

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

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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

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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

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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**

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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?

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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

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