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26 November 2022

**DIRECTORATE FOR FINANCIAL AND ENTERPRISE AFFAIRS
COMPETITION COMMITTEE**

Cancels & replaces the same document of 15 November 2022

Global Forum on Competition

Draft Agenda: Global Forum on Competition

1-2 December 2022 9h30
Paris, France

The 21st meeting of the Global Forum on Competition will be held on 1-2 December 2022 in Room 1 of the OECD Conference Centre, 2 rue André Pascal, 75116 Paris.

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DRAFT Agenda for the 21st OECD Global Forum for Competition

Chair: **Frédéric Jenny**, Chairman of the OECD Competition Committee

Thursday 1 December 2022 OPENING SESSION

9:30 – 10:10 CET

- **Introductory Remarks by Carmine Di Noia**, Director, Directorate for Financial and Enterprise Affairs, OECD
- **Opening Remarks by Mathias Cormann**, OECD Secretary-General
- **Keynote Address by Margrethe Vestager**, Executive Vice President for A Europe Fit for the Digital Age and Commissioner for Competition, European Commission
- **Special Remarks by Rebeca Grynspan**, Secretary-General, UNCTAD
- **Introductory Comments by Frédéric Jenny**, Chair, OECD Competition Committee

SESSION I: THE GOALS OF COMPETITION POLICY

10:10 - 13:00 CET

Most jurisdictions have embraced some form of the consumer welfare standard to achieve the basic goals of competition: to maintain and encourage the process of competition in order to promote efficient use of resources while protecting the freedom of economic action of various market participants. Some also consider competition policy as a tool to contribute to a number of other objectives: pluralism, decentralisation of economic decision-making, preventing abuses of economic power, promoting small business, fairness and equity and other socio-political values. These “supplementary” objectives tend to vary across jurisdictions and over time. The latter reflects the changing nature and adaptability of competition policy so as to address current concerns of society while remaining steadfast to the basic objectives.

The OECD Global Forum on Competition will include a pragmatic session that will question whether competition law and policy needs to adapt as a policy instrument to better accommodate socio-economic trends such as the rising importance of sustainability. Is the current consumer welfare focus sufficient? Is the instrument of competition law enforcement still effective or does it need to be complemented by other instruments, or new legislation?

Chair: **Frédéric Jenny**, Chair, OECD Competition Committee

Speakers:

- **Spencer Weber Waller**, Justice John Paul Stevens Chair in Competition Law and Professor, Loyola University Chicago School of Law
- **Esteban Greco**, Director, Gamesecon and former President, CNDC

Agency Representatives:

- **Johannes B. R. Bernabe**, OIC Chairperson and Commissioner, Philippine Competition Commission, Philippines
- **Tembinkosi Bonakele**, Former Commissioner, Competition Commission South Africa
- **Mick Keogh**, Deputy Chair, Australian Competition and Consumer Commission
- **Lina Khan**, Chair, Federal Trade Commission, United States

Contributions from:

Consumers International – DAF/COMP/GF/WD(2022)1

Pakistan - DAF/COMP/GF/WD(2022)3

Uzbekistan - DAF/COMP/GF/WD(2022)2

Documentation is also available at: oe.cd/gcp.

13.00 - 15:00: Official photo & Lunch break

SESSION II: SUBSIDIES, COMPETITION AND TRADE

15:00 - 17:30 CET

The role of subsidies in distorting trade and in un-levelling the playing field in antitrust markets has been well analysed over the years. However, less attention has been given to the role that subsidies may have in antitrust analysis and how competition authorities integrate (or not) the fact that a market player involved in a competition investigation benefits from domestic or foreign subsidies that grants it a competitive advantage over its competitors. While this question seems to be less relevant in cartel enforcement, recent policy discussion has focussed on the role of subsidies in monopolisation/abuse of dominance cases as well as in merger control. It is still an open question whether competition authorities should have any role in assessing the impact of subsidies when applying competition law or whether the issues should be left to international law.

Against this background, the session will explore the role that competition authorities can play in the interplay between subsidies, competition and trade. More specifically, the Roundtable will investigate the extent to which, and how, subsidies should be part of the competition analysis of competition authorities. Questions include:

- To what extent are subsidies currently incorporated by competition authorities in competition analysis?
- Should subsidies be incorporated (more or differently) into the competition analysis, and if so, why and how?
- What theories of harm may apply to subsidies, and what is the economic basis for these theories?
- What analytical techniques can be used to assess these theories, and what types of evidence are needed to use them?

Chair: Frédéric Jenny, Chair, OECD Competition Committee

Speakers:

- **Alicia García-Herrero**, Senior Fellow, European think-tank BRUEGEL and Chief Economist for Asia Pacific, Natixis
- **Anabel González**, Deputy Director-General, World Trade Organisation
- **Miguel de la Mano**, Partner, RBB Economics

Documentation:

Call for contributions: DAF/COMP/GF(2022)3

Note by the Secretariat – DAF/COMP/GF(2022)6

Contributions from:

Bangladesh - DAF/COMP/GF/WD(2022)39
Dominican Republic - DAF/COMP/GF/WD(2022)55
European Commission - DAF/COMP/GF/WD(2022)40
Kazakhstan - DAF/COMP/GF/WD(2022)41
UNCTAD - DAF/COMP/GF/WD(2022)44
Summaries of contributions - DAF/COMP/GF/WD(2022)43

Documentation is also available at: oe.cd/sctr.

