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The Competition Programme of the OECD/Korea Policy Centre provides education and training to officials of Asia-Pacific competition authorities in the field of competition law and policy, and OECD/KPC organises events for judges. This newsletter includes information about our work and the work of the OECD, as well as news, case studies and reports from competition authorities in the Asia-Pacific region.

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Entry point - Editorial Note

In this issue of the Asia Pacific Updates Newsletter, we are delighted to share the rich tapestry of activities that have marked the first half of 2024. The year has been a milestone for the OECD/KPC Competition Programme, with in-person workshops resuming across the Asia-Pacific region. These gatherings have offered a renewed chance to strengthen the bonds among competition authorities, legal and economic experts, and policy advocates, fostering a vibrant and collaborative community dedicated to advancing competition policy.

The OECD/KPC Competition Programme celebrated its 20th anniversary with a landmark workshop on competition advocacy held in Seoul this May. This flagship event brought together over seventy participants from the region and beyond, highlighting the indispensable role of advocacy in shaping competitive markets. The discussions not only celebrated two decades of achievements but also set the stage for deeper cooperation and innovation in addressing emerging challenges in the global economic landscape.

Over the years, the OECD/KPC Competition Programme has established itself as a cornerstone of efforts to champion competition policy and enforcement in Asia. By providing an unparalleled repository of expertise, fostering dynamic knowledge-sharing platforms, and capacity-building initiatives, the program has empowered competition enforcers, judges and regulators in the region. Its contributions have fortified the institutional frameworks of competition authorities, refined enforcement practices, and cultivated a pervasive culture of competition and compliance.

The program's relevance is further underscored by the recent landmark decision of the OECD Council to initiate



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accession discussions with Indonesia and Thailand. This decision not only reflects the growing significance of these economies but also serves as a testament to the OECD's success in nurturing a closer and more integrated relationship with Southeast Asia.

This edition of the Newsletter presents a panoramic view of the OECD/KPC's initiatives. Among the highlights is the groundbreaking dialogue at the Joint OECD-KFTC Conference on Generative AI and Competition Policy, exploring the nexus of technological innovation and competition. Additionally, readers will find detailed insights into initiatives tailored to support nascent agencies and case handlers, such as the Workshop on Competition Enforcement hosted in Vietnam. These efforts underline our commitment to equipping emerging agencies with the tools and knowledge needed to navigate the complexities of modern competition law.

In a first for the Newsletter, we are introducing an exciting new feature: an interview with a senior official from one of the region's most dynamic competition authorities, the Hong Kong Competition Commission. This initiative offers a platform to spotlight the perspectives and experiences of leading figures in the competition landscape. Looking ahead, we anticipate featuring more voices from diverse agencies across the Asia-Pacific, enriching the dialogue and fostering a shared sense of purpose.

As we celebrate past accomplishments and chart the course for future endeavours, we invite you to engage with the stories, insights, and perspectives shared in this edition. Together, let us continue to champion the principles of competition, drive innovation, and build resilient economies that serve the collective good of the Asia-Pacific and beyond.

Joint OECD-KFTC Conference on Generative AI and Competition Policy

On 27 May 2024, the OECD, and the Korea Fair Trade Commission (KFTC) held a joint conference in Seoul, focusing on generative AI and its implications for competition policy. This event marked the first collaborative conference between the two organizations, featuring participation from high-level officials, esteemed scholars, and experts from both the public and private sectors. Prominent attendees included Yoshiki Takeuchi, OECD Deputy Secretary-General, Frederic Jenny, Chair of the OECD Competition Committee, and Kijeong Han, Chairman of the KFTC. Their presence underscored the importance of the discussions on competition issues and policy directions emerging from advancements in generative AI—a topic of significant interest to competition authorities globally.

Yoshiki Takeuchi expressed gratitude for Korea's efforts and achievements as an OECD member, highlighting the importance of international cooperation in the evolving AI landscape. Kijeong Han emphasized the significance of the conference as a step towards establishing competition policies related to AI, underscoring the necessity of collaboration with the OECD to enhance international alignment on competition issues. Frederic Jenny addressed various competition concerns in the generative AI market, such as entry barriers and vertical integration, in his keynote speech. He pointed out the need for a balanced approach that ensures both innovation and market fairness and highlighted the importance of advocacy in addressing these issues. Professor William Kovacic from George Washington University discussed the capabilities needed by competition authorities to regulate information service platforms, focusing on adaptable platforms for platform regulation.

