

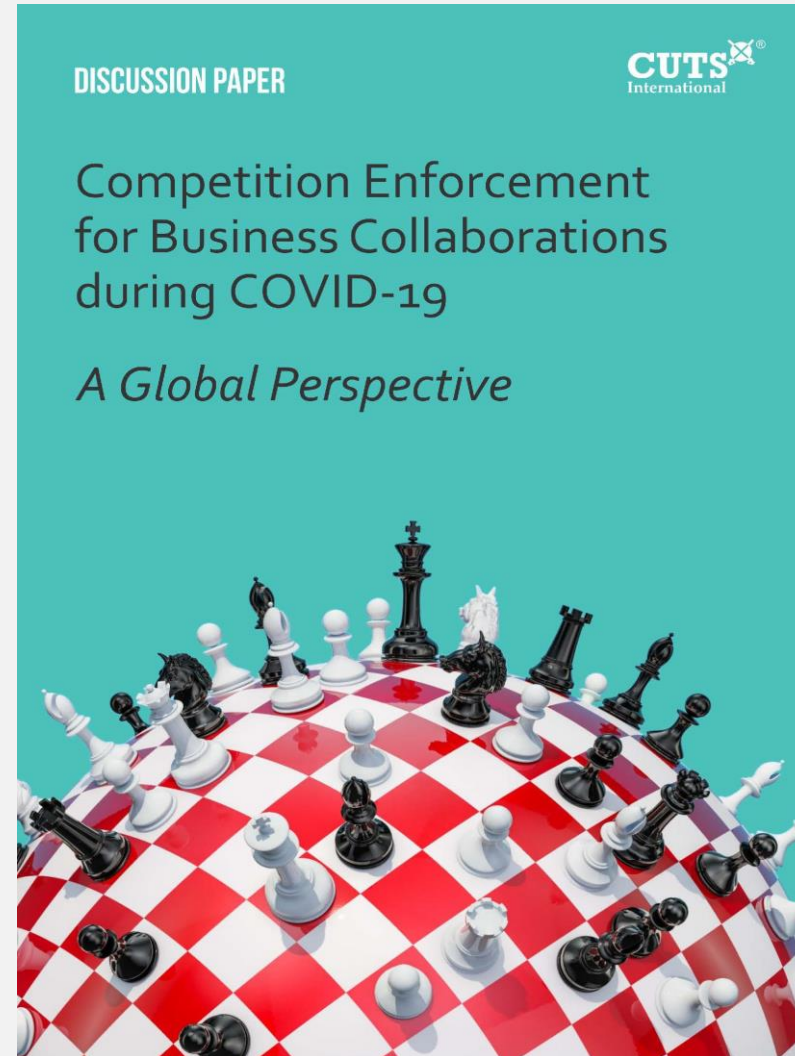
CUTS INTERNATIONAL

WEBINAR ON
“COMPETITION ENFORCEMENT FOR BUSINESS
COLLABORATIONS DURING COVID-19”

Thursday, 20 August 2020 | IST 17:30 – 19:30



DISCUSSION PAPER PRESENTATION



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Sakhi Shah

<https://cuts-ccier.org/pdf/competition-enforcement-for-business-collaborations-during-covid-19.pdf>

OUTLINE



Why?



Survey Conducted by CUTS International



Recommendations



Panel Discussion

WHY ARE WE TALKING ABOUT THIS?

