



Seventh United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices

**Round Table on
"Ways and means to strengthen Competition Law Enforcement and Advocacy"**

Tuesday 7 July 2015 (10:00 - 13:00)
Room XVIII

Competition policy has two major components. The first is a competition law which contains the substantial rules to enforce against anti-competitive market conduct, as well as an enforcement mechanism, such as an authority. The second major instrument, particularly important in the interface with other economic policies, is competition advocacy.

Both competition law enforcement and advocacy have a critical and mutually reinforcing role in building and sustaining a competition regime, supported by a high level of institutional trust and (ideally) imbedded in a set of complementary policies.

For young as well as consolidated competition law regimes the two aspects have a particular importance: Effective law enforcement informed by complaints or solid sector inquiries leads to the implementation of competition law and builds a body of precedent decisions which helps to clarify the meaning of the law for enforcers and business alike and fills the legislation with "life." At the same time enforcement activities test and strengthen the capabilities of new agencies creating important experiences and helping to fine-tune enforcement practices and the competition law in subsequent judicial reviews.

Around 125 countries have adopted competition laws. With regards to the effective enforcement of competition law, the issue of what should be the substantive content of the law as well as how the enforcement agency should be designed is of central importance. The experiences of mature competition regimes and competition regimes in advanced jurisdictions can provide guidance to newer and developing country agencies in building a competition regime.

In improving and further strengthening competition law enforcement, young competition agencies should:

- (a) Encompass a workable set of substantive and procedural elements of the competition law that will provide operational basis to function a competition agency, particularly to younger agencies.
- (b) Having provided an equipped competition law rules, the design of the competition agency should ensure a great deal of independence and accountability vis-a-vis the central government and other institutions.
- (c) Develop a working relationship of mutual respect between the Judiciary and the specialized agency.
- (d) Engage in international cooperation in the enforcement of competition law effort in fighting these secret, multinational collusive agreements.

On advocacy young competition authorities should be able to initiate or strengthen their efforts to reach out all stakeholders in both public and private domains. In doing so, they should consider the following:

- (a) Develop media advocacy strategies
- (b) Set up criteria to prioritize sectors of interest when allocating resources
- (c) Be aware of the lessons that late adopters of competition law can learn from countries with established competition cultures. An adaptation process should be taken into account
- (d) Request UNCTAD to carry out capacity-building assistance to stakeholders for effective media advocacy
- (e) Be aware how to handle competition advocacy where media and political freedom is an issue
- (f) Apply the best modalities of international cooperation in advocacy in general and with respect to media in particular

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WORK PROGRAMME

10:00 - 10:10 **Presentation by UNCTAD secretariat**

10:10 - 10:25 **Keynote speech**

Prof. Ariel Ezrachi
Director,
The University of Oxford Centre for Competition Law and Policy

10:25 - 13:00 **Interactive Debate**

Discussants

- Dr. Luis Humberto Guzmán, President of the Board of Directors. Institute "PROCOMPETENCIA". Nicaragua.
- Mr. Andrey Tsyganov. Deputy Head of the Federal Anti-monopoly Service (FAS) Russia
- Mr Liberty Mncube. Chief economist and Manager of Policy and Research of the Competition Commission. South Africa
- Ms. Tran Thi Minh Phuong. Head of International Cooperation. Vietnam Competition Authority (VCA). Vietnam.

Delegates wishing to take part in this roundtable are kindly invited to inform the Secretariat accordingly by contacting Mr. Pierre Horna (Pierre.horna@unctad.org, Tel. +41229174766) or Ms. Jacqueline Bouvier (Jacqueline.bouvier@unctad.org)