

# OECD/ICN REPORT ON INTERNATIONAL CO-OPERATION IN COMPETITION ENFORCEMENT 2021

HIGHLIGHTS • [WWW.OECD.ORG/DAF/COMPETITION](http://WWW.OECD.ORG/DAF/COMPETITION)

## Highlights from the 2021 OECD/ICN Report on International Co-operation in Competition Enforcement

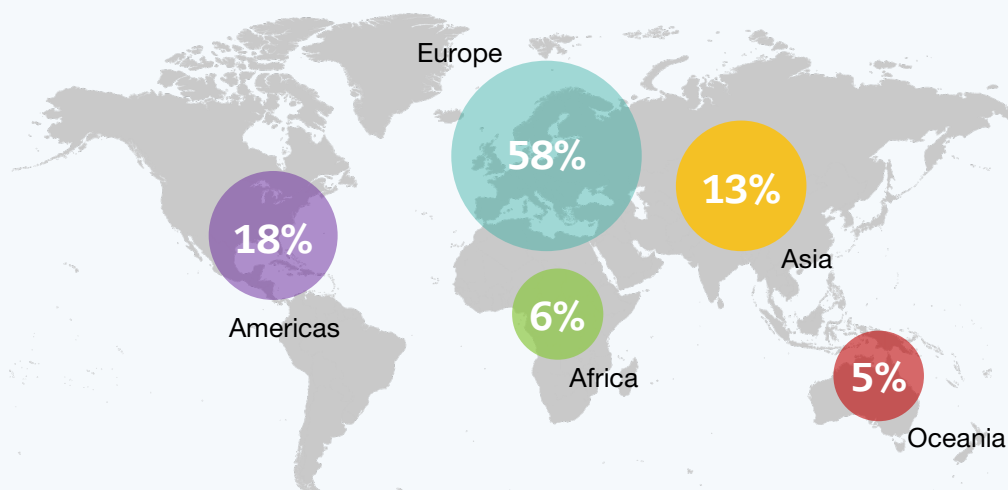
The globalised and digitalised economy has created a highly interconnected world that has increased the potential for cross-border competition issues. The significant growth in the number of competition authorities and their competencies has also driven this increase. National competition authorities need to co-operate with each other on cross-border matters to ensure the effective and efficient enforcement of competition law and to realise the economic and welfare goals of sound competition policy on a national and global scale.

This is the first joint report on International Enforcement Co-operation by the Organisation for Economic Co-operation and Development (OECD) Secretariat and the International Competition Network (ICN). It follows the first joint survey on international enforcement co-operation by the OECD and ICN in 2012 (2012 Survey), which resulted in two separate reports, one from each organisation.

### The OECD and ICN Survey

There were a total of 62 responses to the Survey by competition authorities. All respondents were members of the ICN and 100% of OECD Members and Participants responded. In comparison to the 2012 Survey, the response rate increased by 9%. This respondents' jurisdictions represent approximately 80% of global GDP.

### Geographical distribution of respondents



The report outlines key aspects of the current state of international enforcement co-operation between competition authorities based on:

- 1) the drivers of international enforcement co-operation
- 2) a high-level review of key OECD and ICN initiatives to support international enforcement co-operation
- 3) the results and analysis of the Survey and comparisons with 2012 results.

These elements combined inform the proposed Future Areas of Focus outlined in the report.

