

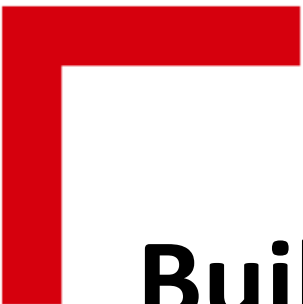
**9th United Nations Conference on Competition and Consumer Protection  
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**Building Links & Boosting Capacity:  
Reflections on Working Group on Cross-Border Cartels  
(2024–2025)**

**Presentation**


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# **Building Links & Boosting Capacity:**

## **Reflections on Working Group on Cross-Border Cartels (2024–2025)**

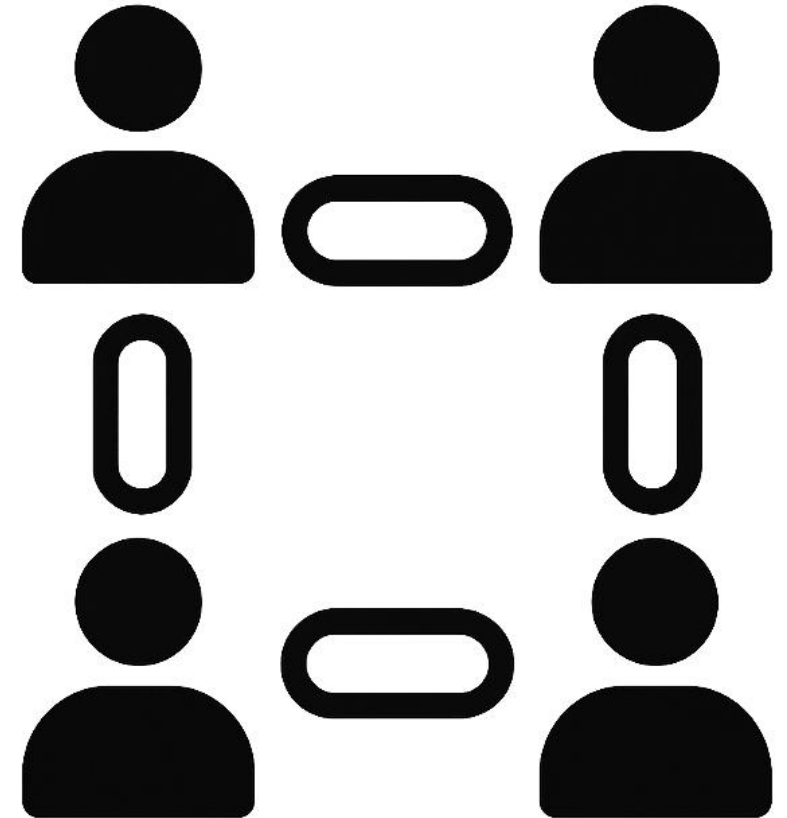


**Professor Marek Martyniszyn**

**Chair of Competition Law and Policy, Queen's University Belfast**  
**9th United Nations Conference on Competition and Consumer Protection**  
**Geneva, 9th July 2025**

# Introduction

- WG on CBCs continued under the mandate extended by the 22nd IGE (July 2024)
- Three meetings:  
Nov 2024, Feb 2025, and Apr 2025
- Designated as the Group's Academic Coordinator
- Strong participation from competition agencies and other stakeholders
- Focus on sharing knowhow and experiences
- The Chain of Enforcement Theory was used to frame the Group's work



# Cross-border Cartels: More Likely, Not Less

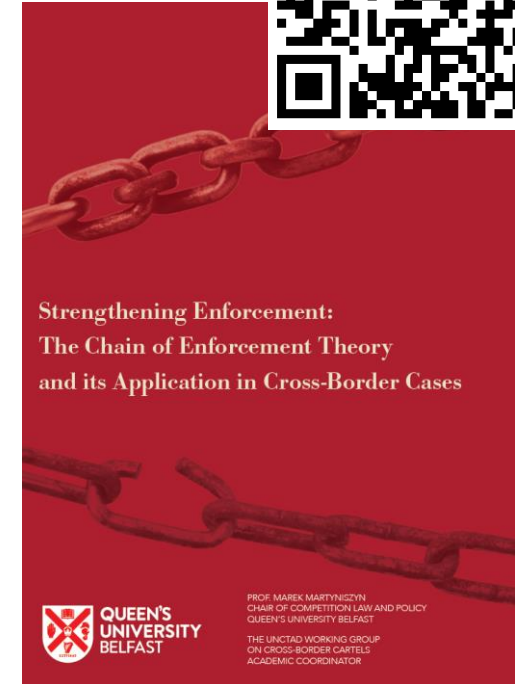
- Cross-border violations are increasingly the norm, not the exception
- Digitalisation, extended supply chains, and the cross-border reach of business operations—fertile ground for cartel conduct with international dimensions
- Agencies encouraged to acknowledge this reality and prepare accordingly—both in terms of their own enforcement capacity and their international engagement



