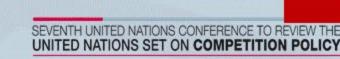
SEVENTH UNITED NATIONS CONFERENCE TO REVIEW THE UNITED NATIONS SET ON COMPETITION POLICY

Geneva, Palais des Nations

Ways and means to strengthen Competition Law Enforcement and Advocacy

Presentation by the UNCTAD Secretariat

Note by the UNCTAD Secretariat TD/RBP/CONF.8/5



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 ...

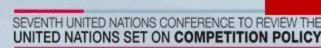
- Substantive elements of the law:
 - Objectives of the Law
 - Scope of Application
 - Prohibited practices: horizontal and vertical
 - Abuse of Dominance
 - Exemption and Exception
 - Merger Control
 - Sanctions
 - Anticompetitive conduct by State entities (Competition Neutrality)
- Procedural elements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

