U.S. antitrust agencies to sign memorandum of understanding with India soon, FTC commissioner says

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Chicago - The Federal Trade Commission and U.S. Department of Justice plan to sign an agreement with India's competition authority "in the near future" that would allow the agencies to cooperate on specific cases and investigations, an FTC commissioner said.

Speaking on international competition issues at a conference in Chicago Thursday*, Commissioner Edith Ramirez said the agencies have signed similar agreements - so-called Memoranda of Understanding - with other emerging authorities in Brazil, Russia and China.

"We hope to sign an MOU with [the Competition Commission of India] in the near future," Ramirez said.

MOUs, which vary from country to country, allow DOJ and FTC to have more open communication with international antitrust partners and exchange information on merger, conduct and cartel cases where the countries have common interests.

The agencies have agreements with many of the 120 competition authorities around the world, including those in Europe, Canada and Japan, Ramirez said. The agreements with emerging economies have come more recently, with the agencies signing an MOU with Russia three years ago and one with China last year.

- MOU with China -

Since signing the MOU with China, the agencies have had several opportunities to coordinate in merger reviews, including in two mergers in the hard disk drive (HDD) industry.

“Our engagement with [Ministry of Commerce or MOFCOM] was not that different than with other competition agencies,” Ramirez said. “We didn’t get to the same results, but the experience was positive. We expect more cooperation” in the future, she added.

Last year, the FTC and Europe approved Seagate's purchase of Samsung's HDD unit unconditionally, and China subsequently required several conditions (see here). China also lagged behind and imposed additional remedies in Western Digital's purchase of Hitachi's HDD division, which went further than EU and U.S. regulators’ conditions (see here).
The CCI in India was established in 2002 and began implementation in 2007, Ramirez said. The FTC began offering advice before the 2007 implementation. As a result of the input from international agencies and the business community, CCI recently changed its requirements for merger notification and set internal deadlines for merger reviews, she said.

- Additional reporting by Dan Greenlee in Washington.

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**Linked Case File(s)**

Seagate Technology - Samsung Electronics
Western Digital - Viviti Technologies