# The Chain of Enforcement Theory: A Framework for Action

- Enforcement is a sequential process  
—failure at any link puts the whole effort at risk
- In cross-border cases, vulnerabilities magnified  
by jurisdictional barriers and procedural divergences
- The theory encourages agencies to:
  - Identify weak points in their own enforcement chain
  - Take steps to strengthen these areas
  - Develop relationships with other agencies,  
especially where trade ties are strong

**A key meta-task:** develop cooperation before it is needed



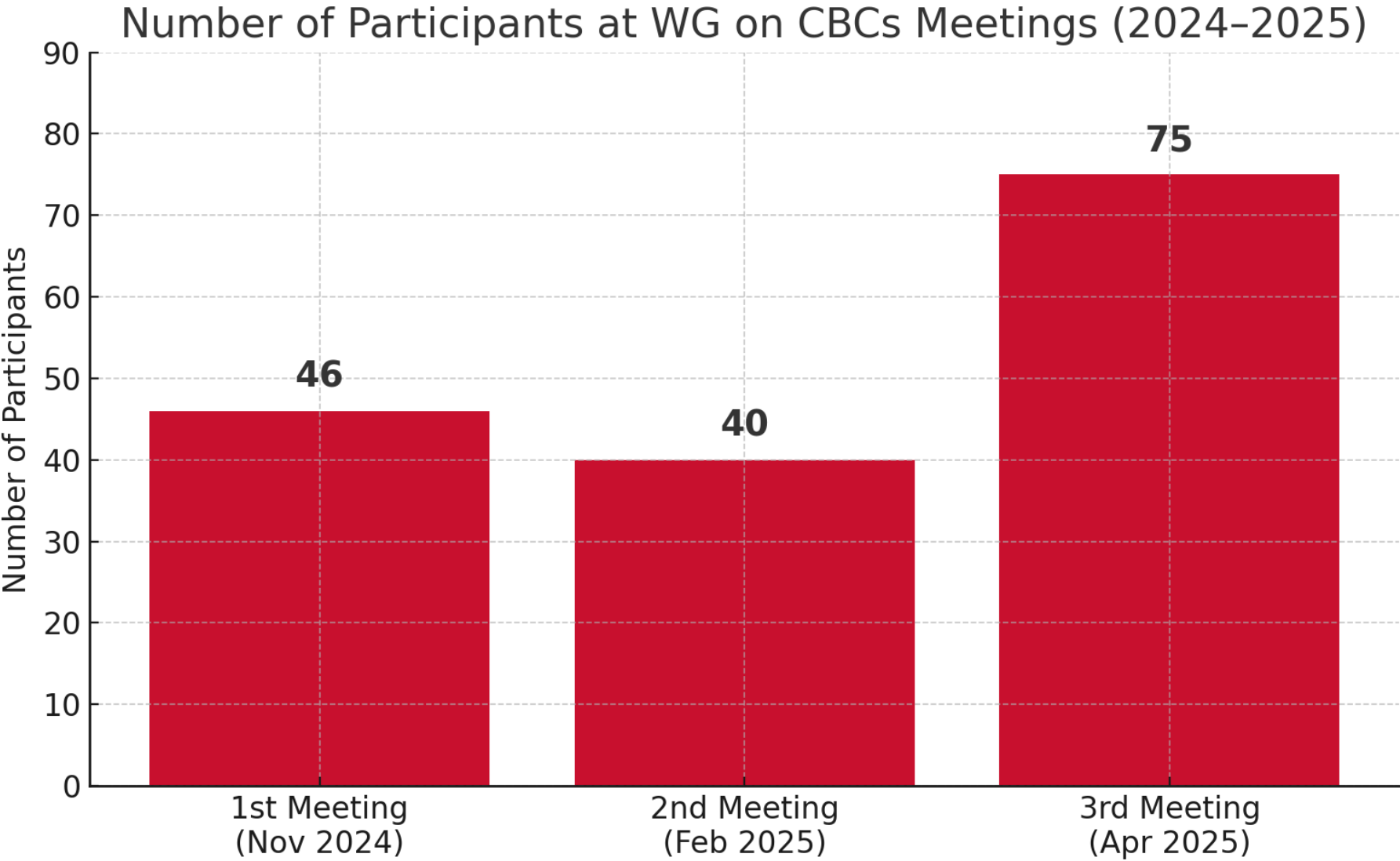
<http://go.qub.ac.uk/ChainTheory>

# Inclusion and Diversity of Input

- Contributions from a wide range of agencies and stakeholders globally
- The forum brought together agency staff, practitioners, and academics
- This fostered a virtuous cycle of learning across roles and jurisdictions
- The case studies showed that cross-border cartels are often regional or even local in scope, yet enforcement still requires international cooperation
- Strong interest was reflected in high attendance and active participation



