



MEMORANDUM

From: International Study Group
To: All Commissioners
cc: Andrew J. Heimert and Commission Staff
Date: May 4, 2005
Re: International Study Plan

Issues Adopted by the Commission for Study

- A. Should the FTAIA be amended to clarify the circumstances in which the Sherman Act applies to extraterritorial anticompetitive conduct?
- B. Are there technical or procedural changes that the United States could implement to facilitate further coordination with foreign antitrust enforcement authorities?

Questions for Public Comment

1. Should the FTAIA be amended to clarify the circumstances in which the Sherman Act and FTC Act apply to extraterritorial anticompetitive conduct?
2. Are there technical or procedural steps the United States could take to facilitate further coordination with foreign antitrust enforcement authorities?
 - A. Are there technical amendments to the International Antitrust Enforcement Assistance Act of 1994 ("IAEAA") that could enhance coordination between the United States and foreign antitrust enforcement authorities?
 - B. Are there technical changes to the budget authority granted U.S. antitrust agencies that could further facilitate the provision of international antitrust technical assistance to foreign antitrust authorities?

Hearings

- Two panels of approximately three hours each.
1. FTAIA
 - DOJ and/or FTC representative(s)
 - Representative(s) of foreign antitrust enforcement authorities (including those participating in *Empagran as amici curiae*)
 - Representative(s) from plaintiffs' bar
 - Representative(s) from defense bar

- Scholar(s)

2. Technical/procedural changes

- DOJ and/or FTC representative(s)
- Representative(s) of foreign antitrust enforcement authorities
- Representative of USAID
- Practitioner(s)
- Scholar(s)