



**COMPETITION LAW
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2008 EDITION

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ADVANCING FREE MARKET REFORM WORLDWIDE

Compilation of the key documents of the
OECD's Competition Committee



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Welcome to the 2008 edition of the Competition Law and Policy CD-Rom, which contains the major reports issued by the OECD's Competition Committee and Competition Division since 1998.

More than 185 documents are provided here, including:

- Recommendations & Best Practice reports of the Competition Committee
- Policy Roundtable reports
- Global Forum on Competition reports
- Reports on specific subjects
- Country Studies
- Policy Briefs
- The Competition Assessment Toolkit

Sixty new documents have been added since the last edition in 2006. They cover a range of important topics, such as: vertical mergers, prosecuting cartels without direct evidence of agreement, innovation, energy security, private remedies, plea bargaining, payment cards, real estate, legal services, retail banking, bidding markets and public procurement.

The OECD's Competition Assessment Toolkit, a new and exciting methodology to assist governments and policy makers in their decision-making, is also included on the CD-Rom – in 11 languages.

The new layout aims to improve the CD-Rom's user-friendliness. Colour-coding has been added so that the 'type' of report – for example, Policy Roundtable or Country Studies – can be easily identified. Every document is prefaced with an introductory 'highlights' page, summarising its contents and outputs, to facilitate selection and save search time.

We trust this CD-Rom will be a source of information and practical assistance to you in your work. If you have any comments or suggestions about how we can continue to improve it, please contact us at: dafcomp.contact@oecd.org

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About the OECD's Competition Committee and Competition Division

The OECD's Competition Committee is the world's premier source of policy analysis and advice to governments on competition policy. Its goal is to help governments harness market forces effectively in the interests of greater global economic efficiency and prosperity.

Bringing together the leaders of the world's major competition (or antitrust) authorities, the Competition Committee promotes regular exchanges of views and analysis on competition policy issues and is a source of 'best practice' standards for the development of competition policy. It also offers practical support for pro-competitive reform at all levels of government.

The Committee is supported in its mission by a specialist Competition Division within the OECD's Directorate for Financial and Enterprise Affairs.

The role of the Competition Division is to provide the Committee with analytical support and to promote its reform platform around the globe. It prepares analytical papers, sector studies and policy recommendations, as well as offers hands-on support to governments seeking to strengthen their national competition frameworks.

Effecting positive change

The Competition Committee and the Competition Division effect positive change in several ways.

1. Preparation of Recommendations for adoption by the OECD's governing Council and member governments

Through its Recommendations, the Competition Committee has urged effective action against 'hard core' cartels, including the strengthening of cartel prosecutions through the adoption of 'best practices' for the sharing of confidential information in cartel investigations. Another recent Recommendation encourages more effective, efficient and timely review of mergers. In particular, it seeks to advance the development of merger review procedures in line with internationally recognised best practices.

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2. Preparation of detailed, analytical reports on emerging and on-going competition issues

Report topics have included:

Cartels

- cartel sanctions
- plea bargaining
- private remedies
- prosecuting cartels without direct evidence of agreement
- public procurement

Mergers

- conglomerate mergers
- dynamic efficiencies
- efficiency claims
- failing firms
- joint ventures
- media mergers
- merger remedies
- merger review criteria
- vertical mergers

Abuse of dominance

- abuse of dominance
- buyer power
- competition on the merits
- essential facilities
- loyalty rebates
- predatory foreclosure
- remedies for abuse
- sales below cost
- vertical restraints

Other important issues

- barriers to entry
- competitive neutrality
- concessions
- oligopolies
- price transparency
- subsidies and state aid.

3. Country reviews and recommendations for change

Detailed reviews of national competition policies began in 1998 and were recently extended to developing and transition countries. These reviews get to the heart of the ways in which each country deals with competition and regulatory issues, from the soundness of its competition law to the structure and effectiveness of its competition institutions. They also examine how competition is promoted in key sectors, such as electricity, natural gas, road transport, professional services and telecommunications. They assess industry structures and regulation, the design and independence of regulatory institutions and their relationship to the competition authority. Moreover, they incorporate recommendations for changes in government policy.

