BEFORE WE GET STARTED....

DISCLAIMER

- First of its kind
- Extended ambit covering 121 Competition Systems with more than 125 Competition Agencies
- Room for potential improvements
- Suggestions to improve are welcome!

THANKS!

- Hassan Qaqaya, Graham Mott & rest of UNCTAD competition team
- Worldwide Competition Agencies
- Independent Competition Experts
- Extraordinary team of GW CLC research fellows
3 IMPORTANT IDEAS TO REMEMBER:

① Structure shapes substance
   - Institutional design impacts performance

② 8 Institutional Characteristics
   - Preference for non prosecutorial model despite increase criminalization of antitrust wrongdoings
   - Increasing number of ‘Competition +’ Agencies with multiplicity of policy duties
   - Preference for non diversification of agencies and single entity institutions

③ Intellectual vacuum that requires further input
INTRODUCTION

GLOBAL TRANSFORMATION OF COMPETITION SYSTEMS

- **Increasing** number of competition systems worldwide
  - By 1950 < 5
  - By 1975 < 15
  - By 1990 < 30
  - Today: Approximately 121
  - By 2020: 130

- **Diversity**/Experimentation in Design

- **Vacuum**- to date there is no study analyzing institutional characteristics
INTRODUCTION

The Project’s Added Value to the International Competition
Law & Policy Community

Pre-Research Know-How on Institutional Characteristics

Post-Research Know-How on Institutional Characteristics
TODAY’S AGENDA

1. Introduction
2. Research Procedure
3. Institutional Characteristics & Results
4. Future Ahead & Conclusion
5. Discussion
3 STEPS TO CARRY OUT THE RESEARCH:

- **Examination** of major institutional characteristics

- **Benchmark** each of the characteristics
  - Select key defining questions for each of the characteristics
  - Find publicly available information
  - Confirm Results with NCAs

- **Regression** of information & **Identification** of Trends
America: Antigua & Barbuda, Argentina, Barbados, Brazil, Canada, Chile, Colombia, Coast Rica, Dominican Republic, El Salvador, Guyana, Honduras, Jamaica, Mexico, Nicaragua, Peru, Bahamas, Trinidad & Tobago, USA, Uruguay, Venezuela

Europe: Albania, Austria, Belarus, Belgium, Bosnia & Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, EU, Faroe Islands, Finland, France, Germany, Greece, Greenland, Guernsey, Hungary, Iceland, Ireland, Italy, Jersey, Kosovo, Latvia, Lithuania, Luxembourg, Macedonia FYROM, Malta, Moldova, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Serbia, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, UK, The Ukraine

Asia: Azerbaijan, Bangladesh, Cambodia, China, Georgia, Hong Kong, India, Indonesia, Israel, Japan, Jordan, Kazakhstan, Kirgizstan, Laos, Malaysia, Mongolia, Nepal, Pakistan, Papua New Guinea, Russia, South Arabia, Singapore, South Korea, Taiwan, Tajikistan, Thailand, Turkey, Uzbekistan, Vietnam

Africa: Algeria, Benin, Botswana, Burkina Faso, Cameroon, Ivory Coast, Egypt, Gambia, Ghana, Kenya, Malawi, Mali, Mauritius, Morocco, Namibia, Rwanda, Senegal, Seychelles, South Africa, Swaziland, Tanzania, Tunisia, Zambia, Zimbabwe

Oceania: Australia, Fiji, New Zealand, Papua New Guinea, Samoa Islands
① Introduction
① Research Procedure
① Institutional Characteristics & Results
① Future Ahead & Conclusion
① Discussion
INSTITUTIONAL CHARACTERISTICS

ACCOUNTABILITY BEFORE THE EXECUTIVE

- Yes
- No
- Non-Available

Report on ongoing investigations
Executive Veto
Annual Reporting

0% 10% 20% 30% 40% 50% 60% 70% 80% 90% 100%
Non-Available
No
Yes
INSTITUTIONAL CHARACTERISTICS

