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REGIONAL WORKSHOP ON COMPETITION LAW ENFORCEMENT IN THE GULF REGION: CHALLENGES AND FUTURE PERSPECTIVES

16-18 APRIL 2012

BACKGROUND

Competition law and policy is part of the economic reforms and policies in the Gulf States. There is political will in these countries to enhance the competitiveness of their economies, create an enabling business environment, promote economic growth and achieve inclusive development. Competition law and policy is considered to be a useful tool in this process. It is essential for the creation of both a more open and transparent business environment, and a level playing field for business.

Countries in the Gulf region are at different stages of competition law and policy implementation. Some countries, such as Saudi Arabia, Qatar and Yemen, have a competition law in place, while others such as Bahrain, Kuwait, Oman and the United Arab Emirates, do not have a competition law. Nevertheless, all the Gulf States share a common objective with respect to competition law and policy, and that is to have both effective competition law and policy and a well-functioning competition authority. In some countries such as Qatar, competition law has been given special attention – not only domestically but also regionally – in order to support the efforts of Arab countries to adopt a common Arab competition law. Therefore, there is a momentum in the region to work together at both the national and regional levels in the area of competition law and policy. Furthermore, the State of Qatar requested UNCTAD to organize a workshop on competition law enforcement. Based on this request, UNCTAD will hold a two-day workshop on competition law enforcement for the member States of the Gulf Cooperation Council on 16-17 April 2012. This workshop will be followed by a needs assessment event on 18 April 2012, where UNCTAD and the participating States will hold consultations on their particular needs regarding competition law and policy. This event will provide a forum to discuss the challenges faced by Gulf States and address the role of UNCTAD in assisting them to overcome those challenges.

PURPOSE

The Regional Workshop aims at bringing together the representatives from the Gulf region and competition experts in order to discuss the role of competition law and policy for economic development and consumer protection, to provide introductory training on the basic concepts of competition law, to address the development challenges faced by these countries in competition law enforcement and to understand their needs. Based on this needs assessment, UNCTAD will design and implement a technical assistance- and capacity-building programme on competition law and policy for countries in the Gulf region.

PRE-EVENT

OUTCOME

(a) Better understanding of the basic concepts of competition law and enforcement issues: The participants will deepen their knowledge about the importance of competition law and policy for economic development and consumer protection. They will gain a better understanding of the basic concepts of competition law and the essential elements of competition law enforcement.

(b) Needs assessment and capacity-building programme: By the end of the Workshop, the specific competition law enforcement needs of the Gulf States will have been determined. This needs assessment will be used by UNCTAD to design and launch a regional technical assistance- and capacity-building programme on competition law and policy (i.e. Gulf States Competition Programme, or GULFCOMP).

ORGANIZATION

The Regional Workshop will be attended by (a) representatives from competition authorities and directors of departments handling competition issues in relevant government ministries in the Gulf States, (b) representatives of cooperating partners and (c) civil society and consumer organizations. The Regional Workshop will be organized in two parts. The first part will be held on 16–17 April and will provide panel discussions on the interface between competition law and policy on the one hand, and economic development and consumer protection on the other. This part will also include training in the basic concepts of competition law and its enforcement. During these two days, presentations will be given on the subject matter by panellists and UNCTAD officials. The presentations will be followed by an interactive debate. The second part of the Regional Workshop will be held on 18 April 2012, when the participating States will hold consultations with each other and with UNCTAD on their particular needs in the area of competition law and policy.

AGENDA

DAY ONE - 16 APRIL 2012

Morning session

Part I – The Role of Competition Law and Policy in Economic Development

Competition ensures the free entry of new firms that might bring productivity gains and innovation to an economy. Competition law and policy should be an essential element of economic development policies.

Part II – The Interface between Competition Policies and Consumer Protection

Competition brings about lower prices and better quality. It encourages innovation and productivity. Therefore, consumers benefit from fair competition between firms, whereas anti-competitive practices tend to increase prices above the competitive levels and thereby harm consumer interests.

Part III – Introduction to Competition Law and Policy: Horizontal and Vertical Agreements and Exemptions

This session will introduce the basic concepts of competition law and discuss the types of horizontal and vertical agreements as well as exemptions.

Afternoon session

Part IV – Training Course on Competition Law and Policy

This part will provide four short courses on various aspects of competition law.

Course 1: Definition of the relevant market

Course 2: Anti-competitive agreements

Course 3: Abuse of dominance

Course 4: Mergers and acquisitions

DAY TWO - 17 APRIL 2012

Morning session

Part I – Breakout Session – Case Studies

In this part, the participants will be divided into three groups and will be given competition cases to discuss among themselves. Each group discussion will be facilitated by UNCTAD officials. Each group will provide its own solution to the given case.

Afternoon session

Part II – Plenary Session – Case Studies

In this part, representatives of the three groups will present their solutions and summarize their group discussions. A discussion among all participants and UNCTAD officials on the cases will follow.

Part III – Judicial Review (Complaints and Appeals)

This session will provide a short course on the complaint and appeal procedures, and judicial review of competition cases.

DAY THREE – 18 APRIL 2012

Morning session

Part I – Consultations with Participants: Needs Assessment

Needs assessment is the first step before designing any technical assistance- and capacity-building programme. There is thus need to consult with each participating country on their competition law and policy needs. Consultations will be held with participating countries on their needs.

Afternoon session

Part II – The way forward

The consultations to be held in the morning session will allow the finalization of the needs assessment for Gulf States in relation to competition law enforcement. In this session, there will be a consolidation of the issues raised during the consultations, and participants will be requested to provide input on the technical assistance- and capacity-building programme to be developed by UNCTAD for the Gulf Region.

DOCUMENTS

Mediterranean Competition Bulletin No. 4. Competition law enforcement in the Mediterranean countries: Challenges and future perspectives.

http://ec.europa.eu/competition/publications/mediterranean/mcb_3_6_en.pdf

Manual on the Formulation and Application of Competition Law (English edition, 2004)

Review of capacity-building and technical assistance on competition law and policy (TD/RBP/CONF.7/7)

Independence and accountability of competition authorities (TD/B/COM.2/CLP/67)

Appropriate sanctions and remedies (TD/RBP/CONF.7/5)

The role of competition policy in promoting economic development: The appropriate design and effectiveness of competition law and policy (TD/RBP/CONF.7/3)

The use of leniency programmes as a tool for the enforcement of competition law against hardcore cartels in developing countries (TD/RBP/CONF.7/4)

Effectiveness of capacity-building and technical assistance extended to young competition agencies (TD/B/C.I/CLP/11/Rev.1)

Review of the experience gained so far in enforcement cooperation, including at the regional level (TD/B/C.I/CLP/10)

Model law on competition: Substantive possible elements for a competition law, commentaries and alternative approaches in existing legislation (TD/RBP/CONF.7/8)

Application of Competition Law: Exemptions and Exceptions, UNCTAD Series on Issues in Competition Law and Policy (UNCTAD/DITC/CLP/Misc.25)

National competition laws of participating countries.

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