

APEC COMPETITION POLICY AND LAW GROUP MEETING 2019
2 March 2019

Santiago, Chile

CONVENOR'S SUMMARY REPORT

The Competition Policy and Law Group (CPLG) held its meeting on 2 March 2019 in Santiago, Chile. The meeting was chaired by Mr Sebastian Castro of Chile, and attended by Chile; China; Indonesia; Japan; Malaysia; Mexico; New Zealand; Papua New Guinea; Peru; the Philippines; Russia; Chinese Taipei; USA 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 Chile for its hospitality.

The draft agenda for the meeting was adopted..

2. APEC Priorities for 2019

Chile's SOM Chair's Office outlined the APEC Host Economy priorities for 2019 under the theme of "Connecting people, building the future".

3. Progress Reports on CPLG Projects

- **Economic Analysis in Horizontal and Non-Horizontal Mergers Seminar**

Chile reported about the two-day Seminar on Economic Analysis in Horizontal and Non-Horizontal Mergers, which was held immediately prior to the CPLG Meeting on 28 February and 1 March 2019 in Santiago. The workshop aimed to discuss the strengths and weaknesses of different tools used to measure the potential competitive impact of horizontal and non-horizontal mergers. Also, to evaluate the importance and validity of simpler tools commonly used to filter out which mergers could present more risks. The Workshop aligned with RAASR and was attended by participants from Australia; Chile; China; Japan; Indonesia; Malaysia; Mexico; the Philippines; Papua New Guinea; Peru; Russia; Chinese Taipei; USA and Viet Nam. The report is expected to be submitted to APEC members by May 2019, and a Quantification Survey - six months after the seminar.

- **Workshop on Competition Policy for Regulating Online Platforms in the APEC Region**

Mexico reported about the three-day workshop that will take place in Mexico City from 7 to 9 May 2019, which in turn will publish a report on the current Competition Policy for Regulating Online Platforms in the APEC Region. The purpose of the workshop is to exchange best practices, information and tools used by competition authorities, regulatory agencies or policy makers during their analysis of the economic competition in online platforms markets and the report will assemble a common understanding that APEC members could use as a reference towards the new challenges of the digital era. Mexico indicated that a draft agenda and proposed questionnaire have been circulated for comments. The USA commented on the questionnaire, asking for a narrowing of the scope of the questions contained.

- **EC Project: Comprehensive Review of Potentially Anti-Competitive Laws and Regulations – The Philippines**

The Philippines reported about the on-going project approved in the EC in July 2018. The objective of the project is to build on APEC-OECD Framework on Competition Assessment and the Product Market Regulation indicators developed by the OECD and the World Bank Group. In October 2018 UEA Consulting Ltd. was hired as the project consultant, with concurrence from the co-sponsoring

economies. As of today, the Draft Manual has been submitted to the Project Overseer and is undergoing review, and the communication commenced with government agencies for pilot-testing.

4. CPLG Work Plan for 2019

CPLG Convenor presented the document containing the CPLG Work Plan for 2019, which was circulated and approved by APEC Economies. It outlines the CPLG objectives and scope, as well as the projects and activities for the year.

5. New Projects for 2019

- **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.

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 Hong Kong, China 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. OECD Competition Assessment Toolkit

OECD presented updates that their Competition Assessment Toolkit has undergone, with the view to include the Digital Economy.

Viet Nam provided an update on the implementation of the APEC – OECD Framework on Competition Assessment, regarding the activities done on a domestic level.

8. 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, China, Indonesia, Japan, Malaysia, Mexico, New Zealand, the Philippines, Russia, 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.

9. Dialogue with the EC Chair

The EC Chair Mr Robert Logie outlined the EC's priorities for 2019 under the framework of the Renewed APEC Agenda for Structural Reform (RAASR) and the Chilean Host Year priorities. Then the CPLG Convenor and the EC Chair exchanged ideas on how the CPLG can support the EC work.

10. Bid rigging in public procurement

The OECD, Chile, Japan, Russia and the US shared their experiences regarding bid rigging in public procurement. Economies had a rich dialogue through these presentations.

11. Selection of CPLG Convenor 2020 - 2021

CPLG Convenor expressed its appreciation to members for the opportunity to chair the group and invited economies to indicate the interest of proposing the next CPLG Convenor for 2020-2021.

12. Next/Future Meeting

CPLG Convenor invited members to the next CPLG meeting in Malaysia in 2020, thanked all participants and closed the meeting.