

APEC COMPETITION POLICY AND LAW GROUP MEETING 2018
3 March 2018

Port Moresby, Papua New Guinea

CONVENOR'S SUMMARY REPORT

The Competition Policy and Law Group (CPLG) held its meeting on 3 March 2018 in Port Moresby, Papua New Guinea. The meeting was chaired by Mr Sebastian Castro of Chile, and attended by Chile; China; Japan; Malaysia; Papua New Guinea; Peru; the Philippines; Chinese Taipei; the US and Viet Nam, as well as by EC Chair and OECD.

1. Convener's Opening Remarks

The CPLG Convener opened the meeting by welcoming the members. The Convener expressed his appreciation to Papua New Guinea for its hospitality.

The draft agenda for the meeting was adopted.

2. APEC Priorities for 2017

Papua New Guinea's SOM Chair Office outlined the APEC Host Economy priorities for 2018 under the theme of "Harnessing Inclusive Opportunities, Embracing the Digital Future".

3. Progress Reports on CPLG Projects

- **Information Sharing Workshop on Merger Control Regimes**

PNG reported about the two-day Information Sharing Workshop on Merger Control Regimes, which was held immediately prior to the CPLG Meeting on 1-2 March 2018 in Port Moresby. The workshop aimed to help APEC developing economies, especially new competition agencies gain a better understanding of Merger Control Regimes and to collectively share information, ideas and good practices from APEC economies and experts. The Workshop was aligned with RAASR and was attended by participants from Chile, Malaysia, Mexico, Papua New Guinea, Peru, the Philippines, Russia, and Viet Nam, and by experts from Australia, the Republic of Korea, New Zealand, and the US. The report is expected to be submitted to APEC members by in July 2018.

4. CPLG Priorities for 2018

CPLG Convener presented the CPLG Priorities for 2018, which focus on promoting an understanding competition laws and policies in the region, examining the impact on trade and investment flows, and identifying areas for technical cooperation and capacity building among APEC member economies.

5. New Projects for 2018

a. Briefing on project approval process for 2018

The APEC Secretariat Program Director outlined the recent changes in the APEC project approval procedure and encouraged members to work with the APEC Secretariat on preparation and submission of the concept notes.

b. FTAAP Capacity Building Workshop on Competition Policy under the 3rd REI CBNI

Japan briefed the members about this proposed CTI project, which was recently co-endorsed by EC and CPLG. The project would aim to examine the current status of competition chapters in FTAs/EPAs through the review of recent studies and practices, explore the desirable elements of competition chapters which may serve as guidelines for future FTAs/EPA negotiations, and, as appropriate, discuss the correlation between investment and competition policy.

Japan also mentioned that it is working on a concept note for a potential CPLG project concerning SMEs.

CPLG Convenor urged members to develop and present new projects for 2018.

6. APEC Competition Policy and Law Database

Chinese Taipei reported on the progress of the APEC Competition Policy and Law Database. The database was recently updated with the inputs from Canada, Chile, New Zealand, the Philippines, Russia, Singapore and Chinese Taipei. Chinese Taipei encouraged all APEC member economies to continue supporting the database by updating the information periodically.

CPLG Convenor expressed gratitude to Chinese Taipei on its efforts made to establish and maintain the database.

7. APEC – OECD Framework on Competition Assessment

OECD and Viet Nam jointly presented the next steps for implementation of the Framework, which was developed last year. The next steps will include conducting pilot competition assessments in APEC member economies, promoting economy-level capacity-building efforts using the APEC-OECD Framework on Competition Assessment, organizing policy dialogues and workshops to share experiences in APEC member economies, encouraging member economies to update to CPLG about framework implementation and building on experiences in the region to develop APEC casebook on competition assessment.

Viet Nam briefed the members on the proposed EC project “Promoting Competition Assessment for Improved Market Efficiency in Viet Nam”, which will seek APEC funding in Project Session 1 this year. The key activities under the project will be trainings for local authorities and regulators on using competition assessment in their works, preparing research report on pilot competition assessment in Viet Nam, and a policy dialogue at EC1 in 2019 to share experiences on competition assessment in APEC.

8. Development of remedies following market investigations/studies

A recorded presentation was provided by Dr Christopher Decker from Oxford University, regarding the development of remedies following market investigations/studies. The presentation gave an overview of the origins of Market Investigations and Studies and the different varieties that exist. The presenter emphasized the importance of tailoring remedies to the specific context and described some of the remedies that have been applied to address identified competition problems.

9. Implementation of the Boracay Action Agenda

The Philippines presented on the continued implementation of the Boracay Action Agenda and the 2018 Mid-Term Review.

10. Members’ reports/Presentations on updates and developments of Competition Policy

Economies updated on the developments within their respective competition policy and legal frameworks. The presentations were made by Chile, Japan, Malaysia, Papua New Guinea, Peru, the Philippines, Chinese Taipei, the US and Viet Nam. The presentations prompted a wide range of questions and good exchange of views among members on the different approaches that were taken by economies towards the enforcement of competition policy and law.

11. Dialogue with the EC Chair

The EC Chair Mr Robert Logie outlined the EC’s priorities for 2018 under the framework of the Renewed APEC Agenda for Structural Reform (RAASR) and the PNG Host Year priorities, in particular with regards to the topics of inclusive growth and the digital economy.

12. Other Business

Endorsement of the updated CPLG TOR

The members approved the updated CPLG TOR, which incorporates the quorum and sunset clauses in line with the 2017 SOM decision on the APEC governance improvement.

13. Next/Future Meeting

CPLG Convenor invited members to the next CPLG meeting in Chile in 2019 and thanked all participants and closed the meeting.