



Asia-Pacific Economic Cooperation

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Agenda

Purpose: Information
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**Seminar on Best Practices in the Enforcement
of Competition Policy
Pucón, Chile
26 May 2004**

BEST PRACTICE IN THE ENFORCEMENT OF COMPETITION POLICY

WEDNESDAY 26 MAY 2004 – PUCÓN, CHILE

In the competition policy arena, many APEC economies have recently enacted new or strengthened competition laws. The attention has now turned to the key role played by relevant agencies in ensuring that these laws are adequately enforced. This seminar aims to enhance the capacity of participants to interpret, implement and enforce sound commercial laws and business regulation through the sharing of experience by developed and developing APEC economies.

The Seminar will be chaired jointly by the Australian Department of the Treasury (which makes policy on competition matters) and the Australian Competition and Consumer Commission (ACCC) (which enforces competition laws and regulates national infrastructure services).

0900-0910	Welcome and Introduction <ul style="list-style-type: none">• Co-Chairs – Ms Louise Seeber, Department of the Treasury, Australia and Mr Bob Weymouth, ACCC, Australia
0910-1030	The Interface Between Policy and Enforcement <ul style="list-style-type: none">• Policy makers have a key role in enforcement given the relationship between competition policy/law and its regulation/enforcement. There are also issues in managing the relationship between policy makers and enforcement agencies/regulators.<ul style="list-style-type: none">○ Case study: Ms Louise Seeber, Department of the Treasury, Australia. The Role of an Enforcement/Regulatory Agency <ul style="list-style-type: none">• The role of an enforcement agency in enforcing competition laws.<ul style="list-style-type: none">○ Case study – Dr Ernesto Estrada González, Federal Competition Commission, Mexico.• Questions and answer session.
1030-1045	Refreshment break
1045-1215	The Role of an Enforcement/Regulatory Agency (continued) <ul style="list-style-type: none">• Broad principles for effective enforcement and compliance – including independence, resourcing, legal powers, accountability and transparency.• Other factors like the economic structure/characteristics, the economic objectives of governments, familiarity of the business community with competition laws and policy, and the openness of the economy.• Competition issues associated with sectoral regulation.

	<ul style="list-style-type: none"> • The role of an enforcement agency in enforcing competition laws. <ul style="list-style-type: none"> ○ Case study – Jeoung-eun Shin, Deputy Director, Fair Trade Commission, Korea. • The role of a sectoral regulator. <ul style="list-style-type: none"> ○ Case study – Dr Bambang Adiwiyoto, Commission for the Supervision of Business Competition, Indonesia. • Questions and discussion.
1245-1400	Lunch break
1400-1515	<p>Putting Competition Law and Policy into Practice</p> <ul style="list-style-type: none"> • A range of approaches can be taken – enforcement, compliance, education and advocacy, and various tools that can be used effectively. <p><u>Strategies for Achieving Compliance</u></p> <ul style="list-style-type: none"> • The enforcement pyramid – the role of non enforcement action. <ul style="list-style-type: none"> ○ Case study: Mr Bob Weymouth, ACCC, Australia. • Education and Advocacy – Creating a Culture of Competition. <ul style="list-style-type: none"> ○ Case study: Mr Enrique Vergara, Office of the National Economic Prosecutor, Chile • Question and answer session.
1515-1530	Refreshment break
1530-1645	<p>Putting Competition Law and Policy into Practice (continued)</p> <p><u>Investigations</u></p> <ul style="list-style-type: none"> • Information gathering powers of agencies and confidentiality issues, international co-operation and information sharing, other compliance tools e.g. leniency or immunity policy. <ul style="list-style-type: none"> ○ Case study: Investigating Cartels – Ms Maureen Casey, Department of Justice, the United States. ○ Case study: Transparency and Due Process in Anti-Trust Procedures – Mr Gonzalo Ruiz Díaz, INDECOPI, Peru • Question and answer session.
1645-1715	<p>Summary, Conclusion and Wrap Up – Co-chairs</p> <ul style="list-style-type: none"> • Brief presentation on the key findings of the report on the <i>Enforcement of Business Regulation and Commercial Laws in the APEC Region</i>. <ul style="list-style-type: none"> ○ Speaker – Ms Melissa O’Rourke, Department of Foreign Affairs and Trade, Australia.