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**28 November 2018****DIRECTORATE FOR FINANCIAL AND ENTERPRISE AFFAIRS  
COMPETITION COMMITTEE****Global Forum on Competition****REGIONAL COMPETITION AGREEMENTS: BENEFITS AND CHALLENGES****Summaries of contributions****-- Session III --****29-30 November 2018**

This document reproduces summaries of contributions submitted for Session III of the Global Forum on Competition to be held on 29-30 November 2018.

More documentation related to this discussion can be found at [oe.cd/rca](http://oe.cd/rca).

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**JT03440635**

## *Regional Competition Agreements: Benefits and Challenges*

### **-- Summaries of contributions --**

#### **Abstract**

This document contains summaries of the various written contributions received for the discussion on "Regional Competition Agreements: Benefits and Challenges" held during the 17th meeting of the Global Forum on Competition in Paris, France (29-30 November 2018, Session III). When the authors did not submit their own summary, the OECD Competition Division Secretariat summarised the contribution. Summaries by the OECD Secretariat are indicated by an \*.

## Albania

During the last years, the Albanian Competition Authority (ACA)'s main objective has been to strengthen international relations, with other countries in the region and beyond by expanding multilaterally and bilaterally agreements. Close cooperation with other competition authorities are a must, because they promote consistent outcomes, increase investigative efficiency by reducing unnecessary duplication of work, reduce gaps in information and increase familiarity between agencies and mutual understanding.

Companies, now days, are always getting bigger, affecting several markets in different countries, through merger transactions, organized cartels or other anti- competitive practices. Thus, countries are actively co-operating and making efforts to converge in substantive approaches to competition law enforcement.

The ACA cooperates with other homologue authorities, by signing Memorandums of Understanding with different countries like: Macedonian Competition Authority (2007), the Hungarian Competition Authority (2009), the Italian Competition Authority (2013), the Austrian Competition Authority (2014) and the Turkish Competition Authority in 2018. These memorandums shall promote and strengthen cooperation in competition law enforcement of the Parties and competition policy in line with the memorandums. They are based on principles of equality and mutual benefit, aiming the creation of favorable conditions for the development of bilateral relations.

Regarding *Mutual Legal Assistance Treats*, the ACA is part and very active in many competition organizations like: OECD, International Competition Network, UNCTAD, OECD-GVH/RCC, Sofia Competition Forum, etc.

With a view to enhancing the potential for greater intra-regional trade, contributing to greater economic growth, investment generation and employment, Albania agreed to be part of CEFTA in 2007 and recently, the ACA took part in the CEFTA Meeting organized in Skopje, Macedonia in July 2018. This meeting referred to the consolidation of the MAP plan for the regional economic zone and was presented a part of the work plan in the competition field for the countries of the Western Balkans.

It is worth underlining the fact that cooperation agreements in the field of competition are defined, *inter alia*, by the way in which they are based. It is clear that the greater the level of cooperation, the greater the benefits. Arrangements can significantly reduce financial and human constraints by merging of resources in order to efficiently implement activities such as investigations or law enforcement and competition advocacy.

Challenges to an effective enforcement of competition rules against cross-border practices are very common and authorities feel the need to minimize cooperation boundaries between them. Obstacles related to the ability to reach an agreement and to maintain its benefits over time, which are inter-connected, the ability to enforce the agreement, once created, may be the challenges that Authorities will face if they sign bilateral or multilateral agreements.

## *Australia and New Zealand*

Australia and New Zealand are geographically proximate, share a common language and have many close economic, cultural and political links. In addition, the nations have several formal agreements that, among other things, allow for cooperation in competition law enforcement. These factors contribute to the close working relationship that the Australian Competition and Consumer Commission (ACCC) and the New Zealand Commerce Commission (NZCC) have with each other.

Through the ASEAN-Australia-New Zealand Free Trade Area (AANZFTA), the ACCC and the NZCC are using their combined experience and expertise to assist ASEAN Member States (AMS) to implement effective competition law regimes.

With funding under the AANZFTA Economic Cooperation Support Program, and oversight by the AANZFTA Competition Committee, since 2014 Australia and New Zealand have assisted AMS through the Competition Law Implementation Program (CLIP), which is managed by the ACCC.

CLIP provides capacity building and technical assistance to ASEAN competition law agencies through a range of activities. These include:

- Practical regulator to regulator capacity building workshops

- E-learning materials, and guidance on tools, processes or frameworks to assist in enforcing or advocating for competition law, and

- Staff exchanges, secondments and placements to and from AMS competition agencies.

