



International
Competition
Network

IMPLEMENTATION PANEL
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**Implementation of the Recommended
Practices for Merger Notification and
Review Procedures**

Implementation Project Group

- **Monitoring:** Prepared a baseline study of the conformity of ICN members' merger review systems with selected provisions of the Recommended Practices.
- **Implementation:** Interviewed 27 jurisdictions that had made or proposed changes that brought their merger laws into greater conformity with the Recommended Practices.

Results of the Implementation Study



Implementation of the Practices

SEOUL → **22%** of members have made or planned revisions.

- Albania, Armenia, Brazil, Cyprus, EU, Hungary, Ireland, Israel, Korea, Macedonia, Mexico, Uzbekistan, Zambia

BONN → **54%** of members have made or planned revisions.

- Australia, Canada, Colombia, Croatia, Czech Republic, Estonia, Finland, France, Greece, Japan, Latvia, Netherlands, New Zealand, Norway, Poland, Portugal, Russia, Taiwan, United Kingdom, United States, Venezuela

+ Creating new merger regimes:

+ Costa Rica, Indonesia, Peru

Principal Role of the Practices

1. Catalyst for Change

- Announcing the merger guidelines, ACCC Chairman Graeme Samuels explained,
“We acknowledge our own practices must measure up to the world's best practice, as spelled out in the ICN recommendations. To that end we are in the process of developing additional guidelines that address the ICN recommendations.”

2. Benchmarking

- In Brazil, the Practices provided the agencies with a defined path to address many of the concerns identified with their merger review process.
- The Russian Antimonopoly Service used the Practices to persuade legislators of the need for change.

Lessons Learned from the Report



- Starting with changes that agencies can implement themselves can improve their merger review system without expending significant effort and resources, and may help build support for more extensive reform.
- The Recommended Practices are most persuasive when they are used as a complement to other internationally-accepted models and work on best practice.
- Building consensus among interested constituencies throughout the reform process facilitates enactment and acceptance of reforms.
- All stakeholders, including agency officials, private practitioners, and academics, can play an important role in effecting change.

“TIP SHEET”



1. Identifying Areas for Change

- Use the RPs as a benchmark to identify areas for improvement.
- Compare your merger regime to those in other jurisdictions.
- Consult the work of the OECD.

2. Implementing Change

- Starting with small changes can lead to more extensive reform.
- Use press releases and notices to announce reforms.
- Refer to laws and regulations from other jurisdictions that have implemented the RPs for model language.
- Consider the resources and staff needed to implement reforms.

3. Building Consensus

- Make the private sector your ally.
- Emphasize how the changes will bring the jurisdiction into conformity with recognized benchmarks of best practice.