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4. Industry sector reviews

Available to both OECD members and non-members, these ground-breaking industry-specific reviews have covered:

- agriculture
- air transport
- banking
- bidding markets
- broadcasting
- competition and innovation
- concessions
- converging technologies
- electricity
- energy security
- environment
- health professions
- high technology markets
- hospital services
- insurance
- intellectual property
- legal services
- local services
- natural gas
- payment cards
- pharmaceuticals
- postal services
- professional services
- rail transport
- real estate
- retail banking
- retailing
- road transport
- telecommunications
- universal services
- vertical mergers
- water

5. Competition Assessment Toolkit

Encouraging the review and removal of unnecessary government constraints to free up competition is a major priority of the Competition Committee. However until now, the review process has been challenging due to a lack of guidelines on how best to consider the market impacts of laws and regulations.

In 2007, the Committee released the Competition Assessment Toolkit for initial trials. The toolkit is a methodology for identifying unnecessary restraints on market activities and developing alternative, less restrictive measures that still achieve government policy objectives. It is the most comprehensive guide for competition assessment available today and draws on the experiences of many OECD jurisdictions. It will evolve over time based on feedback from on-going country experiences.

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6. OECD Global Forum on Competition

The OECD Global Forum on Competition (GFC) brings together high-level competition officials from around the world on a regular basis. Seventy authorities from Asia, Africa, Europe, Australasia and the Americas currently participate in the Forum.

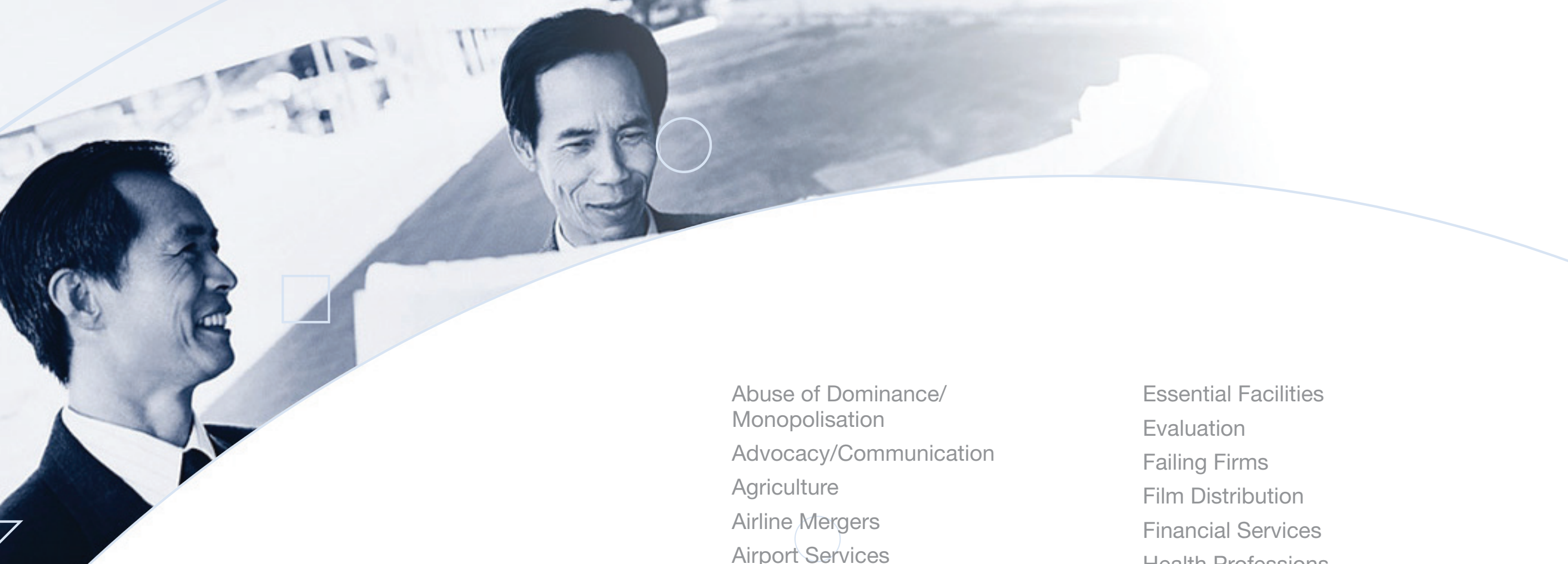
The GFC benefits from the input of the Competition Committee whose work has already generated substantial results in many countries. It provides a venue in which these benefits can be shared with competition authorities and other representatives of the developing world.