Generative AI models are developed by foundation models trained on large datasets. While the development of AI offers numerous benefits, the concentration by a few big tech companies in the market has caused many concerns in the competition environment. This conference also explored competition issues related to data and cloud services, which are crucial factors in the development of generative AI.

Joint OECD-KFTC Conference on Generative AI and Competition Policy

The conference was structured into three sessions, each addressing critical and timely topics. The first session, moderated by Frederic Jenny, explored the role of competition policy in the generative AI supply chain. The discussed potential competition issues and activities by competition authorities related to the generative AI supply chain. In the second session, moderated by Yong Lim, Professor of Law at Seoul National University, the focus was on competition issues and strategies related to data in AI models. The speakers examined the significance of data in foundation models, competition concerns arising from data, and related policy implications. The third session, moderated by Jae Nahm, Professor of Economics at Korea University, focused on ensuring competition in cloud computing services and AI. The panelists discussed the interplay between generative AI and cloud services, potential competition concerns, and policy implications.

This joint conference, as the first joint event between the OECD and KFTC, significantly advanced the discussion by integrating domestic discussions in Korea with international perspectives. It provided a crucial platform for developing desirable policy directions in the evolving landscape of AI and competition, highlighting the substantial impact of the collaborative efforts between the OECD and the KFTC.

RCC Activities and Updates

OECD/KPC Workshop on Competition Enforcement in Vietnam (April 2024)

From April 9-11, 2024, the Vietnam Competition Commission hosted in Hanoi the Workshop on Competition Enforcement for New Staff, gathering more than fifty participants from twenty competition authorities across the Asia-Pacific region. The Workshop provided an introduction to competition enforcement for new case handlers working in competition authorities and included practical tips on the everyday experience of case handlers. This introductory program focused on essential topics in competition law, including anti-cartel enforcement, abuse of dominance, and merger control.



For each area of enforcement, the seminar addressed, at an introductory level, key concepts such as legal framework, investigation and analysis, evidence gathering, competitive assessment and procedural aspects. The participants benefited from insights into best practices of experienced OECD and non-OECD countries.

The three-day event combined lectures by international experts with practical exercises, such as hypothetical case studies, fostering hands-on learning and collaboration. Highlights included presentations by representatives from the OECD, the Australian Competition and Consumer Commission (ACCC), and the U.S. Federal Trade Commission. The workshop also featured cultural activities, providing an engaging environment for knowledge sharing and networking.

The workshop concluded with a wrap-up session and a certificate ceremony, celebrating the participants' engagement and learning.

OECD/KPC 20th Anniversary Workshop on Advocacy (May 2024)

The OECD/KPC celebrated the 20th Anniversary of the Competition Programme with a Workshop on Advocacy, held in Seoul from May 28–30, 2024. The event provided a dynamic platform for participants from the Asia-Pacific and beyond to exchange ideas, share success stories, and discuss strategies to advocate for robust competition frameworks. More than seventy participants from Korea and from the Asia Pacific attended the event.

The workshop opened with remarks from Mr. Hotae Kim (Director General, OECD KPC Competition Programme) and Mr. Yoshiki Takeuchi (OECD Deputy Secretary-General), followed by congratulatory messages from Mr. Hong-sun Cho (Vice Chairperson, Korea Fair Trade Commission) and regional stakeholders.

A video presentation celebrated two decades of achievements, supplemented by messages from Hungary and Peru's Regional Competition Centres. Representatives from Malaysia, the Philippines, and Vietnam shared insights into their national competition environments during a special session.



OECD/KPC 20th Anniversary

The afternoon featured a roundtable discussion moderated by Mr. Frédéric Jenny (OECD Competition Committee Chair), exploring challenges in advocating competition policy in the Asia-Pacific. Esteemed panellists included Ms. Kumiko Tanaka (Japan Fair Trade Commission) and senior officials from Indonesia, Korea, and Hong Kong. The day concluded with a keynote by Prof. William Kovacic (George Washington University), who outlined global trends in competition law and the need for tailored advocacy efforts to address regional disparities.

The following two days were focused on exploring the Tools and Techniques for Effective Advocacy delving into technical approaches to competition advocacy. Mr. Ori Schwartz (OECD) introduced the OECD Recommendation and Toolkit on Competition Assessment highlighting best practices for analysing laws and regulations. Ms. Songrim Koo (OECD) expanded on these techniques in a follow-up session. Mr. Paul Barnes (CMA UK) and Mr. Alexander Hodnett (CMA UK) demonstrated how market studies influence policy and regulatory decision-making. The day also featured practical case studies, offering participants a chance to contextualize theoretical insights within real-world scenarios.

