

**APEC COMPETITION POLICY AND LAW GROUP MEETING 2021**  
**25 February 2021**

**CHAIR'S SUMMARY REPORT**

The Competition Policy and Law Group (CPLG) held its meeting virtually on 25 February 2021. The meeting was led by Mr Arunan Kumaran of Malaysia, and attended by 19 economies: Australia; Brunei Darussalam; Canada; Chile; China; Hong Kong, China; Japan; Republic of Korea; Malaysia; Mexico; New Zealand; Papua New Guinea; Peru; the Philippines; Russia; Singapore; Chinese Taipei; Thailand; and the United States.

**1. Opening Remarks**

Mr Arunan Kumaran, CPLG Convenor, delivered his welcoming remark.

The draft agenda for the meeting was adopted.

**2. APEC Priorities for 2021**

New Zealand outlined the APEC Host Economy priorities for 2021 which focuses on: 1) Economic and Trade Policies that Strengthen Recovery; 2) Increasing Inclusion and Sustainability for Recovery; and 3) Pursuing Innovation and a Digitally-Enabled Recovery.

**3. Reports on CPLG Projects**

- **Public-Private Dialogue on Understanding Digital Market Mechanism and Possible Competition Issues in Digital Economy** Malaysia gave an update on this project which 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. However, due to travel restrictions and difficulties in seeking appropriate speakers, Malaysia aims to postpone this event and hold a hybrid workshop in July 2022 instead.

- **Workshop on competition law and regulation in digital markets** New Zealand aims to hold a virtual workshop, in August 2021, which will share experiences of COVID-19 in digital markets, while exploring case studies of effective approaches to competition and regulation in digital markets, with a focus on multi-jurisdictional cases and steps to facilitate cross-border cooperation. The workshop will be informed mainly by experience in APEC economies but also aims to include lessons learnt from economies outside the APEC region. This will be accompanied by a report, which follow setting out lessons learnt and next steps.

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

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

The following economies updated on the developments within their respective competition policy and legal frameworks Brunei Darussalam; Canada; Chile; China; Hong Kong, China; Japan; Malaysia; Mexico; New Zealand; Russia; Singapore; Chinese Taipei; Thailand; and the United States.

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.

## **6. CPLG Work Plan for 2021**

CPLG Convenor presented the CPLG Work Plan for 2021. It outlines the CPLG objectives and scope, as well as the projects and activities for the year. He 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:-
  - o Competition Infringements in Digital Economy
  - o Bid Rigging in Government Procurement
  - o Leniency Regime
  - o Interrelation with Sector Regulators
  - o New Elements/Emerging Issues in Competition Chapters of Free Trade Agreements

It is noted that the support on Structural Reform also complements one of New Zealand's Host year Priorities.

## **7. CPLG Terms of Reference**

CPLG Convenor informed that the current CPLG Terms of Reference (TOR) will expire at the end of 2021 and the Secretariat has drafted a new CPLG TOR. Secretariat informed that the draft of the new TOR was sent to the group. Once the comments have been received the revised TOR will be sent to the group for endorsement.

## **8. Fora Assessment**

Secretariat informed that according to the TOR, once the TOR expires the fora is required to undergo a fora assessment. The qualitative survey was sent to the group in 2020 and in total 14 economies gave their feedback to the survey. The Secretariat reported the findings of both the quantitative and qualitative findings. The next steps is for the Secretariat to complete the remaining quantitative part of the assessment and will seek consensus from the group before submitting the final results to the Economic Committee, which will make a recommendation to SOM by SOM3.

## **9. Selection of a new CPLG Convenor and Vice Convenor**

Secretariat informed that the terms of the CPLG Convenor will expire at the end of 2021 and the Vice Convenor is currently vacant. Secretariat is seeking endorsement on the process of CPLG Leadership (Convenor and Vice Convenor) selection. Once endorsed CPLG will being a one month process for members to nominate candidates for the leadership positions followed by a combined period of four weeks for feedback and endorsement before a new leadership can be announced.

CPLG Convenor informed that it has been an honour to serve as CPLG Convenor and if there are no other candidates he would be willing to continue to serve one more term.

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