
International Competition Fund: Solution for Effective Deterrence and Distribution of Cartel Fines

Rijit Sengupta

CUTS International

Asian Competition Forum

8-9 December, Hong Kong

Scheme of Presentation

- **Background**
- **Context**
- **International Competition Fund**
 - **Conceptual Clarity**
 - **Financing**
 - **Management & Administration**
- **Conclusion**
- **Ending Questions**

Background

- **International Anti-competitive Practices**
- **Cartels and their trans-boundary effects**
- **Developing country consumers inflicted**
- **Economic drain in low-income countries**

Context

- **Fight against cartels**
- **Weak law and/or enforcement in DCs**
- **No redressal mechanism for DC consumers**
- **International cooperation on competition**

International Competition Fund

Conceptual Clarity

- **Introduction**
- **Challenges**
- **Benefits**
- **Benefits Vs Challenges**

International Competition Fund

Financing

- **Fines and Damages**
- **Voluntary Or Mandatory Settlement**
- **Private enforcement**
- **Class Action**
- ***Cy pres* Awards**
- **Public enforcement**

International Competition Fund *Management & Administration*

- **Agency – WTO, OECD, World Bank**
- **Mechanisms – consensus, north-south partnerships**
- **Activities – technical assistance, educational programmes, consumer awareness and sensitisation**
- **Global Competition Facility**

Conclusion

- **Applying the principle of ‘equity’ to competition law enforcement**
- **Deterrence of international anti-competitive practices**
- **Insulating economies and consumers from international cartels**
- **Explore the possibility for setting up the ICF**

Ending Questions

- **Could national competition laws be evolved, accordingly?**
- **To what extent advanced countries are inclined to cooperate with less advanced countries (on competition)?**
- **What should be the nature of such cooperation**
- **Can OECD countries consider the contribution to ICF as part of ODA?**

Thank You for your attention

rsg@cuts.org

www.cuts-ccier.org