

SEVENTH UNITED NATIONS CONFERENCE TO REVIEW THE  
UNITED NATIONS SET ON **COMPETITION POLICY**

Geneva, Palais des Nations

**“International cooperation in Merger  
cases as a tool for effective  
enforcement of competition law”**

**Presentation by UNCTAD Secretariat**

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# Mergers; What's Special?

**Mergers –M&A, takeovers, joint ventures; interlocking directorates. (UNCTAD Model Law)**

- **Assets ownership change.**
- **Merge or acquire? Parties Agree (economic, social or financial).**

**Key to businesses: -**

- **Domestic: Synergies, value addition, new innovative ideas, profits.**
- **Cross Border: Market opportunities, access (production factors, brand name, risk spread.**



# The need to cooperate in competition Cases.

- **Cooperation in mergers: Leading the wagon: dealing with cross-border cases.**
- **Cooperation: A key ingredient to effective enforcement of competition law.**
- **Facilitates agencies mandate execution: Market regulation; level playing field.**

# Drivers of International cooperation in merger cases.

- **Trend: proliferation of multi-jurisdictional mergers.**
- **Waivers: most effective facilitative cooperation tool (legal based approach).**
- **Towards: Need to promote consistent analysis and remedies; and collaborative timing.**

# Formal vs Informal international cooperation

## Formal

- **Developed competition Agencies with legal frameworks;**
- **Emerging Arrangements; developing countries;**

## Informal Networks

- **Convergence of competition agencies in international fora (promotes exchange of information and best practices);**
- **Giving rise to informal networks.**

# Agency Effectiveness?

- **Prudent use of scarce resources;**
- **Impact on the market and business confidence;**
- **Accountability and reliability;**
- **Resolution of cases; timeliness especially in mergers.**



# Critical issue: what is outside the curve?

## Case examples: Concerted effort yields results:

**Cross-border: merger cases: pushes  
competition authorities to cooperation;**

- **Rio Tinto and BHP Biliton joint venture; EC, ACCC, German Cartel office, JFTC, KFTC;**
- **Coca -Cola/Schweppes merger; Zambia, Zimbabwe, ACCC;**
- **LAN/TAM merger case: Brazil, Chile, EU, US.**

# The future of International cooperation.

**International cooperation is developing in a multi-faceted manner**

- **Formal cooperation**: Continues its role in both developed and developing countries;
- **Informal networks**: Continues to be the first point of call for young competition agencies;
- **International fora**, continues its role; exchange of information and networking;
- **In other words, the debate continues!**



**THANK YOU FOR YOUR  
ATTENTION**