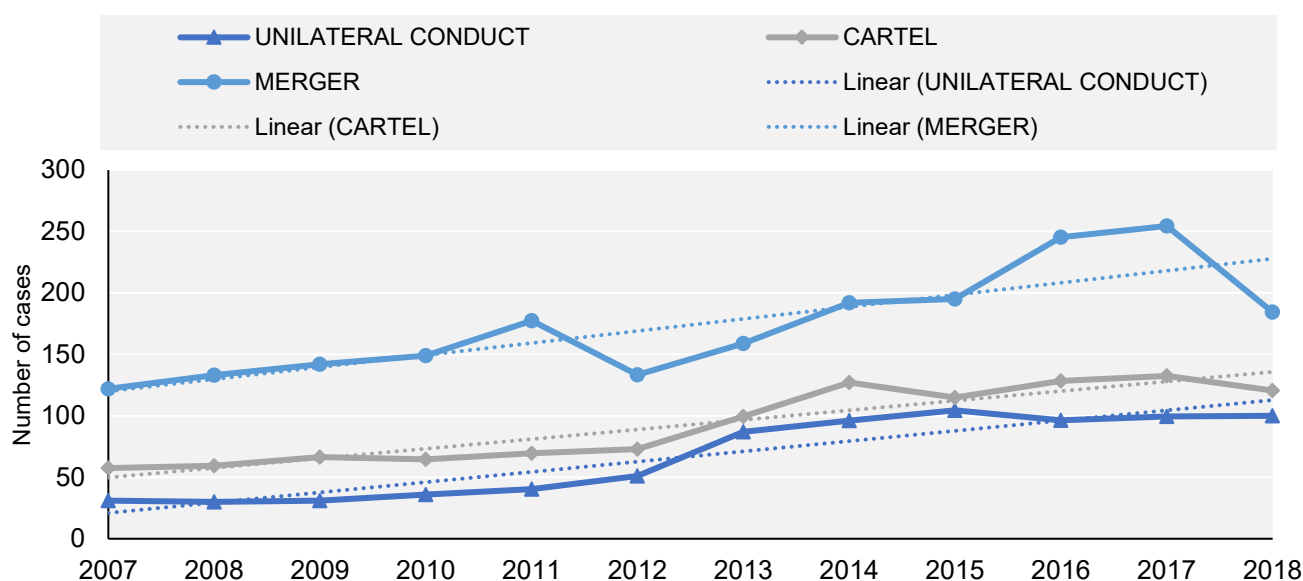
The full report is available at [oe.cd/3Vo](http://oe.cd/3Vo)

## KEY FINDINGS OF THE REPORT

### International Enforcement co-operation has increased across all enforcement areas since 2012

Enforcement co-operation between authorities outside of their established regional organisations and networks has increased overall since the 2012 Survey. There was a slight decline in 2018, however the trend since 2012 points generally upwards, across all enforcement areas. The number of authorities with no experience with international enforcement co-operation has significantly declined since 2012, from 31 to 9 per cent.

**NUMBER OF CASES INVOLVING INTERNATIONAL ENFORCEMENT CO-OPERATION, BY ENFORCEMENT AREA, 2007 - 2018**



### Authorities value international enforcement co-operation

The types of benefits obtained from international enforcement co-operation vary between authorities based on their size, maturity, resources and legal systems. However, 100% of respondents confirmed that international enforcement co-operation is beneficial for their authority. The Survey identified three key categories of benefit:

- opportunities for more efficient and effective consideration of competition matters
- further enhancing co-ordination and co-operation systems and practices among authorities
- improving relationships, trust and transparency.

### The OECD and ICN have undertaken significant work since 2012 to support enforcement co-operation, which is valued and used by authorities.

OECD and ICN work on international enforcement co-operation has improved the conceptual frameworks, practices and practical tools for international enforcement co-operation. Both organisations have engaged in initiatives to build international competition enforcement co-operation and developed a substantial body of resources and policy guidance designed to improve enforcement co-operation. This work has included comparative reports, non-binding recommendations and frameworks, roundtable discussions and practical tools for improving enforcement co-operation in different enforcement areas.

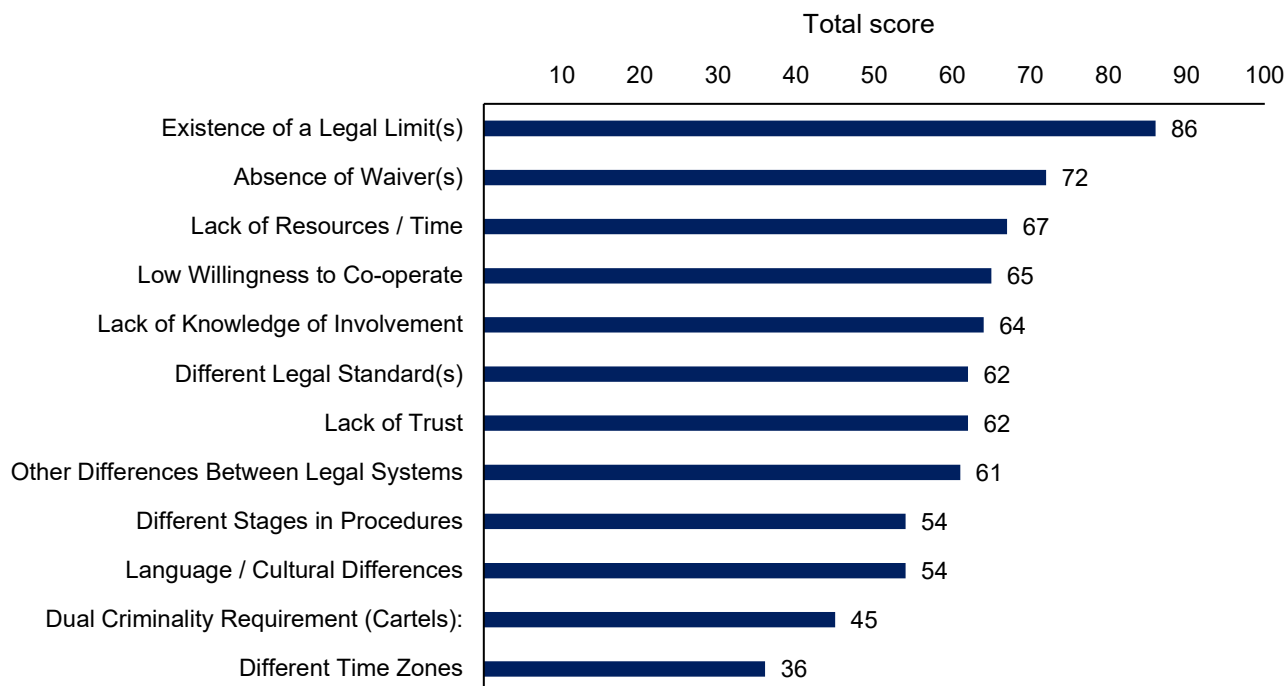
## Many authorities report some significant and persistent challenges to co-operation, including legal barriers

