

APEC Activities

- Procedural Fairness in Competition Cases-

April 30, 2010

ICC Roundtable

- Due Process in Competition Law Enforcement -

What's the APEC?

- APEC (Asia-Pacific Economic Cooperation) is a forum for facilitating economic growth, cooperation, trade and investment in the Asia-Pacific region.
- APEC is consisted of 21 member economies in the Asia-Pacific region.

[Member economies]

Australia, Brunei Darussalam, Canada, Chile, People's Republic of China, Hong Kong, Indonesia, Japan, Republic of Korea, Malaysia, Mexico, New Zealand, Papua New Guinea, Peru, The Philippines, Russia, Singapore, Chinese Taipei, Thailand, The United States, Viet Nam

What the CPLG does?

- The CPLG (Competition Policy and Law Group)
 - was established aiming at enhancing competition policies and laws in the Asia-Pacific region,
 - whose members are competition (related) authorities in the region, and
 - which is engaged in various activities in the field of competition policy.

What's the hot issues in the CPLG?

- The CPLG members meet annually and the last meeting was held in Japan from February 28 to March 1, 2010.
- At the meeting, the CPLG held a roundtable discussion,
 - on procedural fairness in competition cases,
 - in which the CPLG member authorities and representatives of the APEC Business Advisory Council (ABAC).

What were discussed in the Round Table?

- The participants discussed on the procedural fairness
 - in merger cases,
 - in the Investigation and Inquiry Stage and
 - in the deliberations and determination phase respectively.

- In the discussion, they did,
 - reaffirm the importance of procedural fairness in business, and
 - stress that it is critical to ensure the procedural fairness in competition cases.


What was the implication of the discussion?

- Procedural Fairness is to ensure,
 - transparency and predictability.

- That means,
 - every economy establishes clear competition laws, procedures, rules, guidelines, etc., and
 - it implements them in a proper way.

What was the conclusion?

- ABAC encouraged CPLG to develop some best practices and guidelines, perhaps in consultation with OECD, that would address the issue of procedural fairness in competition cases.
- CPLG Convener noted that this issue is relevant for competition authorities worldwide and also it is an important subject, but not an easy one to address.



Thank you very much