

**Intergovernmental Group of Experts on Competition Law
and Policy, Fourteenth Session**

Geneva, 8-10 July 2014

Roundtable on:

**Communication strategies of Competition
authorities as a tool for agency effectiveness**

Contribution

by

Mauritius

The views expressed are those of the author and do not necessarily reflect the views
of UNCTAD

Background

The Competition Commission of Mauritius (the 'CCM') has throughout its five years of existence, placed much emphasis on effective communication of the operational aspects of its enforcement and advocacy works as part of its endeavours in engaging the various stakeholder groups in an efficient, effective and transparent manner. The CCM has certainly benefitted from the informative discussions that have taken place during recent years during the different international competition fora and between/among competition authorities on the strategies of enhancing agency effectiveness via the implementation of effective communication tools. This is not to say that devising appropriate communication tools which best meet the needs of the relevant audience is devoid of its share of challenges against the backdrop of its relatively young enforcement experience coupled with scarce financial resources and human expertise.

The Legal Framework

Amongst the numerous powers and functions vested upon the Executive Director of the CCM¹ by the Competition Act 2007 (the 'Act'), are the functions to:

1. publish the reasoned decisions of the Commission once the latter has made a determination;
2. publish and otherwise promote and advertise the provisions of the Competition Act and the activities of the Commission; and (...)
3. liaise and exchange information, knowledge and expertise with competition authorities in other countries entrusted with functions similar to those of the Commission.

The Competition Commission Rules of Procedure 2009² equally provide that copies of non-confidential versions of investigation reports are to be made available on the CCM's website. Notices of remedies proposed by the Executive Director in any particular case are required to be published on the CCM's website and in such other media as the Executive Director may consider appropriate. Finally, copies of Commission directions are published in the Gazette and on the website of the CCM.

The Act, whilst establishing the groundwork for the use of communication tools in publishing and advocating the CCM's enforcement activities, provides much leeway to the Executive Director in devising the most appropriate communication strategies for the relevant audience. Communication

¹ Section 30 of the Competition Act 2007 available at

http://www.ccm.mu/English/Documents/Legislations/Competition%20Act%202007_Amended_050213.pdf

² Rule 15 of the Competition Commission Rules of Procedures 2009 available at

<http://www.ccm.mu/English/Documents/Legislations/Rules-of-Procedure-2009-051112.pdf>

should be tuned to fit the target group. Relevant stakeholder groups include policy makers, media, business community, consumers and their organisations, academia, judiciary, lawyers and educational institutions.

Communication tools employed in practice

Media Advocacy

Given that the media provides one of the most strategic means of advancing public awareness of its enforcement activities, the CCM has assigned two internal liaison officers to ensure that all press releases regarding the different investigation stages (launch of an investigation, submission of final report to Commission, hearing proceedings, communication of Commission decisions) are sent to the most widely-read newspapers, the different radio channels and the national broadcasting station in a prompt and timely and efficient manner. The press releases are prepared and translated in French before their transmission to the media. Whenever called upon by the media, the Executive Director regularly intervenes on the radio to report on the completion of CCM's investigations as well as to offer expert interviews on specific competition issues (such as the interface between intellectual property rights protection and competition law, explaining on business practices that are capable of constituting an abuse of monopoly situations, the CCM's leniency programme, amongst others).

The CCM has aimed at building a long-term working relationship with the different stakeholders of the media. It has, over the years, observed that the CCM has garnered a positive and consistent national coverage of both its enforcement and advocacy activities. The CCM activities have been also reported in international newsletters and the Global Competition Review (the GCR) online database³. The first investigation completed by the CCM on IBL Consumer Goods' Sales Contracts with retail stores featured in NERA Economic Consulting, which is a global firm of experts dedicated to applying economic, finance, and quantitative principles to complex business and legal challenges. Our recent investigation into a potential collusive agreement in relation to the manufacture and supply of beer in Mauritius has been covered by the North Rose Fulbright, South Africa. This has in turn helped boost the media focus on the CCM's enforcement work, bringing exposure for not only CCM's announcements and events and gaining greater credibility and legitimacy to the agency in the eyes of consumers, policymakers, and the business community.

³ This can be accessed http://globalcompetitionreview.com/news/article/35961/mauritius-targets-beer-conspiracy/?utm_medium=email&utm_source=Law+Business+Research&utm_campaign=4141121_GCR+Headlines&dm_i=1KSF,2GRB5,9GQ3QH,8YXLE,1

E-advocacy

In our digital age, the CCM has not lagged behind in employing its online gateway to communicate to the world. The CCM's website is updated frequently to provide information on its current and completed investigation, current and completed market studies and its current advocacy programme and events. The most important feature of the current website remains the e-filing of complaints which was introduced in 2010 in a spirit of easing the communication of the general public's competition-related grievance to the CCM. Following the introduction of this interactive portal, the CCM has received 71 e-complaints as at date. In our continuous endeavours to enhance the CCM's interface with the world, the CCM is currently working towards revamping its website which will offer easier intuitive usability, a cleaner interface, and better content for enhancing competition awareness. Fighting cartels remain the top most priority for the CCM. In this respect, a distinctive feature of the new website will be the introduction of a dedicated portal to leniency applications.

Business Advocacy

Competitive markets rest on enterprises which are efficient and compliant with the competition law framework. The CCM outreach programme is tailored to inform and educate our business community about the contemporary issues inherent in the competition law arena. Given that competition advocacy provides a powerful tool to propel the transformation of the economic landscape of the country, the CCM has since its inception embarked on an in-depth competition awareness programme on all restrictive business conducts to better equip both the legal and business communities on its internal processes including the CCM investigative practices. It is worth highlighting a few such endeavours undertaken: an efficient working relationship with the Mauritius Chamber of Commerce and Industry (MCCI). Two workshops were organised by the CCM in collaboration with the MCCI to cultivate a competition culture in our business community.