COVID-19

deep economic depression —> shortages of essential goods/services —> collapse in demand

Business Collaborations

demand and supply shocks —> need for collaboration among businesses

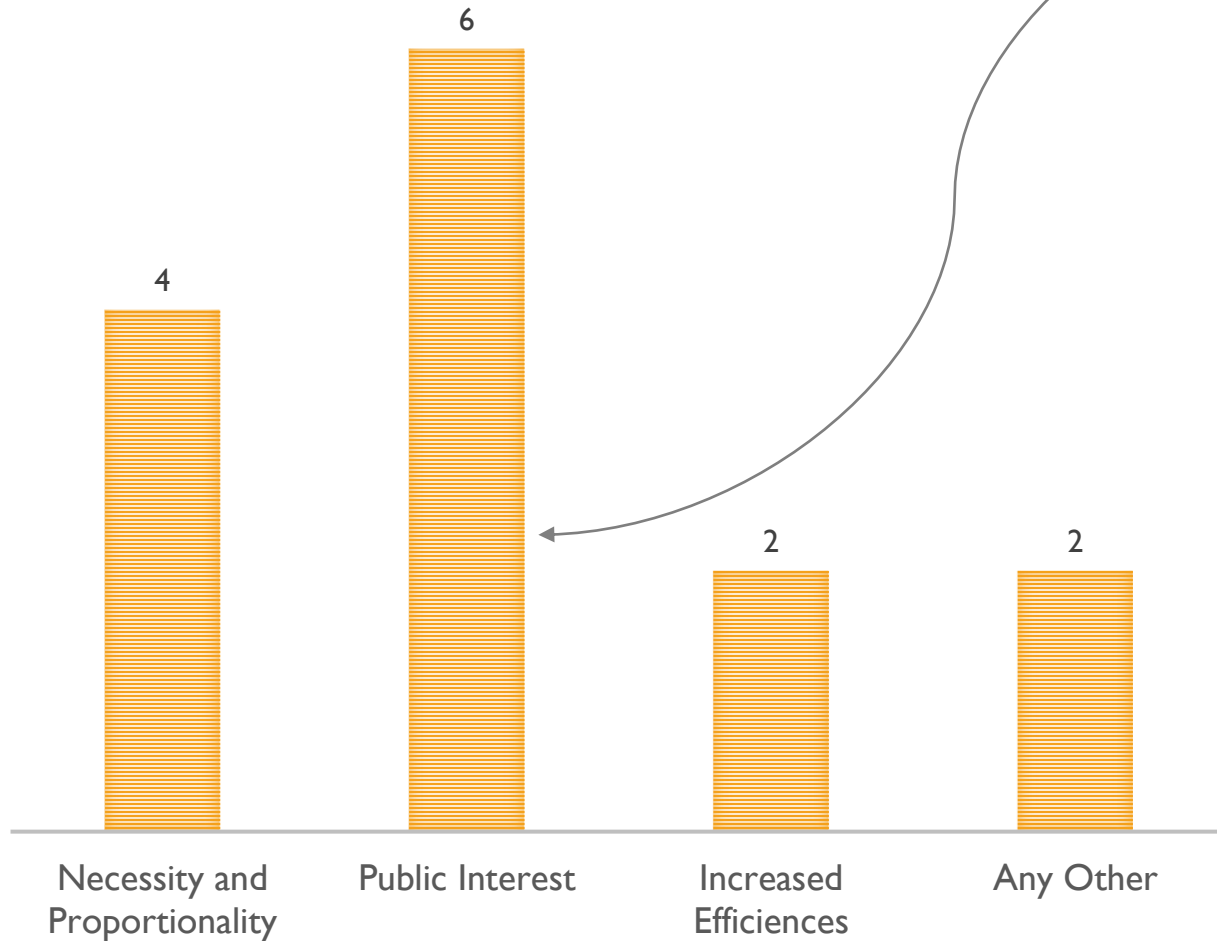
Competition Authorities

adjusting enforcement priorities + granting exemptions to certain collaborations + allowing state aid

SURVEY CONDUCTED BY CUTS INTERNATIONAL

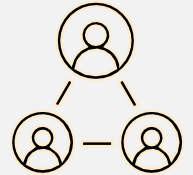
- How to determine which sectors or goods/services should be categorised as ‘essential’?
- How to grant exemptions?
- How to ensure businesses do not take advantage of the said exemptions?
- What actions will invite immediate enforcement?
- How to reverse these exemptions and when? What should be the phase-out strategy?
- Should such exemptions be granted as a tool for economic recovery or to achieve vital public interest goals such as sustainability and climate change?

