

DISCUSSION PAPER ON THE OPERATION OF THE ASSOCIATION

What and who

The Association is the European Association of Competition Authorities, operating within the European Economic Area (EEA).

The focus of the Association is on the application and enforcement of national and European competition rules. The Association serves as a forum through which the authorities meet, facilitate cooperation and improve the working relations among them. It is believed that this will improve the quality, consistency and efficiency of their work and hence contribute to a more effective enforcement of competition law within the EEA.

The Association is an informal organisation with a flexible structure. As the Association focuses on the enforcement of competition rules, the participation of the authority entrusted with this task at national level is essential for its functioning. Considering the close link between the enforcement of competition rules and the development of competition law and policy, participation in the Association is open to government representatives when considered appropriate. National delegations may differ depending on the issues dealt with during the meeting or event at hand. The composition of national delegations is to be considered an internal affair of the country involved.

The Association will keep close links with the Commission of the European Communities and a delegation of the Directorate General of Competition will be invited to participate in and contribute to the activities carried out within the framework of the Association.

How does the Association function

The responsibility for the functioning of the Association is shared between the participants. In order to guarantee continuity and an efficient organisation, a rotation system will be set up. During a period of six months, a national delegation will be responsible for steering the Association. The delegation involved will operate in close cooperation with the other participants, in particular with the previous and next responsible delegation. During its six months term, the delegation concerned will take the lead in and facilitate the organisation of the meetings and events, which it considers appropriate in view of the issues to be dealt with.

During an informal meeting in Rome in October 2000, it was agreed that a delegation from the Netherlands would organise the Association's activities during the first half of 2001. Ireland will be responsible for the last six months of 2001.

Aims of the Association

In order to contribute to a more effective enforcement of competition rules within the EEA, the Association envisages to:

- provide for a framework for the discussion of issues related to the (daily) practice of competition law enforcers (such as discovery techniques, the efficient organisation of multinational filings in merger cases, effective sanctions and leniency);
- share knowledge and experience in the field of competition law enforcement;

- facilitate the exchange of (publicly available) (sector and market-) information
- develop contacts with sister organisations (such as the Council of European Energy Regulators and the Independent Regulators Group for telecommunications) in order to exchange experiences on (the development of) competition issues in specific sectors of the economy;
- develop, where possible, a common view of the participants towards issues related to the enforcement of competition law and thereby, if appropriate, contribute to discussions in international fora.

These aims may be achieved by:

Meetings

- organising workshops on actual common issues at case handler level;
- organising such workshops with sister organisations;
- organising general meetings and conferences in which common issues related to competition law enforcement may be further developed;

Information exchange

- exchanging non-confidential information on sectors, markets and individual cases;
- organising internships and secondments for case-handlers;
- exchanging address lists (who is dealing with what in which authority);
- provision of liaisons for the delegations, facilitating bi-lateral and multi-lateral contacts;
- stimulating the publication of annual reports and press releases in a common language(s);

Study

- pooling of (legal and economic) expertise (development of joint projects)
- evaluating cooperation instruments and mechanisms which could improve such cooperation (setting up of information exchange systems etc.)

Best practices

- Developing a system to promote best practices among competition law enforcers (e.g. training, research, facilities, staff, effectiveness and efficiency of enforcement)

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