



INTERGOVERNMENTAL GROUP OF EXPERTS ON **COMPETITION LAW AND POLICY**





An analysis of Competition Law in Argentina

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INDEX

- Background
- Current regulation
- Analysis of the most relevant cases
- New impetus to competition law
- Conclusion



BACKGROUND



BACKGROUND

- Economic background in Argentina
- Background to the current LEY DE DEFENSA DE LA COMPETENCIA

- Argentine Constitution: Art. 42

“It is the duty of the State to ensure fair competition against any kind of distortion of markets and control of natural and legal monopolies”

- Act dated on 1923
- Act dated on 1946
- Act 22.262 dated on 1980. Merger control
- Act 25.156 dated on 1999. Lifting of criminal sanctions
- Tribunal de Defensa de la Competencia (Termination in 2014 by means of the 26.993 Act)



CURRENT REGULATION



CURRENT REGULATION

- A. Agreements and anticompetitive practices. “Damages” for the general economic interest
 - Horizontal agreements
 - Vertical agreements
 - Abuses of dominant positions
- B. Merger control in economic activities
- C. Institutional system:
 - La Comisión Nacional de Defensa de la Competencia
 - The enforcement authority: the never created Tribunal de Defensa de la Competencia
 - The existing confusion on the functional competition for the judicial appeals
- D. The inflationary process in the amount of the fines
- E. The advocacy of competition



ANALYSIS OF THE MOST RELEVANT CASES



ANALYSIS OF MOST RELEVANT CASES

- Different periods in the application of competition law. Some suspicions about the influence of Politics in the decision-taking process:
 - a) Anti-competitive behaviour
 - Cement cartel
 - Automotive cartel
 - Medicinal jellies' cartel
 - The televised football case
 - YPF case

ANALYSIS OF MOST RELEVANT CASES

- b) Merger control in economic cases
 - Telefónica-Telecom case
 - Iberia/British Airways case
 - Multicanal/Cablevisión case

- c) Development in competition
 - Report on credit cards



NEW IMPETUS TO COMPETITION LAW



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NEW IMPETUS TO COMPETITION LAW

- Significant changes from 2015 onwards
- Prevalence of the elements suggested by the OCDE in 2006
- Draft Law on Competition:
 - Most relevant features
 - Attempt to adapt the law to the OCDE criteria



COCLUSIONS



CONCLUSIONS

- **A new period which tries to take over the best precedents of the competition authorities**
- **Decrease of the political influence**