

Ex-FTC official flags mistrust between US, Chinese agencies – Concurrences Brussels

08 September 2017 | 18:51 BST

- Language and trust issues hinder information sharing between US, China
- EU-China relations better, official says; EU-US case teams talking weekly

Cooperation between US and Chinese antitrust authorities remains scarce, with officials on both sides hindered by trust issues, a former official at the US Federal Trade Commission (FTC) said on 7 September.

“The one disappointment in my experience has been – while there have been improvements – there’s not full board cooperation with the Chinese officials, at the [Chinese] Ministry of Commerce (MOFCOM),” said Stephen Weissman, who served as deputy director of the FTC’s Bureau of Competition between 2013 and 2015.

Weissman, who is now partner at Baker Botts in Washington DC, said that while things have improved he still thinks there is “a lot less give-and-take”.

“There may be a language issue, but more fundamentally there is not the trust that agencies need at this point to share information,” he added.

Weissman made the comments at a conference organised by Concurrences, Baker Botts and Charles River Associates in Brussels.

At the FTC, Weissman was part of and supervised the review of several merger and non-merger investigations and enforcement actions, across sectors such as pharmaceuticals, consumer products, energy, high-tech and general manufacturing.

Hanna Anttilainen, head of unit for mergers in energy and environment at the European Commission’s (EC) directorate general for competition (DG Comp) agreed that there may be “cultural” issues at play but noted a relatively better cooperation between the Chinese authorities and Europe. She was speaking on the same panel.

She noted that DG Comp is “working very hard” to make cooperation with MOFCOM successful and to “put them at ease”.

The EU and MOFCOM developed a cooperation framework to review merger cases. The framework was signed in October 2015.

Weissman said cooperation between the US and the EU remains strong and will continue to be strong.

PROPRIETARY

Sector: Government
Topics: Agencies, Merger Review

Grade: Confirmed

Agencies

Ministry Of Commerce (MOFCOM)
 European Commission - Directorate General For Competition (EC - DG Comp)
 US Federal Trade Commission (FTC)
 European Commission

There are no files associated with this Intelligence

He noted that on global mergers, there are weekly calls between the merger case teams in the US and the EU and less frequently at the higher levels of the agency.

by Khushita Vasant in Brussels

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