

# ICN 2009 - Special Project

## Competition Law in Small Economies

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# Contributors

BELGIUM	BULGARIA	COLOMBIA	CANADA
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IRELAND	ISRAEL	JAPAN	JERSEY
KOREA	LITHUANIA	LUXEMBURG	MEXICO
MONGOLIA	NETHERLANDS	NEW ZEALAND	RUSSIA
SWITZERLAND	SINGAPORE	TAIWAN	UNITED STATES

# Analytical Framework

- Key principle of Competition Law remains the same regardless of the size of the Economy.
- Size of the Economy should be taken into account, up to a certain extent:
  - Need of a flexible, case-by-case, legal structure;
  - High reliance on openness to trade.

# Notion of a “Small Economy”

- Contributors considered their respective Economies as “small”, “mid-sized”, or “large”.
- Difficult to measure the size of an “Economy”.

# Anti-Competitive Agreements

- No consensus among the Contributors on how the size of an Economy affects the application of Competition Law regarding anti-competitive agreements.
- About half of the contributors believe there is no evidence of more oligopolies in small Economies; while the others think there is room for such evidence.

# Abuse of Dominance

- Most respondents agree that the analytical framework underlying assessment of abuse of dominance is not significantly altered by the economy's relative size;
- Some respondents state that size of the economy may indeed constitute a relevant factor in the application of competition law and policy.

# Mergers

- Most respondents express the need for a merger regime in a small economy, which should not deviate from the substantive rules applied in large economies;
- Numerous contributors stated that size of the economy may affect market conditions surrounding the merger and subsequently the analysis outcome itself;
- Some contributors point out that the size of the economy may also affect procedural elements (e.g. notification regime).

# Basis for Discussion

- **5 main questions**
- **24 contributions**
- **No definitive conclusions**
- **Many open questions**
- **Different views among ICN members**

**A good starting point  
for discussion...**