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Benchmarking Competition Systems: A Global Survey of Major Institutional Characteristics

**UNCTAD-RPP Meeting
Geneva, 11 July 2014**

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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

RESEARCH STUDY

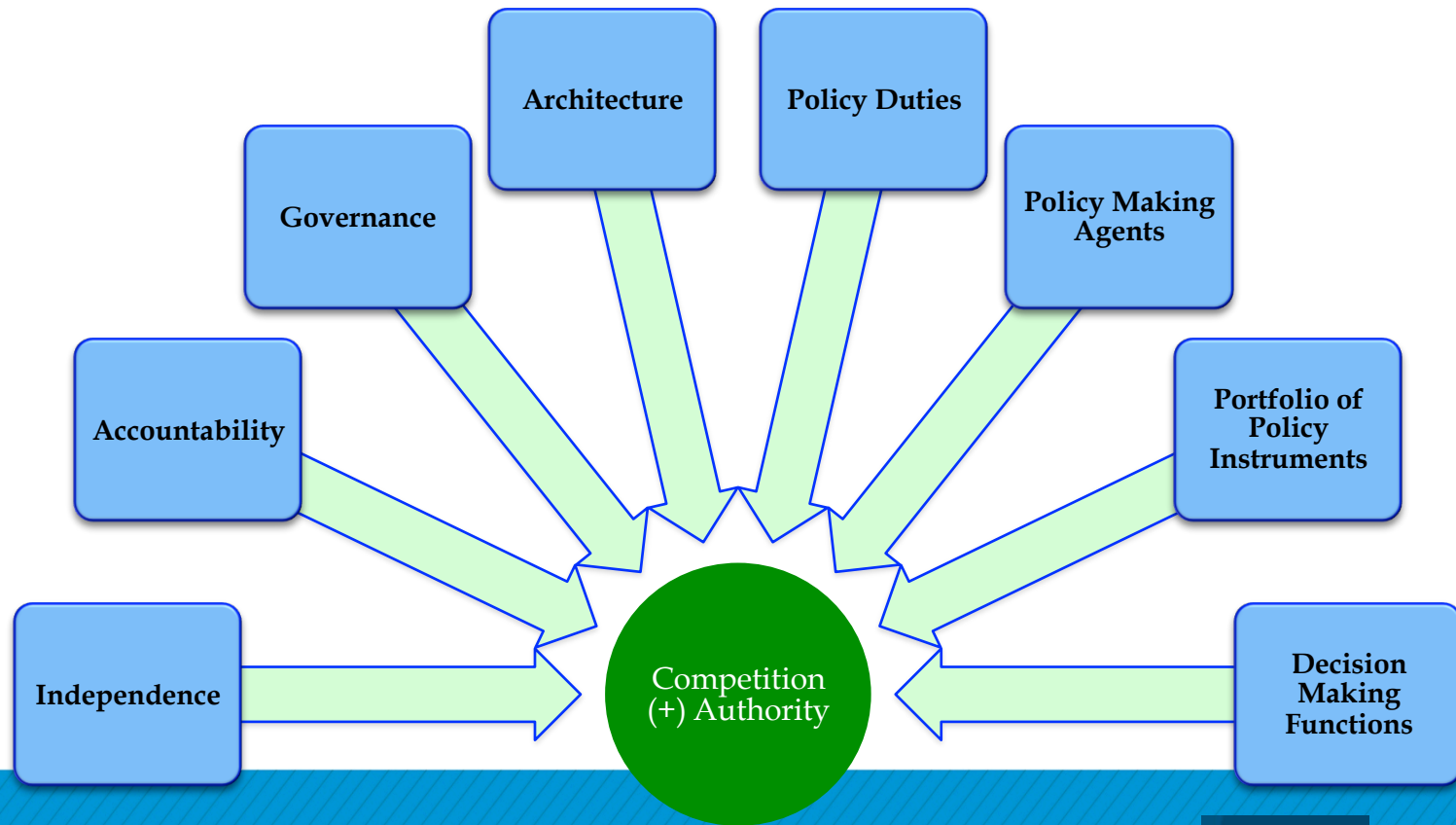
3 STEPS TO CARRY OUT THE RESEARCH:

- **Examination** of major institutional characteristics

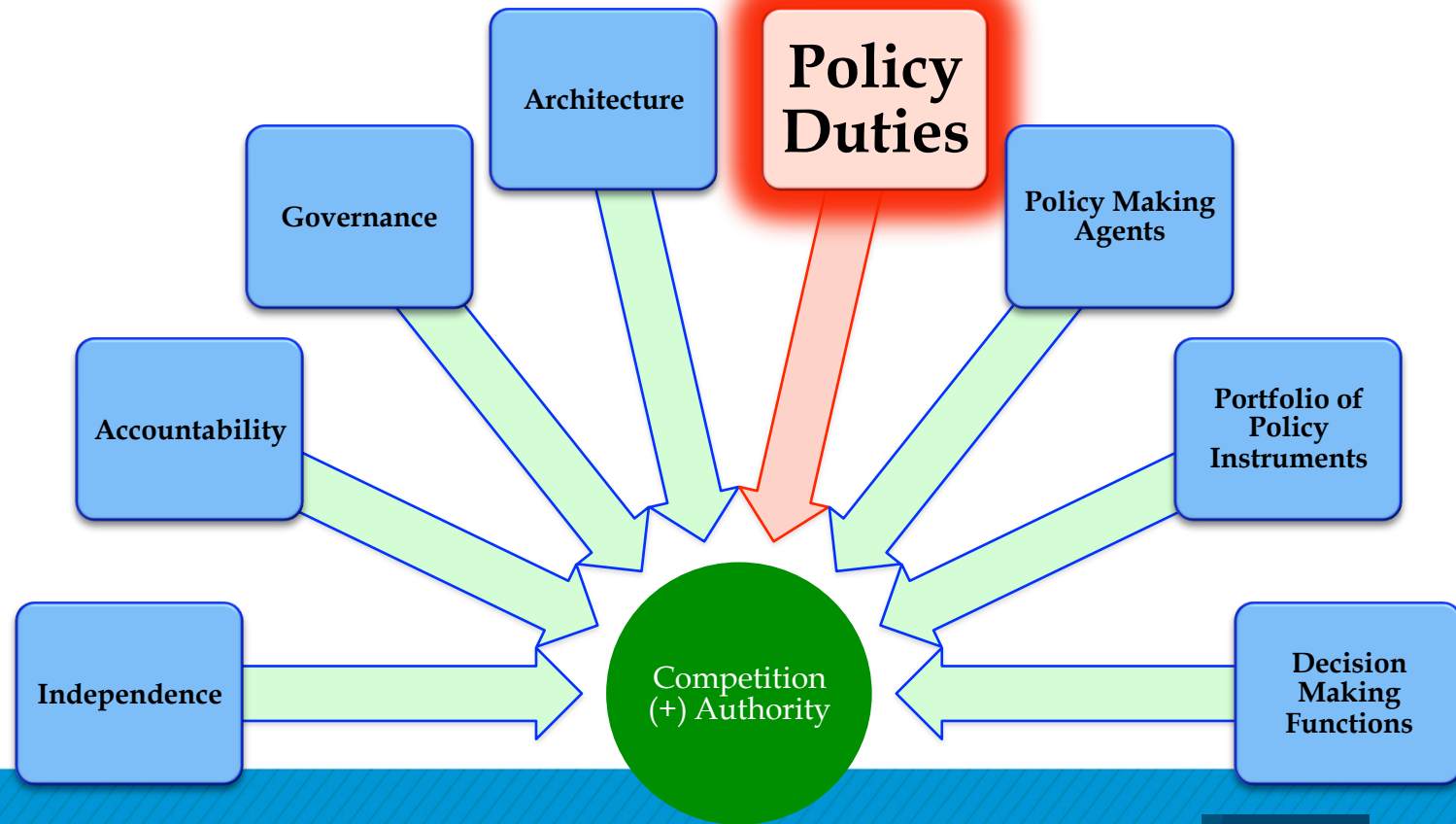
- **Benchmark** each of the characteristics
 - Select key defining questions for each of the characteristics
 - Find publicly available information
 - Confirm Results with NCAs

