



Asia-Pacific Economic Cooperation

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**2004/SOMII/CPDG/009**

Agenda Item: 5

**Report of the Seminar on  
Best Practice in the Enforcement of Competition  
Policy  
Wednesday 26 May 2004 – Pucón, Chile**

Purpose: Information  
Submitted by: Australia



**Competition Policy and Deregulation Group  
Pucón, Chile  
27 May 2004**

**BEST PRACTICE IN THE ENFORCEMENT OF COMPETITION POLICY  
WEDNESDAY 26 MAY 2004 – PUCON, CHILE**

**Report by Co-Chairs (Australia)**

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. The objective of this seminar was to enhance the capacity of participants to interpret, implement and enforce sound competition laws through the sharing of experience by developed and developing APEC economies.

Key messages:

- An understanding of the distinct roles of a policy maker and enforcement agency.
  - The models within the participant economies are varied and also have varying degrees of effectiveness.
- An understanding of the importance of consultation both with policy maker and enforcement agency and with industry and other key stakeholders.
- Implementation of competition law does not necessarily equate with a strong competition culture in an economy.
- Some economies are in the early stages of building a regulatory framework and are facing challenges in establishing an ongoing role for the enforcement agency.
- There is scope for ongoing advocacy both within government and the general business community including publicity of successful enforcement cases.
- The interdependence of compliance strategies is a critical characteristic of effective enforcement.
- A corporate leniency policy can contribute to the successful investigation and prosecution of cartels.
- The importance of transparency and due process in anti-trust procedures and more generally in enforcement activity.

The enthusiastic participation by delegates in the seminar discussion evidenced the success of the information sharing strategy and importance of adequate competition law enforcement. The seminar has provided delegates with the incentive to review their existing arrangements. This may result in APEC being requested to further assist economies in implementing best practice in competition policy enforcement.

## **Presentation topics**

### The Interface Between Policy and Enforcement:

- Case study (Australia): The role of policy makers in enforcement and interaction with the enforcing agency.

### The Role of an Enforcement/Regulatory Agency:

- Case study (Mexico): Enforcing competition laws.
- Case study (Korea): Enforcing competition laws.
- Case study (Indonesia): The role of a sectoral regulator.

### Putting Competition Law and Policy into Practice:

#### Strategies for Achieving Compliance

- Case study (Australia): The enforcement pyramid – the role of non enforcement action.
- Case study (Chile): Education and advocacy – creating a culture of competition.

#### Investigations

- Case study (USA): Investigating cartels.
- Case study (Peru): Transparency and due process in anti-trust procedures.

Tabling of the key findings of the report on the *Enforcement of Business Regulation and Commercial Laws in the APEC Region* (Australia).