



Minutes Second Substantive Meeting of 2023
Working Group on Cross-border Cartels
25 April 2023
14:00-16:00 (CET)

Following the first substantive meeting on 28 February 2023, the second substantive meeting of the Working Group on Cross-border Cartels (WG on CBC) was held virtually on 25 April 2023 at 14:00 CET for 2 hours. This meeting comprised three sets of presentations of case studies. The first case was the sports media rights case by the competition authority of Brazil, the second case was the Forex cartel case by the European Commission, and the third case was the Glovo and Delivery Hero case by the competition authority of Egypt.

1. The meeting was opened and moderated by the UNCTAD secretariat.
2. Competition authority of Brazil (CADE) presented the sports media rights case in Brazil. This case is about 8 companies/economic group's cartel conduct including price fixing, market division, and the exchange of commercially sensitive information. The alleged anticompetitive conduct occurred from 2008 to 2017 at least, and the case became an administrative proceeding in 2022. This conduct has harmed several stakeholders such as sports federations, sports clubs, holders of media rights, broadcasters, and Brazilian viewers (worldwide) indirectly. There was a relevant case where the competition authority of Italy fined €67 million for the similar conduct.
3. The Competition Commission of South Africa asked questions about the business model and the level where the right holders involving as the parties in the conduct. CADE explained the two ways of media rights business. The first one is by directly selling the broadcasting to international broadcasters, and the second one is to choose to sell these rights to other business companies. CADE also made it clear that right holders are not participants in the conduct in response to the second question. USDOJ asked about what kind of cooperation with the other jurisdictions took place and whether there were any other jurisdictions that CADE cooperated with than the Italian authority. CADE responded that there was no "official" cooperation with other competition authorities so far, but it did not mean that they would not do so in future.
4. Then the European Commission presented the Forex cartel case. There were three major Forex cases in the EU, and among them, the Sterling Lads case was presented. In this case, 5 Forex traders (UBS, Barclays, RBS, HSBC, and Credit Suisse) allegedly infringed with conduct such as information exchanges,



instances of coordination, and underlying understanding around 2011-2012 EU Commission fined 5 traders €344 million for participating the cartel.

5. The competition authority of Austria asked if the case was pending in court and if more information could be shared. The EU responded that they may be able to share information on some more cases, confirming that the case was pending in court. The competition authority of South Africa shared updated information about their Forex cartel case which was presented in the last meeting. The South African competition tribunal made a judgment that dismissed all the exceptions and the challenges to the jurisdiction on 30 March.
6. Lastly, the competition authority of Egypt (ECA) presented its online delivery service case. 2 competitors in the online on-demand food delivery service provider, Deliver Hero and Glovo, agreed on Glovo's exit from the Egyptian market in order to cease competition in 2018. ECA decided that the parties' conduct infringed Egyptian competition law and ordered them to take the necessary measures to cease the anti-competitive agreement in May 2019. After that, both parties addressed commitments to comply with ECA's decision.
7. The competition authority of Russia asked whether ECA cooperated with competition authorities of other countries. ECA answered that the agreement was about the Egyptian and the Peruvian markets, so ECA and the Peruvian competition authority exchanged views on the case and share some evidence regarding the agreements. USDOJ commented that this case is interesting because it was about the agreements that affected markets in other parts of the world, and asked if structural remedies were considered other than behavioural remedies. ECA responded that it was difficult to impose structural remedies because ECA does not have merger control authority. The competition authority of Moldova asked if this decision was final, and ECA confirmed that it was.
8. After the presentations and Q&A sessions, the UNCTAD secretariat introduced the meeting of the Intergovernmental Group of Experts on Competition Law and Policy (IGE) from 5 to 7 July. The UNCTAD secretariat also asked the attended delegates for their opinions on whether to renew the mandate of this WG on CBC for another year, and the competition authority of Russia agreed to the renewal of the mandate.
9. The UNCTAD secretariat informed the renewal of the mandate of WG on CBC would be decided by the Agreed Conclusions of the IGE in July, and closed the meeting.



2nd Substantive Meeting of Working Group on Cross-Border Cartels		
List of Participants		
Shushan Sargsyan	Competition Protection Commission (CPC)	Armenia
Lukas Cavada	Federal Competition Authority (AFCA)	Austria
Troy Waterman	Barbados Fair Trading Commission	Barbados
Andrea Lucia Freire do Nascimento Braulio Ferreira Bruna Queiroz Emmanuel Faria Fernanda Machado Raquel Mazzuco Sant'Ana Possamai Vitor Silva Martins Costa	Administrative Council for Economic Defense (CADE)	Brazil
Emanuel Barbosa Eveliny da Lomba Keiveny Correia	Autoridade da Concorrência (AdC)	Cabo Verde
Zhang Mingming	The State Administration for Market Regulation (SAMR)	China
Hazel Orozco	Commission to Promote Competition (COPROCOM)	Costa Rica
Rana Khoweiled	Egyptian Competition Authority (ECA)	Egypt
Evelyn Olmedo	Competition Superintendency	El Salvador
Diana Benalcazar	Superintendency for Control of Market Power of Ecuador (SCPM)	Ecuador
Nadya Pustovalova Ksenia Tischenko	Eurasian Economic Commission (EEC)	Eurasian Economic Commission
Beatrice Frailoli Blanco Thomas Soledad Francois Souty Palos Timea Margareta	European Commission	European Union
Giorgi Meladze Gvantsa Chaduneli Salome Kupatadze	Georgian National Competition Agency	Georgia
Mirja Schmitz-Hubsch	Bundeskartellamt	Germany
Ashutosh Kumar	Competition Commission of India (CCI)	India
Tomohiro Watanabe	Japan Fair Trade Commission (JFTC)	Japan
Aida Baimakanova	Agency for Protection and Development of Competition (APDC)	Kazakhstan



Alejandro Pedraza Claudia Brambilla Rodrigo Ríos	Federal Economic Competition Commission (COFECE)	Mexico
Dumitru Padure	Competition Council	Moldova
Florence Abebe	Federal Competition and Consumer Protection Commission	Nigeria
Arturo Aguilera Carlos Centurion Manuel dos Santos Ricardo Gavilan	National Competition Commission (CONACOM)	Paraguay
Sofia Kravchenko	Federal Antimonopoly Service (FAS)	Russia
Sergey Ivanov	Permanent Mission in Geneva	Russia
Maja Dobric	Commission for Protection of Competition	Serbia
Enika Pitso Maanda Lambani Ponalo Xinishe Precious Mathibe	Competition Commission (CCSA)	South Africa
Blaise Sanglard	State Secretariat for Economic Affairs (SECO)	Switzerland
Krystle S. Maharaj Tishana Simon	Fair Trading Commission	Trinidad and Tobago
Zeynep Madan	Turkish Competition Authority (TCA)	Turkey
Caldwell Harrop	Department of Justice (DOJ)	United States
Keiveny Correia Matmusaev Rakhmatullaeva Umida	Competition Promotion and Consumer Protection Committee (CPCPC)	Uzbekistan
Chester Njobvu James Chalungumana Loti Mweemba	Competition and Consumer Protection Commission (CCPC)	Zambia
Tawanda Mawundike Ophilia Maheya Sithole	Competition and Tariff Commission (CTC)	Zimbabwe
Joongweon Jeong	Bae, Kim & Lee LLC	
David Anderson	Bryan Cave Leighton Paisner LLP	
Rajan Dhanjee	Global Traders Conference	