The AANZFTA agreement and CLIP have generated strong connections and goodwill among competition agencies in ASEAN, Australia and New Zealand. CLIP has enabled the development of deep staff level connections. More recently, it has led to networks among the leadership of each AANZFTA competition agency.

One of the goals of CLIP is to support ASEAN putting in place regional cooperation arrangements. As a precursor to this, CLIP has provided assistance for the development of a non-binding ASEAN Regional Cooperation Framework on Competition (ARCF).

While AMS continue to develop their competition laws, it is anticipated that the ARCF will further fuel closer relationships among agencies at varying stages of development.

## *Bulgaria*

### **1. European Competition Network**

Following the accession of Bulgaria to the European Union, the CPC, as a national competition authority, became a member of the European Competition Network (ECN). CPC's involvement in ECN means a constant exchange of information with other agencies in ECN's working groups and sectoral subgroups and through sending and responding to questionnaires on specific issues or problems in the field of competition law and competition policy.

After Bulgaria's accession to the EU, a new Law on Protection of Competition was adopted in 2008. The new law is in line with the provisions of the European competition legislation. Nevertheless the Bulgarian authority cannot refuse to investigate a case on the grounds of priority setting. Another challenge is that the CPC cannot inspect non-business premises. These challenges are expected to be overcome with the future ECN+ Directive. The Bulgarian Presidency of the Council of the EU coincided with the discussion on the proposal for the Directive in the EU Council G.12. Working Group on Competition which allowed the CPC to actively participate in this process.

### **2. Sofia Competition Forum**

The Sofia Competition Forum (SCF) was founded in November 2012 as a result of the joined efforts of the Bulgarian Commission on Protection of Competition and UNCTAD to establish an active platform for technical assistance, exchange of experience and consultations in the field of competition policy and enforcement. The Sofia Competition Forum aims to assist the competition authorities of the SCF beneficiaries in adopting and enforcing competition law and to maximize the benefits for these countries of well-functioning markets. Although the forum was initially designed as a regional initiative for the Balkan Competition authorities with beneficiaries Albania, Bosnia and Herzegovina, Croatia, Kosovo<sup>1</sup>, Macedonia, Montenegro, Serbia, it is also open to competition authorities from other countries. Such was the case of the Georgian Competition Authority which joined the Forum in 2014.

So far there have been ten SCF meetings in which the participants have had the opportunity to learn from the experience and knowledge of many speakers. Besides the SCF members work jointly on projects for comparative overviews of the competition legislation of the SCF jurisdictions. There are three completed projects (general overview, inspections on spot, procedural fairness) and one ongoing (sanctions and leniency). In 2015 the Sofia Competition Forum started one more initiative – the SCF Newsletter. It contains various articles from all SCF members. The SCF Newsletter is a means for exchange of information between the SCF members. So far there are three issues of the SCF Newsletter.

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<sup>1</sup> This designation is without prejudice to positions on status and is in line with United Nations Security Council Resolution 1244/99 and the Advisory Opinion of the International Court of Justice on Kosovo's declaration of independence.

## *European Commission\**

Until 2004 the enforcement regime in the EU did not include a competition RCA.

Regulation 17, which dated from 1962, was characterised by a centralised notification and authorisation system for Article 101(3) TFEU which meant that companies *ex ante* notified all the potentially anticompetitive agreements to the Commission in order to avoid any liability. Regulation 1/2003, which entered into force on 1 May 2004, brought a radical change: it switched the old centralised regime for a new decentralised one, in which the European Commission and the national competition authorities of the EU Member States (NCAs), forming together the European Competition Network (ECN), pursue infringements of Articles 101 and 102 TFEU.

The decentralisation of the enforcement of Articles 101 and 102 TFEU to the NCAs brought about by Regulation 1/2003 has been a major success. In its 2014 communication "*Ten Years of Antitrust Enforcement under Regulation 1/2003: Achievements and Future Perspectives*", the European Commission stated that Regulation 1/2003 has considerably increased the enforcement of the EU competition rules as there has been a dynamic development of close cooperation which has underpinned the coherent application of the EU competition rules throughout the EU. NCAs have become a key pillar of the application of the EU competition rules and have considerably boosted enforcement. The communication, however, also established the necessity of (i) increasing guarantees of NCAs' independence; (ii) ensuring that NCAs' have a complete set of effective investigative and decision-making powers; (iii) ensuring that powers to impose effective and proportionate fines and well-designed leniency programmes are in place in all Member States.