- **Regression** of information & **Identification** of Trends

RESEARCH STUDY



RESEARCH STUDY



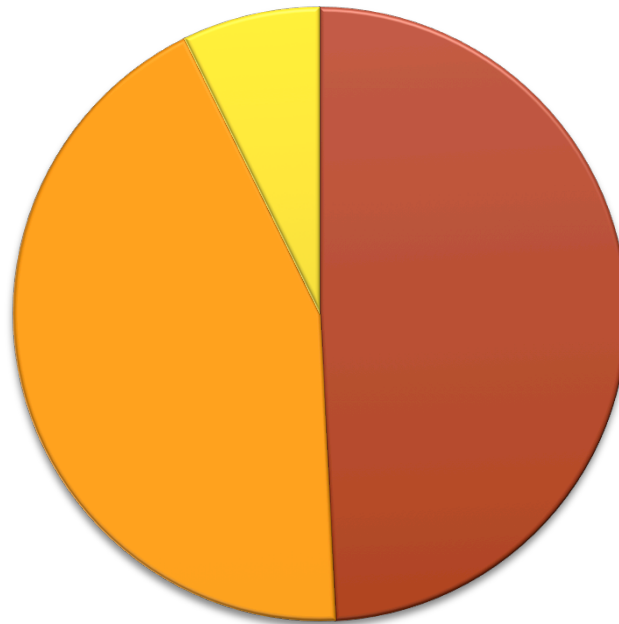
POLICY DUTIES: THE TREND

The Trend: **Competition + Agencies**

- Increased number of agencies with multiplicity of duties
- New and old combinations:
 - Competition & Consumer Protection mandates
 - Competition & IP mandates
 - Competition & Sector Regulatory mandates

POLICY DUTIES: DATA

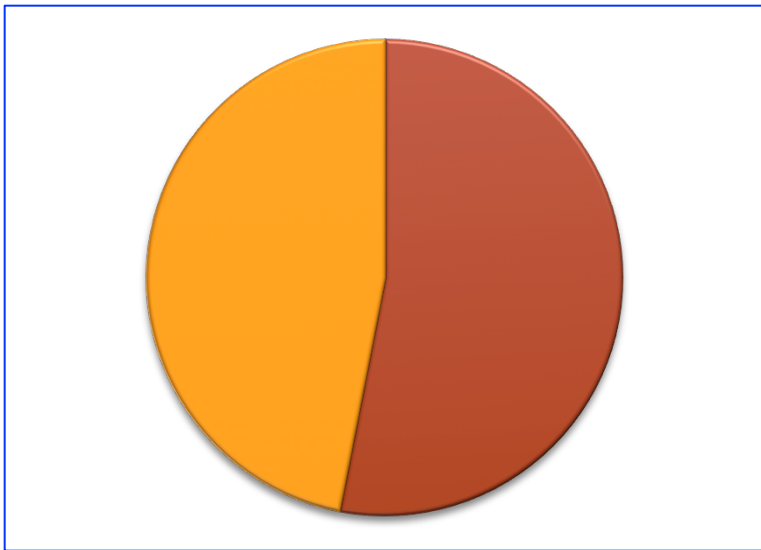
2012-COMPETITION MANDATE



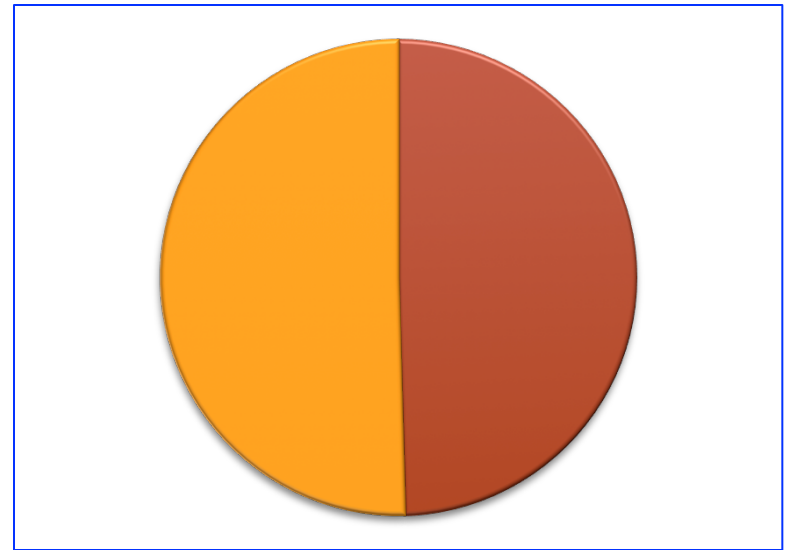
- Exclusive
- Non-exclusive
- Non-Available

