

Research Partnership Platform  
9th meeting

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

Competition Policy Implementation in the Agro/Food Sector

Presentation by

**William E. Kovacic**  
George Washington Law School/King's College London

*This material has been reproduced in the language and form as it was provided. The views expressed are those of the author and do not necessarily reflect the views of UNCTAD.*

# Competition Policy Implementation in the Agro/Food Sector

William E. Kovacic

George Washington Law School/King's  
College London

*Research Policy Platform*

Geneva, 11 July 2018

# Agenda

- Issues
- Analytical Tasks
- Suggested Implementation Approaches
- Focus: Mergers in Development Context
- Caveat: Personal Views Only
- Contact: [wkovacic@law.gwu.edu](mailto:wkovacic@law.gwu.edu)

# Contemporary Issues

- Market Power
  - Consolidation
  - Vertical integration
- Innovation
- Equity
- Environment

# Prominent Mergers

- Dow-DuPont
- Bayer-Monsanto

# Analytical Tasks

- Market Power Assessment
- Competitive Effects
- Collateral Policies

# Policy Intersections

- Consumer Protection
  - Food advertising and health effects
  - Product labeling
- Trade
  - Export cartels, tariffs, quotas
- Agricultural Policy
  - Entry and production limits
- Intellectual Property

# Implementation Prerequisites

- Scope
  - Technical concepts
  - Industry knowledge
- Scale
  - Case Handling Capability



# Implementation: EU/US Examples

- Agency Sectoral Expertise
- Supporting Infrastructure
- Transaction Examples
  - Dow-DuPont
  - Bayer-Monsanto
  - AT&T-Time Warner

# Development Context Conditions: National Competition Agencies

- Small Scale
- Multiple Policy Demands
  - Competition only
  - Multi-function agencies

# Implications

- Prioritization
- Knowledge Base: Own and Others
- Cooperation
  - Domestically
  - Regionally
  - Internationally (with large agencies)

# Cooperation Imperative

- Unilateral NCA Effort by Itself: Inadequate
- Co-Producers
  - Domestic departments
  - NCAs in the region
  - Regional authorities
  - Academic hubs
  - International networks
  - Large agencies

# Prioritization: Food and Agriculture

- Economic Significance
- Social Importance

# Knowledge: International Cooperation

- Industry-Specific Knowledge
  - Current developments
  - Case studies
- Research
  - Shared agenda and pooling
- Remedies

# Cases: International Cooperation

- Regional
- Large Agencies

# Entry

- Trade
- Competition Assessment
- Consultations