



Competition Law in the BRICS Countries

Adrian Emch, Jose Regazzini

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Companies around the world and their advisors have realized, over the past few years, that they must be very aware of merger control and antitrust enforcement developments in Brasilia, Moscow, New Delhi, Beijing, and Pretoria. When one appreciates the extent of enforcement by the competition authorities of the powerful emerging economies of Brazil, Russia, India, China, and South Africa, it becomes clear that a fundamental change in the focus of international antitrust enforcement has occurred. Under the auspices of the International Bar Association, this timely, invaluable book examines in detail the fast-moving antitrust developments in the BRICS countries. Twenty-nine outstanding experts – practitioners, officials, and academics, each of them working in one of the five countries – present in-depth descriptions of the structure, powers, and procedures of their country's respective enforcement agencies. Disclosure, transparency, benchmarking, portfolio of policymaking tools, and the speed, phasing, and priorities of implementation are all fully analysed. The authors provide summaries with implications of relevant cases in their jurisdictions. The issues and topics covered include the following: politics, resources, priorities; cooperation with criminal prosecutors and police; extraterritoriality; availability of administrative sanctions, criminal enforcement, and private actions; assessment of dominance; investigation: procedure, powers, burden of proof, appeal; procompetitive development of particular sectors of the economy; leniency programs; calculation of market share thresholds; triggering events/thresholds; notification thresholds and documents; employee and trade union involvement; and government participation and intervention. At a time when the BRICS antitrust agencies are increasingly asserting their roles in a multipolar antitrust world and cooperating with each other more and more, this thorough and up-to-date comparative analysis on what the BRICS countries are doing in the antitrust sector will be extremely valuable to corporate counsel worldwide. For academics and policymakers it will provide a highly revealing perspective on the current state of international competition law enforcement.

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