: [English](#)

Paper by Deborah Healey [DAF/COMP/GF\(2018\)11](#)

Background note by the Secretariat [DAF/COMP/GF\(2018\)10](#)

Summaries of contributions DAF/COMP/GF/WD(2018)57 (*forthcoming*)

Documentation is also available at [oe.cd/csoes](#)

**FINAL SESSION**

17:00 - 18:00

**OTHER BUSINESS AND PROPOSALS FOR FUTURE WORK**

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