The final day emphasized forward-looking strategies to embed competition culture within institutions and societies: Ms. Ambreen Abbasi (Pakistan) and Mr. Iskandar Ismail (Malaysia) showcased impactful advocacy campaigns, from legislative reform to public engagement. Mr. Timothy Paul Ker (Hong Kong) underscored the importance of inclusive advocacy that bridges gaps between businesses, regulators, and the public. Finally, Ms. Alessandra Tonazzi (OECD) facilitated discussions on measuring and communicating the societal benefits of competition interventions.

The workshop concluded with a wrap-up session summarizing the event's learnings and identifying priorities for the next decade of the OECD/KPC Competition Programme.



Workshop on Advocacy



News from Asia-Pacific Competition Authorities

An Interview with Rasul Butt, CEO, Hong Kong Competition Commission by Alessandra Tonazzi, Senior Competition Expert, OECD

Q Please introduce yourself and tell us something about your current role within the agency.

My name is Rasul Butt, and I was appointed as the CEO of the Hong Kong Competition Commission (HKCC) in 2021, after having served as its Executive Director (Corporate Services and Public Affairs) and Senior Executive Director since 2015. In my current role as CEO, I am responsible for leading the Executive team and the staff of HKCC (comprising around 80 personnel), in enforcing competition law in Hong Kong as well as discharging our various statutory duties including advising our government on competition matters inside and outside Hong Kong and advocating the benefits of competition to our local community. My Executive team and I report to a board of 16 independent Commission Members who hail from different backgrounds, and who collectively oversees the work of the executive arm of HKCC.

Q HKCC has gained a very good reputation among the agencies in the Asian region. What suggestions would you give to agencies in the region that are at the beginning of their enforcement efforts?

We are most humbled by our peers' recognition. The HKCC has come very far since our early days, and we owe much to our colleagues in different jurisdictions who have been so generous in sharing their experience and knowledge with us. Indeed, our active participation in the global competition law enforcement community has been especially fruitful and I would like to express my sincere thanks to OECD for its continuing support and excellent resources that have enabled us to progress on the steep learning curve. Next year will mark HKCC's tenth anniversary of

enforcing our local competition law and among other things, we have been taking stock of how we have been faring as a competition agency, and whether there are opportunities for us to pay it forward by sharing some of our own experience and lessons learnt to our colleagues in newer agencies. I am therefore most grateful to OECD for giving me the present opportunity.

Prefacing my suggestions though, I need to state the obvious that even though a certain strategy or approach might have worked very well in our jurisdiction, it does not necessarily follow that it will fare as well in another. That said, I believe the overwhelmingly positive experience and outcome that the HKCC has gained in some of our endeavours are worth considering by our counterparts.

First, we all need a little help from our friends. In the past few years, the HKCC has made very significant progress in our enforcement work through strengthening our co-operation with other local law enforcement agencies like the Hong Kong Police Force (“HKPF”) and the Independent Commission Against Corruption (“ICAC”). The proverbial seed for numerous collaborations was in fact planted well before the enactment of our competition law. There were grave public concerns fuelled by widespread suspicions of anti-competitive conduct being rampant in certain sectors and that these were facilitated by criminal acts. For example, there were numerous anecdotes of gangsters using criminal intimidation and bribery to deter parties from bidding for projects or to recruit them to join bid-rigging rings in the building maintenance sector. From literally “Day one” of its existence, the HKCC was already aware of the possible interaction between competition law and criminal law in some cases and that concerted action by different law enforcement agencies will be needed to effectively tackle them. The HKPF and ICAC are therefore our natural and ideal partners and our collaboration with them has taken many forms such as referral of cases, intelligence sharing, and joint operations. To date, we have conducted joint raids with both agencies, and we have engaged in very fruitful -sharing leading to extremely promising investigations. A close working relationship with the HKPF also allows the HKCC to leverage their expertise with regards investigating and prosecuting cases of suspected obstruction to the HKCC’s investigation - which is a criminal offense punishable by imprisonment under Hong Kong law.

