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Organisation de Coopération et de Développement Économiques
Organisation for Economic Co-operation and Development

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English - Or. English

COUNCIL

**C(2008)134
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Council

PROPOSED RENEWAL OF THE MANDATE OF THE COMPETITION COMMITTEE

(Note by the Secretary-General)

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English - Or. English

1. This document contains a proposal to revise the OECD Competition Committee's current mandate which expires on 31 December 2008. This mandate dates back to 1987 but has little changed since its inception in 1961 [C(87)138/Final]. The Committee changed its name from Committee on Competition Law and Policy to Competition Committee in 2001 [C/M(2001)23 and C(2001)261].

2. In 2004, in the framework of its Decision regarding a sunset clause for all Committees, the Council agreed that the mandate of the Competition Committee "will expire, at the latest, on 31 December 2008, unless the Council decides otherwise" [C/M(2004)5]. On 17 December 2007, the Council approved the recommendations proposed by the Evaluation Sub-group in its report on the In-depth Evaluation of the Competition Committee [C(2007)121], including that "the Committee should revise its mandate and those of its sub-bodies to reflect fully and in a balanced way the range of medium to longer-term policy objectives of its different areas of work".

3. At its 11-12 June 2008 meeting, the Competition Committee considered a revision of its mandate, based on the results of the Evaluation and the highlights of its 100th meeting event in February 2008 [DAF/COMP(2008)4]. The draft revised mandate, which was subsequently finalised through the written procedure, has been structured in two parts. The first part details the main and intermediary objectives of the Committee in accordance with the high priority needs identified by Member countries; it also promotes policy dialogue with non-Members. The second part is devoted to the Committee's cooperation arrangements with other OECD bodies, relevant international organisations and major stakeholders.

4. The results of the In-depth Evaluation also show that the current structure of the Committee, which includes two sub-bodies, has been highly relevant, effective and efficient, and as a consequence will be maintained into the coming mandate period. The mandates of the sub-bodies, being derived from the Competition Committee mandate, will be subsequently modified in line with the abovementioned recommendation.

5. It is proposed that the revised mandate, as set out in the draft Resolution in the Annex hereto, should remain in force until 31 December 2013, unless the Council decides otherwise. The draft Resolution would supersede all previous provisions concerning the mandate of the Committee. The Committee would, of course, return to the Council to propose a revision to its mandate should there be any major developments that warrant such a change.

Proposed Action

6. In the light of the preceding, the Secretary-General invites the Council to adopt the following draft conclusions:

THE COUNCIL

- a) noted document C(2008)134;
- b) adopted the draft Resolution concerning the mandate of the Competition Committee as set out in the Annex to document C(2008)134.

ANNEX

**DRAFT RESOLUTION OF THE COUNCIL
REVISING THE MANDATE OF THE COMPETITION COMMITTEE**

THE COUNCIL,

Having regard to the Convention on the Organisation for Economic Co-operation and Development of 14 December 1960;

Having regard to the Rules of Procedure of the Organisation;

Having regard to Resolution of the Council C(87)138/FINAL

Having regard to the recommendations of the In-depth Evaluation of the Competition Committee [C(2007)121];

DECIDES:

A. The Competition Committee has the following mandate:

I. Objectives

- a) The main objective of the Competition Committee is to protect and promote competition as an organising principle of modern economies, based on the knowledge that vigorous market competition boosts growth and employment and makes economies more flexible and innovative.
- b) The intermediary objectives of the Committee include:
 - i) reviewing developments in competition laws and policies both in individual countries and in international organisations;
 - ii) examining and commenting upon particular competition law and policy issues taking into account the interaction between competition and other government policies;
 - iii) Enhancing the effectiveness of competition law enforcement, through measures that include the development of best practices and the promotion of cooperation among competition authorities of Member countries;
 - iv) Enhancing the effectiveness of pro-competitive economic reform, including by reviewing competition issues in jurisdictions and particular sectors, and identifying options for addressing these issues and developing best practices;
 - v) Proposing effective strategies and methods to help governments promote domestic pro-competitive reforms and overcome their transition costs;
 - vi) Strengthening synergies between competition policy and other framework policies in the work of the OECD;

- vii) Supporting sound domestic competition policies and fostering policy convergence internationally to avoid inefficiencies and potential conflicts resulting from different competition standards;
- viii) Promoting policy dialogue and cooperation with non-Members to encourage the implementation of competition best practices and principles, and providing related capacity building;
- ix) Promoting understanding of the benefits of competition for business and consumers.

II. Co-operation arrangements

- a) The Committee shall cooperate with other OECD committees on competition-related matters and seek to ensure that the Organisation as a whole promotes sound competition policy.
 - b) The Committee shall keep itself informed of the competition related activities carried out in other international organisations, notably the International Competition Network. It will promote and develop, as practicable, partnerships with these organisations and seek to ensure effective complementarities while avoiding undue (or unnecessary) duplication with other international organisations where appropriate. The Committee shall provide a forum for consultations to enable delegates to exchange views on issues raised in these bodies.
 - c) The Committee shall consider the views and input of BIAC and other major stakeholders in the competition field.
 - d) The Committee shall encourage participation by non-OECD economies in the Committee's work and their implementation of the Committee's recommendations and best practices.
- B. The mandate of the Competition Committee shall remain in force until 31 December 2013 unless the Council decides otherwise.