

Outline of Prof. Allan Fels Lecture Meeting in JFTC

Competition Policy Research Center (CPRC) held Prof. Allan Fels Lecture Meeting on September 7th, 2007. He presented "Strategy and Priority Setting by Competition Agencies" for the staffs of JFTC. In the lecture, he presented two topics; "How should we construct the strategy of competition agency set the strategy?", and "What cases should we put an enforcement priorities on? ". and described the way of thinking for these topics concretely.

1 DATE • PLACE

DATE Sep. 7th (Fri.) 2007 10:00-11:30

PLACE Board Room (11th floor), Japan Fair Trade Commission

2 OUTLINE OF THE PROGRAM

1 Opening and Speaker Introduction (10 : 00 ~ 10 : 05)

2 Lecture (10 : 05 ~ 11 : 05)

Theme : " Strategy and Priority Setting by Competition Agencies "

Speaker : Professor Allan Fels (Dean of The Australia and New Zealand School of Government (ANZSOG))

3 Question and Answer (11 : 05 ~ 11 : 30)

4 Closing

3 SUMMARY OF THE PROGRAM

(Responsibility for the contents: CPRC Secretarial Office)

Prof. Allan Fels presented that the competition agencies' strategy could develop by answering for the following four questions; what should be done? , what may be done? , what can be done? , and what cooperation is needed? Then he pointed out that important things for the competition agencies were to understand the three strategic factors; "public value", "authorizing environment" and "operating capability" and enhance the public value. He also described the cooperation of "coproducers" (such as law firms, courts, and consumers) were beneficial to achieve our strategic goal and the competition agencies took all strategic factors into the accounts in making their decisions.

Concerning the priorities in applying the law, He stressed that the competition agencies should consider applying the all law that they can apply when any enterprises violated it. Because it is a high-priority issue for the competition agencies to make all enterprises observe the law, then they must deal with the cases by following order; Blatant breach of law, Economic or social harm, and Strategic value like a Demonstration effect.

After the lecture, a questioner asked the lecturer why he put the priority on the merger case than cartel or dominant market position, problem of concern with setting public purpose and concept to code of conduct in Australian competition law.