Second, learn to walk before you run. The HKCC's first two enforcement cases involved bid rigging in the supply of IT equipment, and market sharing with respect to decoration services in public housing for low-income families. These cases have been described as "low-hanging fruits" by some, but such cynicism totally disregarded the immense value of the jurisprudence that have been established in the respective legal proceedings and which entrenched fundamental and internationally adopted competition law principles in the laws of Hong Kong. In time, more complex cases will come along especially with the advancement of the digital economy but in the meantime, one should not lose sight of cases involving "kitchen table issues" and underestimate the extent to which the public could relate to them.

Third, all roads lead to Rome. Last year we accepted commitments from Hong Kong's two largest online food delivery platforms (Deliveroo and Food Panda). This resulted in both parties removing exclusivity arrangements as well as most favoured nation clauses with their partnering restaurants. In doing so, we have opened up Hong Kong's food delivery market to more competition by creating a more conducive environment for smaller and newer platforms to enter and/or expand in the market. The benefits of these commitments are already widely felt. This particular case brings home the point that for some cases, while strict enforcement is an option, taking an alternative route that could bring quicker and more lasting changes to the market could be the better way forward. Of course, we continue to believe that in cases involving cartel conduct and where the facts are of such egregious nature, deterrence by way of seeking pecuniary penalties and other orders from the courts are still necessary.

Fourth, prevention is better than cure. Enforcement is not the be-all and end-all for the HKCC. We believe that most businesses do genuinely want to comply with the law, and some could use a bit of help to do so. Cultivation of a strong compliance culture is necessary and the HKCC has been sparing no effort in providing guidance and tangible assistance to businesses. We recognise that with limited resources and access to expert advice, small and medium sized enterprises (SMEs) may find it more challenging to adopt effective and meaningful compliance measures to reduce the risk of inadvertently contravening the Competition Ordinance. In fulfilling our commitment to helping them, the HKCC has been providing guidance to SMEs

and targeted training to lawyers, accountants, members of SME chambers of commerce and other intermediaries who typically act for and advise SMEs. Our latest project in this area is an online and bilingual SME Compliance Hub that will serve as a user-friendly resource for SMEs to learn and understand the essentials of competition law as well as to put in place fit-for-purpose competition compliance programmes for their operations.

Finally, great communication begins with connection. HKCC considers advocacy to be particularly important at the early stage of the implementation of a new competition law. Since the enactment of the Ordinance, HKCC has been actively reaching out to the public and businesses through direct engagement, educational initiatives, and thematic campaigns across multiple platforms, with the aim to raising community awareness of the Ordinance and to encouraging compliance. The HKCC's advocacy efforts were successful, not only in raising public awareness, but also in bringing complaints to our attention. A most notable example is that a procurement officer who attended one of our seminars came in with evidence to report on suspicious bidding in a tender they had just concluded, which eventually led to Hong Kong's first competition case before the Tribunal in 2017.

A more recent example of our advocacy initiatives is our "Cartel Hunters" docuseries. Based on real cases, the docudrama has five episodes with each being half an hour long. It takes the audience through the investigation of four cartel cases involving bid-rigging, price fixing and market sharing. The success of the series in mixing drama with educational elements on competition law has brought us the honour of being named a winner in the Competition Advocacy Contest 2024 organised by the International Competition Network (ICN) and the World Bank Group, on the theme "Raising awareness on competition by communicating on impact and results".

In the three months following the launch of the docudrama, the number of enquiries and complaints received by the Commission have shown a year-on-year increase of around 30%.

Enforcement and advocacy are equally important in promoting a competitive economy. Unless consumers and business leaders have a negative view of cartel as well as other anti-

competitive conduct, however impressive a competition authority's enforcement track record is – cartels will continue to persist.

Q Thank you, this is very interesting and helpful. In this context, could you also share with us what will be the main priorities and key challenges for HKCC in the coming years?

Of course. In terms of priorities, we have been pursuing the following in earnest since 2021: anti-competitive conduct that affect people's livelihood, anti-competitive conduct that aim to exploit government or public funding, and anti-competitive conduct affecting digital markets.

Judging from public reactions so far, we are left in no doubt that our priorities are closely aligned with public expectations. Indeed, these priorities are not confined to our enforcement work and similarly inform other areas of our work including the promotion of a strong compliance culture in the business sector; our engagement with government officials on competition policy matters; and so on.

For competition agencies, challenges may come in different forms, and some may be unique to a particular agency. A perennial challenge that the HKCC has been contending with is the relatively small number of public complaints that could end up generating actionable cases. Cartels are secretive by nature and notoriously hard to detect. In the past few years, the HKCC has shifted from its former heavy reliance on public complaints to seeking out cases on its own through intelligence-gathering, data screening and collaborations with local law enforcement agencies and public bodies. At the same time, the HKCC has also put in place its leniency and cooperation programme to encourage wrongdoers to come forward and own up to their indiscretions. All these efforts are aimed at ensuring a steady stream of cases and issues that the HKCC could work on.

