

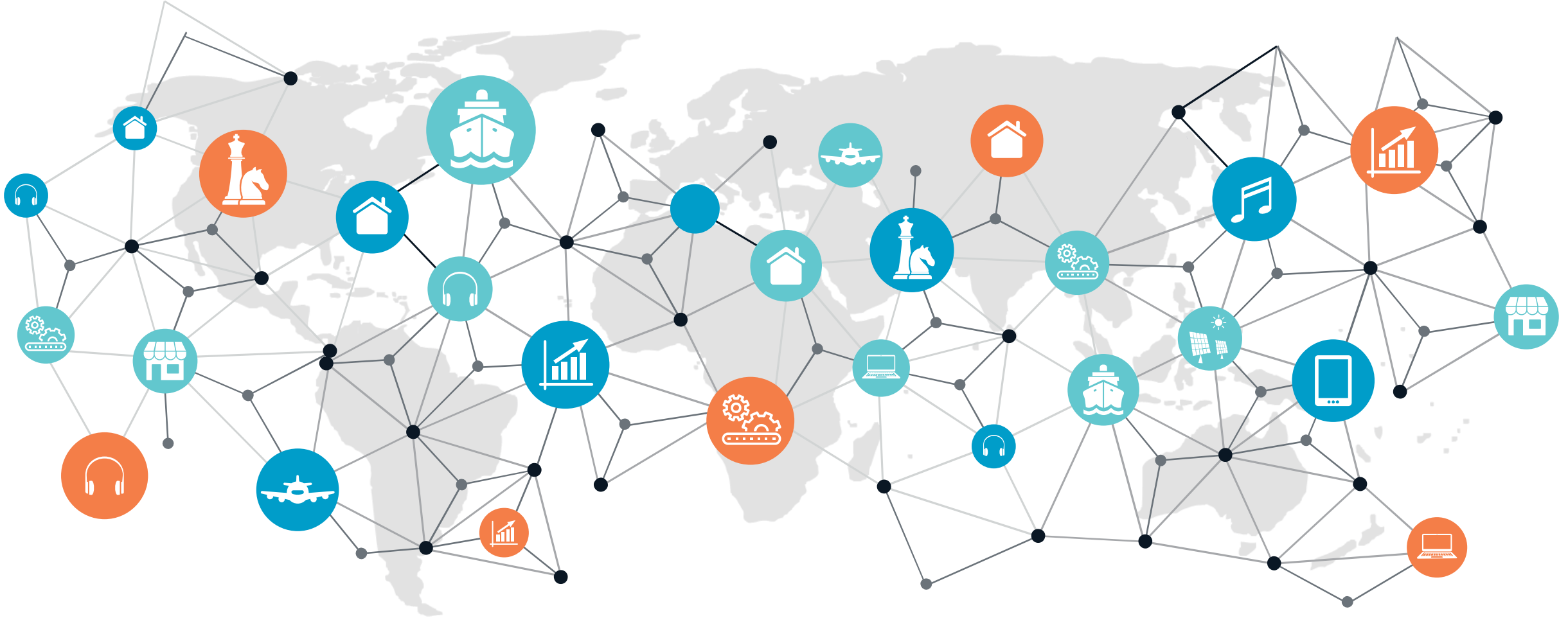
**Twentieth Session of the Intergovernmental Group of Experts on
Competition Law and Policy,
21-22 July 2022**

Room XVII, Palais des Nations, Geneva

**Report of the Working Group
on Cross-Border Cartels**

Presentation

UNCTAD



INTERGOVERNMENTAL GROUP OF EXPERTS ON
Competition law and policy

20 - 22 July 2022, Palais des Nations



UNITED NATIONS
UNCTAD



INTERGOVERNMENTAL GROUP OF EXPERTS ON
Competition law and policy

Report of the working group on cross-border cartels

Friday 22 July 2022
3 – 3.30 p.m., Room XVII





Working Group Cross Border Cartels

-September 2021 and June 2022-

- ✓ XIXth IGE on Competition Law and Policy- July 2021-renewed the mandate of the UNCTAD Working Group (WG) on Cross Border Cartels (CBCs)
- ✓ **November 2021** - UNCTAD organized an Ad-hoc Expert meeting on Competition Law and Policy on cross-border cartels
- ✓ FAS (Russian Federation) suggested to take the lead in drafting a questionnaire addressed to define the need and priorities of developing in relation to CBC enforcement
- ✓ Participating MS stressed the following topics as relevant to the WG: digitalisation, leniency COVID19, cooperation, enforcement
- ✓ **31 January 2022** - kick-off meeting agreed on the way forward for the next substantive meetings, underlining practical difficulties and shortcoming competition authorities face
- ✓ **29 March 2022** - Chilean Competition authority difficulties regarding international notification procedures & European Commission presented case that dealt with an international cross-border cartel which affected several jurisdictions outside the EU
- ✓ **30 May 2022** - Cases by Austria & Colombia discussed the issue of cooperation through amicus curiae



Challenges and suggestions for future work

- ✓ Deepening the discussions on how practicalities of a multijurisdictional cross-border cartel investigation can significantly hamper the outcome of a successful international cooperation scheme
- ✓ Highlighting the importance of informal cooperation and the need to share tools especially at the early stage of the investigation
- ✓ Preparing a research note into competition issues in commodity due to its very cartelized market at the cross-border level & a research note on the importance of a network of competition authorities has on the process of investigation is crucial
- ✓ Investigating the issue of cooperation on aggregated markets i.e. pharma and disseminating in a form of research note



Recommendations

- ✓ Report to members lessons learnt from the practical case studies and active ensuing discussions should be disseminated through advocacy work
- ✓ Further advocacy work should be carried out to disseminate and raise awareness of the newly implemented GPP, notably case studies and practical guidelines
- ✓ Develop a guidance document to share tools during the initial stages of investigation & enhance informal cooperation, through more workshops and advocacy activities
- ✓ Draft a note on pharma sector btw the interested members of the WG together with the DGCOMP to benefit authorities in assessing the level of anti-competitive behavior in this sector in the post COVID economic recovery
- ✓ WG on CBCs to request the Intergovernmental Group of Experts on Competition Law and Policy that its mandate be renewed to continue work.



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Thank you

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