



INTERGOVERNMENTAL GROUP OF EXPERTS ON

# COMPETITION LAW AND POLICY

5–7 July 2023, Geneva



UNITED NATIONS  
UNCTAD



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**Competition law and policy**

# Report of the Working Group on Cross-Border Cartels

Thursday 6 July 2023  
17:00-17:30, Room XIX





# 1. Background and Discussions in the WG on CBCs

- The 20<sup>th</sup> session of the IGE on Competition Law and Policy (July 2022)
  - Renewed the mandate of the Working Group on Cross Border Cartels
- 28 October 2022 – Kick-off meeting
- 28 February 2023 – Cases by Austria and South Africa
  - Discussed the cooperation through *amicus curiae* and the issue of jurisdiction over conduct taking place abroad
- 25 April 2023 – Cases by Brazil, EU and Egypt
  - Discussed the role of informal cooperation and information sharing, provided a case with a jurisdiction issue over conduct taking place abroad



## 2. Lessons Learnt

- Deepening the discussions on the practical difficulties faced by the competition authorities, especially young ones
- Highlighted the significance of international cooperation to deal with the difficulties
- Emphasized the fact that informal cooperation can play a key role in investigations, not just formal cooperation
- Investigating the issue of multijurisdictional cross-border cartels carried out in the areas of intangible property rights and online services



## 3. Recommendations

- Discussions on practical studies provided by member States should be continued and the lessons from those cases should be disseminated
- Further work should be carried out related to the Guiding policies and procedures under section F of the UN Set on Competition (GPP)
- International cooperation to deal with cross-border cartels should be enhanced more under the auspices of the UNCTAD
- Multiple member States requested the renewal of the mandate of the WG on CBCs



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# Thank you

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