

Cross-bord e<sup>9-10.30 a.m.</sup> jurisdictional, procedural, and substantive issues. These types of COOPERATION: Experies involved in the countries involved in the equilibrium of the countries involved in the countries in the countries involved in the countries in the countri n America

control regimes. The review of cross-border transactions to ensure consistent decisions requires close coordination and

cooperation between the competition authorities

Estimice veripes of regional efforts.

Session coordinator: ESCWA

Global Analysis of Market Economic and consumer protection project, Economic Affairs Officer, Director, Argentina

**ESCWA** 

Speakers:

- Paul August Parte & Baker Botts LLP
  Willard Mwemba, Director, and Chief Executive Officer of

#### Riyadh, Kinghamad cheikhrouho, general rapporteur, competition

Council of Tunisia

- Sabine Zigelski, Senior Case Manager, Bundeskartellamt, Germany
- Esteban Greco, Former President, Comisión Nacional de Defensa de la Competencia (CNDC), Argentina, director, **GAMES** Economics

**Open Discussion** 

0.30–11 a.m.	Coffee break
1 a.m.–12.30 p.m.	Session IV. Best practices in planning and conducting market studies.
ormat: Open session/Hybrid	



Standard ways for bilateral cooperation to deal with cross-border merger transactions have been used in Latin America<sup>\*</sup>



### **1. Public information:**

- Sharing reports, resolutions, guidelines,
- International, regional and bilateral meetings

#### 2. Non-public and non-confidential information:

- Sharing agency and staff reports and working papers,
- Meetings and calls to discuss approach and methodologies to deal with specific markets (eg. relevant market definition criteria, theories of harm)

#### 3. Confidential information: this requires waivers from the parties and allows for cases discussions online, including competition assessment and remedies

\* even when some regional agreements like Mercosur failed to build a common competition regime

# Illustrative cross-border merger cases show different outcomes



- Bayer-Monsanto: international cooperation with cross-border impact remedies.
- Disney-Fox: regional cooperation and convergence in the assessment; similar remedies in some countries and some differences in others
- Walmart-Cornershop: divergence, different approaches for assessment and decisions



## Lessons from Latin America experience

• It is possible to move forward step by step: it is not necessary to wait for a perfect regional merger control regime to get advances in cooperation. The mentioned ways are useful examples

 Getting involved in the international competition community and participating in international and regional forums is a first step and a necessary condition for cooperation to succeed. This is a way to be updated about competition trends and best practices and to develop institutional and personal links with other agencies.



#### ¡Thank you for your attention!