

Competition co-operation and enforcement

INVENTORY OF INTERNATIONAL CO-OPERATION MOUs BETWEEN COMPETITION AGENCIES



PROVISIONS ON REGULAR MEETINGS

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 regular meetings 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.

More than half of the MoUs have provisions requiring the parties to hold periodic meetings to promote communication and mutual understanding, if deemed necessary, in a flexible manner. Only a relatively small number of MoUs specify the frequency of the periodic meetings and their purposes.

Relevant provisions in MoUs:

(i) several examples of typical provisions

Korea-China (2019)

Paragraph 4 Regular Consultation

1. The Participants will meet at least once a year for the following purposes:
 - (a) information sharing on recent enforcement efforts and key issues regarding each Participant's competition laws;
 - (b) discussion on policy issues of bilateral or unilateral interest.

Australia-Japan (2015)

Paragraph [*09] Consultations

9.2. The competition authorities will hold a consultation meeting once a year in principle in order to enhance mutual understanding and reinforce cooperation.

Russia-US (2009)

Communications

Officials of the U.S. antitrust agencies and FAS Russia should meet, as appropriate, to exchange information on their current and contemplated policy and enforcement efforts and priorities.

EU-India (2013)

V. Meetings

12. The Sides will endeavour, in case of need, to conduct meetings to:

- a. discuss current issues, experiences and new developments of mutual interest with respect to competition policy development, legislation and enforcement or the operation of the present Memorandum of Understanding;
- b. exchange non-confidential information on the competition environment in economic sectors of common interest;
- c. exchange views with respect to multilateral competition initiatives.

Korea-US (2015)

Section III Communications

6. Officials of the U.S. antitrust agencies and the KFTC may meet periodically to exchange information on their current enforcement and priorities in relation to their competition laws.

(ii) examples of relatively detailed provisions

Canada-Colombia (2017)

Meetings

10. The Participants will meet periodically, as necessary, to:

- a. exchange information on their enforcement efforts and priorities in relation to their competition laws;
- b. exchange information on economic sectors of common interest;
- c. discuss changes that may be under consideration with respect to competition laws;
- d. discuss competition advocacy initiatives;
- e. discuss the content of, and arrangements for, technical cooperation initiatives that they have decided to establish; and
- f. discuss other matters of mutual interest relating to the application of their competition laws or the operation of this MOU.

Indonesia-Korea (2013)

Article 4 Cooperation through Regular Joint Dialogue

1. The Parties shall endeavor to have regular joint dialogue between the head of competition authorities and meet periodically every two year to exchange information on recent enforcement efforts and key issues regarding each Party's competition laws, and/or on economic and policy issues of mutual interest;
2. The Parties may have technical meeting or working-level meeting on request of a Party;
3. The meeting shall take place in one of the Party's countries in which the venue shall be decided with prior communication and consent;

Mongolia-Chinese Taipei (2007)

Article 3 Mutual Visits

1. The mutual exchange visits shall include:
 - a) Visiting of top level officials of the Parties;
 - b) Organizing study visits for UCRA staff in Taiwan;
 - c) Providing instructors/lecturers by TFTC for staff training programs, seminars held in Mongolia.
2. In principle, the visiting of top level officials shall take place every other year by each party, alternating between the Parties.
3. In principle, study visits and staff training programs shall take place every year between the Parties.
4. The purpose, timing, duration, and the content of each visit shall be determined after consultation between the Parties.

Canada-Korea (2006)

V. Meetings

Officials of the Participants will meet periodically, as necessary, to:

- (a) exchange information on their enforcement efforts and priorities in relation to their competition and consumer laws;
- (b) exchange information on economic sectors of common interest;
- (c) discuss competition and consumer law changes under consideration; and
- (d) discuss other matters of mutual interest relating to the application of their competition and consumer laws or the operation of this Arrangement.

Japan-Korea (2015)

Paragraph 9 Annual Consultation

9.1. Unless otherwise jointly decided, the Sides will hold consultations at least once a year to:

- (a) exchange information on their current enforcement efforts and priorities in relation to the competition law of each country;
- (b) exchange information on business sectors of their common interest;
- (c) discuss policy matters in which they are interested;
- (d) discuss other matters of mutual interest relating to the application of the competition law of each country;
- (e) discuss development relating to bilateral or multilateral fora that may be relevant to the cooperative relationship between the Sides; and
- (f) discuss any other matters that may be jointly decided upon by the Sides.

9.2. Unless otherwise jointly decided by the Sides, the consultations mentioned in subparagraph 9.1 will be held alternately in Japan and the Republic of Korea.

Australia-New Zealand (2007)

7.0 Meetings

7.1 Officials of the Parties shall meet annually, or as necessary, to:

- (a) review and discuss the cooperation, coordination and enforcement assistance undertaken between the Parties for each 12 month period;
- (b) exchange information on their enforcement efforts and priorities in relation to their competition, consumer and regulatory functions;
- (c) exchange information on economic sectors of common interest;
- (d) discuss and coordinate contributions to international competition, consumer and regulatory fora;
- (e) discuss review or amendments under consideration with respect to their competition, consumer or regulatory functions;
- (f) discuss other matters of mutual interest relating to the application of their competition, consumer and regulatory functions or the operation of this Agreement, including the development of frameworks, guidelines or international developments in the application of economic theory; and
- (g) discuss visits of officials, as appropriate.

8.0 Joint Meeting of Commission

On an annual basis, or as otherwise agreed, there will be a meeting of Commissioners of the Parties to discuss cooperation and coordination efforts between the Parties.