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Competition law enforcement in the Gulf region: Challenges and perspectives

UNCTAD XIII special event

Held at the Qatar National Convention Centre, Doha, on 16–18 April 2012

Summary prepared by the UNCTAD secretariat

Introduction

1. A regional workshop on competition law enforcement in the Gulf Region, organized by UNCTAD and the Ministry of Business and Trade of Qatar, was held in Doha on 16–18 April 2012. Representatives from four countries of the Gulf region – Oman, Qatar, Saudi Arabia and United Arab Emirates – and from Austria, Morocco, Tunisia and Turkey, attended the event. Other participants included heads of competition authorities and officials from the relevant government ministries and departments dealing with competition and consumer protection.

I. Regional workshop on competition law enforcement

2. The workshop consisted of three sessions. The first two sessions, held on 16–17 April, featured presentations by competition experts and UNCTAD staff members on various competition issues. On the third day, participants held consultations on their technical assistance needs in the area of competition law and policy both at the national and regional levels.

3. The first session featured presentations by Natalie Harsdorf, Case Handler, Austrian Competition Authority; Mona Yassine, Vice-Chairman, Association for the Protection of Competition; Mohamed Ben Fraj, Senior Advisor, Ministry of Trade of Tunisia; Rushdy al Muhammadi, Competition Expert, Ministry of Business and Trade of Qatar; Mohamed Faouzi Ben, President of the Competition Council of Tunisia; Nurettin Kaldirimci, President, Turkish Competition Authority; Jihan Benni, Case Handler, Competition

Council of Morocco; Hassan Qaqaya, Head, Competition and Consumer Policies, UNCTAD; and Elizabeth Gachuiiri and Ebru Gökçe, Legal Affairs Officers, UNCTAD.

4. The issues discussed on the first day of the event included the relationship between competition policy, enabling business environment and competitiveness; regional cooperation of competition authorities and trends in competition law implementation and enforcement in the Arab region; the interface between competition policies and consumer protection; anti-competitive agreements; and the institutional framework for competition law enforcement.

5. The representative of the Austrian Competition Authority briefed participants on the issues discussed during the Mediterranean Round Table on Competition Law Enforcement in the Mediterranean Countries held in Vienna on 1 and 2 December 2011. Representatives of countries from the Middle East and North Africa region, of Eastern European countries, Turkey and UNCTAD had taken part in the Round Table.

6. The presentations were followed by an interactive discussion, during which participants asked questions on the experiences of participating competition authorities in competition law enforcement. Speakers provided many case examples on the implementation and institutional design of competition authorities.

7. In response to a question concerning the social and economic benefits of competition law and policy in the long term, speakers said that competition law benefited consumer welfare, thereby contributing to a fairer income distribution in society. It also promoted innovation and helped spur economic growth and development.

8. On the second day of the workshop, speakers discussed the substantive issues on competition, including the definition of the relevant market, abuse of dominance, merger control and judicial review. The presentations were followed by an interactive discussion on certain competition issues, including the design of the competition and consumer protection agencies. Participants asked whether the two areas could be administered under one institution. There were different models in the world, the most important issue being the implementation and efficient use of existing resources. The debate was followed by a breakout session in which participants were divided into two groups moderated by two facilitators. Each group had one competition case to discuss and report to the plenary session. The session was an opportunity for the participants and the facilitators to interact and share ideas on how to deal with competition cases.

II. Consultations on needs assessments

9. Building on the issues discussed during the two-day workshop, participants held consultations the third day on their technical and capacity-building requirements. Mr. Qaqaya delivered a presentation on UNCTAD's capacity-building activities in the area of competition and consumer policies. Subsequently, participants gave an overview of the status of competition law enforcement in their countries. The representative of Qatar said that his country planned to establish an independent competition authority in the near future.

10. The needs and priorities of young competition authorities were identified during consultations among the participants from relevant government bodies and experienced competition authorities. Participants stressed the importance of competition culture and advocacy, capacity-building through training of staff and judges, and market studies undertaken to identify competition issues in certain sectors. The representative of Egypt stressed the importance of activities carried out to ensure compliance by companies. In

addition, big competition cases were used to advocate the need for a revision of competition law.

11. The representative of Tunisia said that his Government was ready to offer training and expertise, and to share its experience with the Gulf countries.

12. UNCTAD offered to prepare a project document for the State of Qatar to initiate a capacity-building programme.

13. At the regional level, the representative of Turkey, referring to the project on competition law enforcement with members of the Organization of Islamic Cooperation, said that the Turkish Competition Authority intended to launch a pilot project in 2012. She asked participating countries to inform Turkey of their needs, which would be helpful in developing an appropriate project to assist them.
