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

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Round Table on:

"Capacity building in competition law and policy"

Contribution

By

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The views expressed are those of the author(s) and do not necessarily reflect the views of UNCTAD
Intergovernmental Group of Experts Meetings on Competition Policy and Consumer Protection

17-21 October 2016 │ Geneva, Switzerland

ASEAN-German Cooperation Project:
“Competition Policy and Law in ASEAN” (CPL II) Project

Dr. Max Büge, GIZ, Advisor Economic Policy and Private Sector Development
1. GIZ: Our profile

2. Our approach to Capacity Building

3. ASEAN-German Cooperation Project: “Competition Policy and Law in ASEAN” (CPL II) Project
1. Our profile: GIZ

- Implementation of technical assistance projects on behalf of the German government, its partner governments and other bodies (e.g. EU)
- A company under private law, owned by the Federal Republic of Germany
- Operations in Germany + over 130 countries around the world
- Business volume > EUR 2.14 billion *(annual, 2015)*
- Main commissioning party: the German Federal Ministry for Economic Cooperation and Development (BMZ): EUR 1.7 billion *(annual, 2015)*
- 17,139 employees worldwide Portfolio Economic Policy & Private Sector Development: 173 projects, volume 1.1 billion Euro (aggregate)
1. Our Profile: *Portfolio Economic Policy & Private Sector Development, Currently 173 projects, Volume 1.1 billion Euro*

- **109 bilateral projects** (ca. 563 mln €)
- **25 global, sectoral projects** (ca. 288 mln €)
- **34 regional projects** (ca. 236 mln €)
- **5 projects commercial branch** (ca. 26 mln €)

- Ca. 40% of projects in Asia
- Ca. 38% of projects in MENA and SSA
2. Our approach to capacity building
2. Our approach to capacity building

- Strong Partner Ownership along the project cycle
- Result / Impact Orientation
- Multi-Level Project Architecture
2. Our approach to capacity building

- **Strong partner ownership along the project cycle:**
  - Joint planning and preparation
    - (desk studies, actors/stakeholder mapping, process analyses, industry & institutional analyses, in depth interviews, preparation/planning workshops, identification of objectives & indicators)
  - Proximity and flexibility during implementation
  - Joint evaluation & assessment
    - (Knowledge transfer, architecture for future cooperation, exit strategy & institutional anchoring)
2. Our approach to capacity building

- Result / Impact Orientation
2. Our approach to capacity building

- Multi-Level Project Architecture

- Enhancing individual competencies
- Fostering (cross border) inter-organisational networks
- Strengthening intra-organisational processes & management
- Improving the regulatory/legal framework
3. ASEAN: Support for Competition and Consumer Protection

- In 1999, GIZ’s support to competition policy started in Indonesia (the introduction of the law was assisted by a team of German experts led by Prof. Kartte, a former President of the German Federal Cartel Office)

- Since 2011, GIZ has also been actively promoting competition reforms in the ASEAN Member States (enhancing legal and institutional prerequisites at the regional and national levels)

- Since 2015, this support has been complemented by selected activities on consumer protection (which are set to be expanded to a broader regional project with ASEAN by 2018)
3. ASEAN Competition Policy and Law Project

Objective:
The legal framework and/or institutional set up for promoting competition in the ASEAN Member States is introduced or improved.

1. Regional Cooperation: Key elements of a regional work plan
2. Regional Cooperation: Mechanism to handle cross-border competition cases
3. Legal Framework: Set of national rules
4. Core Competencies for Enforcement: Improved implementation of competition laws
5. Advocacy: Improved regional and national information tools (+ monitoring system)
3. ASEAN Competition Policy and Law Project

- Assisting Member States in the introduction of competition laws, as part of their commitments towards the ASEAN Economic Community (AEC) 2015.

- Strengthening the position of less advanced countries in the regional dialogue and cooperation on competition policy.

- Supporting decision making process when certain issues are most effectively addressed at the national, regional or group level.

- Fostering the exchange of experiences and knowledge transfer within the region, incl. secondments and study visits between more advanced and newer competition agencies.
3. ASEAN Competition Policy and Law Project

- **Training** on economic analyses for competition-related agencies (together with OECD, Nov. 2015)
- **Support** for Drafting the Law on Business Competition of LAO, PDR (Study tours to Indonesia)
- **Study tour** of a delegation from the Supreme Court of Justice, Indonesia, to the Federal Cartel Office and the Federal Court of Justice in Germany.
- **Regional Workshops** (e.g. “Monitoring the Effectiveness of Competition Regimes”; “Economic Analysis for Competition Law Enforcement”)

Bridging the “Implementation Gap” between regional commitment and national policies
Outlook

- GIZ and UNCTAD are pursuing an intensive exchange of information and complementary approaches for capacity building.

- Although not formalized, there is often already coordination at the planning stage in order to avoid thematic or temporal overlaps.

- Contributions from different development partners are now guided by the new strategic action plans of ASEAN in the areas of competition policy and consumer protection.

- This example of successful GIZ-UNCTAD cooperation can be expanded to other countries and regions.
The global challenges of tomorrow drive our work today. We shape sustainable development worldwide.

Thank you for your attention!

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