



GLOBAL FORUM ON COMPETITION

Programme

1-2 December 2022



About the OECD Global Forum on Competition

Established in 2001, the OECD Global Forum on Competition brings together each year high-level officials from more than 100 competition authorities and international organisations worldwide, from both OECD and non-OECD economies. Joining with representatives of international organisations and invited experts, participants debate and discuss key topics on the global competition agenda. With a broad focus on development, the Forum promotes a wider dialogue that encompasses the linkages between competition policy and other cornerstones of economic development.

The programme includes OECD-style roundtable discussions, presentations from notable experts as well as peer reviews. Discussion topics benefit from the input of the Competition Committee whose work is at the forefront of debate on competition policy and enforcement. The Committee promotes the regular exchange of views, analysis and best practices on key competition policy issues and is supported by the Competition Division within the OECD Directorate for Financial and Enterprise Affairs.

www.oecd.org/competition/globalforum
www.oecd.org/daf/competition

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oecd-competition-law-and-policy

DAY 1 – 1 DECEMBER 2022

Opening session

🕒 09:30 - 10:10 CET

🗣️ Introductory remarks



Carmine Di Noia

Director, OECD Directorate for Financial and Enterprise Affairs

🗣️ Opening remarks



Mathias Cormann

Secretary-General, OECD

🗣️ Keynote address



Margrethe Vestager

Executive Vice-President for A Europe Fit for the Digital Age and Competition, European Commission

🗣️ Special remarks



Rebeca Grynspan

Secretary-General, UNCTAD

🗣️ Introductory comments



Frédéric Jenny

Chair, OECD Competition Committee

Session 1. 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.

This session 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?

All related documentation is available at oe.cd/gcp.

Chair



Frédéric Jenny

Chair,
OECD Competition Committee

Speakers



Spencer Weber Waller

Professor
Loyola University Chicago School of Law



Esteban Greco

Director
GAMES Economics

Agency representatives



Lina Khan

Chair
US FTC



Tembikosi Bonakele

Former Commissioner
CCSA, South Africa



Johannes B. R. Bernabe

OIC Chairperson and Commissioner
PCC, Philippines



Mick Keogh

Deputy Chair
ACCC, Australia



Official photo & Lunch break

🕒 13:00 - 15:00 CET

Session 2. 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?

All related documentation is available at oe.cd/sctr.

Chair



Frédéric Jenny

Chair,
OECD Competition Committee



[Background Note](#)

Speakers



Alicia García-Herrero

Senior Fellow
Bruegel



Anabel González

Deputy Director-General
WTO



Miguel de la Mano

Partner
RBB Economics



Cocktail offered by Ecuador

🕒 17:45 - 20:00 CET

DAY 2 – 2 DECEMBER 2022

Session 3. 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?

All related documentation is available at oe.cd/icar.

Chair



Alexandre Cordeiro Macedo

President,
CADE, Brazil



[Background Note](#)

Speakers



Martin Cave

Chair
UK GEMA



Pablo Márquez

Partner
ECIJA Colombia



Nomfundo Maseti

Full-Time Regulator Member
NERSA South Africa



Lunch break

🕒 13:00 - 14:45 CET

Session 4. 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.

This roundtable will revisit the options available to competition authorities in designing such remedies and commitments, and 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?

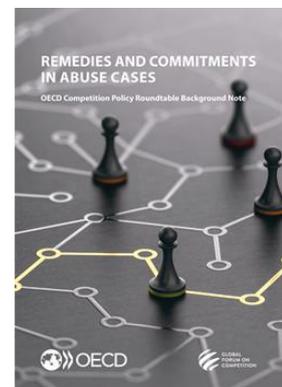
All related documentation is available at oe.cd/rcac.

Chair



Frédéric Jenny

Chair,
OECD Competition Committee



[Background note](#)

Speakers



Gwen Grecia-De Vera

Director, Competition Law and
Policy Program,
University of the Philippines



Frank Maier-Rigaud

Managing Director
ABC Economics



Lucía Ojeda Cardenás

Partner
SAI Derecho & Economía



Anna Pisarkiewicz

Research Fellow
EUI Centre for a Digital Society (CDS)

Final session.
Other business and proposals for future work

🕒 17:45 - 18:00 CET

OECD Competition & Global Relations

Using its vast storehouse of expertise accumulated over the past 50 years, the OECD has created a range of mechanisms to engage with authorities around the world to help reinforce their competition framework.

Two **annual fora** disseminate the work of the OECD Competition Committee and bring over 100 jurisdictions into the OECD family: Global Forum on Competition and the OECD-IDB Latin American and Caribbean Competition Forum.

oe.cd/gfc
oe.cd/lacoc

The OECD joins with UN-ESCWA and UNCTAD to hold an Annual Forum for the countries of the MENA region:
oe.cd/comp-mena

The three **regional centres** for competition provide regular training seminars for the countries and economies within their regions: the OECD/Korea Policy Centre Competition Programme in Seoul, Korea, the OECD-GVH Regional Centre for Competition in Budapest, Hungary and the Regional Centre for Competition in Latin America in Lima, Peru.

oe.cd/seoul-rcc
oe.cd/budapest-rcc
oe.cd/lima-rcc

Capacity building

Capacity building remains a cornerstone of the OECD's competition global relations activities.

Through bilateral or regional workshops, training, and advice, the OECD targets the specific needs of the participating authorities on topics ranging from cartel prosecution, merger analysis, competition economics for both specialists and non-specialists, abuse of dominance, legislative drafting, studies in sector specific regulation.

Fighting bid rigging in public procurement, competition assessment of laws and regulations as well as market studies are the OECD's flagship training programmes and are often accompanied by indepth country projects.



Competition Assessment

Laws, regulations or other government-imposed barriers can unduly restrain market activities. One important step to eliminate these restraints is “competition assessment”, that is, the evaluation of policies to find those unnecessarily restricting competition in order to develop alternative policies which still achieve governments objectives.

The OECD has developed a Competition Assessment Toolkit which can be used by competition specialists and non-specialists alike. The OECD has led projects on competition assessment of specific sectors in Greece, Mexico, Portugal, Romania, Tunisia and is currently working with Iceland and 10 ASEAN member countries.

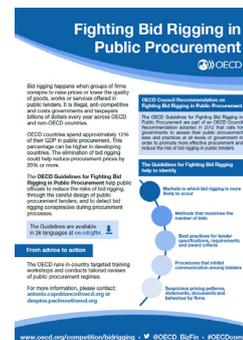
The toolkit is available for download in several languages at oe.cd/cat.

Fighting Bid Rigging in Public Procurement

Bid rigging happens when groups of firms conspire to raise prices or lower the quality of goods, works or services offered in public tenders. OECD countries spend approximately 12% of their GDP in public procurement and this percentage can be higher in developing countries. Efficient and competitive procurement processes are thus key to obtaining goods and services at the best value for money.

The OECD Guidelines for Fighting Bid Rigging in Public Procurement help public officials reduce the risks of bid rigging, through the careful design of public procurement tenders, and to detect bid rigging conspiracies during procurement processes. The OECD can help governments assess their procurement process and provide policy recommendations for improvement. After working with several institutions in Mexico and Argentina, the OECD is now working with Brazil, Peru, and Ukraine.

The Guidelines are available for download in several languages at oe.cd/gfbr.



For more information please visit

oe.cd/gfc

