

APEC COMPETITION POLICY AND LAW GROUP MEETING 2020
14 February 2020

Putrajaya, Malaysia

CHAIR'S SUMMARY REPORT

The Competition Policy and Law Group (CPLG) held its meeting on 14 February 2020 in Putrajaya, Malaysia. The meeting was chaired by Mr Arunan Kumaran of Malaysia, and attended by Australia, Chile; Hong Kong, China; Japan; Malaysia; Mexico; New Zealand; the Philippines; Chinese Taipei; the United States and Viet Nam.

1. Opening Remarks

Welcoming remarks were delivered by Datuk Seri Hj. Hasnol Zam Zam Bin Hj. Ahmad, Secretary General, Ministry of Domestic Trade and Consumer Affairs, Malaysia.

The delegates were also welcomed by the CPLG Chair Mr Arunan Kumaran, who took over this position in January 2020.

The draft agenda for the meeting was adopted.

2. APEC Priorities for 2020

Malaysia outlined the APEC Host Economy priorities for 2020 under the theme of "Optimizing Human Potential towards a Future of Shared Prosperity".

3. Reports on CPLG Projects

- **Public-Private Dialogue on Understanding Digital Market Mechanism and Possible Competition Issues in Digital Economy**

Malaysia reported that this project is designed for competition agencies in APEC region that are currently facing rapid changes in the competition enforcement caused by the fast-growing digital market. Recognising the requirement to understand the uprising digital market and the challenges it poses, this project aims for competition authorities to exchange views with the digital market players concerning their applications in the digital market in order to enhance understanding on the mechanism being applied in the market. This could then be utilised to implement effective competition enforcement mechanisms in the digital markets in the future. This project will be a two-day workshop to be held in Penang in August 2020, prior to Economic Committee meeting. The participants of this workshop will consist of competition authorities, regulatory agencies, digital market players, competition experts (academicians, researchers etc) and senior government officers that involve in development of trade policy.

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

Mexico reported about the three-day workshop that took place in Mexico City from 7 to 9 May 2019 and the resulting publication on the current Competition Policy for Regulating Online Platforms in the APEC Region. The purpose of the project was 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.

- **Workshop on competition law and regulation in digital markets**

New Zealand presented a project for submission at Project Session 1, 2020. This project proposes a two day workshop during SOM 1 2021 in Wellington, New Zealand on the fringes of CPLG, TEL WG

and DESG. The workshop will build on work undertaken in CPLG on approaches to competition law in digital markets and work in other APEC fora on regulating the digital economy.

The workshop will coordinate work underway across APEC on new competition and regulatory challenges arising from the digital economy and, in particular:

- the close interplay between competition law and other forms of regulation
- practical ways of facilitating cross border cooperation.

Expert speakers will be asked to present on economies' experiences using examples from competition and regulatory casework. Time will also be scheduled for breakout sessions on individual topics where delegates will be able to choose from options most suited to their interests as well as whole group discussions. A report will follow setting out lessons learnt and next steps.

4. CPLG Work Plan for 2020

CPLG Chair presented CPLG Work Plan for 2020, 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. CPLG Chair also highlighted the need for the Group to identify focus areas for CPLG post 2020. The suggested focus areas are:

- a) Intensify exchange of information
- b) Capacity Building Programs
- c) Support Structural Reform Initiatives
- d) Working Closely with other International Organization.
- e) Focus on Dedicated Emerging Issues:
 - Competition Infringements in Digital Economy
 - Bid Rigging in Government Procurement
 - Leniency Regime
 - Sector Regulators
 - Competition Elements in Competition Law Chapters of Free Trade Agreements

5. APEC Competition Policy and Law Database

Chinese Taipei reported on the progress of the APEC Competition Policy and Law Database. Chinese Taipei encouraged all APEC member economies to continue supporting the database by updating the information periodically.

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

6. Members' reports/Presentations on updates and developments of Competition Policy

All Economies attending the meeting updated on the developments within their respective competition policy and legal frameworks. Brunei Darussalam and China submitted written updates. 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.

7. Structural Reform and Governance: Implications for Competition Policy and Law

CPLG held a focused discussion on implications of structural reforms and governance for competition policy and law. Japan made a presentation on governance reforms in its power and energy sector and Malaysia presented its reforms in the governance of state owned enterprises.

8. Next/Future Meetings

CPLG Chair invited members to the Public-Private Dialogue on Understanding Digital Market Mechanism and Possible Competition Issues in Digital Economy, which will be held at SOM 3 in Penang in August 2020. Next CPLG meeting will be held in New Zealand in 2021.

9. Briefing and Discussion on Competition Law Issues in the Oil and Gas Sector

CPLG delegates visited Petronas at Kuala Lumpur Twin Towers where they had a fruitful information exchange with company representatives on the issues of competition law compliance in the oil and gas sector.