

# INTERNATIONAL ENFORCEMENT COOPERATION: WHAT WE NEED TO DO AND HOW WELL WE ARE DOING IT

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## Outline

- I Introduction and The Survey on International Enforcement Cooperation
- II Stepping back: Why we need cooperation
  - The world
  - The authorities
  - What is the ideal world of cooperation, why we can't reach it, and what are our models to aspire to
- III Future directions
- IV Getting there:
  - The role of competition and cooperation (coop-  
etition) between and among the global bodies

## I. Introduction and the Survey

- ▣ The theory and practice of international cooperation
- ▣ The Report
  - A helpful, informative document
  - Some comments
- ▣ Plan of remarks

3

## II. Stepping back

Why the world needs cooperation by national agencies

- ▣ Gaps and overlaps of law and enforcement
- ▣ In the absence of international antitrust law
  - Devolution of responsibility to national authorities to achieve a more nearly seamless competition system

Why competition authorities need cooperation

- ▣ and are there differences in needs, possibilities, effectiveness and best modalities as between
  - developed and developing, like and unlike economies?
- Better enforcement, better outcomes
  - Smoothing disputes, Learning

4

## Doing what is possible; Best models to learn from

- ▣ Authorities will cooperate when it is good for them
  - Incentives: This includes trust, expected reciprocity
    - Is the investment worthwhile?
- ▣ Deep cooperation
  - We learn what is possible from those who have the incentives: likeness, symmetry, trust
    - Learning from Common Markets – ECN
    - Learning from country pairs, e.g. EU/US
    - Learning from what neighbors do: Africa, Latin America
- ▣ Thinner cooperation
  - Multilateral?
  - Global meetings, working groups, as cooperation

5

## III. The Future—4 New Directions: digging wider as well as deeper Cross-border issues and other common cause

“COMPETITION AUTHORITIES OF THE WORLD UNITE!”

Mario Monti, 2008 (re protectionism)

- ▣ 1. Against
  - national **protectionism**: the financial crisis of 2008
- ▣ 2. For
  - Common modalities, where efficient and possible
    - **Merger filings**
      - A common clearing house or repository to eliminate redundancy? -- Japan's initiative in ICN
    - **Anticompetitive state regulation** as a (bigger) issue for the future: ICN initiative under Steering Group Chair Perez-Motta
    - **Protocols for gaps and conflicts**

6

## IV. Cooperation: OECD, ICN, UNCTAD

- ▣ The role of cooperation between and among the international institutions
  - Competition?
  - Cooperation?
  - Division of markets? Specialization?
    - ICN - practical enforcement; OECD - quasi-legislative instruments; UNCTAD - development
  - With objective to make a more nearly seamless world of competition, and enforcement against restraints that undermine it,
    - to what kinds and levels of cooperation of authorities and institutions should we aspire?

7

## Conclusion

- ▣ Summing up
  - The value of the Survey
    - knowledge and information; OECD/ICN cooperation
    - More information: developing countries, asymmetrical relationships
  - The necessity of agency cooperation in the world to span the gaps, smooth the overlaps
    - and achieve holistic enforcement
  - Going forward
    - Deeper, better cooperation where incentives are aligned
      - Of agencies
      - Of the global institutions

8