Graph I: Determinants for exempting sectors or goods/services



Horizontal Block Exemption Regulations, Technology Transfers, and Specialisations Agreements, European Union

To be revised in 2021 to explicitly refer to certain public interest issues and set them as a priority to guide case law.



Collaboration in R&D

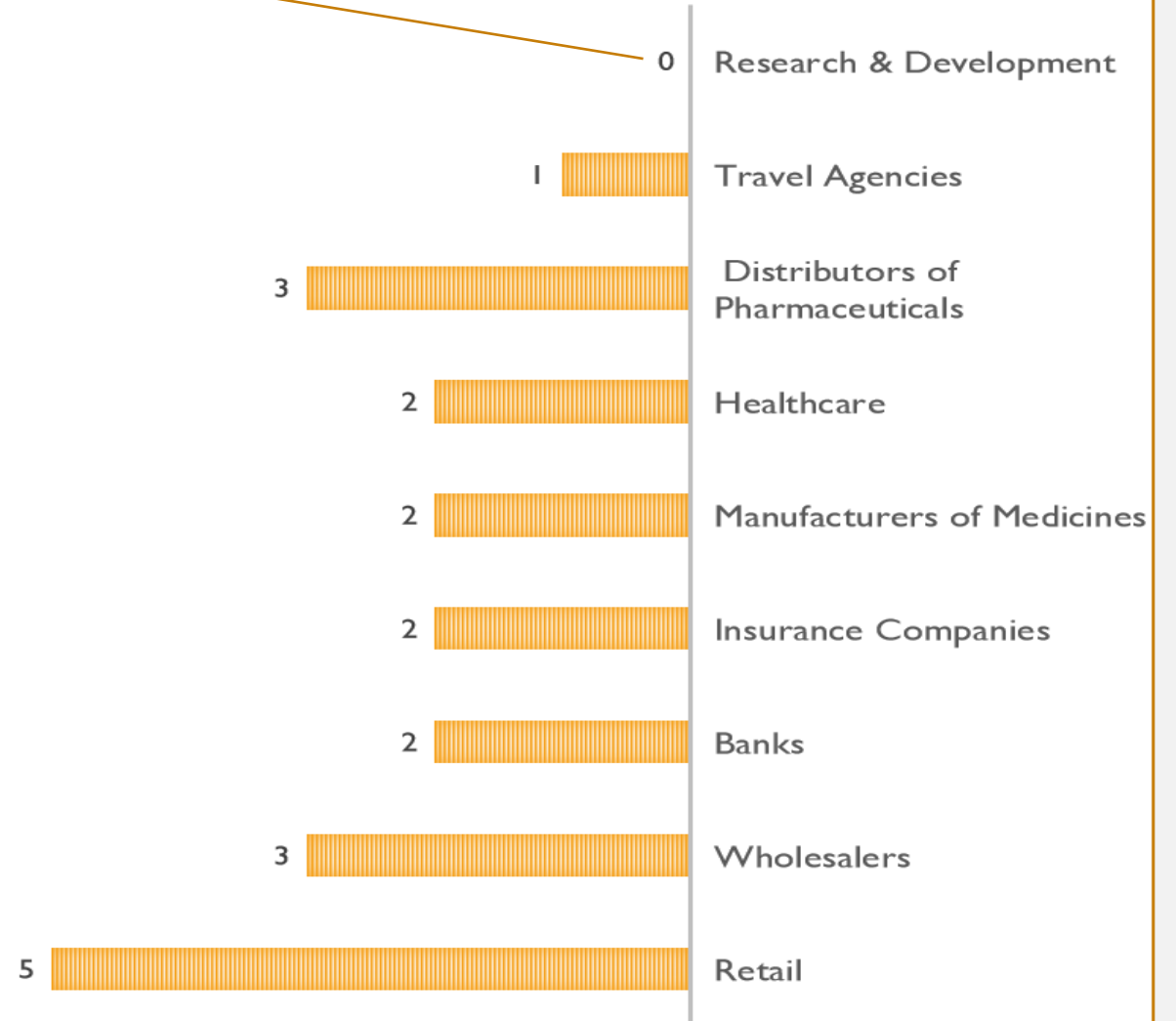


Beyond national boundaries

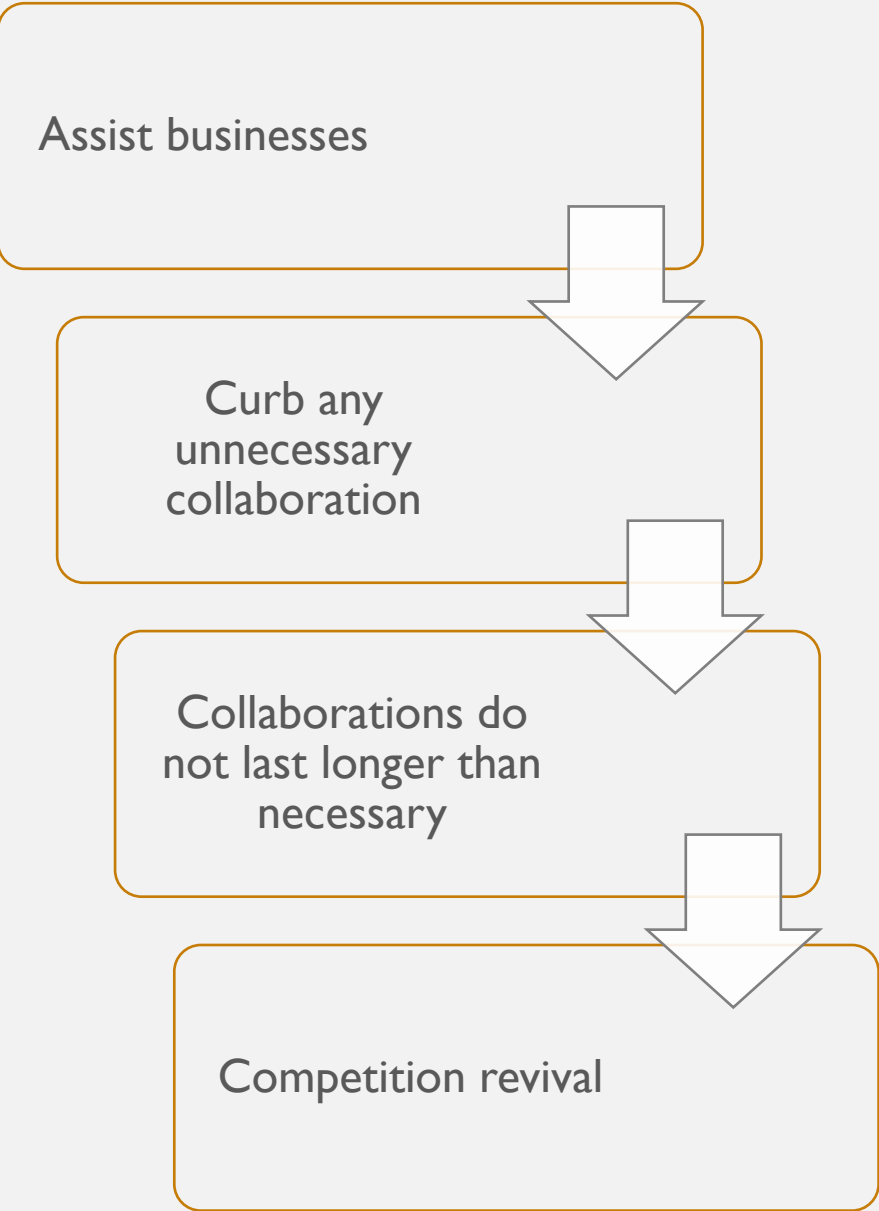
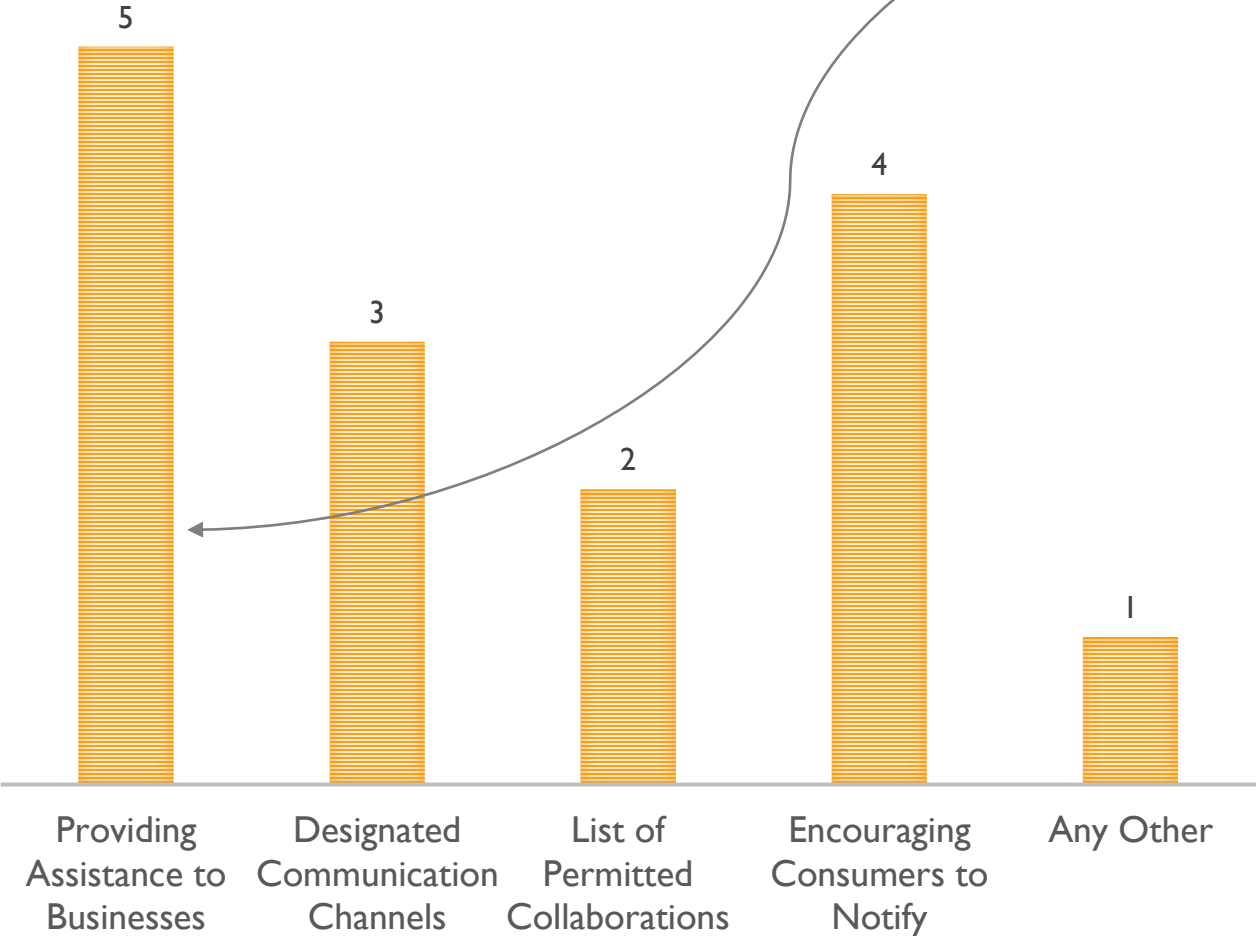


