



Effective Implementation of Competition Policy and Law

**3rd APEC Training Course On
Competition Policy**

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Substantive Law: Prohibitions

Economy	Abuse of dominant position	Agreement that restricts competition	Merger Control	Sector specific laws
Chile	YES Telefonica, Punta Lobos	YES oxygen producers, private health insurers	YES	
China	YES	YES	YES	Telecom
Hong Kong	Being drafted			Broadcasting; telecom
Indonesia	YES	YES Salt Cartel	?	

Substantive Law: Prohibitions (cont'd)

Economy	Abuse of dominant position	Agreement that restricts competition	Merger Control	Sector specific laws
Peru	YES	YES Cuzco-Machu Picchu railway	Only for electricity	Telecom
Philippines	YES (when required by public interest)	YES	YES	
Papua New Guinea	YES	YES	YES	Telecom, electricity

Substantive Law: Prohibitions (cont'd)

Economy	Abuse of dominant position	Agreement that restricts competition	Merger Control	Sector specific laws
Russia	YES	YES		
Singapore	YES	YES	YES	Telecom, Energy, Media
Taiwan	YES	YES	YES	
Thailand	YES	YES	YES	
Vietnam	YES	YES	YES	

Legal and enforcement issues

Chile	Lack investigative powers – wire-tapping, compulsory inspections; Need leniency program; Judges lack experience
China	No comprehensive anti-monopoly law – under consideration by National Peoples Congress. Overlapping jurisdiction – sector laws, IP rights, technology importation.
Hong Kong	No comprehensive cross-sector competition law -- being drafted.
Indonesia	
Papua New Guinea	

Legal and enforcement issues

Peru	Multiple roles of INDECOPI: Protection of IP rights, Consumer protection, International trade.
Philippines	No comprehensive competition law or policy – being considered by Congress. Political influence over law and enforcement. Judges lack experience.
Russia	New comprehensive anti-monopoly law, effective October 2006
Singapore	New competition law, effective January 2006 (merger law effective July 2007)

Legal and enforcement issues

Taiwan	Multiple roles of FTC: Consumer protection (unfair competition); IP rights New merger guidelines, effective July 2006 Need differentiation in penalties Need stronger investigative powers Need leniency program
Thailand	Multiple role of TCC: Unfair trade practices.
Vietnam	Multiple roles of VCAD: Trade remedy supervision (anti-dumping, anti-subsidy and safeguard) and consumer protection. Overlapping laws – IP.

Sources of competition complaints

Economy	Consumers & consumer orgns (%)	Domestic businesses (%)	Foreign & foreign-controlled businesses (%)	Government & agencies (%)
Chile	60	10	10	20
China	No report			
Hong Kong (broadcast)	15	85	0	0
Indonesia	0	90? (mostly bid-rigging)	0	10?
Papua New Guinea	80	5	5	10

Sources of competition complaints

Economy	Consumers & consumer orgns (%)	Domestic businesses (%)	Foreign & foreign-controlled businesses (%)	Government & agencies (%)
Peru				
Abuse of dominance	3	12	80	0
Restrictive agreements	5	80	15	5
Anti-competitive agreements	0	8	90	2
Philippines	30	25	10	25
Russia	No report			

Sources of competition complaints

Economy	Consumers & consumer orgns (%)	Domestic businesses (%)	Foreign & foreign-controlled businesses (%)	Government & agencies (%)
Singapore general telecom	10	45	No report 45	0
Thailand	< 1	99	0	< 1
Vietnam	13	41	31	15

Names

- ▶ Chile: National Economic Prosecutor
- ▶ China: Anti-Monopoly Service
- ▶ HK: Competition Commission?
- ▶ Japan: Fair Trade Commission
- ▶ Indonesia: Commission for Supervision of Business Competition
- ▶ Peru: National Institute for the Defense of Competition and the Protection of Intellectual Property
- ▶ PNG: Independent Consumer and Competition Commission
- ▶ Philippines: Tariff Commission
- ▶ Russia: Federal Anti-Monopoly Service
- ▶ Singapore: Competition Commission
- ▶ Taiwan: Fair Trade Commission
- ▶ Thailand: Trade Commission Commission
- ▶ Vietnam: Competition Administration Dept

Thanks!

▶ <http://www.comp.nus.edu.sg/~ipng/>