Intergovernmental Group of Experts on Competition Law and Policy, Fifteenth Session

Geneva, 19-21 October 2016

Round Table on:

"Strengthening private sector capacity for competition compliance"

Contribution

By

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IGE ON Competition law and Policy
15th Session
Geneva, 19th to 21 October, 2016

“Strengthening Private Sector Capacities for Competition Compliance”

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"A Kenyan economy with globally efficient markets and enhanced consumer welfare for shared Prosperity"
A. The Staircase

1\textsuperscript{st} Step:-

\begin{itemize}
  \item \textbf{Build Agency’s internal capacity} (regulatory capacity, credibility, skills and numbers)
  \item \textbf{Prioritize} the sector/identify the problem;
  \item \textbf{Identify the key stakeholders} (Corporates, In-house Counsels, Legal Firms, Trade Associations, media, among others);
\end{itemize}

2\textsuperscript{nd} Step

\begin{itemize}
  \item \textbf{Identify: Resources} required (human & Capital);
    \begin{itemize}
      \item \textbf{Mode of delivery} (advisory opinions; include Workshops/symposiums, Press releases, brochures, training, road shows, special windows-’leniency’);
      \item Whether group/association or each stakeholder/individual approach.
    \end{itemize}
\end{itemize}

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3rd Step

- **Create buy-in** among the Stakeholders (through meetings; press releases; presentations from both internal and external (international) speakers)

B. The Strategies

1. **Annual Training for Stakeholders**
   - 3 years old – trained a total of 180 persons from ___ stakeholders
   - Focuses on theory and real cases (national, regional and international)
   - The number of legal firms interacting with the Authority has increased from 5 (four years ago) to 24 currently (500% increase)

2. **Annual Symposium**
   - Review/Audit of the Authority’s activities/cases
   - Discussion of the topical competition issues

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3. **Pro-bono Advisory Opinions**
   - Pre-notification meetings
   - Advise on intended agreements

4. Publication of guidelines and procedures

5. **Celebration of the World Competition Day**
   - Relating Competition policy with the Country’s Economic Agenda
   - Showcasing the Impact of the Authority’s decision (especially to the poor);
   - Expounding on the Authority’s procedures, issued guidelines and any other publications released

6. **Media Training**
   - 112 journalists from 21 media houses trained – period 3 years
   - Media counts have increased by 334% with the period
   - Appreciation of the Competition policy and law deepened in the media houses
7. **Special Compliance Process**
   - Targeting trade associations
   - Prioritized Sectors (agriculture & Financial)
   - Development, implementation and monitoring of Corporates internal competition compliance frameworks

8. **Workshops/seminars**
   - Tailor made (legal firms; corporates; trade associations)

9. **Interaction with the Universities**
   - Curriculum Development
   - Motivation to research
   - Ensures sustainability
C. Challenges

- Resource constraints compared to the demand from the stakeholders;
- Low competition culture
- The underdevelopment of the law
- Lack of buy-in