Accordingly, on 22 March 2017 the Commission presented a proposal intended to empower Member States' competition authorities to be more effective enforcers (the ECN+ Directive). A political agreement was found between the co-legislators in May 2018. The legal text still needs to be formally approved by the European Parliament and Council, which is expected by the beginning of 2019. The Member States will have two years to transpose the ECN+ Directive into national law. Once the Directive is transposed, the decentralised EU enforcement system will have reached yet another milestone.

Thanks to the ECN+ Directive all authorities will have the core set of futureproof investigative and decision-making tools they need to tackle infringements. As regards effective powers to impose deterrent fines, the ECN+ Directive will give all Member States the option of allowing their administrative competition authorities to impose fines directly themselves or to go to a non-criminal court to ask for them to be imposed.

As regards divergences in leniency programmes, the ECN+ Directive will fully harmonise, for secret cartels, the conditions for granting immunity and reduction of fines, the form in which NCAs should be able to accept leniency statements and the system of protection of employees of immunity applicants from administrative sanctions. The ECN+ Directive will also roll out a binding system of summary applications across Europe. This means that when a company files a full leniency application with the Commission that covers more than three Member States, it will only have to file short summary applications to the relevant NCAs. Moreover, the Directive provides for the protection of employees and directors of immunity applicants from administrative and criminal sanctions.

## *Japan*

“East Asia Top Level Officials’ Meeting on Competition Policy” (hereinafter referred to as “EATOP”) makes large contributions for strengthening the cooperative relationship among the member agencies and development of competition policy and law in the East Asia region, by enabling the top-level officials from the member agencies to get together annually and exchange their views and information candidly with each other.

“East Asia Conference on Competition Law and Policy” (hereinafter referred to as “EAC”) also contributes to the development and strengthening of competition law, policy and enforcement in the East Asia region, by raising competition awareness through the discussions with variety of different participants.

Since the foundation of EATOP and EAC, many jurisdictions/regions in the East Asia region has introduced comprehensive competition laws and established competition authorities. Besides, several jurisdictions/regions which already had equipped with competition laws have also enhanced their competition law.

Also, there has been fostered common understanding of the need for cooperation regarding cross-border cartels and mergers, and conclusion of cooperation agreements (MoUs/Competition agreements) within the East Asia region has been accelerated through the discussions in EATOP and EAC.

## *Kazakhstan*

The paper contains main provisions on benefits and necessity of cooperation of competition authorities around the world, and mostly focused on regional cooperation and regional cooperation agreements.

Thus, at present, in the context of globalization, there is a trend of cases on restrictive business practices of large multinational companies, which are being investigated by competition authorities around the world.

The efforts of one state in fighting cartels and anticompetitive practices of transnational companies would be deficient, the coordinated work of the competition authorities of different countries is required in order to prevent, reveal, investigate and eliminate violation in cross-border markets.

So, the benefits of regional cooperation for the competition authority of Kazakhstan are obvious.

The paper mostly focused on the following Regional Competition Agreements, which are the most efficient and effective for Kazakhstan:

- Treaty on Implementation of the Coordinated Antimonopoly Policy of the CIS;
- Treaty on the Eurasian Economic Union.

## *Kenya*

The Competition Authority of Kenya (‘the Authority’) is a statutory agency mandated to enhance the welfare of the people of Kenya by promoting and protecting effective competition in markets and preventing unfair and misleading market conduct. In liaison with regulatory bodies, it also offers advisory services to the Government. The law mandates the Authority to participate in deliberations and proceedings of among others, regulatory authorities and other bodies in relation to competition and consumer welfare.

In fulfilling its mandate, the Authority has entered into formal agreements with COMESA Competition Commission (CCC) and East Africa Community Competition Authority (EACCA), and also a member of African Competition Forum (ACF) – an informal network of competition agencies. The main objectives of these agreements are to promote economic development by removing trade and investment barriers and to strengthen capacity building by sharing information and experiences at the national level, in order to deepen competition and thus, promote compliance with the competition law and policy.

Such competition agreements offer benefits of sharing information that enhances enforcement capacity, conducting joint market studies, promoting a common understanding in enforcement of competition related issues and provision of technical assistance and capacity Building. However, regional competition agreements are faced with challenges such as difference in priorities, dual membership, enforcement capability constraint and lack of established legal and institutional frameworks by some jurisdictions to be successful. These challenges raise the need to create legal and institutional frameworks to enforce competition law and policy, foster collaborative co-operation between regulatory agencies, build capacity and share experiences and international best practices, promote information exchange, enhance co-ordination in handling cases and set clear merger thresholds among parties to avoid double notification.