POLICY DUTIES: DATA

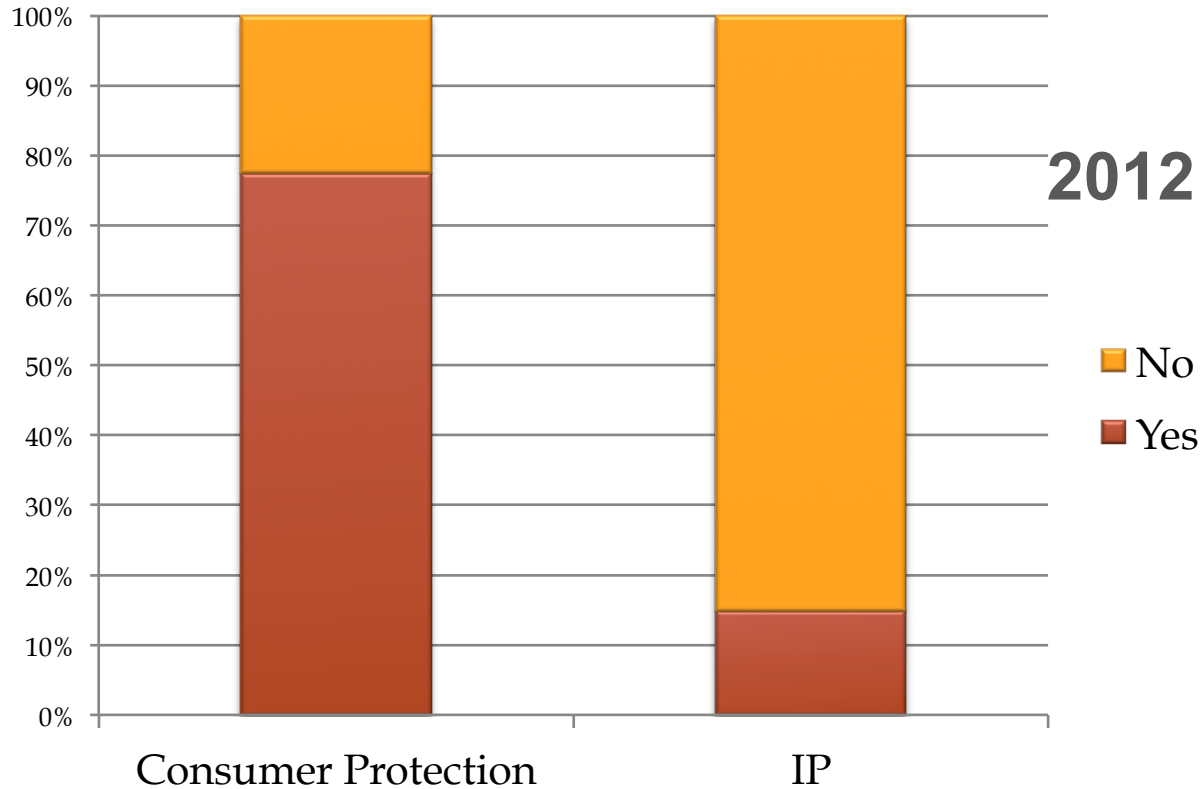
2012



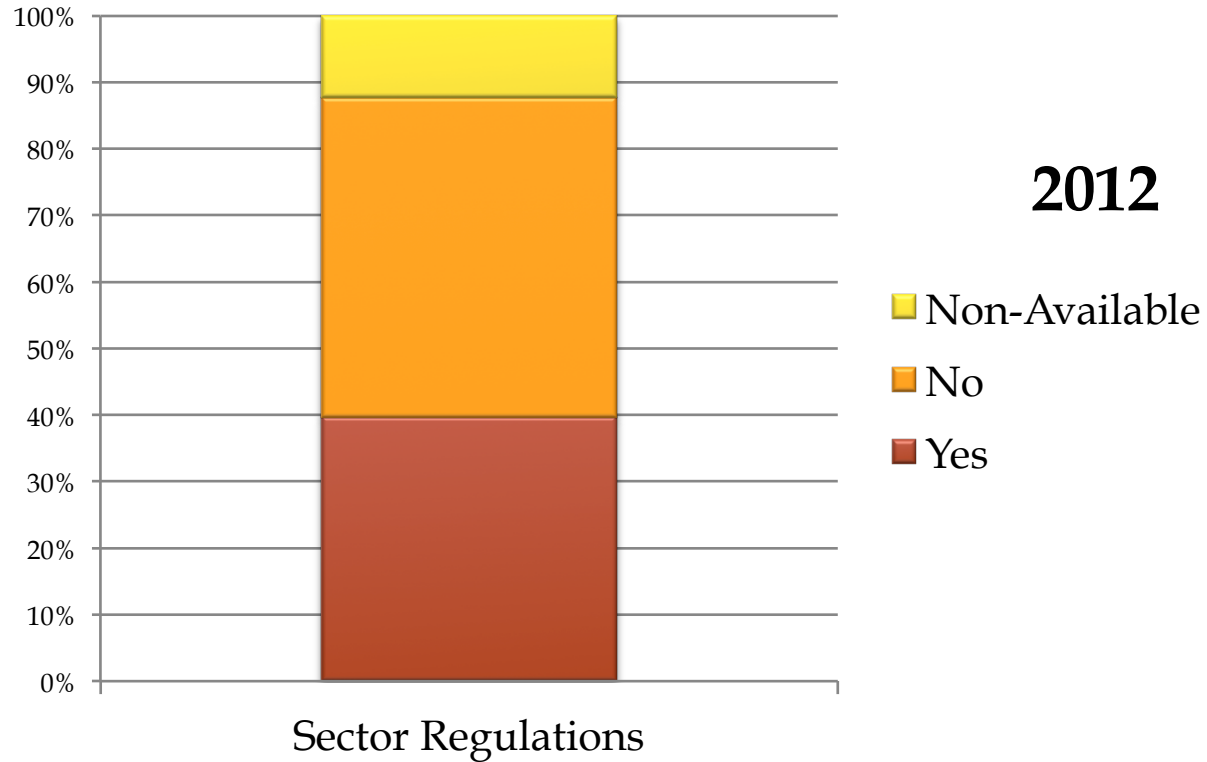
2013 (*Preliminary Results)



POLICY DUTIES: DATA



POLICY DUTIES: DATA



POLICY DUTIES: IMPLICATIONS

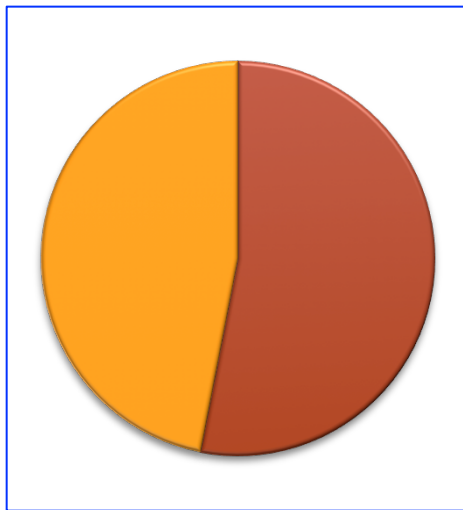
Some Questions to think about:

- Are institutional changes relevant for agencies' performance?
- Are institutional changes relevant for international forums?
- How will institutional developments affect cooperation amongst agencies?

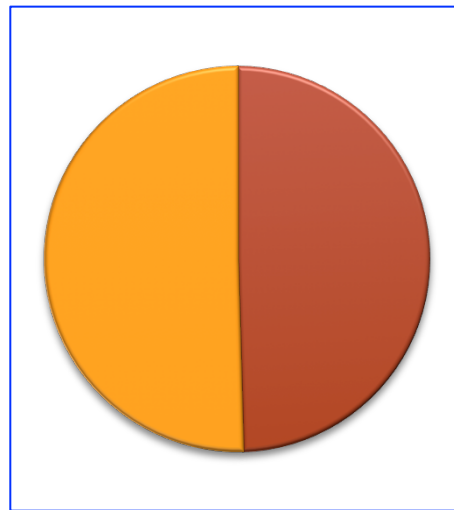
POLICY DUTIES: IMPLICATIONS

....Thinking Ahead of Time....

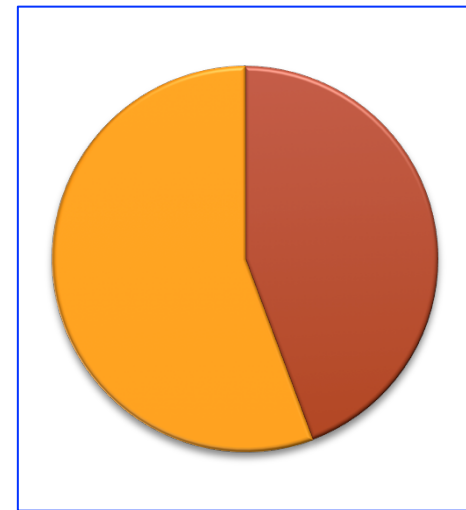
2012



2013



2016



POLICY DUTIES: IMPLICATIONS

Intra-Agency Implications:

- **Manage diversity of Tasks**
 - Different Priorities
- **Different Challenges**
 - Searching for synergies
- **Training Programs**
 - Adapt to new institutional design

POLICY DUTIES: IMPLICATIONS

Inter-Agency Implications:

➤ **Cooperation**

- Inter-Agency Cooperation

➤ **International Forums**

- UNCTAD-Invite other agencies to meetings?
- ICN-Promote networking with other agencies?

CONCLUSIONS

- ❖ 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
- ❖ Changes in the institutional arrangements **shape actors & activities in the Competition community**

THANK YOU!

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- ✓ Hassan Qaqaya, Graham Mott & rest of UNCTAD competition team
 - ✓ Worldwide Competition Agencies
 - ✓ Independent Competition Experts
- ✓ Extraordinary team of GW CLC research fellows