GFC meetings include rigorous, OECD-style roundtable discussions and peer reviews. To date, South Africa, Turkey, Russia and Chinese Taipei have been reviewed.

The GFC is an inter-governmental forum, but regional organisations like COMESA and the West-African Economic and Monetary Union (WAEMU), together with other international bodies, such as the World Bank, the United Nations Conference on Trade and Development (UNCTAD), the WTO, the Asian Development Bank and the Inter-American Development Bank also participate, as do representatives from business communities, trade unions and consumer organisations.

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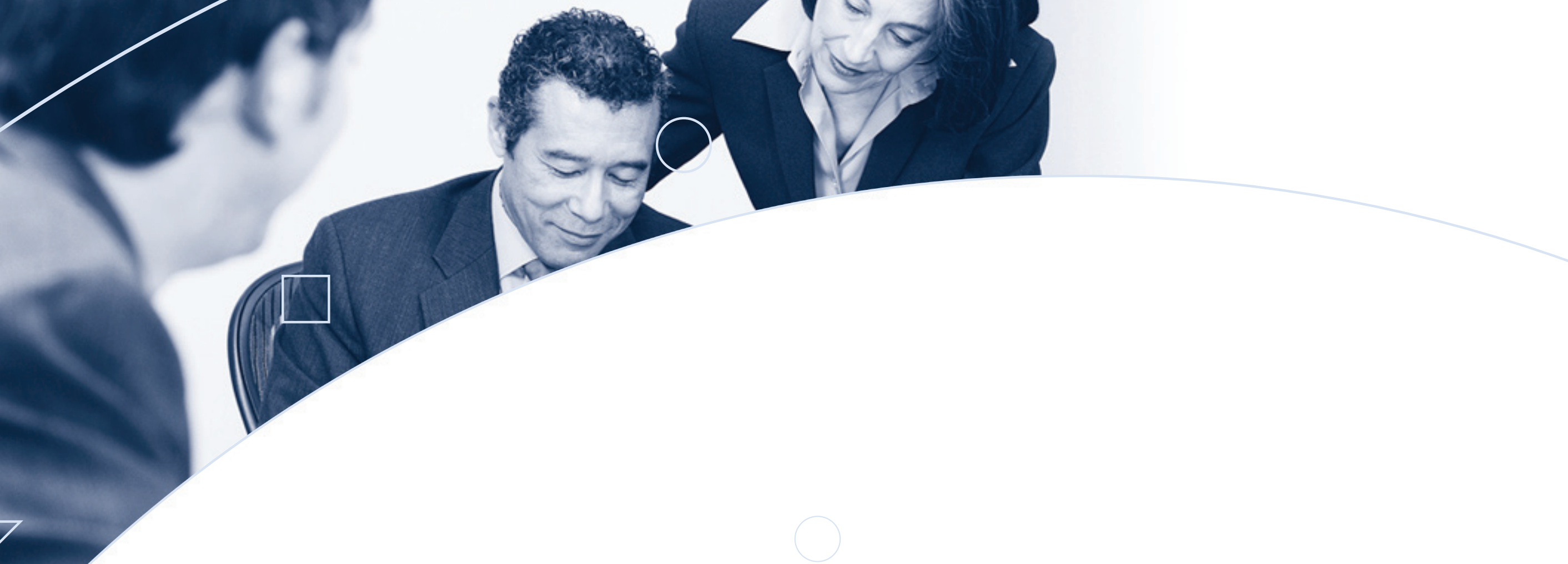
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