ACCOUNTABILITY BEFORE THE LEGISLATURE

- Yes
- No
- Non-Available

Graph showing the percentage of institutions with accountability features:
- Publish Annual Reports
- Respond to the legislature
- Monitored by the legislature
INSTITUTIONAL CHARACTERISTICS

GOVERNANCE

- Single headed
- Multiple headed
- Non-Available

INSTITUTIONAL CHARACTERISTICS

- Governance
- Accountability
- Authority
- Independence

THE GEORGE WASHINGTON UNIVERSITY
WASHINGTON, DC
INSTITUTIONAL CHARACTERISTICS

SINGLE CHAIRMAN

- Appointed by the...: 100%
- Removal is permitted: 90%
- Extension of tenure: 80%
- Qualifications required: 70%
- Non-Available: 0%
- No: 10%
- Yes: 90%

COLLEGIATE BODY

- Appointed by the...: 100%
- Removal is permitted: 90%
- Extension of tenure: 80%
- Qualifications required: 70%
- Non-Available: 0%
- No: 10%
- Yes: 90%
INSTITUTIONAL CHARACTERISTICS

POLICY DUTIES

COMPETITION MANDATE

- Exclusive
- Non-exclusive
- Non-Available

Bar graph showing the distribution of competition mandates across different sectors:
- Consumer Protection
- IP
- Sector Regulations

Legend:
- Not-Applicable
- Non-Available
- No
- Yes
INSTITUTIONAL CHARACTERISTICS

POLICY MAKING AGENTS

DIVERSE AGENCIES

- Yes
- No
- Non Available

SECTOR REGULATORS COMPETITION MANDATE

- Yes
- No
- Non Available
INSTITUTIONAL CHARACTERISTICS

PORTFOLIO OF POLICY INSTRUMENTS

- Competence (+)
- Authority
- Independence
- Accountability
- Governance
- Architecture
- Policy Making
- Policy Duties
- Conflict of Policy Instruments
- Expertise

- Non-Available
- No
- Yes
INSTITUTIONAL CHARACTERISTICS

PORTFOLIO OF POLICY INSTRUMENTS

POWERS TO ISSUE SECONDARY LEGISLATION

- Yes
- No
- Non-Available

Bar chart showing the distribution of powers to issue secondary legislation for fines, merger control, and abuse of dominance.

- Non-Applicable
- Non-Available
- No
- Yes
INSTITUTIONAL CHARACTERISTICS

DECISION MAKING FUNCTIONS

PROSECUTORIAL VS. NON PROSECUTORIAL MODEL

- Prosecutorial
- Non Prosecutorial
- Non Available

UNBUNDLE INVESTIGATION & DECISION MAKING UNITS WITHIN NCAS

- Yes
- No
- Non Available
- Non Applicable
FUTURE AHEAD & CONCLUSIONS

AUDIENCE THAT CAN BENEFIT & CONTRIBUTE TO THE BENCHMARKING PROJECT

- **Multilaterals**
  - Profit from a database that benchmarks well established & incipient competition systems

- **Public Administration**
  - Learn from other experiences, self critics & search for improvements

- **Private Sector**
  - Learn the institutional setting that business is conducted
  - Provided informed advise on regulatory frameworks

- **Academia**
  - Dataset of reference that inform hypothesis
  - New field of research that requires lots of input

- **Governments**
  - Reforming existing competition systems
  - Creating new competition systems
CONCLUSION:

- Sufficient institutional design experimentation worth observing & examining

- Data provides for the menu that hopefully will inform future decisions when reforming and/or creating competition systems

- First step but additional analysis is required
THANK YOU!

&

Please contact us if willing to:

- Provide Ideas to Improve the Research
- Identify mistakes so they can be solved
- We can be reached out at: www.gwclc.com