

Competition co-operation and enforcement

INVENTORY OF INTERNATIONAL CO-OPERATION MOUs BETWEEN COMPETITION AGENCIES



PROVISIONS ON COMMUNICATION

The OECD has put together an inventory of provisions of international co-operation MoUs (Memoranda of Understanding) between competition agencies. This document includes:

- a description of provisions on communication found in these MoUs
- a selection of typical and atypical relevant provisions
- relevant language from the 2014 OECD Recommendation concerning International Co-operation on Competition Investigations and Proceedings.

The full inventory, the OECD Recommendation and relevant OECD work can be found online at www.oecd.org/competition/inventory-competition-agency-mous.htm.

Many MoUs have provisions on informal communication between the parties. They often stipulate that communication may be carried out via telephone, email, video conference or other methods as appropriate, thereby enabling agencies to communicate in a timely and flexible manner.

MoUs often require designating a contact point/liaison/communications officer for each party for the purpose of facilitating effective communication.

Relevant provisions in the 2014 OECD Recommendation on International Co-operation

Notifications of Competition Investigations or Proceedings

V. RECOMMENDS that an Adherent should ordinarily notify another Adherent when its investigation or proceeding can be expected to affect the other Adherent's important interests.

2. The notification should be made by the competition authority of the investigating Adherent through the channels requested by each Adherent as indicated in a list to be established and periodically updated by the Competition Committee; to the extent possible, Adherents should favour notifications directly to competition authorities. Notifications should be in writing, using any effective and appropriate means of communication, including e-mail. To the extent possible without prejudicing an investigation or proceeding, the notification should be made when it becomes evident that another Adherent's important interests are likely to be affected, and with sufficient detail so as to permit an initial evaluation by the notified Adherent of the likelihood of effects on its important interests.

Relevant provisions in MoUs:

Japan-China (2019)

III, COMMUNICATION

3. The Sides will appoint the following liaisons for the purpose of facilitating cooperation based on this Memorandum, and will effectively operate sufficient interchanges and cooperation between the liaisons.

JFTC: International Affairs Division, Secretariat, General Secretariat

SAMR: Competition Policy and International Cooperation Division, Anti-Monopoly Bureau

4. Communication between the Sides may be carried out by telephone, electronic mail, videoconference, meeting or other means, as appropriate.

Chile-US (2011)

Article IX Communications under this agreement

Communications under this Agreement may be carried out by direct communication between the competition authorities of each country.

EU-India (2013)

VII. Communications under the present memorandum of understanding

17. Each Side will designate a contact point to which the information necessary for the effective execution of the present Memorandum of Understanding will be communicated.

Australia-New Zealand-Chinese Taipei (2002)

Paragraph VII Communications under this arrangement

Communications under this Arrangement may be carried out by direct oral, telephonic, facsimile or e-mail communication among the Participants.

Canada-India (2014)

Communications

6. The Participants will communicate directly with each other under this MOU through a designated contact point that each Participant will notify in writing to the other.

7. The Participants may carry out their communications by telephone, electronic mail, video conference, or in person, as appropriate. The Participants understand that the working language will be English.