

**STATEMENT ON THE ASSOCIATION BY NON-MEMBERS WITH THE  
OECD COUNCIL RECOMMENDATION ON EFFECTIVE ACTION  
AGAINST HARD CORE CARTELS**

1. In Section III of its 1998 Recommendation on Effective Action against Hard Core Cartels [C(98)35/FINAL], the OECD Council “[i]nvites non-member countries to associate themselves with [the] Recommendation and to implement it.” As the Committee on Competition Law and Policy (CLP) enters a new and intensified phase of its anti-cartel programme, the Committee wishes to underscore this encouragement to interested non-Members and to facilitate the association process. Therefore, this statement clarifies what association involves and what procedures will be used to consider association requests by non-Members. Additional information may be obtained by contacting the Secretariat in the Competition Law and Policy Division, Directorate for Financial, Fiscal, and Enterprise Affairs, OECD.

2. The Recommendation was issued by the OECD’s Council, and it is the Council, in conjunction with the Secretary-General and the Committee for Co-operation with non-Members (CCN), that makes decisions on association requests. The government of a non-Member that wants to make a formal request for association should send its request to the Secretary-General.

3. A letter requesting association with the Cartel Recommendation should be accompanied by a report, written in English or French, that describes the non-Member’s substantive legal provisions relating to cartels (as interpreted by its competition authority and courts); the available investigative tools and sanctions, plus its record of using them; and its laws and procedures governing the treatment of confidential information in competition cases. Non-Members are also invited to include a description of any other laws or policies that significantly affect its ability to act against cartels or to co-operate in a cartel investigation. This report will be referred to the Secretariat in the OECD Competition Law and Policy Division, who will determine whether it addresses the required topics. The Secretariat will forward papers that do so to the CLP, and it will inform the government of the non-Member if the report is deficient in this respect. The Secretariat will not undertake to review the report’s completeness or accuracy; this is the responsibility of the non-Member government.

4. When the CLP has completed its review of a report forwarded by the Secretariat, it will make its recommendation to the Council, through the CCN. The CLP believes that widespread association with and implementation of the Recommendation would contribute both to halting cartels’ multi-billion dollar drain on the global economy and to creating more co-operative relationships among competition authorities around the world. Therefore, the CLP’s recommendations will not be based on whether a non-Member currently appears to follow OECD best practices but whether its laws and policies appear to reflect a commitment to move in the direction of effective, efficient, and co-operative enforcement. While the CLP encourages widespread association with the Recommendation and is seeking opportunities for a more active and interactive relationship with non-Members, it should be understood that association with the Recommendation does not entitle a non-Member to participate in CLP meetings or create any other rights or obligations.