



**Report of the informal working  
group on cross-border cartels to  
the twenty-third session of the  
Intergovernmental Group of  
Experts on Competition Law and  
Policy**

## I. Background

The Ninth United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices (Ninth United Nations Conference on Competition and Consumer Protection), held from 7 to 11 July 2025 in Geneva, welcomed the information exchanges and discussions on best practices to promote cooperation between competition authorities in dealing with cross-border cartel cases and common issues in the fight against bid rigging; and decided to renew the mandate of the informal working group on cross-border cartels, to highlight best practices, facilitate information exchanges, consultations and international cooperation, discuss tools and procedures and undertake other projects as agreed in the future, and to report to the twenty-third session of the Intergovernmental Group of Experts on Competition Law and Policy.

The informal working group on cross-border cartels (WG on CBCs) is open to representatives of member States' competition authorities and other relevant stakeholders, such as representatives of international and regional organizations and networks, academia, civil society organizations and practitioners.

## II. Discussions in the Informal Working Group on Cross-border Cartels

Since the Ninth United Nations Conference on Competition and Consumer Protection, the WG on CBCs held three virtual meetings on 28 November 2025, 6 February 2026 and 13 April 2026.

The meeting on 28 November 2025 was to kick-off the activities of the WG on CBCs and set the agenda for the next substantive meetings. Members of the WG on CBCs agreed to disseminate the information on practical cases conducted by competition authorities in dealing with cross-border cartels and bid rigging and to promote cooperation between competition authorities. Professor Marek Martyniszyn at Queen's University Belfast in the United Kingdom, acting as the Academic Coordinator, proposed that member States actively share examples of both formal and informal cooperation throughout 2026, a suggestion that was accepted with broad consensus among the participants.

The first substantive meeting on 6 February 2026 discussed how to increase efficiency and engage in cooperation in cross-border cartel cases as well as the importance of inter-agency cooperation in national bid-rigging cases. The Competition Commission of Mauritius presented a case of cross-border cooperation with the COMESA Competition Commission, emphasizing the use of informal communication channels to share non-confidential information and the importance of building trust with neighboring jurisdictions. The Korea Fair Trade Commission presented a case of inter-agency cooperation in the operation of bid rigging monitoring systems, introducing the Bid Rigging Indicator Analysis System (BRIAS), which automatically analyzes procurement data to detect collusion, and highlighted the importance of staff exchanges between agencies involved. Brazil's CADE presented the actions taken to increase efficiency in cartel investigations by careful selection of investigated parties to focus on those with



greater decision-making power and knowledge of the facts under investigation; and by enhancing cooperation with the entity responsible for serving notices abroad. CADE representative mentioned the use of warning letters to encourage early cooperation. Lastly, the Competition Commission of South Africa introduced a liner shipping cartel case, detailing how the Commission successfully pursued sanctions against eight liners suspected of fixing freight rates by proving substantial harm to South African routes despite difficulties in gathering evidence overseas.

At the second substantive meeting on 13 April 2026, three thematic presentations were delivered. The UN Trade and Development (UNCTAD) secretariat presented the "Guiding Policies and Procedures under Section F of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices" (GPP), explaining that this framework promotes enforcement cooperation through tools such as timing alignment and confidentiality guarantees. It was recognized by the Competition Commission of Mauritius that using the GPP's standardized templates could have significantly accelerated past investigations, such as the shipping cartel case presented by Mauritius in the previous meeting of the informal WG. The Egyptian Competition Authority (ECA) shared the agency's rapid growth, noting a 13-fold increase in enforcement cases and the establishment of monitoring databases for strategic goods like food and steel. ECA informed that its upcoming 2026–2030 strategy aims to fully integrate AI tools to detect collusion. The UK Competition and Markets Authority (CMA) emphasized the importance of parallel investigations and synchronized dawn raids, citing successful cooperation in the car recycling and fragrance cartel cases. CMA explained how the recent DMCC Act 2024 has strengthened the CMA's power to request information directly from overseas headquarters and has created faster gateways for exchanging information with designated international authorities.

