

Foreword

Digitalization opened a new era of competition law and policy. Nowadays, more than 130 countries have adopted competition law including mechanisms to fight anticompetitive conducts and merger control in most of them. The digital economy entails new challenges to competition authorities worldwide which require greater cooperation efforts towards convergence and consistency.

In this context, this book edited by Professor William E. Kovacic and Paulo Burnier da Silveira addresses many of today's hot topics. The title 'Global Competition Enforcement: New Players, New Challenges' gives the flavour of its chapters and invites readers to a tour around the globe including views from America, Europe, Africa, Asia, and Oceania.

In the first part, Professor Ioannis Lianos presents an overview of the digital economy issues that raise challenges to competition authorities and policy makers. Then, contributions from India and Mexico enforcers illustrate with recent cases how competition authorities from these two jurisdictions have addressed these challenges.

The second part explores enforcement cases in traditional markets, regarding recent experiences in Japan and Mauritius. Professors Yosuke Okada and Junko Shibata analyse the first ruling by the Japanese Supreme Court on whether refusal to deal with competitors constitutes exclusionary practice in the telecom sector. Another contribution illustrates how the Competition Commission of Mauritius succeeded to crack more than 100 cases on resale price maintenance, thanks to an interesting immunity programme and advocacy efforts.

Furthermore, a contribution from Brazil consolidates the current state of play of its 'Car Wash' investigations that is considered the biggest on-going cartel investigation in the world. The Peruvian experience in the fight against cartels is also presented with three recent bid-rigging cases in the healthcare sector that affect a great number of consumers and public expenditure. A last contribution addresses the tissue paper cartel investigated by some Latin American countries and subject to a rich debate on the design and practice of a regional organization with competition enforcement powers: the Andean Community.

Foreword

The third part highlights the topic of competition neutrality, which intends to level the playing field of private and public companies. Professor Deborah Healey presents a glance at experiences in Europe and the Asia-Pacific region. Then, Judge Dennis Davis and Tembinkosi Bonakele explore the South African experience with its State-Owned Enterprises and public interest unique clauses.

The fourth part looks forward and sheds light into future perspectives. It analyses regional convergence efforts in Asia-Pacific and Latin America, including the links between regional integration and competition policy. In addition, two contributions highlight recent developments in the Chinese merger control regime and the Argentinean new competition law that adopted a pre-merger control system as well as a leniency program to tackle cartels. A last section by Professor William E. Kovacic and Paulo Burnier da Silveira concludes the book with final remarks.

It is a great set of contributions for those interested in the development of competition law and policy across the world. Besides, the book focuses on emerging economies and competition authorities' experience that do not usually have the opportunity to showcase its experiences, differences, and success stories in writing. In this way, it fosters diversity and inclusiveness that are the cornerstone of the United Nations' mandate. It is very much in line with the mandate and work of UNCTAD, the focal point for Competition law and policy within the United Nations system, and the custodian of the United Nations Set on Competition Principles and Rules, the only internationally agreed instrument in this field.

I thank the editors for inviting me to write these introductory words and wish you a great reading.

Teresa Moreira
Head of Competition and Consumer
Policies Branch at UNCTAD