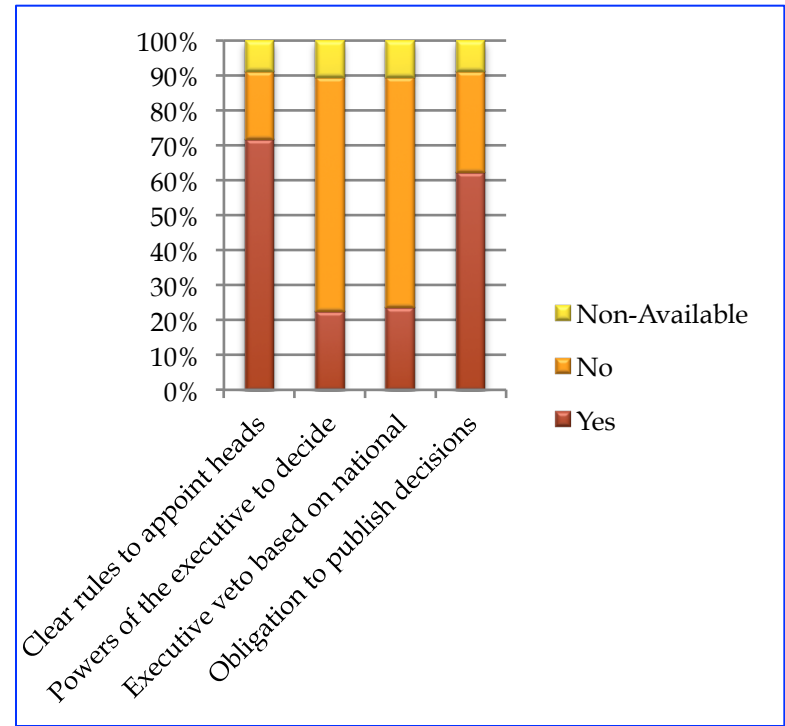
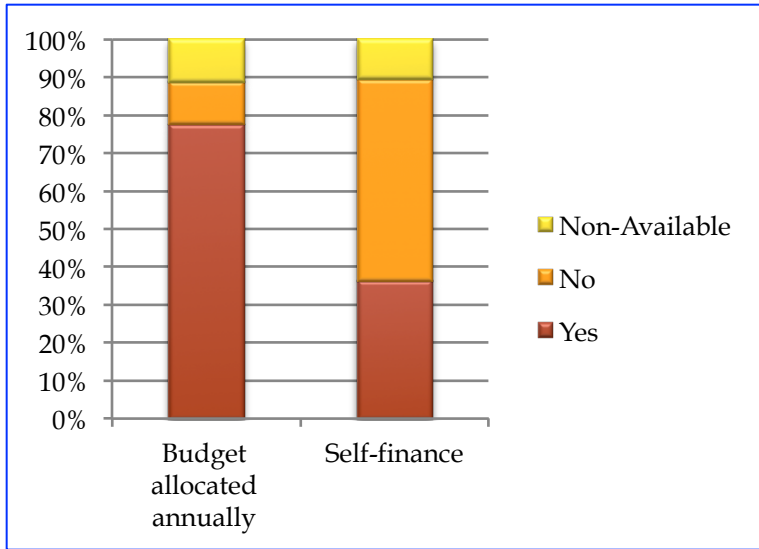


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2012 DATA RESULTS

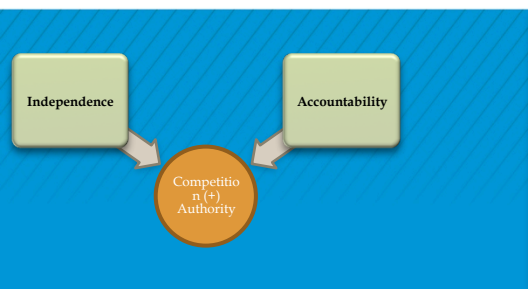
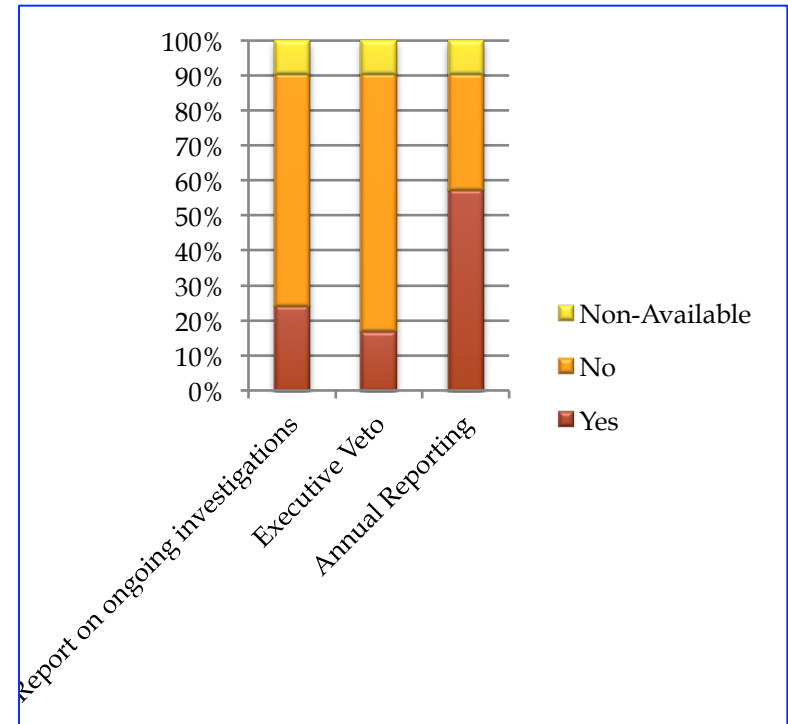
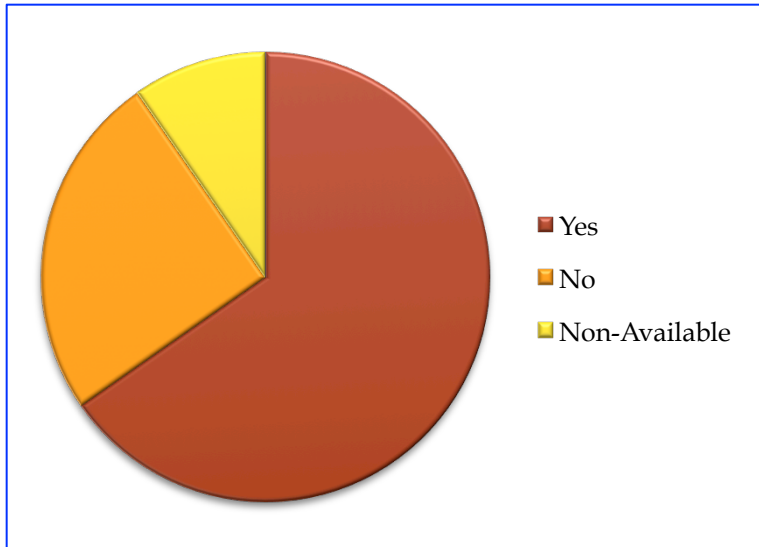
INSTITUTIONAL CHARACTERISTICS

INDEPENDENCE



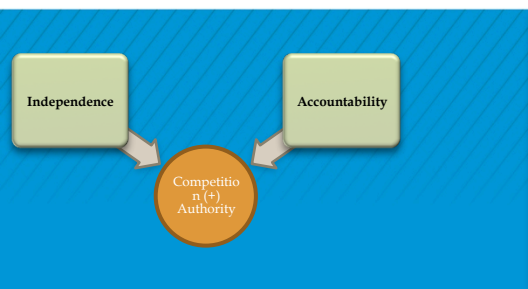
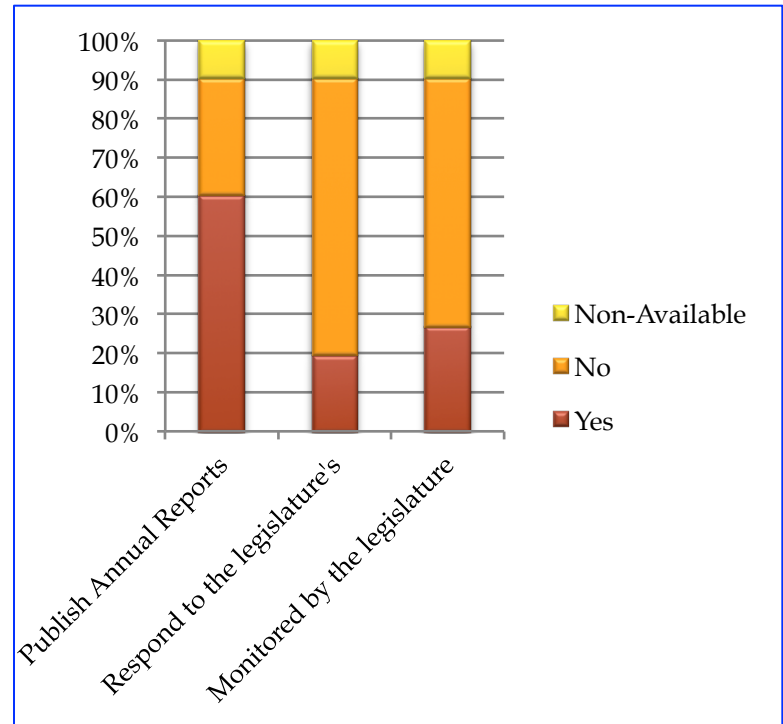
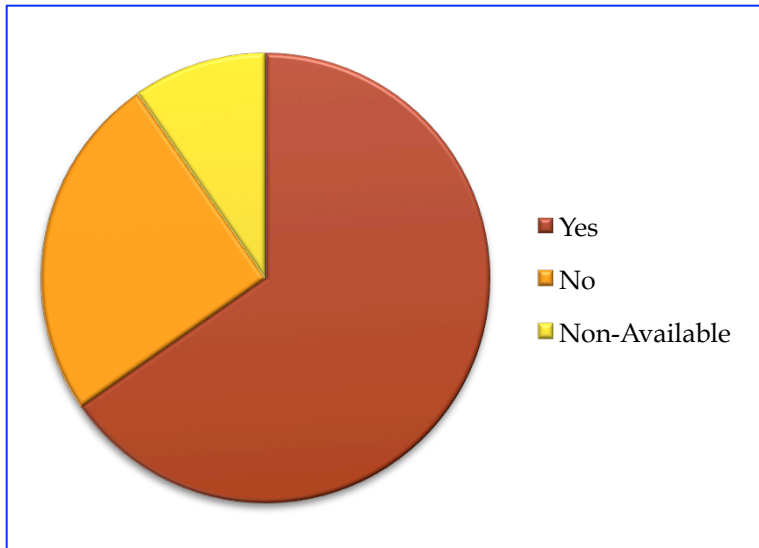
INSTITUTIONAL CHARACTERISTICS

