

UNCTAD Research Partnership Platform

Developing Countries' Experience with Extraterritoriality in Competition Law: Report Launch

Thursday, 9 December 2021
15:00 – 16:30 (CET), Online (Zoom)

Event page: <https://unctad.org/meeting/launch-report-extraterritoriality-competition-law-enforcement>

In the last three decades the world experienced significant increase in international trade. To facilitate and govern it, the international community put in place a robust regulatory regime. However, the existing frameworks do not extend to transnational anticompetitive practices (that is, to cross-border economic activities causing competitive harm). Private international cartels alone are expected to have extracted over \$1.5 trillion globally. Such harmful activities remain subject to regulatory regimes of affected markets, frequently necessitating extraterritorial application of competition laws.

Well-established competition systems, for example, of the United States and the European Union, have considerable experience in protecting their markets. They have a successful track record and expertise of applying their competition laws to foreign conduct affecting their markets and local consumers. The case of developing countries is quite different and little work has been invested into analyzing this issue from their perspective.

The underlying study, conducted by Dr Marek Martyniszyn of Queen's University Belfast, makes a significant original contribution to the existing body of knowledge by filling an important gap in our understanding of developing countries' experience with the extraterritorial application of competition law. It relies on contributions from 40 developing countries and economies in transition. The project has been conducted in the framework of the UNCTAD Research Partnership Platform (RPP).

This event serves to launch the Report arising from the above study. The presentation of the Report's findings will be complemented by outlining of specific policy recommendations arising from that strand of research.¹ It will be followed by presentations by Brazilian and Turkish Competition Agencies and a panel discussion bringing together academic experts in this field. The event aims to focus our attention on challenges and opportunities facing developing countries. It facilitates peer-learning, enabling to benefit from experiences of developing countries that started applying their domestic competition laws internationally overcoming a variety of hurdles.

¹ Marek Martyniszyn, 'Competitive Harm Crossing Borders: Regulatory Gaps and A Way Forward', 17(3) Journal of Competition Law & Economics 686 (2021), freely available at <https://doi.org/10.1093/joclec/nhaa034>.



UNCTAD Research Partnership Platform

Developing Countries' Experience with Extraterritoriality in Competition Law: Report Launch

Thursday, 9 December 2021
15:00 – 16:30 (CET)
Online (Zoom)

Opening remarks:

Ms. Teresa Moreira, Head, Competition and Consumer Policies Branch, UNCTAD

Presentation of the report:

Dr. Marek Martyniszyn, Senior Lecturer in Law, Queen's University Belfast

Presentation of country experiences:

Ms. Nesrin Ata, Competition Expert, Turkish Competition Authority

Ms. Jade Lima, Advisor, General Coordination of Antitrust Analysis, Administrative Council for Economic Defense, Brazil

Discussants:

- Prof. Alexey Ivanov, Director, BRICS Competition Law and Policy Center, National Research University, Higher School of Economics, Moscow
- Prof. Imelda Maher, Sutherland Full Professor of European Law, Sutherland School of Law, University College Dublin
- Prof. Qianlan Wu, Faculty of Social Sciences, University of Nottingham
- Prof. Spencer Weber Waller, John Paul Stevens Chair in Competition Law, Director of the Institute for Consumer Antitrust Studies, Loyola University Chicago