



**Intergovernmental Group of Experts on Competition Law and Policy
14th Session, 8 to 10 July 2014, Geneva, Switzerland**

**Round Table on
"Informal Cooperation among Competition Agencies on Specific Cases"**

**Wednesday 9 July 2014 (10:00 - 11:30)
Room XVIII**

Cooperation is a key ingredient to effective enforcement of competition law. It allows agencies to augment resources, reduce costs and promote mutual understanding of competition regimes and thereby contribute to building trust.

However, the nature of Antitrust and Merger Control poses serious challenges for Competition Authorities. These challenges include: legislative and structural architecture of formal cooperation agreements; lack of coherence between national and regional frameworks; information access bottlenecks, especially in developing countries; resources constraints; different timing and procedural issues. These challenges clearly underscore the need for collaborative enforcement efforts between competition agencies in order to ensure that anti-competitive practices do not negate the benefits of well-functioning markets.

To facilitate discussions during the round table, the secretariat background report reviews experiences on informal cooperation by region and explores the challenges that hinder such efforts, puts forward best practices to further deepen informal cooperation between young competition authorities and also looks at future actions and strategies. Information received from authorities' responses to UNCTAD questionnaire, including case examples have been utilized to show trends in informal cooperation from different regions.

In order to strengthen informal cooperation among competition agencies, member states may wish to discuss the following issues raised in the secretariat report:

- Promoting better understanding of each other's law, assessment criteria and design of remedies and sanctions so as to promote transparency in procedures, processes and design. An example of can be drawn from the Lima Declaration member countries (Peru, Chile and Colombia), which could lead to the development of appropriate solutions to legal limitations, particularly by young competition agencies;
- Building human and technical capacities of young competition agencies to enforce competition law by; (i) putting in place work plans and capacity-building programmes such as the COMPAL Global Programme of UNCTAD, the regional centres in Mexico, Hungary and Korea, the African Competition Forum and regional integration groupings to build enforcement capacity; and (ii) exchanging staff and/or detaching resident advisors to promote mutual understanding and trust;
- Developing guidelines and best practices for cooperation agreements based on what works well and what does not work;
- Assuring the inclusion of provisions in national laws allowing for cooperation and for exchange of information for enforcement purposes;
- Establishing and implementing clear safeguards for due process and the protection of confidential information.

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WORK PROGRAMME

- 10:00 - 10:10** **Presentation by UNCTAD secretariat**
- 10:10 - 10:30** **Keynote speech**
- Mr. Francis W. Kariuki, Director General; Competition Authority,
Kenya
- 10:30 - 12:15** **Panel discussion**
- Panellists**
- Mr. Hebert Tassano, President of the National Institute for the Defense of Competition and Intellectual Property (INDECOPI) , Peru
 - Mr. Jacques Steenbergen, Director General, Competition Authority, Belgium
 - Mr. Anatoly Golomolzin, Antimonopoly Service(FAS), Russia
- 12:15 - 13:00** **Interactive debate**
- The panel discussion will be followed by interactive debate, including interventions by:
- Brazil
 - Colombia
 - EU
 - Italy
 - USA
 - South Africa
 - Nicaragua
 - Eurasian
 - David Anderson, Berwin Leighton Paisner LLP

Delegates wishing to take part in this roundtable are kindly invited to inform the Secretariat accordingly by contacting Ms. Elizabeth Gachuri (elizabeth.gachuri@unctad.org, Tel. +41229175775) or Jacqueline Bouvier (Jacqueline.bouvier@unctad.org)