# Interest Evidenced by Participation



# Overcoming Hesitation: Why Cooperation is Worthwhile

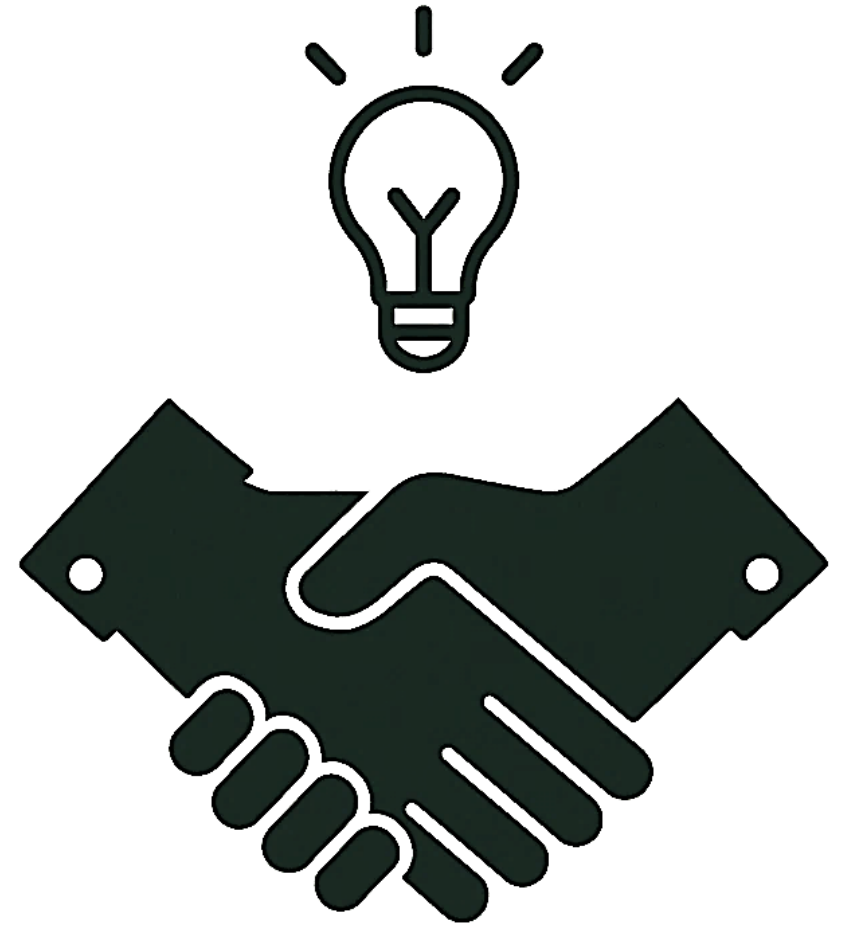
- Agencies with limited cooperation experience may be hesitant to engage
- Group discussions showed that cooperation is worthwhile and impactful
- Informal cooperation often proves most effective
- Lack of cooperation results in missed or weakened enforcement, reduced deterrence, and exposed markets
- Each success builds institutional knowledge and strengthens future efforts





# Informal Cooperation: Low Cost, High Value

- Trust-based, informal channels are among the most effective tools
- Building relationships in advance is far more effective than trying to establish them during a live case
- Where informal cooperation exists:
  - Information flows more easily
  - Mutual understanding improves
  - Cases progress more efficiently
- Where it is absent: delays, miscommunication, or enforcement failures often follow



# WG Legacy and the Way Forward

- The WG demonstrated that low-cost, trust-based cooperation yields tangible benefits
- While in-person meetings remain valuable, the virtual format enhanced inclusivity
- Engaging colleagues directly involved in enforcement—below leadership level—proved especially productive
- The Chain of Enforcement Theory continues to provide a practical lens for identifying and addressing enforcement gaps
- Should circumstances change, reviving the WG—or exploring alternative formats—should be considered, particularly given its formally ‘informal’ structure





*Thank you*

Questions / comments are also invited  
by email at [m.martyniszyn@qub.ac.uk](mailto:m.martyniszyn@qub.ac.uk)

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