There is much discussion about the increasing complexity of bringing cases in the digital sector. In that regard, we are pleased to have successful enforcement outcome in several cases in the digital sector, like the commitment case involving online food delivery platforms

I mentioned above. Where I see greater challenge on the future horizon are the ways in which many businesses will be run in the not-so-distant future, with the prevalent use of software powered by artificial intelligence (AI) in pricing goods and services. This could pose a challenge for our investigation teams as they navigate these evolving business practices.

Another challenge we face in our enforcement work lies in the standard of proof. The Hong Kong Competition Tribunal has ruled in the first case we brought before it that in proceedings for pecuniary penalties, the criminal standard of proof shall apply. This remains the current position and, needless to say, gives rise to certain challenges from an enforcement perspective.

However, this has not unduly hampered the HKCC from bringing cases to the Tribunal (including one on abuse of significant market power case). We have so far managed to satisfy this high standard of proof in all the cases where the Tribunal had handed down judgments.

HKCC has had an active participation in OECD activities in recent years, including the training activities of the OECD/KPC Regional Centre. How can the OECD continue to better support Hong Kong's competition policy needs?

The benefits that we derive from our participation in OECD activities are extensive and we cannot compliment enough the excellence of its work products, papers, and guidance. For instance, OECD's Competition Impact Assessment framework was key to our successful engagement with our government on adopting the key features in relevant assessments.

The HKCC is committed to promoting the best international standards in the competition law and policy arena and we would like to count on OECD's continuing support in this endeavour.

Summary Regarding OECD Competition Week June 2024

In June the OECD hosted the meetings of the Competition Committee and its Working Parties. Here are some of the topics that were discussed:

Artificial Intelligence (AI), data and competition

The conversation focused on the emergence of generative AI, a type of AI that has risen to prominence in recent times, but it was noted that AI in general is continuing to increase in importance. There is uncertainty on how the market will evolve, although there was broad agreement amongst delegates regarding the potential of AI to impact many aspects of economies and hence it warranted attention from competition authorities.

The first part of the discussion explored the nature of AI, and generative AI, and explored potential risks to competition. Market dynamics are still developing, and, at this stage, it appears that many firms are operating across the various areas of the value chain. However, it was noted that the current developments take place in the context of concentrated digital markets and that this could influence how AI develops. There was agreement that competition authorities should be ready to tackle issues that emerge, and several have already undertaken substantial activity in this area. Several risks to competition were discussed, including concerns about the ongoing ability of potential suppliers to access key inputs, such as data required to train models, and the compute required to train and deploy them. Further, it is important that firms can access users, which could be at threat from existing ecosystems or existing supply chains. There was also discussion around the large number of partnerships that are emerging between firms across the value chain, and it was noted that while some may not be captured by traditional merger control, they could nonetheless have the potential to reduce competition.

The second part of the discussion focused on the options available to competition authorities in response to the recent developments and the potential competition issues that may emerge. There was acknowledgement that while protecting competition was crucial in this potentially vital sector, a balanced and flexible approach may be required given potential costs of intervening in a nascent sector. Several delegations stressed the importance of being on the front-foot and monitoring developments in the sector closely. It was noted that this may require authorities to devote resources to obtaining the relevant expertise and skills. As well as traditional enforcement tools, there were mixed views on whether innovative tools were required to tackle any competition issues that may emerge in AI. Nonetheless, market studies, advocacy, merger control and enforcement tools were broadly considered by authorities as important to consider going forward.

The discussion identified that co-operation will be important to ensure competition authorities are well positioned to deal with challenges that may emerge. Co-operation should be both domestic, for example with other national regulators across a range of cross-disciplinary policy areas, and international. Further, authorities are considering how best to engage with market participants, including industry outreach, toolkits to allow self-assessment of risks to competition, as well as clear guidelines on relevant issues.

Pro-competitive Industrial Policy

The roundtable to discuss the relationship between industrial policy and competition policy highlighted that interaction between both policies is complex and may be complementary, neutral or in conflict with each other depending both on their underlying objectives as well as on the way in which both policies are designed and implemented. In many situations, the objective(s) of industrial policy overlap(s) or align(s) with the objectives of competition policy. However, in certain situations, objectives of

both policies may not (fully) align, or instruments used for one policy may present challenges for the other. For instance, on the one hand, industrial policy can distort and prevent competition if industrial policy favours incumbents, pick winners, or props-up weak or zombie firms.

