Intergovernmental Group of Experts on Competition Law and Policy

16th Session 5-7 July 2017 Room XVII, Palais des Nations, Geneva

> Thursday, 6 July 2017 Morning Session

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

Presentation by Mr. Gladmore Mamhare Southern African Development Community

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.



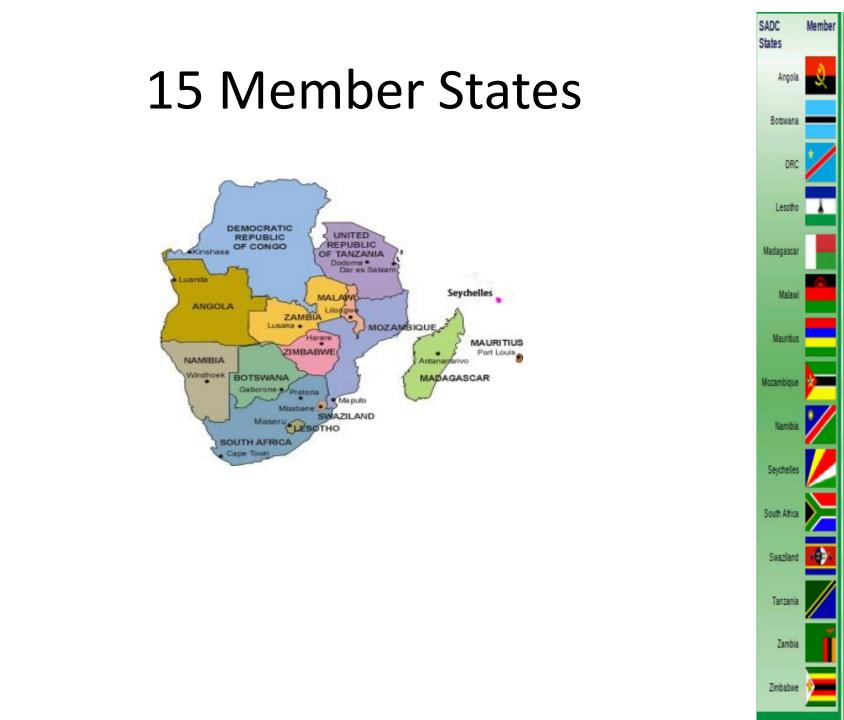
SOUTHERN AFRICAN DEVELOPMENT COMMUNITY TOWARDS A COMMON FUTURE



**UNCTAD 16th SESSION** 

## **"SADC REGIONAL COOPERATION IN COMPETITION POLICY: IMPLEMENTATION EXPERIENCE "**

6-7 JULY 2017, Geneva, Switzerland



# POLICY FRAMEWORKS

- SADC Treaty 1992
- Regional Indicative Strategic Development Plan 2003-2020 provides strategic direction
- Protocol on Trade (Article 25) imposes and 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
- 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

Zambia



Mr Gladmore Mamhare,

gmamhare@sadc.int

