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Organisation de Coopération et de Développement Économiques
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English - Or. English

COUNCIL

Council

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

(Note by the Secretary-General)

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Background

1. The current five-year mandate of the Competition Committee (hereafter the “Committee”) is due to expire on 31 December 2014 [[C\(2008\)134](#)].
2. The Competition Committee was established in 1961 as the “Committee of Experts on Restrictive Business Practices” [[C\(61\)47\(Final\)](#)]. In 1987, its name was changed into “Committee on Competition Law and Policy” as well as its terms of reference [[C\(87\)138/FINAL](#)]. In 2001, the Council renamed it the “Competition Committee”, as the former denomination made the Committee work sound narrow and technical [[C\(2001\)261](#)].
3. In March 2004, the Council decided to introduce sunset clauses for Committees with open-ended mandates [[C/M\(2004\)5/PROV](#), Item 75], which required the Competition Committee to renew its mandate by the end of 2008. It was approved in 2008 [[C\(2008\)134](#)] and was extended in 2013 for a one year period to the end of 2014 [[C\(2013\)85](#)] to allow the mandate review process to be informed by the 2014 In Depth Evaluation (IDE) of the Committee.
4. The IDE report was presented on 3 July 2014 [[C\(2014\)89](#) and [C/M\(2014\)9, Item 131](#)]. It concluded that the Committee had performed very high in terms of its relevance; high in terms of its effectiveness; and very high in how well it functions (efficiency). The Council approved on 15 July 2014 [[C/M\(2014\)9](#)] two recommendations as set out in the IDE report.
5. Given the continued relevance of its mandate in light of the conclusions and recommendations of the 2014 IDE, the Competition Committee agreed on 4 November 2014 to propose to the Council the renewal of its mandate for a period of five years, until 31 December 2019, with a few revisions [[DAF/COMP/WD\(2014\)121](#)]:
 - In the Preamble, historic references of the establishment and important milestones of the Committee life have been streamlined, and the reference to the Resolution of the Council on Partnership in OECD Bodies [[C\(2012\)100/FINAL](#)] has been added to conform with current presentation practice for Level-I Committee mandates;
 - Changes have also been made to emphasise further the points outlined in the two Recommendations of the IDE report on contributing to horizontal activities (Section A.I. iv) and on strengthening the Committee’s engagement with consumer representatives (Section A.II c);
 - Some editing has been made to improve the presentation of the mandate.
6. In accordance with Rule 21 c) of the Rules of Procedure, the Competition Committee, when reviewing its mandate, also confirmed that its current substructure with two Working Parties - Working Party No. 2 on Competition and Regulation and Working Party No. 3 on Co-operation and Enforcement – remains relevant and adequate for carrying out the work of the Committee going forward. The good interaction of work of the Committee and its two Working Parties suggests that this structure continues to promote complementarities and trade-offs through inter-related outputs that remain very relevant to the future work of the Committee. This was evidenced in the preparation of the draft Programme of Work and Budget for 2015-16 where the proposed outputs will assist policymakers in implementing well-designed competition policy, a key element for fostering economic growth.
7. It is proposed that the revised mandate set out in the draft Resolution in the Annex hereto, should remain in force for a period of five years, until 31 December 2019, unless the Council decides otherwise. The draft Resolution would supersede all previous provisions concerning the mandate of

the Committee. The Committee would return to the Council to propose a revision to its mandate should there be any major developments that warrant such a change.

Proposed action

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

THE COUNCIL

- a) noted document [C\(2014\)146](#);
- b) adopted the draft Resolution of the Council revising the mandate of the Competition Committee as set out in the Annex to document [C\(2014\)146](#), which will enter into force on 1 January 2015.

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 the Resolution of the Council on Partnerships in OECD Bodies [[C\(2012\)100/FINAL](#)];

Having regard to the establishment of the “Committee on Competition Law and Policy” in 1961 [C(61)47(Final) and C/M(61)8(Final), Item 58], renamed “Competition Committee” in 2001 [[C\(2001\)261](#) and [C/M\(2001\)23](#), Item 402], whose mandate was last revised in 2008 [[C\(2008\)134](#) & CORR1 and [C/M\(2008\)17](#), Item 219] and extended in 2013 [[C\(2013\)85](#) and [C/M\(2013\)16](#), Item 150];

Having regard to the recommendations of the In-depth Evaluation of the Competition Committee [[C\(2014\)89](#) and [C/M\(2014\)9](#), Item 131];

Having regard to the proposed revision of the mandate of the Competition Committee [[C\(2014\)146](#)];

DECIDES:

A. The Competition Committee is renewed with the following revised 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 are the following:
 - i) To enhance the effectiveness of competition law enforcement, through measures that include the development of best practices and the promotion of co-operation among competition authorities of Member countries;
 - ii) To enhance 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;
 - iii) To help governments promote domestic procompetitive reforms and overcome their transition costs, by proposing effective strategies and methods;

- iv) To ensure that competition perspectives are more widely taken into account in the work of the OECD, by strengthening synergies between competition policy and other framework policies in the work of the OECD, including in contributing to horizontal initiatives, notably by examining and commenting upon particular competition law and policy issues taking into account the interaction between competition and other government policies;
- v) To support sound domestic competition policies and fostering policy convergence internationally to avoid inefficiencies and potential conflicts resulting from different competition standards;
- vi) To encourage the implementation of competition best practices and principles, by promoting policy dialogue and co-operation with non-Members and providing related capacity building;
- vii) To promote understanding of the benefits of competition for business and consumers.

II. Co-operation arrangements

- a) The Committee shall co-operate 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 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, including consumer representatives.
 - 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 2019.