

Bills Committee on Competition Bill

List of follow-up actions arising from the discussion at the meeting on 17 January 2011

At the meeting on 17 January 2011, the Administration was requested to provide written responses to the following concerns/requests -

- (a) the market share level under the "de minimis" approach should be stated in the Bill rather than in the guidelines to be issued by the proposed Competition Commission;
- (b) in relation to the two case law examples (Intel and 11 air cargo carriers) on the imposition of pecuniary penalty by the European Commission quoted in the Administration's paper (CB(1)637/10-11(02)), clarify whether the pecuniary penalty imposed represented global or local turnover of the infringing undertakings;
- (c) whether the Administration would consider amending the Bill to exclude stand-alone rights of action;
- (d) the total number of complaints, with case description, alleging adoption of anti-competitive practices and abuse of market power in various economic sectors received by the Competition Policy Advisory Group (COMPAG) since its establishment in 1997, including those cases where the alleged parties did not rectify its practices even after COMPAG had intervened or COMPAG could not proceed to deal with cases due to the difficulties in mounting effective investigations; and
- (e) provide information on the interpretation of "market" in overseas competition legislation and the case law examples in other jurisdictions.

Council Business Division 1
Legislative Council Secretariat
18 January 2011