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DIRECTORATE FOR FINANCIAL, FISCAL AND ENTERPRISE AFFAIRS
COMMITTEE ON COMPETITION LAW AND POLICY

**SUMMARY RECORD OF THE 78TH MEETING OF THE COMMITTEE ON
COMPETITION LAW AND POLICY**

Held at the Château de la Muette, 75116 Paris, on 22 February 2000

88443

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I. Adoption of the agenda -- DAFTE/CLP/A(2000)1

1. The **Committee adopted** the draft agenda

II. Approval of summary record of last meeting DAFTE/CLP/M(99)2; ANN2; ANN3; ANN4; ANN6

2. The **Committee approved** the summary record of its previous meeting. It **noted** that the Airlines Mergers and Alliances Round table proceedings were already published. It also **took note** that the detailed aide-memoire of the round table discussion on Competition Authorities' Enforcement priorities will be circulated soon for approval under written procedure.

III. Draft report to the Council on Hard Core Cartels

3. The **Committee approved** in principle the report to the Council on the implementation of the 1998 Hard Core Cartel Recommendation, subject to possible further corrections in details that are received by March 10. [The revised draft report incorporating Delegates' comments before and during the WP3 meeting held on 22d February 2000 has since then been circulated on OLIS as DAFTE/CLP(2000)3]. The **Committee requested** the Secretariat to submit this report to the Council as soon as possible. It **emphasised** its desire that the Secretariat seek to have an endorsement of the Committee's work in the forthcoming OECD Ministerial communiqué to help the promotion of public understanding of the harm caused by hard core cartels.

IV. OECD Guidelines for Multinational Enterprises

4. The **Committee had an exchange of views** on the wording of the new competition chapter to be included in the new OECD Guidelines for Multinational Enterprises. It **agreed** on the text set forth in DAFTE/CLP(99)26/REV2 subject to two changes. The first one concerns the opening sentence, which should read: "*Enterprises should, within the framework of applicable laws and regulations, conduct their activities in a competitive manner*". The second one concerns principle two, which should read: "*Conduct all of their activities in a manner consistent with all applicable competition laws, taking into account the applicability of the competition laws of jurisdictions whose economies would be likely to be harmed by anticompetitive activity on their part*". With these two changes, the **Committee adopted** the competition chapter and **decided** to forward it to the Committee on International Investment and Multinational Enterprises (CIME) with commentary for inclusion in the new OECD Guidelines for Multinational enterprises. Absent any unforeseen developments, the CLP's substantive role in this process is now over, although the CLP does have the safeguard that once CIME has prepared an otherwise final complete Guidelines package, the CLP will have a final opportunity for review, which will have to be done through written procedure.

V. Renewal of the mandate of the Joint Group on Trade and Competition

5. The **Committee approved** the renewal of the mandate of the Joint Group on Trade and Competition for another two years (COM/DAFFE/CLP/TD(2000)6). [The other parent Committee, the Trade Committee, did the same on 23d February 2000; the Joint Group's mandate was, thus, renewed for two years, until the 2002 Ministerial meeting].

VI. Other Business

a) *Future dates*

6. The **Committee agreed** on the following dates for its year 2001 meetings [meeting dates for 2000 are recorded into DAFFE/CLP/WD(2000)1]:

February 2001

Monday 12, WP2
Tuesday 13, WP3
Wednesday 14, Joint Group on Trade and Competition

May 2001 :

Monday 14 - WP2
Tuesday 15 - WP3
Wednesday 16 - Joint Group on Trade and Competition
Thursday 17 and Friday 18, CLP

October 2001

Monday 15, WP2
Tuesday 16, WP3
Wednesday 17, Joint Group on Trade and Competition
Thursday 18 and Friday 19, CLP

b) *Bureau election*

7. The **Committee took note** of a statement by the Chairman on the election of the Bureau, at the 2000 June meeting of the CLP; he drew the attention on the two slots to be filled after the departure of Mr. Kojima (Japan) and Mr. Wolf (Germany). [Since then, the chairman has sent a letter to the CLP Delegates requesting information and suggestion by 15th May (cf. CLP/2000.27 letter on 23 February 2000)].

c) *Evaluation on observership of non member countries*

8. The Chairman drew the attention of the CLP Delegates on a request from the Chairman of the Committee on Co-operation with Non-members (CCN), who requested him to fill out by 15th March 2000, an evaluation questionnaire on observerships in the CLP Committee. To relay delegates' views, as accurately as possible, the Chairman asked them to fill out the questionnaire, which is on OLIS as DAFFE/CLP(2000)4 and send it back to the Secretariat, preferably under electronic format (to dafclp.contact@oecd.org), **by 29th February 2000**.

d) *The implementation of the priorities and resource allocation system*

9. The Secretariat made a brief presentation of the implementation of the new priorities and resource allocation system referring to the document C(99)204/FINAL. It explained that given the likely

timetable, part of this process will be implemented through written procedure with a possible discussion in the June session of the CLP. [Since then, a report by the Chair of the Executive Committee on the priorities for OECD in 2001 and 2002 has been circulated under C(2000)31 for discussion at the Council level on 24th February; see also the Council's Summary Record C/M(2000)4/PROV].

e) Future CLP roundtables

10. At the October 1999 meeting, the CLP decided to hold in June 2000 two roundtables, one on joint ventures and competition policy and a second on bank and financial institutions mergers. At that time, it did not make any decision on the Fall 2000 CLP roundtables while considering two topics: one on local cable TV networks and another on electronic commerce and competition. The **Committee revisited** this question and **decided** to have a roundtable discussion on electronic commerce and competition at its October 2000 session.