The Authority and CCC collaborated in coming up with remedial measures and defining the market in a recent review of the VIVO/ENGEN merger case, that touched on Kenya and Mauritius, which are both member of COMESA. The regional agreement saved time and reduced cost that the merging entities would have spent notifying both regulators.

## *Latvia*

International scope of competition enforcement gives us both opportunities and challenges. No competition authority in the world would be able to operate separately and isolated. Markets are globalizing, and competition enforcers across the world are dealing with similar problems. Infringements and cases are getting more complex, while mergers more frequently appear among strong competitors including cross-border dimension. Also, market participants require more coherent approach in procedural rules and remedies applied among jurisdictions if the merger filing is made in several jurisdictions.

EU competition enforcers are granted with possibility to use and participate in different platforms such as ECN, ICN, OECD, UNCTAD, ABA, which enhance the overall knowledge about developments, best practices in competition enforcement, promotion and advocacy as well as strengthen their capabilities.

One of the four directions for the Competition Council of Latvia (the CC) set within the strategy is to provide significant contribution to the development of competition law and practice on the international level.

Further on we will not touch upon our experience gathered while acting in the before mentioned international forums. Speaking about a cross-border component, there are two areas of a great importance for us. They are:

- Intense cross-border cooperation on the Baltic regional level (Latvia, Lithuania and Estonia, as well as with the Nordic countries and other EU MSs);
- Providing support to the countries which are in a transition period, in process of developing their competition policy (Ukraine, Moldova, Georgia, etc.).

## *Mexico (COFECE)*

There are several legal instruments that incorporate provisions on competition policy and establish the framework for international cooperation between Mexico and other nations. In these, particularly in FTAs and bilateral agreements, the parties have agreed to cooperate on a reciprocal basis on issues such as: notifications, consultations and exchange of information related to the enforcement of their competition laws and policies.

The North American Free Trade Agreement (NAFTA), between Canada, the United States and Mexico, stands out among cooperation agreements not only because of the size of the market and its relevance to the global economy, but for its critical role in driving the establishment of a competition regime in Mexico.

Cooperation between NAFTA's competition agencies is crucial, especially in a context where the countries' economic activity is closely intertwined. The agreement has proved to be an effective vehicle for building better understanding and closer relationships among agencies. These have also provided for better enforcement actions in cases where more than one jurisdiction is involved.

COFECE actively works on a regional level to promote cooperation on competition matters in Latin America and the Pacific region. Cooperation initiatives, include the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), which will soon enter into force, and the Pacific Alliance, in which commitments on competition policy are currently being negotiated with countries interested in having an associate member status.

## *Russian Federation*

Nowadays due to the process of globalization and liberalization of trade, economies all over the world are facing new challenges. That is also relevant for Competition Authorities. The most common and serious challenge the Competition Authorities are facing today is existence of various cross-border violations of competition law as well as new ways and tools of this kind of violations.

Despite of the fact that cross-border violations of competition legislation become more and more common worldwide, global competition community has limited kit of the effective tools to combat this type of infringements. Due to the lack of tools of effective international cooperation national Competition Authorities have to solve this very difficult task solely. At the same time cross-border violations have features that differ them from antimonopoly violations by national companies: frequently such infringements are exercised by large transnational companies, the headquarters of which could be located anywhere in the world and activity of such companies is naturally global. In that situation it is difficult to define national dimensions of behaviour of these companies, to calculate revenues on national markets, to enforce international companies to comply with national competition standards and, in case of making decision of existence of violation, to make such undertakings execute decisions and rulings of Competition Authorities.

The issues described make discussion of enhancing international cooperation in investigation of cross-border cases as actual as it has never been before. Effective international cooperation with foreign Competition Authorities and International Organizations is one of the priorities of the Federal Antimonopoly Service of the Russian Federation (the FAS Russia). Recent cases investigated in relation to large transnational companies (e.g. Google, Apple, Microsoft, liner shipping carriers) showed the necessity of an open and effective dialogue among Competition Agencies and also opened up some of the problems connected with investigation of such type of violations. In this regard, regional cooperation remains one of the best ways of tackling cross-border violations.

At the regional level, the FAS Russia cooperates actively with other Competition Authorities within the framework of the Eurasian Economic Union and the Commonwealth of Independent States.

