

Intergovernmental Group of Experts on Competition Law and Policy

16th Session

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Morning Session

Agenda Item 3c. Enhancing international cooperation in the investigation of cross-border competition cases: Tools and procedures

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SOUTHERN AFRICAN DEVELOPMENT COMMUNITY
TOWARDS A COMMON FUTURE



UNCTAD 16th SESSION

**“SADC REGIONAL COOPERATION IN COMPETITION
POLICY: IMPLEMENTATION EXPERIENCE ”**

6 – 7 JULY 2017, Geneva, Switzerland

15 Member States



SADC States	Member
Angola	
Botswana	
DRC	
Lesotho	
Madagascar	
Malawi	
Mauritius	
Mozambique	
Namibia	
Seychelles	
South Africa	
Swaziland	
Tanzania	
Zambia	
Zimbabwe	

POLICY FRAMEWORKS

- SADC Treaty 1992
- Regional Indicative Strategic Development Plan 2003-2020 – provides strategic direction
- Protocol on Trade (Article 25) – imposes an obligation on Member States to implement measures that promote competition and cooperation in the enforcement of their legislation
- Declaration on Regional Cooperation in Competition Policy – a key step in the implementation of the competition provisions of the Protocol on Trade
- MOU on inter-agency cooperation



DECLARATION

- Was signed in 2009 by Summit
- Provides framework for cooperation
- Prioritises capacity building and technical assistance
- Provides for establishment of a Committee to facilitate cooperation



RECENT DEVELOPMENTS

In May 2016 SADC CAs signed an MOU on inter-agency cooperation (9 MS). In force for 3 years, renewable

Established 3 working groups on (i) Mergers, (ii) Cartels, and Research

In terms of MOU, CAs committed to cooperate by;

- i. Sharing information
- ii. Coordinating investigation of cases
- iii. Harmonising the rules and procedures for handling cases, and
- iv. Undertake joint capacity building and research



ACTIVITIES UNDERTAKEN

Within the framework of the Declaration and MOU;

- a. Annual technical committee meeting- forum – i) compare and exchange policy and enforcement experiences, ii) identify best practices, iii) building consensus and convergence on key issues, iv) coordinating common positions, and v) providing strategic direction to the Competition Policy Programme
- b. Experienced CAs providing CB & TA to young CAs eg dawn raids
- c. Staff exchange and Study tours between CAs
- d. Joint research programmes – 8MS involved – 6 sectors
- e. WG – sharing info on cross border cases, investigation tools, strategies, litigation/prosecution strategies, consultations on relevant markets, theories of harm, empirical evidence.



CONCLUSION

- i. SADC will continue to prioritise cooperation and capacity building activities
- ii. Decide whether to continue with Cooperation Model or change
- iii. SADC has prioritised industrialisation and enforcement activities on cases that impact on industrialisation to be emphasised – Roundtable on cases that impact on industrialisation at the last Committee meeting
- iv. SADC being part of the Tripartite Arrangements will participate in joint tripartite programmes
- v. SADC will continue to collaborate on competition policy with regional and international organisations





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