



**DIRECTORATE FOR FINANCIAL, FISCAL AND ENTERPRISE AFFAIRS  
COMPETITION COMMITTEE**

**Working Party No. 3 on International Co-operation**

**DEVELOPING COOPERATIVE RELATIONSHIPS**

-- United States --

*The attached document is submitted by the delegation of the United States to the Working Party No. 3 of the Competition Committee FOR DISCUSSION under Item VI at its forthcoming meeting on 13 May 2003.*

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## **DEVELOPING COOPERATIVE RELATIONSHIPS**

1. The United States welcomes the opportunity to contribute to a discussion of developing co-operative relationships in the enforcement of competition law and policy. Through adherence to the OECD's 1995 Recommendation concerning cooperation between member countries and its participation in formal bilateral antitrust cooperation agreements with eight jurisdictions, the U.S. enforcement agencies have realized significant benefits from cooperation with other competition enforcement agencies. Accordingly, the United States is pleased to share its experience on this topic.

2. The United States recognizes that cooperation among enforcement authorities can encompass much more than information sharing in, and coordination of, investigations of specific instances of alleged anti-competitive behavior or transactions. Cooperation can take the form of technical assistance, advocacy, and non-case-specific cooperation on policy or procedural matters. This paper acknowledges the importance of such cooperation, but it will focus more on enforcement cooperation.

### **1. Factors that facilitate the development of co-operative relationships**

3. The factors that typically have facilitated the development of co-operative relationships include: (1) investigations of matters by one jurisdiction that affect the interests of another jurisdiction; (2) conflicts between jurisdictions arising out of enforcement actions by one or more jurisdictions; and (3) establishment of new enforcement regimes.

4. Perhaps the greatest contributing factor to building cooperative relationships is the opportunity to coordinate the handling of actual enforcement cases. Examples include much of the routine communication, cooperation, and coordination that takes place today between the United States and its fellow OECD members and with those non-OECD members with whom the United States has a bilateral

communism, all suggested the need to establish a framework for cooperation between the European Commission and the U.S. antitrust authorities.

7. The adoption of new competition laws and creation of authorities to enforce them, when combined with the development and growth of trade and investment, raises the possibility of review of business practices and transactions that will result in contacts with other enforcement authorities. This has

12. The number of notifications during the past year has declined, corresponding to the general decline in the number of merger transactions world-wide.

**4. Non case-specific co-operation**

13. The United States is engaged in several instances of non-case co-operation. Probably the most public example is the US-EC Mergers Working Group, first established in 1999 and expanded in 2001. It