

Competition Policy and Law Group (CPLG) Terms of Reference (ToR)

Article 1 Establishment of the APEC Competition Policy and Law Group

The APEC Competition Policy and Law Group (the "CPLG") is established as a group under the APEC Economic Committee (EC). The CPLG shall report on its activities and submit its work plan to the EC.

The CPLG has a term of four years starting from January 2022. At the expiration of this and any subsequent term, the mandate of the CPLG and its ToR shall be reviewed by the CPLG and the EC, and a recommendation on renewal shall be put to Senior Officials for approval.

Article 2 Objectives

The CPLG recognizes the APEC Putrajaya Vision 2040 of building an open, dynamic, resilient, and peaceful Asia-Pacific community by 2040. To this end, the CPLG is committed to realizing the following objectives, so as to contribute to the implementation of the APEC Putrajaya Vision 2040:

1. Promote the understanding of regional competition laws and policies with the view of facilitating APEC activities.
2. Identify areas for technical cooperation and capacity building among APEC member economies.
3. Promote exchanges and cooperation among competition agencies of member economies on competition policies and competition law enforcement, in order to formalize annual updates, facilitate contacts and monitor emerging issues.
4. Contribute to the work of the EC (in particular, the Enhanced APEC Agenda for Structural Reform).

Article 3 Priorities

Each year the Group endorses a Work Plan, tabled by the Convenor, comprising of priorities, deliverables, activities, projects, outcomes and cross-fora collaboration.

Article 4 Membership

The CPLG comprises of officials from agencies in charge of competition law enforcement or competition policy in all member economies.

Each economy determines the composition of its delegation to the CPLG.

Article 5 Leadership

The CPLG shall have a Convenor and also, as appropriate, may have a Vice-Convenor.

The Convenor is responsible for:

1. Chairing the CPLG meetings.
2. Attending meetings of the EC and report on the updates and developments of CPLG activities and to serve as “Friend of the Chair” on Competition Policy.

The CPLG Convenor and Vice-Convenor are nominated by member economies and selected by consensus within the Group.

The CPLG Convenor and Vice-Convenor shall each serve a term of two years, starting their term on the month of January and ending on the month of December of the second year.

The CPLG Convenor should not normally serve more than two consecutive terms.

If the CPLG Convenor is unable to complete his/her term and resigns prior to their end of their term, the CPLG Vice-Convenor will become the Convenor for the remainder of the Convenor’s term. If the Vice-Convenor is unable to fulfil the Convenor role, an interim Convenor will be nominated by member economies and selected by consensus.

Should the CPLG Convenor be absent from the plenary meeting, the meeting should be chaired by the CPLG Vice-Convenor. If neither is in attendance the delegate from the host economy should lead the meeting.

Article 6 Meeting Arrangements

The CPLG shall generally meet once a year during SOM1 and the host shall be the APEC Host Economy.

The CPLG may also convene more than once a year if there is agreed consensus by CPLG members. The additional meetings may be held in a physical, virtual or hybrid format.

Article 7 Fora Review

The EC will conduct an assessment of achievements against stated objectives and outputs of the CPLG. Any fora review findings and recommendations from the assessment may be taken into account when the new Terms of Reference are developed.

The Terms and Reference shall be reviewed when necessary upon the consensus of all member economies.

Article 8 Quorum

Quorum for CPLG meetings constitutes attendees from 14 economies. Decisions can be made if quorum and consensus are reached. If the quorum is not reached, the meeting may continue, but any decisions must be put to the full membership for consideration.

Should the CPLG fail to meet quorum for one meeting, the CPLG must notify the EC Chair. Should the CPLG fail to meet quorum for two consecutive meetings it will be referred to Senior Officials for a decision on whether it should continue to exist.

Article 9 Sunset Clause

The CPLG's term is from 1 January 2022 to 31 December 2025. Prior to the expiration of this and any subsequent term, the mandate of CPLG and its TOR shall be reviewed by the EC and the EC may make a recommendation on continuation of its mandate to be put forward for Senior Officials' approval. The CPLG must be explicitly renewed by Senior Officials in order to continue, after the expiration of this Terms of Reference.