

# 6 ARAB COMPETITION FORUM

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Shared Prosperity Dignified Life



## Mergers & Acquisitions:

Challenges and Opportunities in Competition Law Enforcement

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# Challenges with cross-border mergers – developing countries

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- ✓ Asymmetry between global firms and national competition authorities, especially in developing and least-developed countries
- ✓ Legal limitations
- ✓ Resource constraints that limit detailed merger assessments
- ✓ Limited coordination between competition authorities
  - Diverse timelines and procedural rules / strategic moves by merging parties
  - Difficulties in information sharing
  - Divergent outcomes and remedy conflicts
- ✓ Jurisdictional limitations (extraterritoriality)
- ✓ “One-stop shop”?
- ✓ “Public interest” and other objectives of competition laws (e.g. competitiveness of MSMEs, employment)

# Merger control in the digital economy



- ✓ Growing M&A in tech and digital platforms, cross-sector acquisitions
- ✓ Challenges with traditional assessment tools (e.g. turnover-based thresholds)
- ✓ Killer acquisitions
- ✓ Regulatory silence despite large market impacts
- ✓ The need for digital-specific rules?

# Opportunities for regional cooperation



- ✓ ASEAN: legal diversity addressed through soft law
  - ASEAN Competition Action Plan
  - “ASEAN Regional Guidelines on Competition Policy and Law” (2010, revised 2020)
  - ASEAN Experts Group on Competition (AEGC)
  - ASEAN Competition Enforcers Network (ACEN)
  - Information portal on merger cases on the AEGC website
  - “Case Study Manual for ASEAN Competition Agencies”
- ✓ Non-binding tools facilitate alignment and cooperation
- ✓ Strengthen capacities through peer learning
- ✓ Building trust through regional dialogues

# Recommendations?

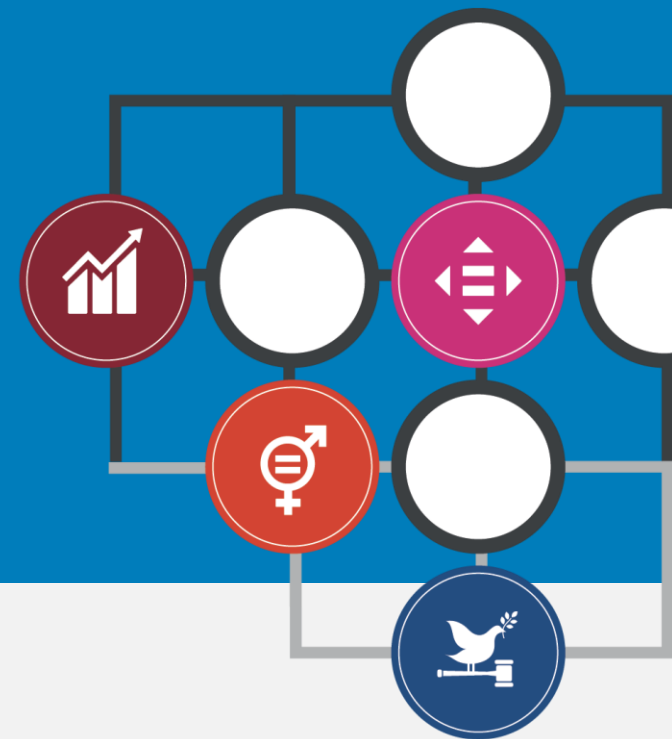


- ✓ Modernizing merger control frameworks
- ✓ Leveraging soft law and non-binding instruments
- ✓ Enhancing capacities of competition authorities in developing countries
- ✓ Promoting regional/international cooperation mechanisms

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# Thank you!