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

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UNCTAD 16th SESSION

“SADC REGIONAL COOPERATION IN COMPETITION POLICY: IMPLEMENTATION EXPERIENCE ”

6 – 7 JULY 2017, Geneva, Switzerland
15 Member States
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

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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