The CCM has renewed its competition advocacy program in 2014 with the objective of deepening the institution's engagement with the local authorities in Mauritius as well as in Rodrigues. Given their importance in the administration of the economy, the CCM deems it crucial to equip them with the necessary knowledge and tools to identify potential bid rigging practices. In their role as local administrative bodies, local authorities are mandated to devise wide-ranging policies and it is imperative to ensure that such policies do not have anti-competitive effects. During one such engagement activity, members of Local Authorities learnt about how a small pro-competitive change can translate into large gains for consumers in the form of lower prices and improved economic outcomes in respect of services procured by local authorities to consumers. Considering the fact that the Rodrigues Regional Assembly is the vehicle par excellence to disseminate competition awareness

in the island, the CCM has also tuned its advocacy campaign for our fellow Rodrigues Parliamentarians with the aim of supporting the latter to better promote the interests of Rodrigues at the national level and the socio-economic front.

Advocacy strategies for consumers

The CCM recognizes that the ultimate objective of competition policy is to attribute to consumers the benefits derived from engendering competitive markets. The CCM has therefore, since its inception, continuously worked towards designing comprehensive competition awareness programmes aimed at enhancing the level of societal understanding of the benefits of competition in order to instill a culture of competition amongst consumers.

In a developing economy like Mauritius, there is a persistent obligation to take pro-active steps to enhance the level of material well-being. It is therefore incumbent upon the CCM to ensure that adequate information is imparted to consumers to enable them to better understand the importance of the process of rivalry between economic players in open markets. To this end, the CCM has been relentlessly reaching out to consumers through the mass communication methods. The CCM has featured on our national television and had broadcasted four TV Clips of around 5 minutes each which were telecasted during peak time. The TV clips focused on explaining to the general public the role and objective of the CCM, the benefits of competitions, the damaging effects of collusive agreements, the instance of abuses of monopoly positions and how to lodge a complaint with the CCM. Following the broadcast of the TV Clips, the CCM registered an increase in the number of complaints lodged. The CCM has equally published flyers in English, French and 'Creole' (which is our local language) as a communication device to reach to consumers. While it remains impossible to reach out to every single Mauritian consumer, flyers are very effective advocacy tools to generate a maximum readership, hence the reason to have it printed in three different languages. The CCM has equally used the radio to connect with consumers. Adverts relating to the benefits of competition and the activities of the CCM have been broadcasted on the radio to champion consumer welfare. In the same line, the CCM also uses the written press to interact with consumers.

The CCM has, cognizant of the fact that the students of today will rise to the leaders of tomorrow, completed in 2014 the first edition of its National School Contest with the theme of 'The benefits Competition brings to the Economy' which targeted secondary level students studying for Cambridge 'A levels' and undergraduate students in Mauritius. The CCM has received a remarkable number of participations amounting to over 60 submissions from secondary schools and university students throughout the island. The works received were highly qualitative and highlighted the keen interest and deep understanding of the students' population of the theme. This endeavor has been

designed to breathe in, in the long run, new impetus to the Mauritian competition culture by breeding the spirit of competition right at the younger generation's professional journey.

Peer Review

The CCM has been actively engaged in knowledge and experience sharing with pan-African competition authorities. It had successfully hosted a training programme for African Judges and Competition Officials in collaboration with the Small States Network for Economic Development in 2012. The training was given by eminent academics and experts in the competition law field. The CCM hosted the African Competition Forum's recent workshop on 'Investigating Suspected Violations of Competition Law' on 28th and 29th May 2014 which was attended by representatives of competition authorities coming from Burundi, Botswana, Ethiopia, Kenya, Malawi, Mozambique, Namibia, Rwanda, Seychelles, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe. The latter workshop aimed to ensure that the benefits which are expected to be derived from a regionally competitive economic community are equitably distributed between the relevant stakeholders. It equally helped to foster cooperation among the national competition authorities within the Eastern and Southern African region which is crucial to counter the asymmetric development of competition law regimes in neighbouring countries. It also created opportunities for enforcement cooperation and pooling of resources for capacity building in competition policy within the Eastern and Southern African region which is a key element for convergence *sine qua non* for the future success of regional competition law enforcement in Eastern and Southern Africa.

The challenges & Way Forward

While the fundamentals of effective communication strategies for competition agencies rest on a comprehensive competition law framework and active enforcement of the law, the path towards achieving the desired results is not bereft of impediments. The CCM is no exception thereto!

The challenges are, in the CCM's view and based on its experience, mostly related to getting the right message to the right audience in the right way! Because of scarce financial and human resources, the CCM lacks a dedicated Public Relations cell/unit within the organisation. The CCM is yet to devise an assessment framework for calculating consumer benefits arising out of the CCM's advocacy interventions which provide the groundwork towards entrenching the CCM's legitimacy vis-à-vis the general public.

Cognizant of the fact that the promotion of competition is often long-term process, the CCM will through the design of effective communication tools, continuously invest in its role as competition advocate for the continuing educational process of the various actors of the Mauritian economic landscape. In the same line, the CCM's engagement towards deepening international cooperation in competition law enforcement via memorandums of understanding, dedicated competition cooperation agreements and policy dialogues used in parallel to attain bilateral cooperation, taking into account confidentiality requirements will be constant.