17.45 - 20:00: Cocktail hosted by Ecuador, G. Marshall & R. Ockrent, Château de la Muette

Friday 2 December 2022
**SESSION III: INTERACTIONS BETWEEN COMPETITION AUTHORITIES AND
SECTOR REGULATORS**

10:00 – 13:00 CET

Effective co-operation with sector regulators is an important element to promote competition in regulated sectors. While the objectives pursued by competition authorities and sector regulators are often aligned, differences in the substantive rules they apply and different perspective on the same matters may lead to diverging outcomes. In addition, even when competition authorities and sector regulators pursue the same objective of promoting competition in a sector, there are situations when the respective mandates are not clear and the institutional set-up does not foster co-operation between different authorities. In order to address challenges and improve co-operation on enforcement cases, the session will provide a platform for sharing good practices and learning from the experience of other jurisdictions.

This roundtable discussion will seek to provide practical insights into the co-operation between competition authorities and sector regulators, in particular:

- What are the key points covered by formal agreements between competition authorities and sector regulators or in legal provisions about co-operation?
- How do competition authorities and sector regulators co-operate in practice? What are the most effective tools?
- Is co-operation more fruitful with certain sector regulators and more complex with others? What are the factors affecting the quality of co-operation?

Chair: Alexandre Cordeiro Macedo, President, Administrative Council for Economic Defense (CADE), Brazil

Speakers:

- **Martin Cave**, Chair, UK Gas & Electricity Markets Authority (GEMA), United Kingdom
- **Pablo Márquez**, Partner, ECIJA and former Chairman, Colombia's Commission for Communications Regulation (CRC) and former Superintendent, Superintendence for Protection of Competition (SIC), Colombia
- **Nomfundo Maseti**, Full-Time Regulator Member, National Energy Regulator of South Africa (NERSA), South Africa

Documentation:

Call for contributions: DAF/COMP/GF(2022)2

Note by the Secretariat – DAF/COMP/GF(2022)4

Contributions from:

- Albania - DAF/COMP/GF/WD(2022)4
- Argentina - DAF/COMP/GF/WD(2022)5
- Armenia - DAF/COMP/GF/WD(2022)45
- Belgium - DAF/COMP/GF/WD(2022)57
- BIAC - DAF/COMP/GF/WD(2022)64
- Brazil - DAF/COMP/GF/WD(2022)6
- Bulgaria - DAF/COMP/GF/WD(2022)7
- Colombia – DAF/COMP/GF/WD(2022)53
- Consumers International - DAF/COMP/GF/WD(2022)8
- Costa Rica - DAF/COMP/GF/WD(2022)9
- CUTS - DAF/COMP/GF/WD(2022)46
- Ecuador - DAF/COMP/GF/WD(2022)61
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- Fiji - DAF/COMP/GF/WD(2022)50
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- Greece - DAF/COMP/GF/WD(2022)15
- Hungary - DAF/COMP/GF/WD(2022)60
- India - DAF/COMP/GF/WD(2022)16
- Kenya - DAF/COMP/GF/WD(2022)17
- Latvia - DAF/COMP/GF/WD(2022)18
- Malaysia - DAF/COMP/GF/WD(2022)19
- Mexico - DAF/COMP/GF/WD(2022)20
- Moldova - DAF/COMP/GF/WD(2022)21
- Paraguay - DAF/COMP/GF/WD(2022)23
- Serbia – DAF/COMP/GF/WD(2022)51
- Chinese Taipei - DAF/COMP/GF/WD(2022)56
- Türkiye – DAF/COMP/GF/WD(2022)52
- Ukraine - DAF/COMP/GF/WD(2022)24

United Kingdom - DAF/COMP/GF/WD(2022)25

United States - DAF/COMP/GF/WD(2022)26

Uzbekistan - DAF/COMP/GF/WD(2022)27

Summaries of contributions - DAF/COMP/GF/WD(2022)28

Documentation is also available at: oe.cd/icar.

13.00 - 14:45: Lunch break

SESSION IV: REMEDIES AND COMMITMENTS IN ABUSE CASES

14:45 - 17:45 CET

When an abusive conduct of dominant undertakings is found, this will often require competition authorities, in addition to sanctions and/or cease and desist orders, or as an alternative way of case resolution, to impose remedies or accept commitments by the dominant undertakings. The aim is to effectively stop the abusive conduct, and to create conditions that allow to restore or enable competition. To avoid further damage to the markets in question, such remedies and commitments need to be timely, effective, and proportionate.

In December 2022, the Global Forum on Competition will hold a roundtable to revisit the options available to competition authorities in designing such remedies and commitments, and to discuss practical insights and experiences, in particular:

- What criteria guide competition authorities when using remedies and commitments in addition or as an alternative to sanctions?
- Which cases are suitable for structural remedies, and in which cases are behavioural remedies more adequate?
- Which lessons can be drawn from the monitoring of the compliance with remedies and commitments that were imposed or accepted? Can sector regulators assist competition authorities in this task?
- What are insights gained from an ex-post evaluation of previously applied remedies and commitments?

Chair: Frédéric Jenny, Chair, OECD Competition Committee

Speakers:

- **Lucía Ojeda Cárdenas**, Partner, SAI Law & Economics
- **Gwen Grecia-De Vera**, Director, Competition Law and Policy Program, University of the Philippines Law Centre
- **Frank Maier-Rigaud**, Managing Director, ABC Economics
- **Anna Pisarkiewicz**, Research Fellow, EUI Centre for a Digital Society (CDS)

Documentation:

Call for contributions: DAF/COMP/GF(2022)1

Note by the Secretariat – DAF/COMP/GF(2022)5

Contributions from:

Argentina - DAF/COMP/GF/WD(2022)	48
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Documentation is also available at: oe.cd/rcac.

FINAL SESSION: OTHER BUSINESS AND PROPOSALS FOR FUTURE WORK

17:45-18:00 CET

Chair: Frédéric Jenny, Chair, OECD Competition Committee