

Research Partnership Platform
9th meeting

Wednesday, 11 July 2017
Room XVII, Palais des Nations, Geneva

“Competition Law in Developing Countries:
the case of Angola and Mozambique”

Presentation by

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and
Lúcio Tomé Feteira -Professor -Nova School of Law (FDUNL)

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Ninth Meeting of the Research Partnership Platform (RPP) on
Competition and Consumer Protection
11 July 2018

“Competition Law in Developing Countries: the case of Angola and Mozambique”

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You can access some of my papers and references to academic/research activities in connection with my Jean Monnet Chair

www.cirsf.eu

You can access my papers on the
Social Science Research Network (SSRN) at

<http://ssrn.com/author=1644131>

I - Introductory Remarks

- **Q:** Why focus on competition law in *developing countries*?
- **A:** One solution *does not* fit all. *But... how far should we go in introducing ‘adjustments’?*
- **Q:** Why select *Angola* and *Mozambique*?
- **A:** Two jurisdictions that display a number of similarities (prone to comparison), but that have adopted a seemingly contrasting approach to competition law

II - The case of Mozambique

- Summary and appraisal of relevant legislation :
 - a) Law no. 10/2013, of 11 April 2013 (and respective *Glossary*) - Mozambican Competition Act (MCA)
 - b) Decree no. 37/2014, of 1 August 2013 - Competition Authority [still to be created]
 - c) Main features of the MCA
 - d) Specific elements ('adjustments')
 - e) Where do we stand?

III - The case of Angola

- Summary and appraisal of relevant legislation:
 - a) Law no. 5/2018, of 10 May 2018 - Angolan Competition Act (ACA)
 - b) Further legislation developing the contents of the ACA is underway
 - c) Creation of a Competition Authority is underway
 - d) Main features of the ACA
 - e) Specific elements ('adjustments')
 - f) Where do we stand?

IV - Concluding remarks

- Contrast between the situation in Angola and in Mozambique is due not so much to the **contents** of the law, but rather to the (political) (un)willingness to implement it.
- Both the MCA and the ACA draw inspiration from the European competition law
- Both the MCA and the ACA include a number of ‘adjustments’ of standard competition rules, *although the motivation behind them is not always clear.*

Thank you for your attention

For additional references please see:

- Feteira, Lúcio Tomé, “Entre Eficiência e Desenvolvimento: Reflexões Sobre o Direito da Concorrência nos Países em Vias de Desenvolvimento” (September 16, 2015). *Revista de Concorrência e Regulação* (2014) julho/setembro, n.º 19, pp. 85-178. Available at **SSRN:** <https://ssrn.com/abstract=>
- Morais, Luis Silva, *Joint Ventures and EU Competition Law*, Hart Publishing, 2013 [especially last part - IV - with extensive discussion of the *varying goals* of competition law and policy in diferente jurisdictions]