



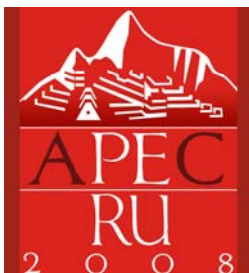
**Asia-Pacific
Economic Cooperation**

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Agenda Item: 6

Peru's Update on Competition Policy

Purpose: Information
Submitted by: Peru



**Competition Policy Deregulation Group
Meeting
Lima, Peru
13–14 August 2008**



**LEGISLATIVE DECREE 1034: REPRESSION OF
ANTICOMPETITIVE PRACTICES LAW**

August 13th, 2008

INDECOPi suma esfuerzos al servicio del mercado

GOAL

The new law establishes that its goal is the promotion of economic efficiency as a mechanism to reach consumers welfare.

ABROAD ANTICOMPETITIVE PRACTICES

The new law forbids practices that have anticompetitive effects on the national territory, even when carried out abroad.



ABSOLUTE AND RELATIVE PROHIBITIONS

The new law distinguishes between absolute and relative prohibitions.

To punish a practice subject to an absolute prohibition, it is necessary to prove the existence of the conduct.

To punish a practice subject to a relative prohibition, it is necessary to prove the existence of the conduct and the anticompetitive effect.



ABUSE OF DOMINANT POSITION

The new law only forbids exclusionary abuses of dominant position, not exploitative ones.

It also establishes that abuse of dominant position cases are subject to a relative prohibition.



HORIZONTAL COLLUSION

The new law forbids both horizontal and vertical restraints to competition.

Furthermore, it establishes that some horizontal agreements are subject to an absolute prohibition (for instance, naked price-fixing agreements).

Other horizontal agreements and all vertical restraints are subject to a relative prohibition.



VERTICAL RESTRAINTS

The new law defines vertical restraints as those carried out by enterprises who operate in different levels of the production line (upstream and downstream).



ENFORCEMENT PROCEDURE

The new law clarifies the administrative procedure to punish anticompetitive practices.

It also distinguishes between the role of the Free Competition Commission (Decision Maker) and the Technical Secretariat (Prosecutor).



MERGERS

The new law has not approved a economic-wide system of mergers and acquisition control.

Nevertheless, there is a pre-merger notification program limited to electrical sector.