### III. Lessons Learnt

During the WG on CBCs meetings, several cross-cutting policy insights were distilled to enhance the effectiveness of competition law enforcement.

Member states highlighted that informal communication channels are not merely supplementary but are often a prerequisite for successful investigations. Establishing "gateways" for non-confidential information exchange—as seen in recent legislative reforms like the UK's DMCC Act—is essential for building mutual trust and strengthening the "weak links" in the global enforcement chain.

By focusing resources on key decision-makers in cartel cases and utilizing tools such as warning letters to overcome delays in international legal notifications, agencies can secure investigative breakthroughs without being stalled by the procedural complexities.

The reliance on traditional leniency programs is increasingly being complemented by proactive, data-driven monitoring systems. The integration of inter-agency big data and the application of AI analytical tools—exemplified by the systems in Korea and Egypt—represent a paradigm shift from reactive to preventive enforcement, enabling the real-time detection of collusive patterns.



Voluntary frameworks, such as UNCTAD's GPP, offer practical value by standardizing the "how-to" of cooperation. Participants agreed that using GPP's standardized request templates, alongside synchronizing operational tactics—such as the timing of simultaneous dawn raids—are critical to the success of sanctions against global cartels.

## IV. Recommendations

The UNCTAD secretariat has received expression of support from many member States for the renewal of the mandate of the WG on CBCs. In this regard, the WG on CBCs proposes to the twenty-third session of the Intergovernmental Group of Experts on Competition Law and Policy that its mandate be renewed.

Building on the recommendations contained in previous WG on CBCs reports (2021 to 2025),<sup>1</sup> on the discussions held in the meetings mentioned above, and on responses from member States to an UNCTAD survey on the future work of the WG on CBCs, the UNCTAD secretariat proposes that the WG on CBCs continue its work on the following issues:

1. Practical cases presented by competition authorities of member States, covering not only cross-border cartels, bid-rigging, and international cooperation cases, but also emerging issues such as algorithmic collusion.
2. Further promotion and awareness-raising of the UNCTAD's GPP.
3. Promotion of both formal and informal international cooperation among competition authorities, to effectively address cross-border cartels and bid-rigging. This will include consensus-building and advocacy initiatives conducted under the auspices of UNCTAD, in collaboration with member States' competition authorities.

Based on suggestions from member States, the WG on CBCs meeting format will include webinars featuring external experts alongside case presentations by competition authorities. This approach is expected to create synergies among experts, scholars and competition law enforcers, thereby enhancing knowledge and capacities while facilitating the exchange of experiences.

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<sup>1</sup> [https://unctad.org/system/files/information-document/ccpb\\_IGECOMP2021\\_Report\\_WG\\_Cross\\_Border\\_Cartels\\_en.pdf](https://unctad.org/system/files/information-document/ccpb_IGECOMP2021_Report_WG_Cross_Border_Cartels_en.pdf); [https://unctad.org/system/files/information-document/ccpb\\_IGECOM20\\_Report\\_WG\\_Cross\\_Border\\_Cartels\\_en.pdf](https://unctad.org/system/files/information-document/ccpb_IGECOM20_Report_WG_Cross_Border_Cartels_en.pdf); [https://unctad.org/system/files/information-document/ccpb\\_IGECOM2023\\_Report\\_WG\\_CBCs\\_en.pdf](https://unctad.org/system/files/information-document/ccpb_IGECOM2023_Report_WG_CBCs_en.pdf); [https://unctad.org/system/files/information-document/Report\\_of\\_Working\\_Group\\_on\\_Cross-border\\_Cartels\\_to\\_IGE\\_2024.pdf](https://unctad.org/system/files/information-document/Report_of_Working_Group_on_Cross-border_Cartels_to_IGE_2024.pdf); and [https://unctad.org/system/files/information-document/tdrbpconf10\\_wg\\_report\\_cross\\_border\\_cartels\\_en.pdf](https://unctad.org/system/files/information-document/tdrbpconf10_wg_report_cross_border_cartels_en.pdf).