ACCOUNTABILITY BEFORE THE EXECUTIVE



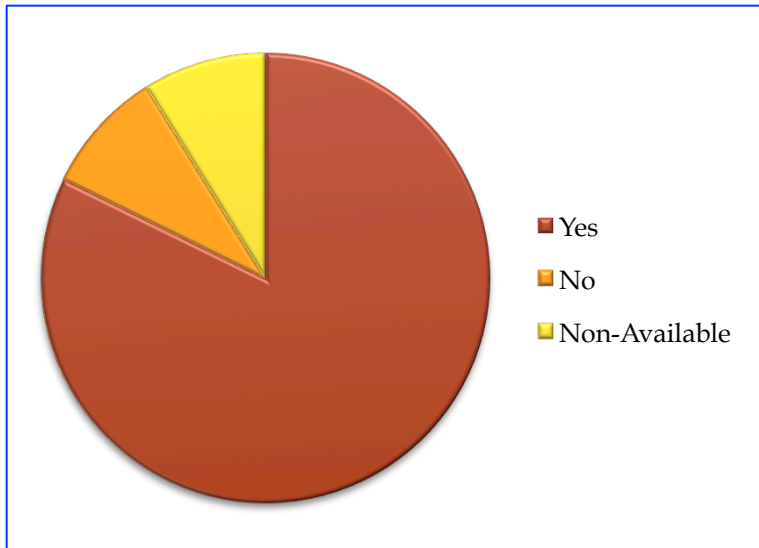
INSTITUTIONAL CHARACTERISTICS

ACCOUNTABILITY BEFORE THE LEGISLATURE

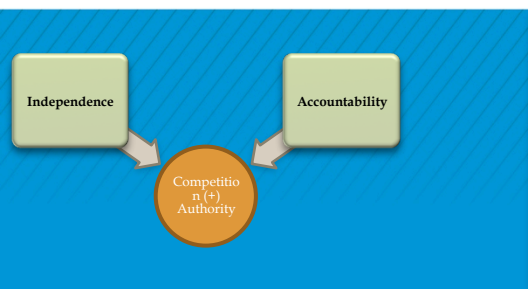
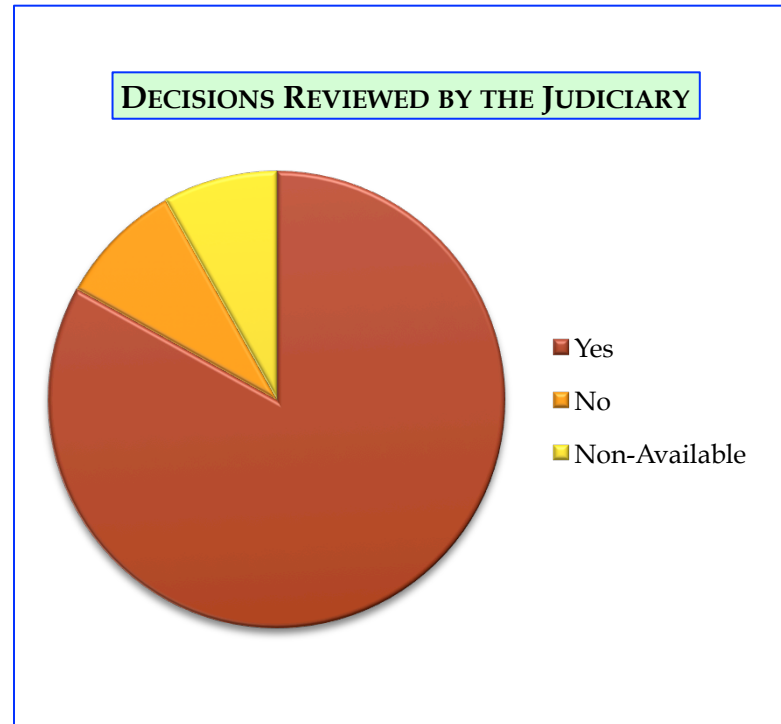