On the other hand, competition policy and enforcement may not always deliver sufficient or satisfactory results, in which case industrial policy could play a role. Given the importance of both policies for economic development, including their shortcomings, their potential negative (intended or unintended) consequences and possibly existing trade-offs between the two, a good understanding of the interplay between competition policy and industrial policy is crucial. This is especially true in light of the aforementioned global developments and contemporary challenges that governments are faced with, and which may have caused views on industrial policy to shift.

The Roundtable included a discussion of the following issues: whether (or when) the goals of competition policy and industrial policy are consistent; what situations or which types of industrial policy may be more or less distortive to competition; what principles can be followed to ensure pro-competitive industrial policy; what are the advocacy and enforcement activities that competition authorities can take to ensure pro-competitive industrial policy; and what other courses of action can support a pro-competitive design or implementation of industrial policy.

Competition and Privacy

The Committee discussed the intersection between competition and data privacy, jointly with the Working Party on Data Governance and Privacy. The session explored the interplay between policies for competition and for data privacy, their goals and mutual influences in digital markets.

The discussion started by looking at the links between competition policy and data privacy and the way in which considerations pertaining to one policy area have been, or could be, included in the other. It then focused on enforcement practices, considering those interventions that can foster synergies between the two policy areas but also lead to tensions, highlighting complementarities and potential challenges. Finally, the discussion addressed the question of co-operation between competition and data protection authorities.

The roundtable highlighted how data protection and competition authorities broadly apply different conceptual frameworks and pursue different objectives. However, in digital markets the data subject and the consumer may overlap, large platforms build their business model and market power around personal data processing, and market actors may compete on the level of privacy offered to consumers. Thus, the collection, accumulation and sharing of consumer data is a common concern for competition and data protection authorities, and their interventions in one policy area can enhance or hinder the attainment of the goals of the other.

It was noted that competition authorities increasingly see privacy as a component of quality and include privacy considerations into their assessments. At the same time, data protection authorities are starting to take market dynamics into account for their analyses.

Finally, the discussion highlighted that a growing number of competition and data protection authorities are joining forces to pursue their regulatory mandates in a coordinated way, through co-operation platforms and forums, Memorandums of Understanding, bilateral co-operation on a case-by-case basis, as well as public declarations in which they detail paths leading to stronger collaboration. Overall, it is recognised that continued work is needed to improve the understanding of business models in digital markets and to strengthen co-operation between competition and data protection authorities, to minimise tensions and foster synergies.

Monopolization, moat building and entrenchment strategies

Competition authorities have already acquired significant knowledge about the concept of market power and dominance as well as practical experience when assessing anticompetitive practices. However, the introduction of potential new concepts, such as economic moats and entrenchment, may complicate this analysis and further blur the lines between lawful and unlawful practices. The roundtable discussed the relationship between economic moats and entrenchment with market power and calls for further reflections among competition authorities and practitioners on the challenges these concepts may pose. It explored several possible options, including incentivizing the use of investigative and analytical techniques, as well as strengthening regulatory tools.

Competition and the professions

The roundtable discussion underlined the importance of regulatory reform in the professions and more in general in occupational licensing. In both areas a wave of reforms occurred in the early 2000s. In the professions many jurisdictions eliminated mandatory minimum tariffs and the ban of advertisement. Furthermore, especially in the EU, the 2010 Service directive eliminated many unjustified occupational licensing requirements by Member States and required that any remaining regulation was the least restrictive as possible. Since then, other jurisdictions followed the same path. What remains in place in some jurisdictions are very demanding requirements for entry in some professional services, leading to the creation of artificial market power and inducing many capable individuals not to enter in the profession.

Furthermore, some jurisdictions are characterized by the lack of mutual recognition of occupational licenses and of professional qualifications.

As for antitrust enforcement, member countries agencies are quite active in enforcing the law, especially intervening against practices of professional associations limiting the competitive possibilities of their members, also when ethical codes introduce unreasonable restrictions to competition (prohibiting members from enticing patients away from competitors, to offer discounts, to advertise aggressively or to follow a coordinated pattern of pricing).

ASIA-PACIFIC COMPETITION UPDATE

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ASIA-PACIFIC

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