Competition authorities, the OECD, the ICN and others in the competition community have undertaken a significant amount of work to improve enforcement co-operation aimed at addressing some of the key limitations and challenges. For example, in relation to improving transparency, authorities have increasingly made information on their substantive and procedural rules publicly available and improved accessibility to their decisions. However, the Survey results indicate that many limitations and challenges remain.

The Survey shows five key categories of challenges that limit enforcement co-operation:



### LIMITATIONS ON ABILITY TO CO-OPERATE BY LEVEL OF IMPORTANCE, 2019 SURVEY



## PROPOSED FUTURE AREAS OF FOCUS FOR OECD AND ICN

The report outlines some proposed future areas of focus that authorities, the OECD and ICN could consider in order to improve enforcement co-operation. They fall within the following categories:

- develop further enforcement co-operation work-products and networks
- improve transparency and trust
- provide policy and practical support for further developing effective regional enforcement co-operation
- remove substantive and legal barriers to co-operation.

The report notes that competition authorities can play a central role in improving enforcement co-operation. Authorities and their staff have a better prospect of progressing international enforcement co-operation in line with their priorities and strategies when its value in both specific enforcement cases and more broadly is understood by its staff and stakeholders. To this purpose, they can:

- review their own international enforcement co-operation activities and consider if they are as effective and efficient as possible
- review the resources they dedicate to international enforcement co-operation and if they are in line with their stated priorities
- review the OECD and ICN work and tools on enforcement co-operation and consider if they can be better implemented within their own organisations
- continue to contribute to the work of the OECD and ICN in improving enforcement co-operation, including supporting the development of the potential initiatives outlined above.

**Table summarising proposed areas of future focus**

Category and No.	Description of proposed future area of focus
<b>Focus Area 1:</b> <b>Develop enforcement co-operation work-products and networks</b>	The five parts to Focus Area 1: <ul style="list-style-type: none"> <li>• Improve co-ordination, communication and cross-promotion between OECD and ICN</li> <li>• Examine existing work products and consider relevance and additional needs</li> <li>• Develop detailed case studies of instances of international enforcement co-operation</li> <li>• Promote and train case handlers in benefit and mechanisms of international co-operation</li> <li>• Improve international enforcement co-operation data collection and reporting systems.</li> </ul>
<b>Focus Area 2:</b> <b>Provide policy and practical support for further developing effective regional enforcement co-operation</b>	In a manner that is complementary to building broader international enforcement co-operation.
<b>Focus Area 3:</b> <b>Improve transparency and trust</b>	Consider mechanisms that create improved transparency and trust around the ability of jurisdictions to co-operate, in particular in relation to <ul style="list-style-type: none"> <li>• sharing of confidential information and protections</li> <li>• notification requirements in merger or cartel leniency matters when parties engage in parallel proceedings</li> <li>• investigative assistance</li> <li>• enhanced co-operation</li> <li>• second-generation style co-operation agreements</li> </ul>
<b>Focus Area 4:</b> <b>Remove substantive and legal barriers to co-operation</b>	Consider possible models to resolve key legal obstacles to improve the ability to co-operate on certain types of enforcement co-operation activities, such as sharing confidential information, enhanced co-operation and investigative assistance.

*Note: This brochure represents only the OECD's views as to the summary of the report.*