INSTITUTIONAL CHARACTERISTICS

ACCOUNTABILITY BEFORE THE JUDICIARY

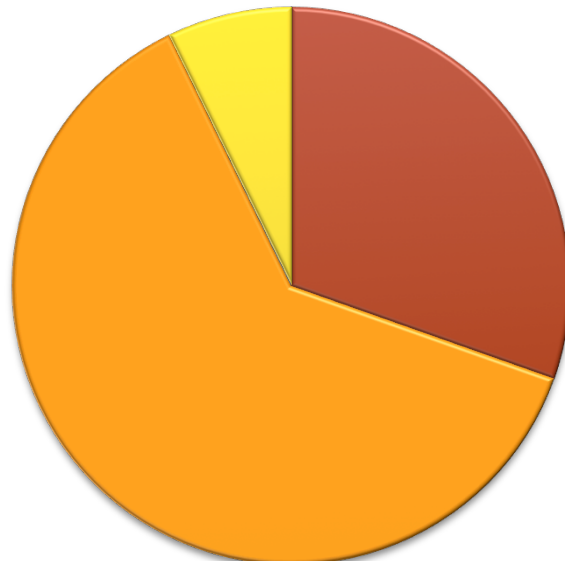


DECISIONS REVIEWED BY THE JUDICIARY



INSTITUTIONAL CHARACTERISTICS

GOVERNANCE



■ Single headed

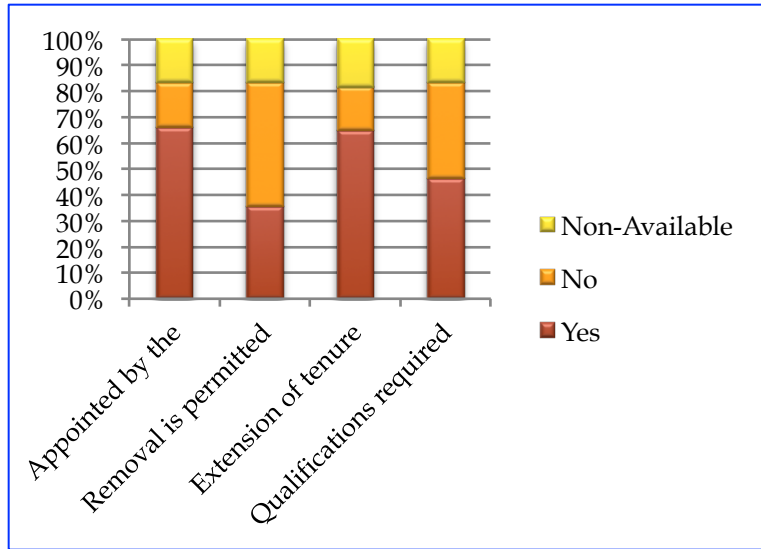
■ Multiple headed

■ Non-Available

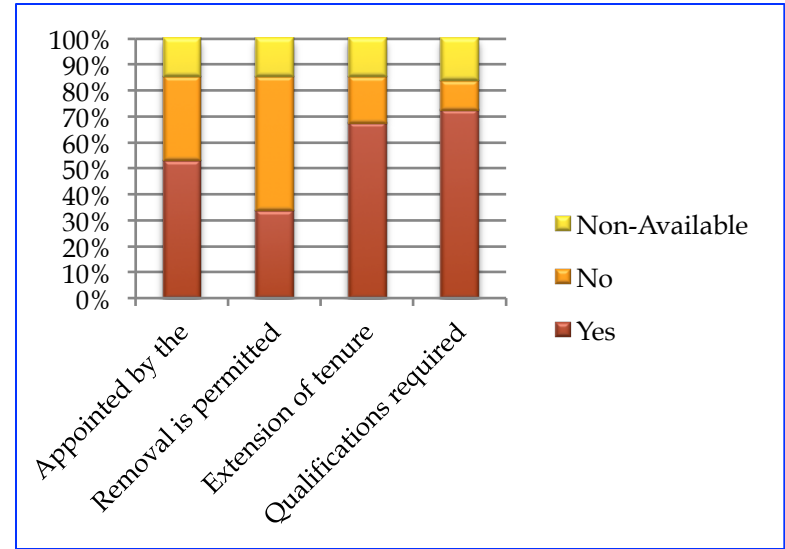


INSTITUTIONAL CHARACTERISTICS

SINGLE CHAIRMAN

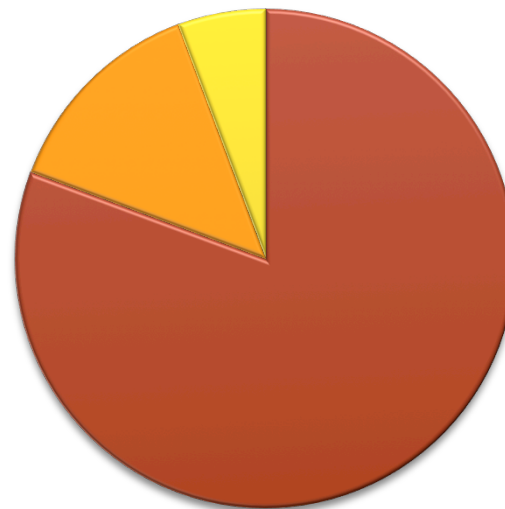


COLLEGIATE BODY

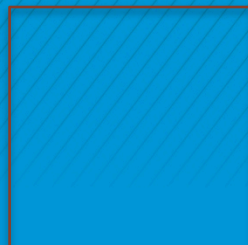


INSTITUTIONAL CHARACTERISTICS

ARCHITECTURE



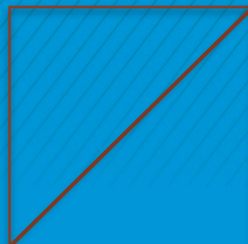
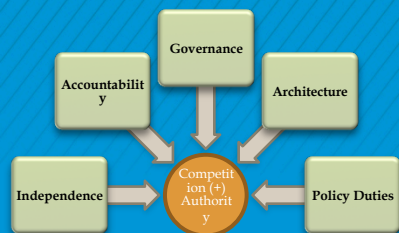
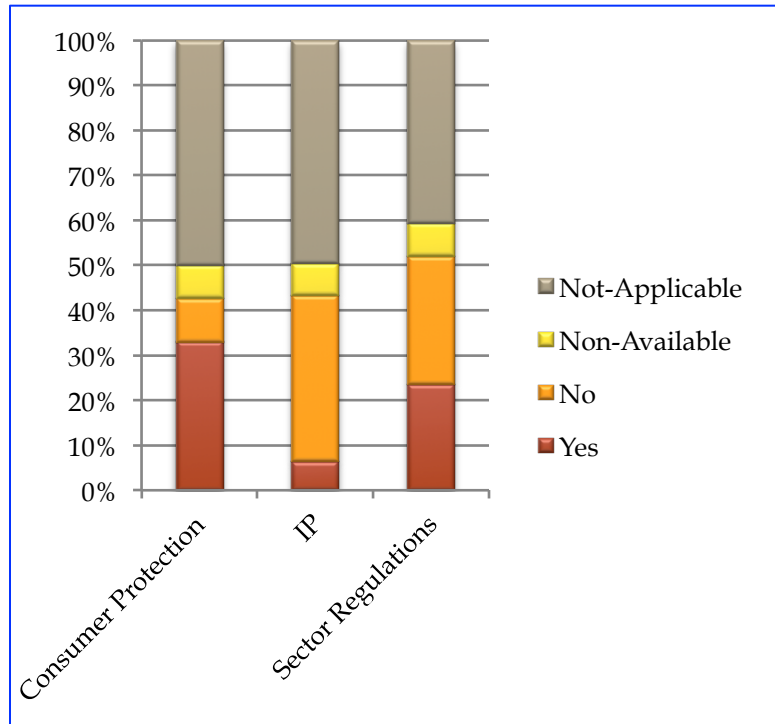
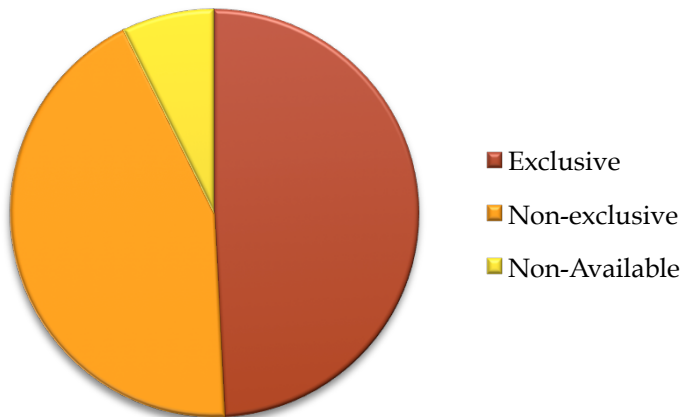
- Self-Contained Unit
- Subunit
- Non-Available



INSTITUTIONAL CHARACTERISTICS

POLICY DUTIES

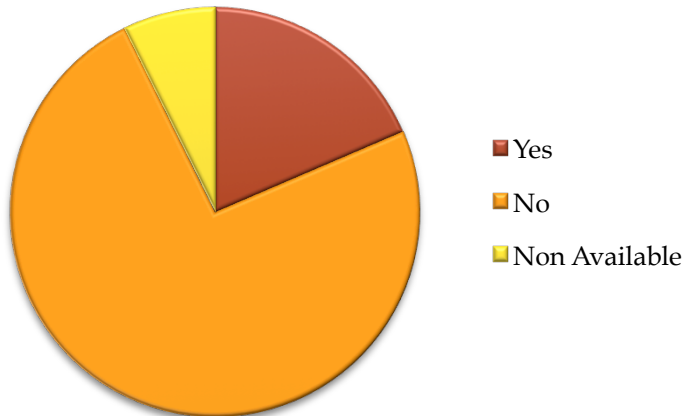
COMPETITION MANDATE



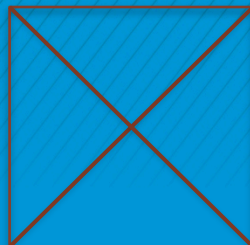
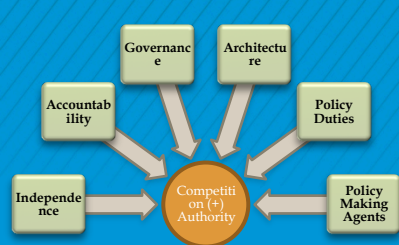
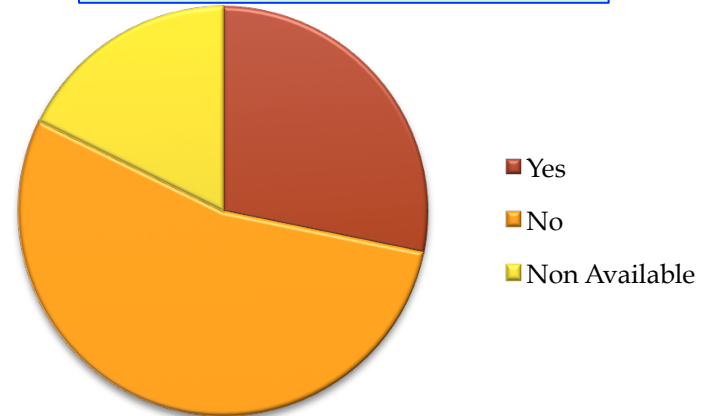
INSTITUTIONAL CHARACTERISTICS