## *Serbia*

Cooperation between national competition authorities may be seen as indispensable in the globalised world of today, where economic flows and market players surpass national boundaries. The forms of such cooperation may vary, in their form, substance and extent.

One of the forms of cooperation in the field of competition is through regional agreements, which rest on the presupposition that cohesion and similar characteristics of a region vouch for a better mutual understanding, similar issues faced and economic savings (not to mention legal certainty) to be made with the adoption of a similar approach to similar cases. The use in practice of regional competition agreements and a long list provided by the OECD confirms that presupposition, even though the sheer number of agreements need not always be indicative of the quality of cooperation achieved. Yet, one is to hope, at least through the example of the ECN and the necessity of intensified cooperation in the modern world that the quality follows, if it does not go hand-in-hand, with the quantity of the agreements entered into.

In the case of Serbia and its national competition authority- the Commission for Protection of Competition, which has been in existence for 12 years now, regional cooperation in the field of competition (anti-trust and mergers) functions mainly through soft-law mechanisms, such as the Memoranda of Understanding or Cooperation. In addition to the bilateral Memoranda it has entered into, the CPC has over time become a member or beneficiary of regional cooperation mechanisms in the field of competition law and policy, such as the OECD-GVH RCC and SCF, which have developed historically with the advent of transition of Central and South-East Europe economies to market economies.

Those modes of cooperation have proven very beneficial for the CPC, especially since they are adaptable and provide a platform for exchange of experience which otherwise may have been difficult to establish by the individual competition authorities at stake. Nonetheless, those regional mechanisms have also demonstrated that more attention and intensified cooperation are needed in the immediate ‘neighbourhood’ of Serbia, in order to achieve efficiencies and deal with similar cases and market players in a similar fashion. This could also bring about a greater understanding of the relevant market players’ reach and effect on the local market, which in reality may be wider than any of the competition authorities of the West Balkan region (including Slovenia and Croatia) could consider under its national law. Furthermore, cooperation between competition authorities of those countries would have the added value of keeping up to date with latest developments in the EU competition law and practice despite the fact some of the countries are not EU-members and mark a different progress rate on their path toward the EU.

## *Singapore*

The Competition and Consumer Commission of Singapore (“**CCCS**”) administers and enforces the Competition Act (“**the Act**”) in Singapore. CCCS also acts internationally as the national body representative of Singapore in respect of competition and consumer matters.

CCCS has entered into several forms of regional cooperation agreements (“**RCAs**”). These include Memorandum of Understanding (“**MOUs**”) with strategic partners such as JFTC and KPPU, Competition Chapters within a Free Trade Agreement as well as an ASEAN cooperation framework.

This contribution describes CCCS’ experience in international cooperation, particularly in relation to the various types of RCAs that CCCS has entered into, including both competition and non-competition specific RCAs and discuss the factors that CCCS considers when entering into RCAs, the perceived benefits of RCAs, and the challenges that CCCS has encountered in establishing RCAs.

## *South Africa*

There is a recognition in many jurisdictions in Africa and the rest of the world that deeper regional integration and lowering of trade barriers can increase trade, stimulate economic growth and foster more productive firms and industries, allowing domestic firms to become more competitive abroad and generate more value-add to the domestic economy. South Africa is part of some regional economic communities (RECs) such as the Southern African Development Community (SADC) and Southern African Customs Union (SACU) which operate as part of its broader economic strategy for development and regional integration.

Bilateral and multilateral agreements seem to be the prevailing form of cooperation within regional economic communities (RECs). These agreements across competition enforcement authorities on the continent have played a significant role, primarily in promoting the enactment of competition rules as well as building strong enforcement institutions through capacity building initiatives.

Cooperation agreements across member states and RECs are informed by broader economic integration agenda within the region primarily informed by trade objectives. Therefore, at times, based on these priorities and objectives, competition policy may find itself as secondary. However, it appears that many countries (at least in SADC) have recognised the importance of competition regulation in economic development and the broader objectives of regional economic integration.

There are however obstacles to regional cooperation agreements including the lack of alignment or congruence of underlying domestic and regional legislative frameworks, the RCAs that exist will remain limited in their application and effectiveness.

## *Sweden, Denmark, Finland, Norway and Iceland*

This contribution begins by summarising the background to the Nordic cooperation, before describing the benefits brought by the Nordic cooperation agreement of 2001. It continues by describing obstacles that have prevented the Nordic countries from reaping the full benefits of the 2001 Nordic cooperation agreement, and finally gives an account of the solutions provided by the revised Nordic cooperation agreement from 2017.

