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

**LATIN AMERICAN COMPETITION FORUM**

**Draft Agenda**

**8-9 September 2010, San José (Costa Rica)**

*The attached document contains the draft agenda of the eighth meeting of the Latin American Competition Forum to be held on 8-9 September 2010 in Costa Rica. All LACF documentation will be progressively uploaded onto the Forum website: <http://www.oecd.org/competition/latinamerica>.*

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## LATIN AMERICAN COMPETITION FORUM (\*)

### EIGHTH ANNUAL MEETING

**8-9 September 2010  
San José (Costa Rica)**

(as at 7 September 2010)

**Chairman:** Frédéric Jenny  
(Chairman, OECD Competition Committee, France)

WEDNESDAY 8 SEPTEMBER	
<b>OPENING SESSION</b>  2:30 pm - 3:00 pm	Opening Remarks: <ul style="list-style-type: none"><li>➤ Marvin Rodríguez, Vice Minister, Ministry of Economy, Industry and Trade (Costa Rica)</li><li>➤ Fernando Quevedo, IADB Representative in Costa Rica</li></ul> Introduction by the Forum Chairman, Frédéric Jenny

(\*)

**Updated information on the Forum can be found at:**

**COPROCOM website:** <http://www.coprocom.go.cr/foro3/inicio.html>

**LACF website:** [www.oecd.org/competition/latinamerica](http://www.oecd.org/competition/latinamerica)

**8 September (morning): Costa Rica's Anniversary of the Law**  
**10 September (morning): Ibero-American Forum on Competition**

<b>WEDNESDAY 8 SEPTEMBER</b>	
<p><b>SESSION I</b></p> <p>3:00 pm - 5:30 pm</p>	<p><b>COMPETITION PRINCIPLES IN ESSENTIAL FACILITIES</b></p> <p><b>Session Chair:</b>     <b>Ana Victoria Velázquez, Director, COPROCOM (Costa Rica)</b></p> <p>Presentation by Pablo Serra, OECD Consultant</p> <p><b>1.        Definition: What is an Essential Facility?</b> <u>Country discussant:</u> Honduras (Rubin Ayes, Commissioner, CDPC) <b>Discussion</b></p> <p><b>2.        What is the legal standard for antitrust intervention in an essential facility case? (Refusal to deal? Discrimination? Excessive pricing?)</b>  <u>Country discussant:</u> Panama (Manuel de Almeida, Chief of the Department of Analysis and Study of the Markets, International Relations Officer, ACODECO) <b>Discussion</b></p> <p><b>3.        How to set access prices and conditions for third party use of an essential facility? What is the relationship between regulation and competition when defining third parties' right of access?</b>  <u>Country discussant:</u> Portugal (Manuel Sebastião, President, Portuguese Competition Authority) <b>Discussion</b></p> <p><b>4.        Competition issues arising when essential facilities are vertically integrated with upstream or downstream competing activities.</b>  <u>Country discussant:</u> Mexico (Paolo Benedetti Gruñeiro, Director General, International Affairs, Federal Competition Commission) <b>Discussion</b></p> <p><b>General Discussion</b></p> <p><b>Final Comments</b></p> <p><b>For Reference:</b></p> <p><u>Background Paper by the OECD Secretariat:</u> Competition Principles in Essential Facilities</p> <p><u>Country contributions:</u> Argentina, Brazil, Chile (TDLC), Chile (FNE), Honduras, Mexico and Panama.</p>
<p>8:00 pm</p>	<p><b>OFFICIAL DINNER</b></p>

<b>THURSDAY 9 SEPTEMBER</b>	
<p><b>SESSION II</b></p> <p>9:30 am - 12:30 pm</p>	<p><b>PEER REVIEW OF PANAMA</b></p> <p><b>Session Chair :</b>      <b>Frédéric Jenny</b></p> <p><u>Background Note:</u> Peer Review of Competition Law and Policy in Panama</p> <p>Introduction by Daniel Sokol, IDB/OECD Consultant</p> <p><u>Examiners:</u> United States (William Kovacic, Commissioner – Federal Trade Commission and Caldwell Harrop, Attorney – Antitrust Division, Department of Justice) and Argentina (Diego Povo, Commissioner – National Commission for the Defence of Competition)</p> <p><b>General Discussion</b></p>
<p>12:30 pm - 2.30 pm</p>	<p><b>LUNCH BREAK</b></p>
<p><b>SESSION III</b></p> <p>2:30 pm – 5:00 pm</p>	<p><b>STRATEGIES FOR COMPETITION ADVOCACY</b></p> <p><b>Session Chair:</b>      <b>Kusha Haraksingh, Chairman, Caricom Competition Commission</b></p> <p>Overview by Hilary Jennings, Head of Competition Outreach, OECD</p> <p>Presentation by Allan Fels, OECD Consultant</p> <ol style="list-style-type: none"> <li><b>1.      Importance of intra-governmental advocacy: successes and challenges</b> <u>Country discussant:</u> El Salvador (Regina Vargas, Competition Advocacy Director, Competition Superintendence) <b>Discussion</b></li> <li><b>2.      Intra-governmental advocacy as a tool to tackle anti-competitive public activities</b> <u>Country discussant:</u> Brazil (José Antonio Batista de Moura Ziebarth, Chief, International Affairs, CADE) <b>Discussion</b></li> <li><b>3.      Balance between advocacy and enforcement</b> <u>Country discussant:</u> Chile (Felipe Irarrázabal, National Economic Prosecutor, Fiscalía Nacional Económica) <b>Discussion</b></li> <li><b>4.      Using market/sector studies as an advocacy tool</b> <u>Country discussant:</u> Spain (Luis Berenguer, President, Spanish Competition Authority)</li> </ol> <p><b>General Discussion</b></p> <p><b>Final Comments</b></p>

<b>THURSDAY 9 SEPTEMBER</b>	
<b>SESSION III (Cont.)</b>	<p><b>For Reference:</b></p> <p><u>Background Paper by the OECD Secretariat</u></p> <p><u>Note by Allan Fels</u>: Frameworks for Advocacy</p> <p><u>Country contributions</u>: Argentina, Brazil, Chile (FNE), Colombia, El Salvador, Mexico, Paraguay, Spain (CNC), Spain (TVDC) and United States (FTC).</p>
<b>SESSION IV</b>  5:00 pm - 5:30 pm	<p><b>EVALUATION AND FUTURE WORK</b></p> <p><b>Session Chair : Frédéric Jenny</b></p> <ul style="list-style-type: none"> <li>➤ <b>General discussion</b></li> <li>➤ <b>Closing Remarks</b></li> </ul>