Faster and efficient introduction of vaccine or medication

Graph 2: Sectors which are granted exemption



Graph 3: How are you ensuring businesses do not take advantage of exemptions

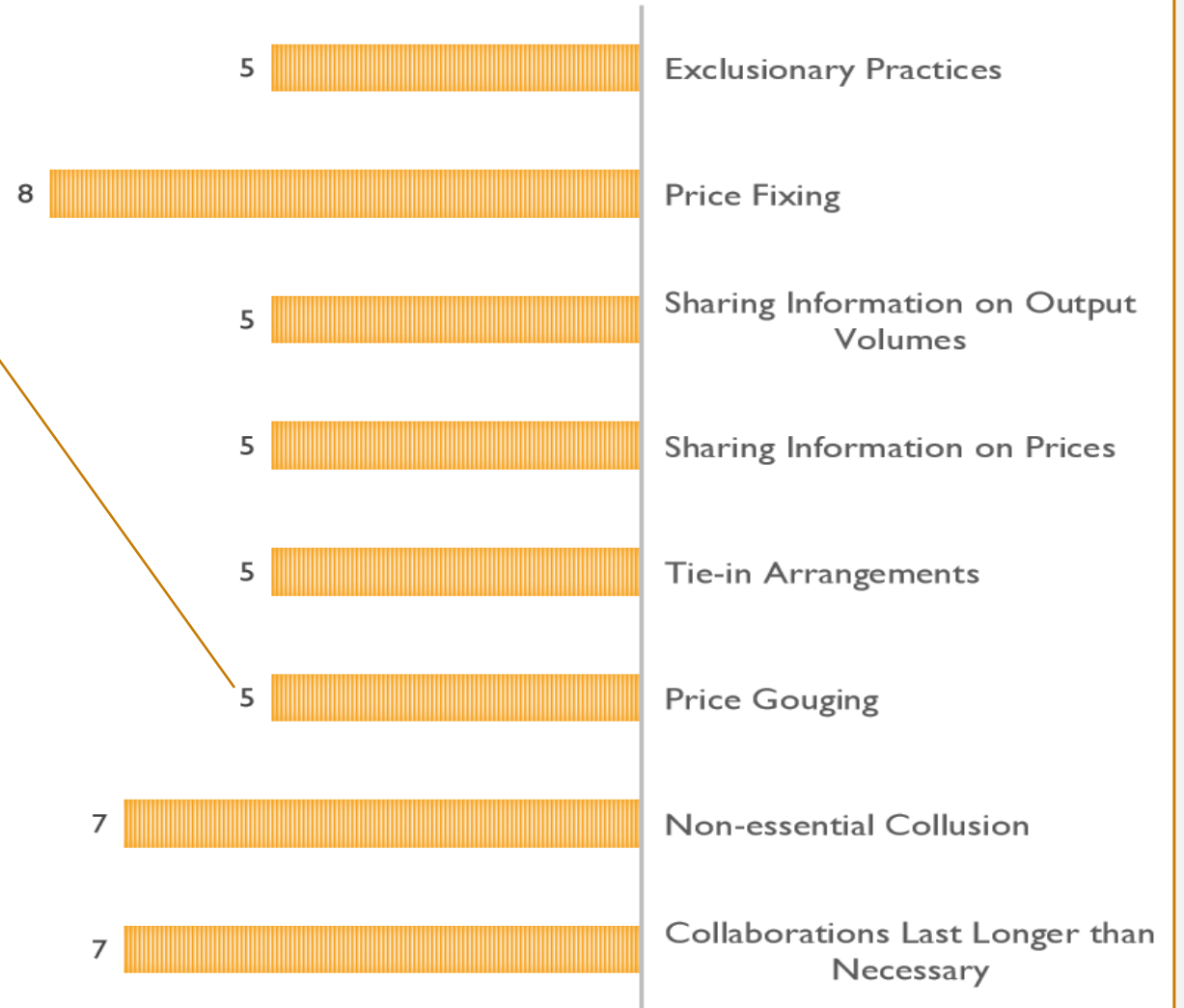


Consumer Protection Issue
Price Gouging

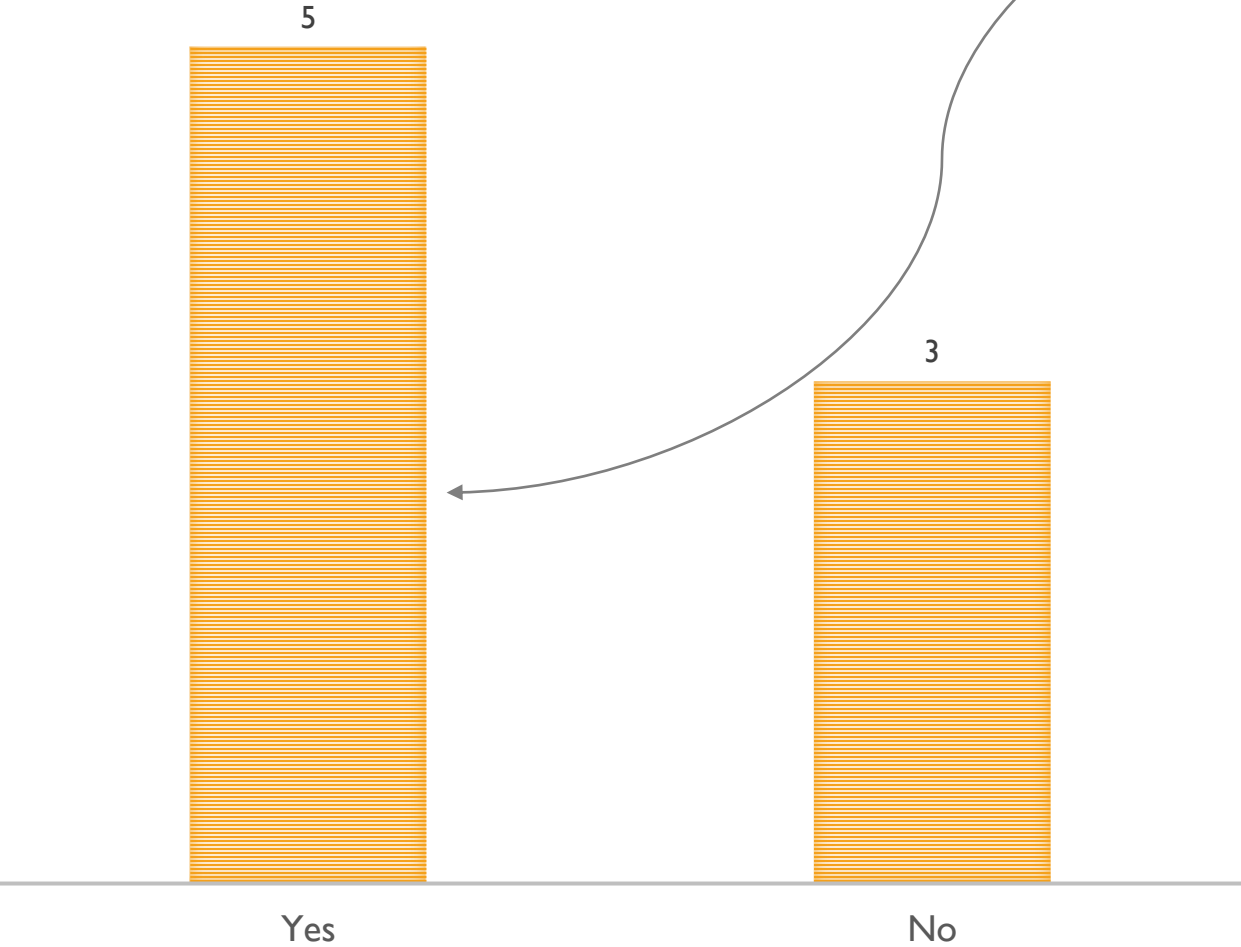


Typical Competition Contraventions
Tie-in Arrangements; Exclusionary Practices; Sharing Information

