



**Asia-Pacific
Economic Cooperation**

2016/SOM1/CPLG/018

Agenda Item: 6

Concept Note - Seminar on Investigative Powers of Competition Agencies

Purpose: Consideration
Submitted by: Peru



**Competition Policy and Law Group Meeting
Lima, Peru
27-28 February 2016**

Project Synopsis

1. **Relevance – Benefits to region: What problem does the project seek to address? What is the relevance of the project? Does it have sustained benefits to more than one economy?**

The existence of anticompetitive conducts harms society by making output lower, prices higher, discourages the innovation and generates inequality, decreasing the benefits of a competitive market, such as productivity and growth.

Investigative powers aims primarily to empower the competition authorities to initiate formal investigations and exercise their investigative powers to the full, on the basis of perceived anti-competitive outcomes.

Anticompetitive market affects mainly the less advantaged thus increasing the gap between rich and poor. In this context, investigative powers work as a tool to find and fight these behaviours, restoring the competitive process.

In this sense, sharing experience of the development and implementation of investigative powers in different economies may contribute to promote regional economic integration, as well as to promote competitive markets, collaborating in this way to reduce inequality.

In addition, in 2014, APEC Leaders in Beijing, China, stated “to meet our objective of strengthening the implementation of good regulatory practices, we will further enhance communications, exchanges and sharing experiences, and foster an open and transparent regulatory environment in our economies, according to individual economies’ needs and circumstances”.

Also, the Renewed APEC Agenda for Structural Reform (RAASR) strives to stimulate balanced and sustainable growth and reduce inequality, goals that can be achieved with properly implemented anti-competitive measures.

Relevance – Rank: Which Rank in the annual APEC Funding Criteria does this project fall under? Briefly explain why. Is it also linked to other Ranks? If so, briefly explain which/how.

This proposal directly links to **Rank 1**, Projects that demonstrate a direct link to promoting regional economic integration via free and open trade and investment. Implementation of the RAASR.

2. **Objectives: Describe the 2-3 key objectives of the project. (e.g. ensure workshop participants will be able to...; to create a framework...; to develop recommendations...; to build support...; to revise strategies...; to create an action plan;...to increase knowledge in; to build capacity in... etc.)**

- To exchange experiences in competition policy issues related to fighting anticompetitive conducts in APEC economies.
- To identify best practices.
- To increase knowledge and build capacity building in the developing of investigative powers for competition authorities.
- To create a framework in order to assure the correct development and implementations of investigative powers.

3. **Alignment – APEC: Describe specific APEC priorities, goals, strategies, work plans and statements that the project supports, and explain how the project will contribute to their achievement.**

This project directly responses to APEC’s key priorities:

Priorities under APEC 2016 Central Theme “Quality Growth and Human Development”, Advancing Regional Economic Integration And Quality Growth.

In 2015, Structural Reform Ministerial Meeting agreed that “structural reform, if implemented correctly, can provide for enhanced inclusion until now underrepresented groups, firms and regions by providing more opportunities to participate in and benefit from a growing economy. We support policies that are pro-development, strengthen markets, promote trade and investment, improve access to goods, services and labor markets, facilitate linkages to global value chains, and build resiliency against various shocks to advance inclusive growth.

Also, RAASR states to undertake reforms to “reduce inequality and stimulate growth in their economies, and contribute to APEC’s overarching goal to promote balanced, inclusive, sustainable, innovative and secure growth, through measures in line with well-functioning competitive markets...”

In 2014, APEC Leaders in Beijing, China, stated “to meet our objective of strengthening the implementation of good regulatory practices, we will further enhance communications, exchanges and sharing experiences, and foster an open and transparent regulatory environment in our economies, according to individual economies’ needs and circumstances”.

Therefore, this project is fully compliance with APEC priorities.

Alignment – Forum: Briefly explain how the project is aligned with your forum’s workplan / strategic plan.

APEC's Competition Policy and Law Group (CPLG) works to promote an understanding of regional competition laws and policies, to examine the impact on trade and investment flows, and to identify areas for technical cooperation and capacity building among member economies.

At CPLG meetings, member economies dialogue on Competition Advocacy where views are exchanged on topics related to institutions, objectives and priorities; challenges and obstacles and strategies to effective competition advocacy; use of tools developed by international organizations; and assessment of the effectiveness of competition advocacy efforts.

4. Methodology: How do you plan to implement the project? In this section, briefly address the following:

- **Workplan: Project timelines, dates of key activities and deliverable outputs.**
 - August – September 2016: Draft the Seminar Agenda and circulate to economies for comments.
 - September 2016: Incorporate the comments and finalize the agenda to reflect all interest by stakeholders
 - October 2016: Invite and secure speakers for the seminar from international organizations, Competition Authorities and APEC economies.
 - November 2016: Promotion and dissemination of the seminar.
 - November 2016: Send questionnaires seeking information on how APEC members economies expect the result of the seminar.
 - December 2016: Invite participants from relevant APEC Ministers, agencies, academia and research institutes in APEC economies members.
 - January 2017: Confirmation of the event details.
 - February 2017: Ground arrangement by the organizing committee (logistic and documentation).
 - February 2017: Implementation of the 2 day seminar
 - April – May 2017: Upon conclusion of the seminar, event organizers will work with co-sponsors, speakers and other participants to draft a report for the CPLG Group.
- **Beneficiaries: The proposed selection criteria for participants, beneficiary profiles (e.g. workshop participants, end users, policy makers, researchers/analysts, gender) and how they will be engaged.**
 - APEC economies members will benefit from information and experience sharing that will take place in the seminar. This will enable them to deepen their understanding on investigative powers, and study about different tools that may be implemented in other Economies’ experiences.
 - Additionally, an output of this seminar would be the identification of best practices.
 - APEC economies may introduce new and strong investigative power, or new tools to fight anticompetitive conducts and/or restore the competitive process.
- **Evaluation: Potential indicators developed to measure progress, project outcomes and impacts/successes. Where possible provide indicators which could assess impacts on women.**

An evaluation form will be distributed at the end of the workshop.

- **Linkages: Information on other APEC and non-APEC stakeholders and how they will be engaged. If and how this proposal builds on (but does not duplicate) the work of other projects. How will this activity promote cross fora collaboration?**

Economic Committee