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**Round Table on Cross-Border Anti-Competitive
Practices: The challenges for developing countries
and economies in transition**

**Presentation by
Ariel Ezrachi, Director
Centre for Competition Law and Policy, Oxford University**



Cross Border Anticompetitive Practices – The Challenges for Developing Countries and Economies in Transition

Ariel Ezrachi

Director, Centre for Competition Law and Policy, Oxford University

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Overview

- 4 Key Facts - International Competition Law Enforcement.
- 4 Enforcement Realities - Developing Countries and Economies in Transition.
- Proposal - Aggregating Enforcement Capabilities.

4 Key Facts

- Imperfect overlap between domestic competition enforcement and global trade.
- Cross border restraints on competition often transfer wealth from one jurisdiction to another.
- Extraterritoriality as a central tool.
- The promise and limits of cooperation networks.

4 Enforcement Realities

- Exposure to negative transfer of wealth.
- Limited ability to benefit from enforcement elsewhere.
- Effective domestic enforcement as priority.
- Cooperation as a shield and sword.

Aggregating Enforcement Capabilities

Reality:

- Limited capacity (experience, resources, extraterritorial powers).
- Exposure for externalities from enforcement actions elsewhere.
- Multinational sophisticated infringements.

One possible way to improve agencies' effectiveness may be through the creation of a *focused-multinational* information sharing platform.

Collaborative Information Platform

Key features

- Pooling together resources to create a visible flow of non-confidential information.
- Each jurisdiction will log information onto the platform
 - Past investigations (Mergers, Cartels)
 - Market studies
 - Ongoing open investigations (Mergers, Cartels)
- Enable information gathering and sharing
 - industry/company search.
 - One way or two way communication.
- Facilitate collaboration - ongoing investigations

Collaborative Information Platform

Benefits

- Reduce fragmented enforcement.
- Enhance agency effectiveness in dealing with sophisticated cross border activities and determining enforcement priorities.
- Enhance deterrence (and subsequently the use of leniency programmes).
- Enable follow-on investigations and domestic remedies.
- Support capacity building, learning, and 'soft' ad-hoc cooperation.

- Virtual framework.
- Cost effective yet potentially highly beneficial.
- Cooperation and level of information exchange determined on ad hoc basis.
- Support more formal cooperation.