POLICY MAKING AGENTS

DIVERSE AGENCIES

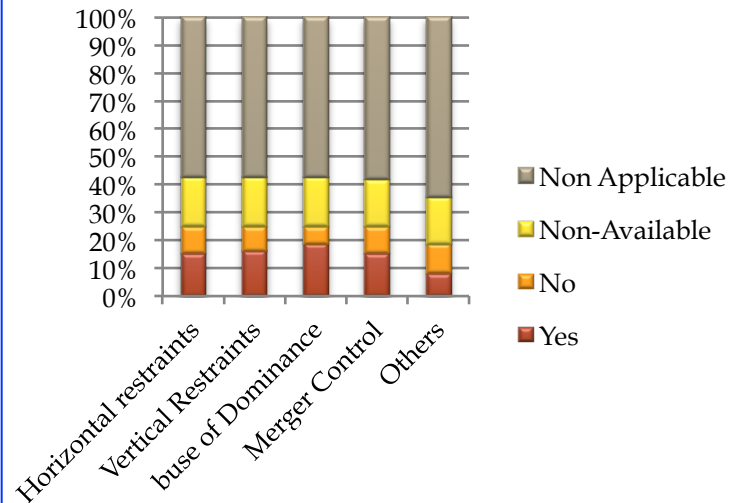


SECTOR REGULATORS COMPETITION MANDATE

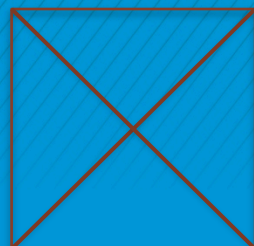
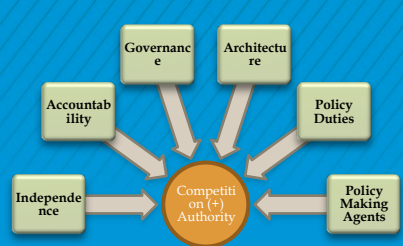
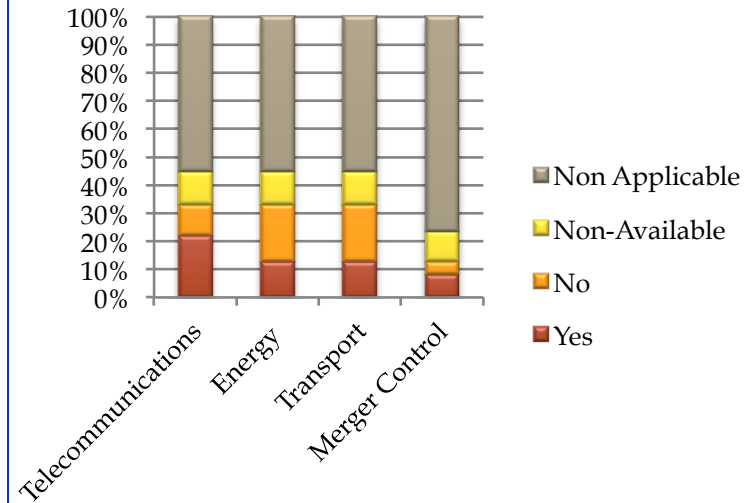


INSTITUTIONAL CHARACTERISTICS

SECTOR REGULATORS COMPETITION MANDATE

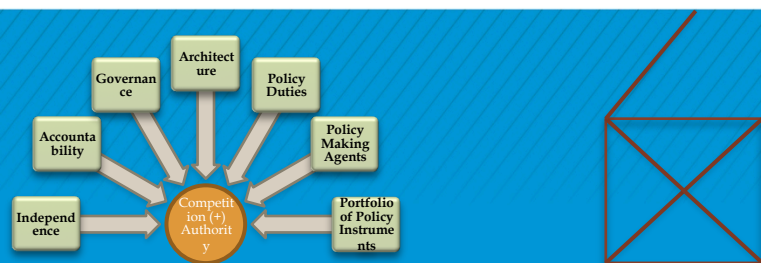
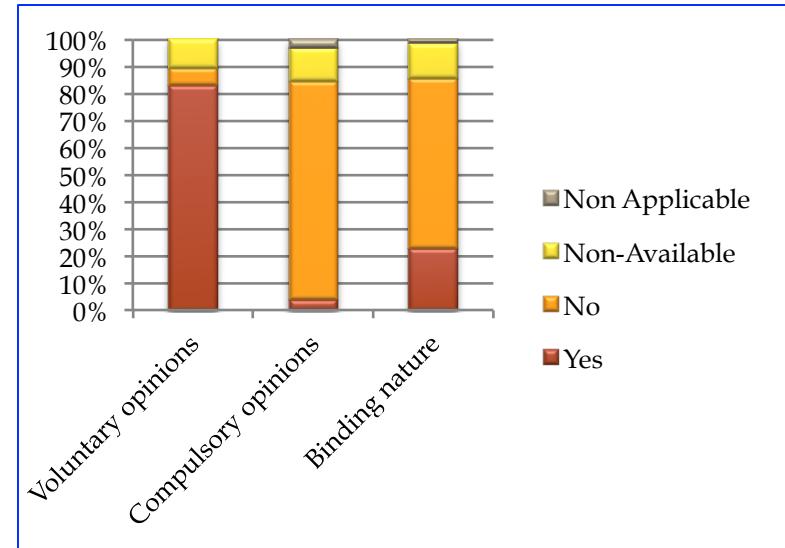
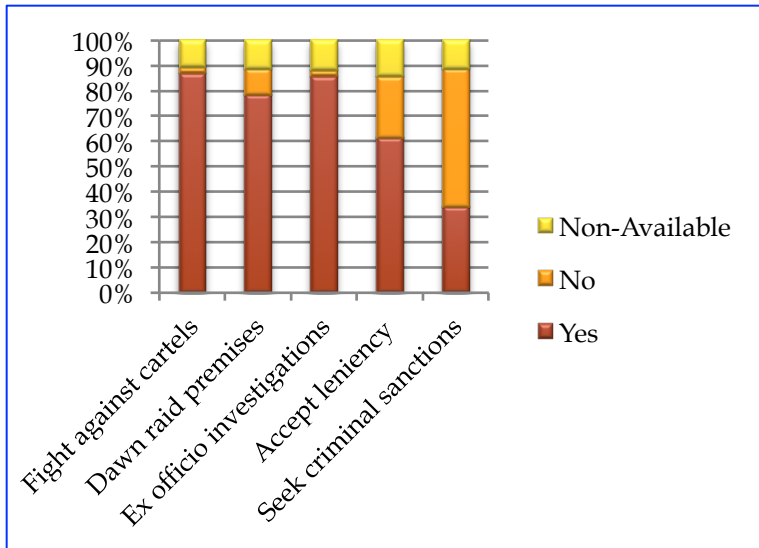


