INTERGOVERNMENTAL GROUP OF EXPERTS ON

COMPETITION LAW AND POLICY
An analysis of Competition Law in Argentina

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INDEX

- Background
- Current regulation
- Analysis of the most relevant cases
- New impetus to competition law
- Conclusion
BACKGROUND
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- Economic background in Argentina

- Background to the current LEY DE DEFENSA DE LA COMPETENCIA
  - Argentine Constitution: Art. 42
    “It is the duty of the State to ensure fair competition against any kind of distortion of markets and control of natural and legal monopolies”
  - Act dated on 1923
  - Act dated on 1946
  - Act 22.262 dated on 1980. Merger control
  - Act 25.156 dated on 1999. Lifting of criminal sanctions
  - Tribunal de Defensa de la Competencia (Termination in 2014 by means of the 26.993 Act)
CURRENT REGULATION
CURRENT REGULATION

A. Agreements and anticompetitive practices. “Damages” for the general economic interest
   ▪ Horizontal agreements
   ▪ Vertical agreements
   ▪ Abuses of dominant positions

B. Merger control in economic activities

C. Institutional system:
   ▪ La Comisión Nacional de Defensa de la Competencia
   ▪ The enforcement authority: the never created Tribunal de Defensa de la Competencia
   ▪ The existing confusion on the functional competition for the judicial appeals

D. The inflationary process in the amount of the fines

E. The advocacy of competition
ANALYSIS OF THE MOST RELEVANT CASES
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- Different periods in the application of competition law. Some suspicions about the influence of Politics in the decision-taking process:

  a) Anti-competitive behaviour
     - Cement cartel
     - Automotive cartel
     - Medicinal jellies’ cartel
     - The televised football case
     - YPF case
ANALYSIS OF MOST RELEVANT CASES

b) Merger control in economic cases
   - Telefónica-Telecom case
   - Iberia/British Airways case
   - Multicanal/Cablevisión case

c) Development in competition
   - Report on credit cards
NEW IMPETUS TO COMPETITION LAW
NEW IMPETUS TO COMPETITION LAW

- Significant changes from 2015 onwards
- Prevalence of the elements suggested by the OCDE in 2006
- Draft Law on Competition:
  - Most relevant features
  - Attempt to adapt the law to the OCDE criteria
CONCLUSIONS

- A new period which tries to take over the best precedents of the competition authorities

- Decrease of the political influence