Graph 4: Actions that will invite immediate enforcement



Graph 5: Would you prolong the current exemptions post-COVID-19



All Developing Countries



...a tool for economic recovery
...public interest and technological efficiency

RECOMMENDATIONS



Clarify the Forms of Collaboration That Would be Unproblematic



Emphasise the Importance of Trade Associations



Identify Essential vs. Non-Essential Commodities



Provide Guidance to Businesses



Provide for a Notification System for Business Collaborations

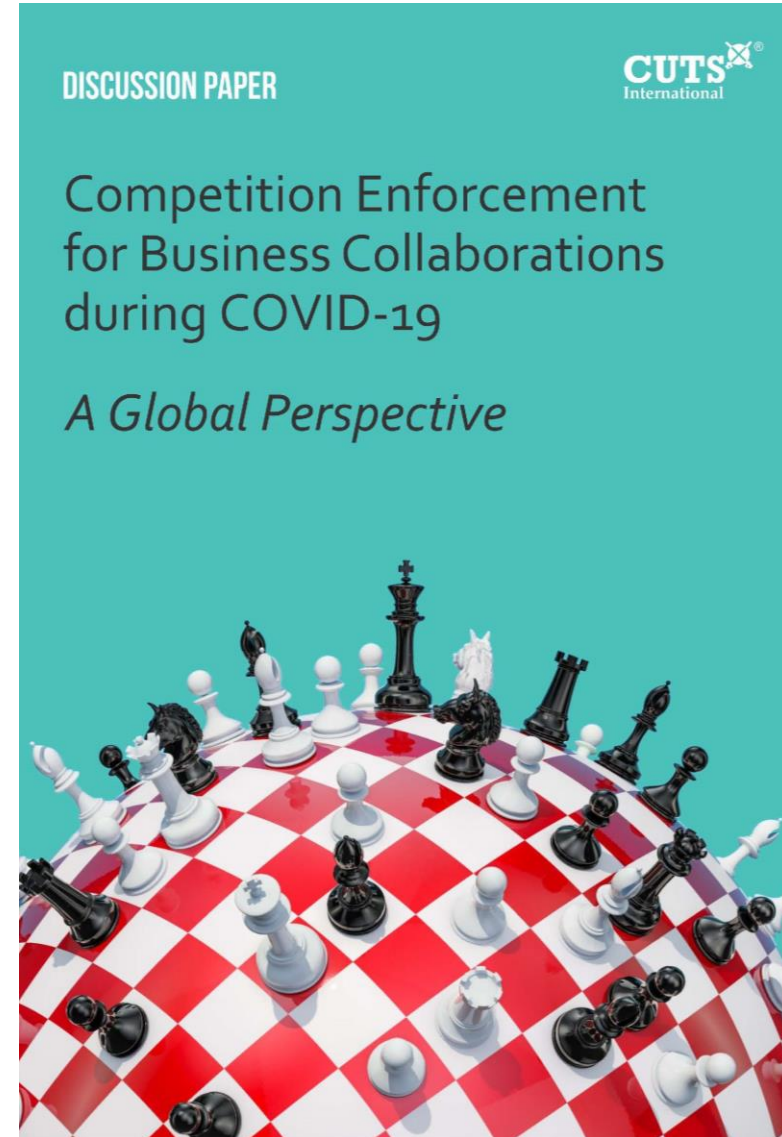


Increase Transparency

THANK YOU

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Please click on the picture to access paper.

PANEL DISCUSSION



Built-in Provisions to Tackle Unforeseen Situations



Competition Law vs. Consumer Protection Law



Rethinking the Framework for Competition Law



Industrial Policy v. Competition Policy



Ensuring Harmonious Application of Competition Laws Globally



Efficiency of the Current Remedial Tools