

SEVENTH UNITED NATIONS CONFERENCE TO REVIEW THE  
**UNITED NATIONS SET ON COMPETITION POLICY**

Geneva, Palais des Nations

Ways and means to strengthen  
Competition Law Enforcement and  
Advocacy

Presentation by the UNCTAD Secretariat

Note by the UNCTAD Secretariat  
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## To strengthen competition law enforcement, young agencies should...

- Encompass a workable set of substantive and procedural elements of the competition law
- ensure a great deal of independence and accountability vis-a-vis the central government
- Develop a working relationship of mutual respect with the Judiciary
- Engage in international cooperation in fighting these secret, multinational collusive agreements

# workable set of substantive and procedural elements of the competition law ...

- Substantive elements of the law:
  - Objectives of the Law
  - Scope of Application
  - Prohibited practices: horizontal and vertical
  - Abuse of Dominance
  - Exemption and Exception
  - Merger Control
  - Sanctions
  - Anticompetitive conduct by State entities (Competition Neutrality)
- Procedural elements of the law:
  - The tasks and powers of the competition agency

The design of the n agency should ensure independence and accountability vis-a-vis the central government ...

- Prioritization and resource allocation
- Staffing and financial resources
- Knowledge and human-resource management
- Relations to other government bodies and regulators
- Independence and influence
- Country specific considerations

# Working relationship of mutual respect between the Judiciary and the specialized agency...

- Country legal specific considerations
- Engage in constructive dialogue with Judges and prosecutors
- An effective judicial review of competition cases
- Support cross-border dialogue amongst judges to exchange best practices and experiences

## Fostering international cooperation... ..

- Building trust
- Supporting informal cooperation efforts
- Incentives to improve knowledge of relevant foreign jurisprudence

# (1) On advocacy young competition authorities should be able to...

- Develop media advocacy strategies
- Set up criteria to prioritize sectors
- Be aware of the lessons that late adopters of competition law
- Be aware how to handle competition advocacy where media and political freedom is an issue
- Apply the best modalities of international cooperation in advocacy and to media in particular
- Request UNCTAD to carry out capacity-building assistance to stakeholders for effective media advocacy

## (2) On advocacy young competition authorities should be able to (cont'):

- Develop media advocacy strategies depending on target audience:
  - To Central Government institutions
  - To Sector Regulators
  - To Judges
  - To Businesses
  - To Consumers at large
- Undertake sector studies or enquiries