



Improving international cooperation in cartel investigations

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OECD Global Forum 2012
Paris
February 17-2012



Outline

- I- challenges in international cooperation for WAC:
 - A- a real need for cooperation
 - B- existing mechanisms of cooperation
- II- limits to development of international cooperation
 - A- low enforcement activities in the region
 - B- issues of information exchange: legal and practical obstacles
- Conclusion

I- Cooperation in cartel enforcement in WA

■ A- a real need for international cooperation

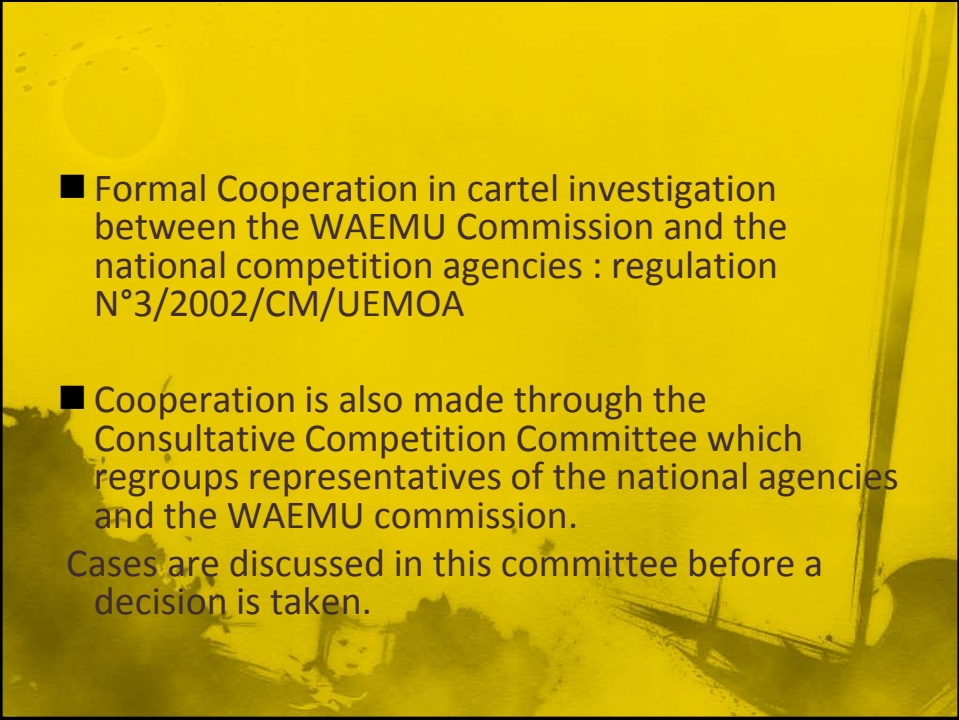
Cooperation in a regional market

- Similar market structure in the region
- Same enterprises present in different countries
- To coordinate enforcement activities
- To build homogeneous capacities in the regions
- To improve the fight against cartels and anticompetitive practices
- EPA with EU
- Fighting against international cartels

■ B- existing cooperation mechanisms

cooperation in WAEMU and ECOWAS should be effective in different ways..

- Between the two regional authorities
- Between regional authorities and member states agencies
- Between member states agencies themselves



- Formal Cooperation in cartel investigation between the WAEMU Commission and the national competition agencies : regulation N°3/2002/CM/UEMOA

- Cooperation is also made through the Consultative Competition Committee which regroups representatives of the national agencies and the WAEMU commission.


Cases are discussed in this committee before a decision is taken.



- Possibility of information exchange

- Possibility of investigation by the national agencies on behalf of the WAEMU Commission

- Possibility of joint teams for the investigations

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- Informal cooperation : Actuality there is no cooperation between member agencies in investigation due to ineffectiveness of many agencies specifically in cartel enforcement

II- limits to international cooperation in the WA region

- A- low enforcement activities against cartels
 - Any decision so far in cartel enforcement in the community level
 - Only one decision in Senegal CIBA/FSSA
 - No cooperation agreement between member states
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B-limits in information exchange

- Senegalese national law restrict exchange of confidential information
- Some member states don't have independent competition agency
- There is no provision in the law relating to international cooperation
- there is not a network of member states competition authorities

Conclusion

- International cooperation is a key for efficient fight against cartels specially for LDC
- All agencies (advanced or young) have the right to know about cartels affecting their market and consumers
- So practical and judicial solution should be found to improve existent international cooperation mechanism
- African countries should be get more involved in international cooperation