

Cross-border merger control and international cooperation: Experience from Latin America

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

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!