



PARIS

DIRECTORATE FOR FINANCIAL, FISCAL AND ENTERPRISE AFFAIRS
TRADE DIRECTORATE

Or. Eng.

COM/DAFFE/CLP/TD/M(2000)134
For Official Use

Cancels & replaces the same document:
distributed 13-Dec-2000

Joint Group on Trade and Competition

SUMMARY AND MAIN CONCLUSIONS 26 October 2000

The attached document contains the Summary Record of the discussions at the last meeting of the Joint Group on Trade and Competition held on 26 October 2000.

98982

Document complet disponible sur OLIS dans son format d'origine
Complete document available on OLIS in its original format

Or. Eng.

JOINT GROUP ON TRADE & COMPETITION

SUMMARY AND MAIN CONCLUSIONS

26 October 2000

1. Approval of the Draft Agenda

1. The draft agenda [COM/DAFFE/CLP/TD/A(2000)96/REV1] was approved. Mr. Charles Bridge (United Kingdom) co-chaired with Mr. Allan Fels (Australia).

2. Approval of the Summary and Main Conclusions of the June 2000 meeting

2. The Summary and Main Conclusions from the June 2000 meeting [COM/DAFFE/CLP/TD/M(2000)77 and ANN1 and 2] were approved.

3. Recent developments

WTO

3. The Joint Group heard a report from Mr. Rob Anderson of the WTO Secretariat on developments relating to trade and competition policy since the Joint Group's last meeting. Two formal meetings of the WTO Working Group on the Interaction between Trade and Competition Policy had been held in July and early October on a wide range of issues. These included development-related issues, competition advocacy, and building a competition culture, both nationally and internationally. A regional workshop had also been organised in Thailand for Members of South, Southeast and East Asia on Competition Policy, Economic Development and the Multilateral Trading System. The workshop dealt with all above-mentioned issues in a frank and intensive manner.

4. The period had been useful in terms of clarification of the issues and of better understanding on some components of a possible multilateral framework. On the developing countries side, there seemed to be a growing recognition of the role of competition policy in economic development and of the need for some kind of co-operation for dealing with anticompetitive practices of an international dimension. Finally, the WTO representative acknowledged the quality of co-operation with the OECD Secretariat, which proves to be beneficial for both sides.

UNCTAD

5. On behalf of his Secretary General, the UNCTAD representative, Mr. Hassan Qaqaya, expressed the satisfaction of his Organisation for being able to participate in the meeting as an Observer. He reported on the Fourth Conference (25-29 September 2000) to review the validity of the UN Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices. He noted that attitudes had been positive and constructive on all sides, and that there was a noticeable change among developing countries towards the positive role of competition policy in development. Calls were made to UNCTAD to continue its work on institutional capacity building, in particular for the introduction and enforcement of competition laws.

6. UNCTAD saw important synergies between UNCTAD, WTO and the OECD in conducting outreach activities in the field. Finally, he noted convergence of views in international fora on the need for international co-operation.

7. In the view of its Chairman [Mr. F. Souty (France)], the Conference worked in a good climate. It made clearer: i) an increased convergence of competition principles in both developing and developed countries; ii) a growing consensus on the positive contribution that competition law can make to development; and iii) the rapid growth of international co-operation in antitrust, in particular in South America and Asia.

Others

8. Two Delegations reported on international conferences. The United Kingdom reported on a July meeting with developing country experts. A very active discussion had taken place. A lot of support had been expressed in favour of developing regional competition policies and of participating in the international debate. Korea announced a Workshop to be held in Seoul in November on Competition Policy and Development with APEC countries and experts of OECD countries.

4. The development dimension of trade and competition policies

[COM/TD/DAFFE/CLP(2000)98]

9. The co-Chair reminded Delegates of the Ministerial mandate given to the Joint Group to undertake work on the “development dimension”. The paper by the Secretariat was designed to encourage ideas and guidance from Delegations about the direction to follow. A long list of issues was suggested for discussion but not for the present meeting. The objective of the meeting was to identify subjects on which to concentrate in the near future.

10. Delegations appreciated the Secretariat paper as well as the list of subjects offered for their consideration. They noted the limitation of resources of the Secretariat and the need to avoid possible duplication of work with the WTO, UNCTAD or APEC. Calls were made to identify work where the OECD has a comparative advantage. Focus should be on the coherence between trade and competition policy on the one hand, and development on the other. Mention was also made by one Delegate of the need to keep in mind the March 2000 list of questions by the Chairman of the WTO Working Group.

11. The agreement was to start work first on Special and Differential Treatment with a review of relevant trade principles and of specific treatment under competition laws. It was agreed that this would be followed by a discussion of capacity building in the May 2001 meeting of the Joint Group. A number of Delegations insisted on the need to involve early in the process the DAC and the Development Centre in this work, particularly that on capacity building.

5. Trade, Competition and Intellectual Property Rights

[COM/DAFFE/CLP/TD(2000)100, COM/DAFFE/CLP/TD/RD(2000)111]

12. As agreed at the June 2000 meeting, the Secretariat circulated an Issues Paper on Trade, Competition and Intellectual Property Rights. The Note was intended to guide the discussion and was generally well received. A number of Delegations requested more time to study the paper and to make substantive comments in writing (to be sent to the Secretariat by end February 2001). In addition, it was agreed that the Secretariat would produce a synthesis document for the May meeting describing and assessing a number of Delegates supplied economic studies relating to the costs and benefits of

international exhaustion of intellectual property rights in the context of parallel importation. Finally, Delegates heard a presentation by Australia on their country's experience in this area.

13. The Issues Paper will be revised by the Secretariat for the October meeting, taking into account: i) comments by Delegations on it; ii) the Australian contribution, and possibly others to come; as well as iii) the discussion of the economic studies at the May meeting.

6. Roundtable on Public and Private Dispute Resolution Mechanisms

14. The Joint Group held a Roundtable on Public and Private Dispute Resolution Mechanisms. The objective of the Roundtable was to look at a wide range of both public and private dispute resolution mechanisms to see how they function in practice. Representatives of the WTO, BIAC, the ICC and EFTA were invited to participate in the Roundtable. Given the interest expressed by a number of Delegations, the Roundtable will be the subject of a detailed aide-memoire. It will be circulated for the next meeting.

7. Other issues

15. The next meeting of the Joint Group will be held on 14th February 2001 (afternoon only).