
Intergovernmental Group of Experts on Competition Law and Policy

17th Session
11-13 July 2017
Room XVII, Palais des Nations, Geneva

Wednesday, 11 July 2017
Afternoon Session

Agenda Item 3e. Report of the discussion group on international cooperation

Contribution by
Mexican Federal Economic Competition Commission

This material has been reproduced in the language and form as it was provided. The views expressed are those of the author and do not necessarily reflect the views of UNCTAD.



International Cooperation Among Competition Agencies in Competition Enforcement Cases

Proposal for consideration

17th Session of the Intergovernmental Group of Experts on Competition
Law and Policy

Mexican Federal Economic Competition Commission



Comisión
Federal de
Competencia
Económica

July, 2018

Background of COFECE's Proposal

Background

In order to help competition authorities to implement Section F of the *UN United Nations Set of Principles and Rules on Competition*, COFECE drafted an implementation proposal based on the recommended practices and agreements at fora such as the following:

- International Competition Network
- OECD Competition Committee
- UNCTAD Intergovernmental Group of Experts in Competition

Motivation




While we appreciate the cooperation essence captured in the Toolkit introduced by the FAS Russia, we believe that the most-suitable approach is one that:

- a) Reflects a more-flexible character,
- b) Builds upon the work conducted so far through this and other fora, and
- c) Recognizes the value of informal cooperation

UNCTAD Role

UNCTAD Role

Being consistent with the role of UNCTAD as a specialized forum to foster agreeable practices, the proposal consider its role in three main areas.

Area	Proposed Actions
	<p>Forging Relationships</p> <ul style="list-style-type: none"> Establish staff level communication and initiate contact between peers in other jurisdictions. Put together a contact list, expanding the list to those countries that do not actively participate or enjoy membership of the ICN or the OECD. Appoint a liaison / contact point with the OECD and the ICN. Foster frequent and organized communications between these points of contact.
	<p>Knowledge Management</p> <ul style="list-style-type: none"> Disseminate knowledge, documents and good practices on international cooperation to all the agencies that so require (younger agencies). Developing, maintaining and making publicly available a repository of relevant products on international cooperation work done by UNCTAD and other international organizations. The UNCTAD shall draft and implement practical and feasible knowledge-gathering and dissemination strategies.
	<p>Fostering Networking</p> <ul style="list-style-type: none"> UNCTAD might use the existing regional networks or promote the development of new networks. Development of communications through these regional networks that address of international cooperation in economic competition can facilitate information exchange. UNCTAD can serve as a point of contact between these regional networks, suggest topics and actively participate (by invitation) in virtual or face-to-face conferences / fora.

Final Considerations

Intention of the Proposal

By introducing this proposal, our intention is to continue expanding communication channels and dialogue through specialized forums, in order to gradually achieve policy harmonization and enforcement consensus.

Benefits of the Proposal

The proposal underlines the importance of different forms of informal cooperation as crucial tools for **overcoming several of the challenges on:**

- Investigative procedures
- legal frameworks
- Cultural challenges
- Information exchange
- Resource limitations

Final Considerations

We believe that implementation of Section F of the UN Set of Principles should be carried out by avoiding adhering to binding mechanisms that could potentially be overlapping and/or mutually-exclusive with existing agreements and policies.

A better Mexico is everyone's business

Omar Quiroga

Deputy Director for International and Legislative Analysis

oquiroga@cofece.mx



Comisión
Federal de
Competencia
Económica