Nordic competition on competition issues has its roots in the late fifties, but became formalized in 2001 by the signature of a cooperation agreement between Denmark, Norway and Iceland, which Sweden joined in 2004. The past seventeen years of co-operation through this Nordic competition agreement have demonstrated significant benefits for the countries involved, such as the possibility to exchange both non-confidential and confidential information. This has in turn facilitated cartel detection and rendered merger investigations more effective. However, certain obstacles and shortcomings have been observed which have hampered the competition authorities' ability to fully realise the potential for effective regional co-operation. Some of these obstacles are for example the lack of legal basis to request assistance for fact-finding measures and in inspections.

That is why in 2014, following the approval by the OECD Council of the Recommendation concerning International Co-operation on Competition Investigations and Proceedings, the Nordic countries began work aiming to update and reassess the scope of the Nordic cooperation agreement, leading to a new agreement being signed in 2017. This revised agreement will improve the tools used by the Nordic competition authorities and will apply to more competition authorities. For instance, in addition to clarifying the conditions for exchanging confidential information, the Nordic competition authorities will also be able to assist each other in fact-finding measures and in inspections.

As of October 2018 only Sweden and Finland have deposited their ratification instruments, however it is the ambition of the competition authorities that the revised Nordic agreement will soon enter into force among more countries.

Long-lasting cooperation, such as between the Nordic competition authorities, gives the opportunity to reflect over both the benefits and the potential for improvement of such cooperation. Effective cooperation implies effective competition law enforcement, and this is only possible if authorities have the right tools.

## *United States*

Competition-related agreements to which the United States is a party operate at two different levels. The general provisions of U.S. trade agreements relating to anticompetitive business conduct signal a serious commitment to principles of market competition and to elimination of anticompetitive business conduct. With the negotiation of the USCMA, minimum procedural fairness provisions, transparency, and non-discrimination principles are now also part of the regional framework. However, because bilateral antitrust cooperation agreements are designed to foster practical agency-to-agency relationships, they are typically better suited to promoting closer cooperation between agencies. That being said, successful bilateral antitrust enforcement cooperation does not have its roots in such agreements nor can it grow from formal agreements alone. These goals can be fostered only by building strong relationships and trust, which in turn can be built only by the experience of working together. Antitrust cooperation instruments are thus best viewed as the formalization of an existing relationship, rather than as the basis for creating one.

## CARICOM

The Caribbean Community (CARICOM) competition policy is enshrined in Chapter Eight of the Revised Treaty of Chaguaramas (Treaty). The Treaty contains provisions which prevent restrictive agreements and anti-competitive unilateral business conduct that frustrates the establishment of the CARICOM Single Market and Economy (CSME).<sup>2</sup> However, it does not contain rules on cross-border merger control.<sup>3</sup>

The Treaty also establishes the CARICOM Competition Commission (Commission) and assigns it with the enforcement powers to prohibit cross-border business conduct that prejudices trade or prevents, restricts or distorts competition within the CSME. Pursuant to the Treaty, the Commission was inaugurated in 2008, with the mandate to: (a) apply the rules of competition, regarding anti-competitive cross-border business conduct; and (b) promote and protect competition in the Community and co-ordinate the implementation of the Community Competition Policy within the CSME. To carry out its mandate, Article 173 instructs the Commission to:

- Monitor anticompetitive business conduct in the CSME;
- Coordinate the implementation of competition policy in the CSME;
- Cooperate with national competition authorities;
- Investigate and arbitrate cross-border cases; and
- Develop and disseminate information about competition policy, and consumer protection policy.

This brief for the Global Forum on Competition highlights the benefits a regional competition framework provides for CARICOM and the challenges faced by the Commission in meeting its mandate. It also presents some strategies which the Commission has used to overcome these challenges.

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<sup>2</sup> The CSME is a development strategy to deepen the economic integration of the countries in CARICOM by advancing beyond a common market and towards a single market and economy. The CSME comprises the Member States of CARICOM except The Bahamas. The countries are: Antigua and Barbuda, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, Saint Kitts and Nevis, Saint Lucia, St. Vincent and the Grenadines, Suriname and Trinidad and Tobago.

<sup>3</sup> Although no regional merger control policy exists, Barbados and Trinidad and Tobago have merger provisions in their national competition laws. Guyana drafted its national merger control rules, which is a separate piece of legislation from the national competition law. Jamaica has no merger provisions but is developing these rules. The draft competition Bills of the other Member States contain merger provisions.