

Journal of Antitrust Enforcement

Study of Agency Effectiveness and Best Practices

*To be presented at the Fifth Meeting
of the Research Partnership Program of UNCTAD*

Geneva, 11th July 2014

The Journal of Antitrust Enforcement Study of 'Agency Effectiveness and Best Practices' explores competition agencies' wide range of daily concerns and strategies, and the formal and informal ways in which they are handled. Managing and navigating a competition agency is very much a process of learning by doing. The aim of the study is to capture and make available the know-how that competition agency officials accumulate during their service. In particular, it aims to provide a candid account of the challenges that heads of agencies and their staff face as they navigate through changing legal, social, political and organisational landscapes.

The study will cover the questions outlined below, which have intentionally been drafted open-endedly to allow participants to share thoughts, personal experience and expertise as they see fit. To allow many to tap into the individual experience of current and former heads of agencies, the study will collate multiple submissions and will include an amalgamation of reported best practices. In some instances, the report will reference the contributor; in others it will provide a more general account of best practices.

When submitting their answers, contributors will be able to indicate if some of the information they provide should be presented as 'anonymous contributor' in the report. This, we hope, will enable participants to provide a candid account of their experience, particularly in areas where they prefer that experience not to be directly linked to the jurisdiction or individual.

The study will be launched at the Antitrust Enforcement Symposium on 28 June 2014, and later presented at the UNCTAD and ICN. We will aim to approach all participants before August 2014 and expect to receive all submissions before October 2014. The report will be published in early 2015.

- Questions to be explored -

Goals

1. Are your agency's goals available in the public domain?
2. If you were to articulate specific goals for your tenure as agency head, what are (or were) they?
3. What programmes or internal planning mechanisms did you institute to achieve those goals?
4. How is the policy-making function integrated into the day-to-day operation of the agency?
5. How do you achieve deterrence? Is this a prime concern?

Agency appraisal

6. What are the main criteria used to assess your agency?
7. How clearly are these criteria set?
8. How do you think an agency should be assessed? What criteria would you use?
9. To what extent did you collect data on your agency's activities? What data did you collect?
10. How did you use the data you collected?

Capacity building

11. What strategy do you use to build agency capability?
12. What incentives are in place in your agency to invest in long-term agency capability and success?
13. Are these sufficient?
14. Would you propose other incentives?

Staff

15. How do you recruit and keep good staff?
16. How do you invest in and increase the competency of agency staff?
17. In dealing with your senior staff – what would be your three most important principles?
18. How do you maintain and increase motivation in the organisation?
19. How many of your staff leave the public sector? Why do they leave the public sector? Have you addressed this trend?
20. How do you foster education within the agency?
21. How do you build a good team?
22. What do you do if your initial team is very weak? Try to improve the weak ones, wall them off from the good people? Insist on bringing in a trusted team of your own at the beginning?

Board

23. When you are the chair of an agency, how do you ensure that the Board works effectively?
24. Non-chairman commissioners can chafe at what they perceive to be a lack of visibility and credit for the agency's work: how do you avoid this?
25. How do you balance short-term and long-term goals?

Media

26. How do you deal with the media?
27. Which activities get media attention? Are there any activities that escape media attention?
28. Should you meet with journalists regularly? Individually?
29. How do you deal with a news organization that has an axe to grind and is trying to take your head off?
30. Do you initiate media contacts?
31. What is your organisation's policy regarding communication with the media by various members of staff?
32. Have you experienced a public conflict in the media between your authority and government? How did you deal with it?
33. How do you deal with ongoing criticism of your agency's effectiveness?

Independence

34. How exposed are you to political pressure?
35. What should you do when a powerful minister calls?
36. What should you do when a powerful member of the legislature calls?
37. How do you keep the politicians from attacking you later?
38. What form does industry lobbying take? How should you deal with it?

Personal experience

39. What are the most important exterior and interior factors that affect your agency?
40. What do you wish you had done from day one in office?
41. What's the biggest mistake you've made?
42. What did you do that worked really well?
43. The three most important pieces of advice for your successor.
44. Anything else?