Intergovernmental Group of Experts on Competition Law and Policy, Fifteenth Session

Geneva, 19-21 October 2016

Round Table on:

"Capacity building in competition law and policy"

Contribution

By

Sadaaki Suwazono
Director, International Affairs Division
Japan Fair Trade Commission

The views expressed are those of the author(s) and do not necessarily reflect the views of UNCTAD
Experience from Competition Policy Network in East Asia

Round table on “Capacity Building in Competition Law and Policy”

15th Session of the Intergovernmental Group of Experts
21 October, 2016

Sadaaki Suwazono
Director, International Affairs Division
Japan Fair Trade Commission
# 1. Status of Competition Law in East Asia

<table>
<thead>
<tr>
<th>Name of competition authority</th>
<th>Year in force of comprehensive competition law</th>
</tr>
</thead>
<tbody>
<tr>
<td>Japan FTC</td>
<td>1947</td>
</tr>
<tr>
<td>Australia CCC</td>
<td>1965</td>
</tr>
<tr>
<td>Korea FTC</td>
<td>1981</td>
</tr>
<tr>
<td>Chinese Taipei FTC</td>
<td>1992</td>
</tr>
<tr>
<td>Thailand OTCC</td>
<td>1999</td>
</tr>
<tr>
<td>Indonesia KPPU</td>
<td>2000</td>
</tr>
<tr>
<td>Mongolia AFCCP*</td>
<td>2005</td>
</tr>
<tr>
<td>Vietnam CA</td>
<td>2005</td>
</tr>
<tr>
<td>CC Singapore</td>
<td>2006</td>
</tr>
<tr>
<td>China MOFCOM,NDRC, and SAIC</td>
<td>2008</td>
</tr>
<tr>
<td>Malaysia CC</td>
<td>2012</td>
</tr>
<tr>
<td>Hong Kong CC</td>
<td>2015</td>
</tr>
<tr>
<td>Philippine CC</td>
<td>2016</td>
</tr>
</tbody>
</table>

* Competition law of Mongolia was enacted in 1993 but came into operation in earnest in 2005 when the competition authority was formally established.
# 2. Action against International Cartels by Multiple Jurisdictions

<table>
<thead>
<tr>
<th>[NDRC]</th>
<th>[JFTC]</th>
<th>[KFTC]</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>[CCS]</th>
<th>[JFTC]</th>
<th>[KFTC]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fuel Surcharges (Apr. 2014)</td>
<td>Marine Hose Manufacturers (Feb. 2008) $ 0.02</td>
<td>Marine Hose Manufacturers (May 2009) $ 0.5</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>[ACCC]</th>
<th>[JFTC]</th>
<th>[KFTC]</th>
</tr>
</thead>
</table>

- * means in process

currency unit: million US dollars (Exchange rate; as of Aug.2014)
3. East Asia Top level Official’s Meeting

**Outline**
- Since 2004, leaders from competition authorities (CAs) of East Asia have got together once a year.

**Purpose**
- To make discussions on challenges the CAs face when enforcing competition laws, and their future strategy of technical assistance.
- To strengthen cooperation among the CAs

**Technical Assistance**
- JFTC has updated technical assistance calendar to coordinate assistance activities, and list of contact points of the CAs, to distribute them in the Meeting annually.
4. Cooperation Frameworks in East Asia

Chart 3-1

AFCCP
MOFCOM
NDRC
SAIC
KFTC
CTFTC
OTCC
VCA
OFC/DOJ
MyCC
CCS
KPPU
Brunei
ACCC
2005

Japan Fair Trade Commission
4. Cooperation Frameworks in East Asia

Chart 3-2

2016
How to organize technical assistance activities effectively

- **Overlapping**
  - It might be efficient for recipient authorities to organize training sessions provided by various authorities.

- **Sharing experience**
  - Former recipient authorities can be good donors based on their recent experiences.

- **Information exchange**
  - It might be appropriate for donor and recipient authorities to exchange information.
5. Training Program to Assist ASEAN Competition Authorities for the Enforcement of Competition Law

Period: Sep. 2016 ~ Aug. 2018 (2 years)
Target: All ASEAN Member States (Part A project)
Activities: Divide AMSs into (A) Group who already have competition authorities, and (B) Group who will establish new competition authorities in future, and carry out workshops by the themes focused on each group.

**Program focused on existing authorities**
- Digital Forensic
- Practice of Leniency Program, etc.
- Sharing of Experience in Case Investigation on Intellectual Property Right, etc.

**Program focused on new authorities**
- Practice of On-the-Spot Inspection
- Advocacy
- Sharing of Experience in investigation on sectoral cases, etc.

But, the other group can also participate in each program

*In case of GIZ, common theme for all AMSs

Feedback based on Discussion in East Asia Top Level Officials’ Meeting, etc.

Details of Activities:

- **Training Courses in Japan**: 3-10 days, lectures by JFTC staff and Academic Expert (t.l.1-2/year)
- **In-country Seminars**: 1-3 days, lectures by JFTC staff and Academic Expert (t.l.1-3/year)
- Work-sharing and cost-sharing of existing workshops and ACC held by the AEGC
Thank you very much for your kind attention.

Opinions expressed in this presentation are those of the speaker and are not necessarily those of the JFTC.