MOU'S WITH SECTOR REGULATORS



INSTITUTIONAL CHARACTERISTICS

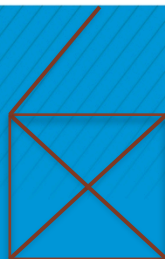
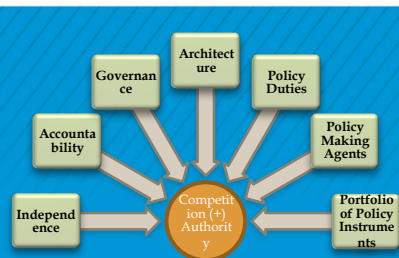
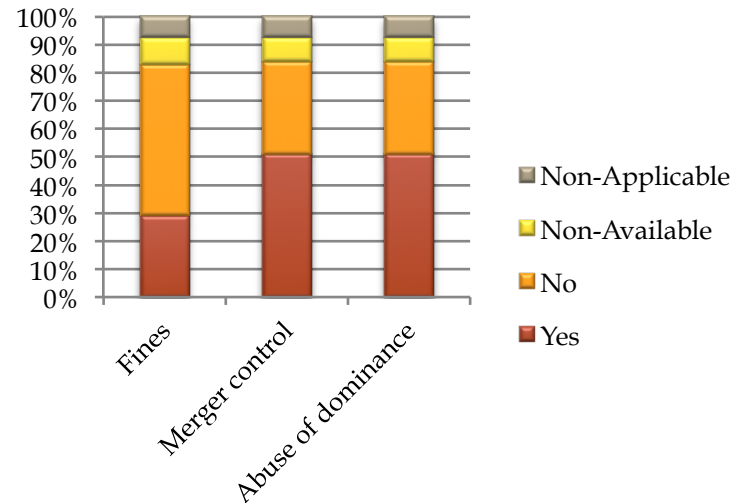
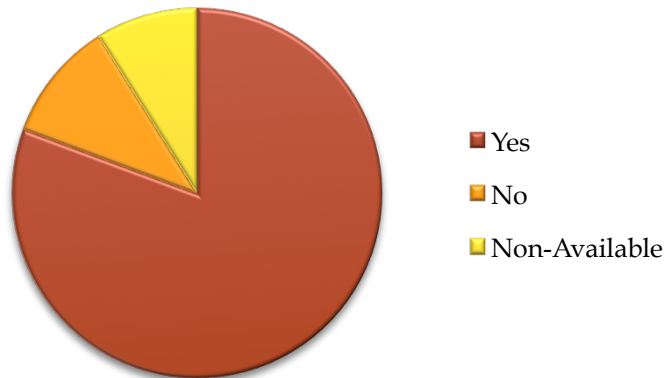
PORTFOLIO OF POLICY INSTRUMENTS



INSTITUTIONAL CHARACTERISTICS

PORTFOLIO OF POLICY INSTRUMENTS

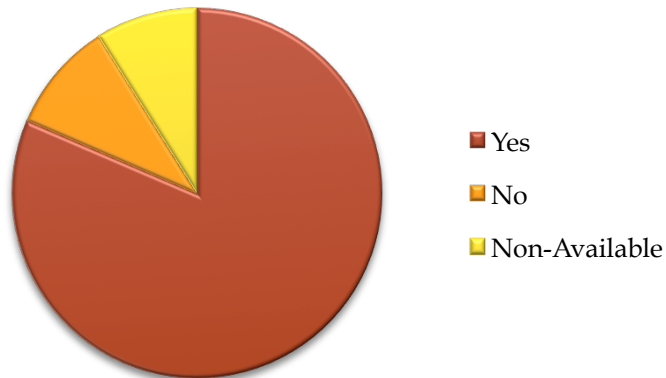
POWERS TO ISSUE SECONDARY LEGISLATION



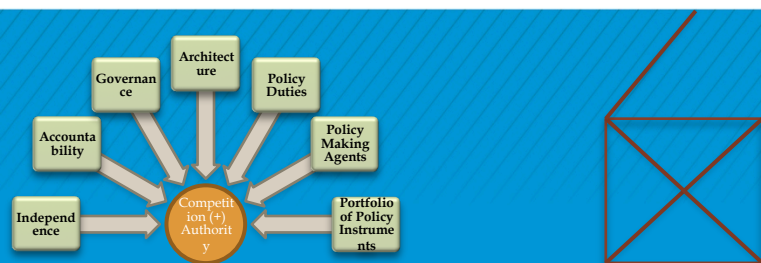
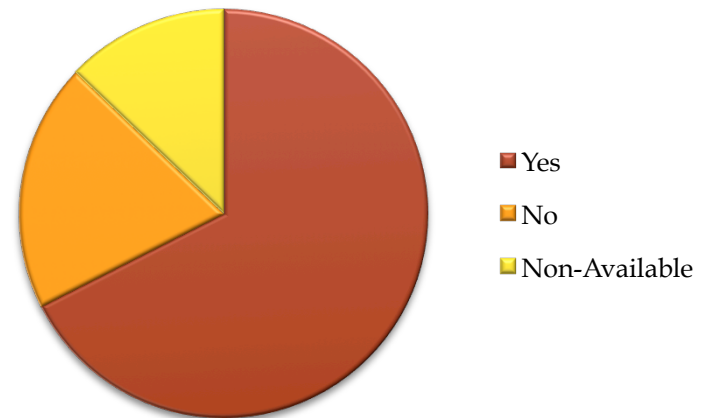
INSTITUTIONAL CHARACTERISTICS

PORTFOLIO OF POLICY INSTRUMENTS

POWERS TO CONDUCT MARKET RESEARCH



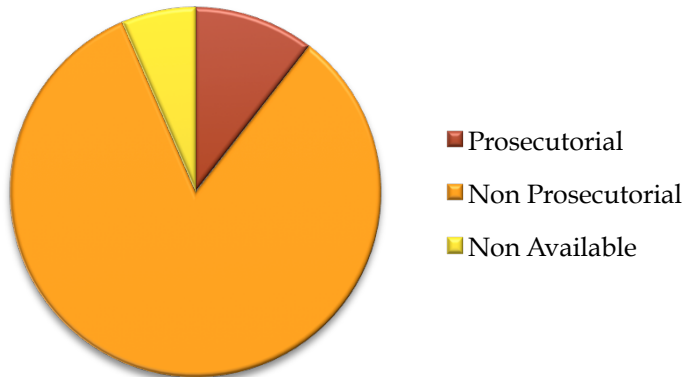
REPORTING POWERS



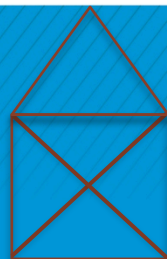
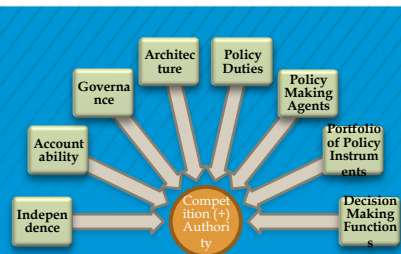
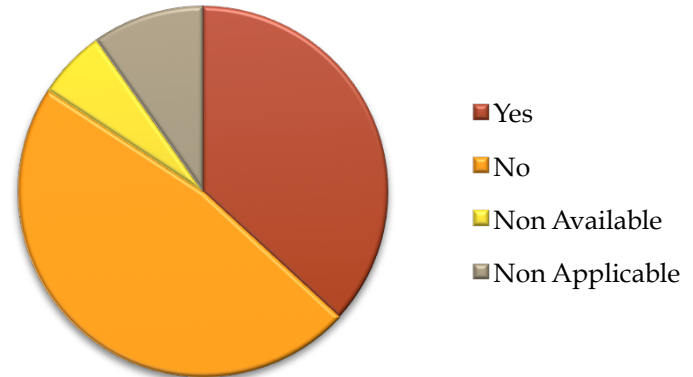
INSTITUTIONAL CHARACTERISTICS

DECISION MAKING FUNCTIONS

PROSECUTORIAL VS. NON PROSECUTORIAL MODEL



UNBUNDLE INVESTIGATION & DECISION MAKING UNITS WITHIN NCAs



The logo for GW Law is centered on a dark blue background. It features the letters "GW" in a white, bold, sans-serif font. Above and below the "GW" are two horizontal gold bars. To the right of the "GW" is a vertical white line, followed by the word "LAW" in a white, all-caps, serif font.

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