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GW | LAW

# **Benchmarking Competition Systems: A Global Survey of Major Institutional Characteristics**

**UNCTAD-RPP Meeting  
Geneva, 7 July 2013**

**[www.gwclc.com](http://www.gwclc.com)**

The views expressed are those of the authors and do not necessarily reflect the views of UNCTAD

# BEFORE WE GET STARTED....

## DISCLAIMER

- ❖ First of its kind
- ❖ Extended ambit covering 121 Competition Systems with more than 125 Competition Agencies
- ❖ Room for potential improvements
- ❖ Suggestions to improve are welcome!

## THANKS!

- ✓ Hassan Qaqaya, Graham Mott & rest of UNCTAD competition team
- ✓ Worldwide Competition Agencies
- ✓ Independent Competition Experts
- ✓ Extraordinary team of GW CLC research fellows

# TODAY'S AGENDA

- ① **Introduction**
- ① Research Procedure
- ① Institutional Characteristics & Results
- ① Future Ahead & Conclusion
- ① Discussion

# INTRODUCTION

## 3 IMPORTANT IDEAS TO REMEMBER:

### ① Structure shapes substance

- Institutional design impacts performance

### ② 8 Institutional Characteristics

- Preference for non prosecutorial model despite increase criminalization of antitrust wrongdoings
- Increasing number of 'Competition +' Agencies with multiplicity of policy duties
- Preference for non diversification of agencies and single entity institutions

### ③ Intellectual vacuum that requires further input

# INTRODUCTION

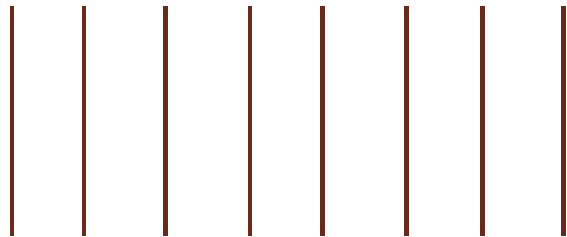
## GLOBAL TRANSFORMATION OF COMPETITION SYSTEMS

- ❖ **Increasing** number of competition systems worldwide
  - By 1950 < 5
  - By 1975 < 15
  - By 1990 < 30
  - Today: Approximately 121
  - By 2020: 130
  
- ❖ **Diversity**/Experimentation in Design
  
- ❖ **Vacuum**-to date there is no study analyzing institutional characteristics

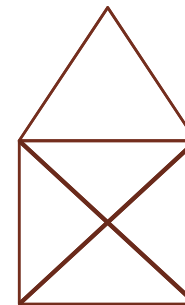
# INTRODUCTION

## The Project's Added Value to the International Competition Law & Policy Community

Pre-Research Know-How on Institutional Characteristics



Post-Research Know-How on Institutional Characteristics



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# RESEARCH PROCEDURE

## 3 STEPS TO CARRY OUT THE RESEARCH:

- **Examination** of major institutional characteristics
  
- **Benchmark** each of the characteristics
  - Select key defining questions for each of the characteristics
  - Find publicly available information
  - Confirm Results with NCAs
  
- **Regression** of information & **Identification** of Trends



# RESEARCH PROCEDURE

**America:** Antigua & Barbuda, Argentina, Barbados, Brazil, Canada, Chile, Colombia, Coast Rica, Dominican Republic, El Salvador, Guyana, Honduras, Jamaica, Mexico, Nicaragua, Peru, Bahamas, Trinidad & Tobago, USA, Uruguay, Venezuela

**Europe:** Albania, Austria, Belarus, Belgium, Bosnia & Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, EU, Faroe Islands, Finland, France, Germany, Greece, Greenland, Guernsey, Hungary, Iceland, Ireland, Italy, Jersey, Kosovo, Latvia, Lithuania, Luxembourg, Macedonia FYROM, Malta, Moldova, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Serbia, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, UK, The Ukraine

**Asia:** Azerbaijan, [Bangladesh](#), Cambodia, China, Georgia, Hong Kong, India, Indonesia, Israel, Japan, Jordan, Kazakhstan, Kirgizstan, Laos, Malaysia, Mongolia, [Nepal](#), Pakistan, Papua New Guinea, Russia, South Arabia, Singapore, South Korea, Taiwan, [Tajikistan](#), Thailand, Turkey, Uzbekistan, Vietnam

**Africa:** Algeria, [Benin](#), Botswana, [Burkina Faso](#), [Cameroon](#), Ivory Coast, Egypt, Gambia, Ghana, Kenya, Malawi, Mali, Mauritius, Morocco, Namibia, [Rwanda](#), Senegal, Seychelles, South Africa, Swaziland, Tanzania, Tunisia, Zambia, Zimbabwe

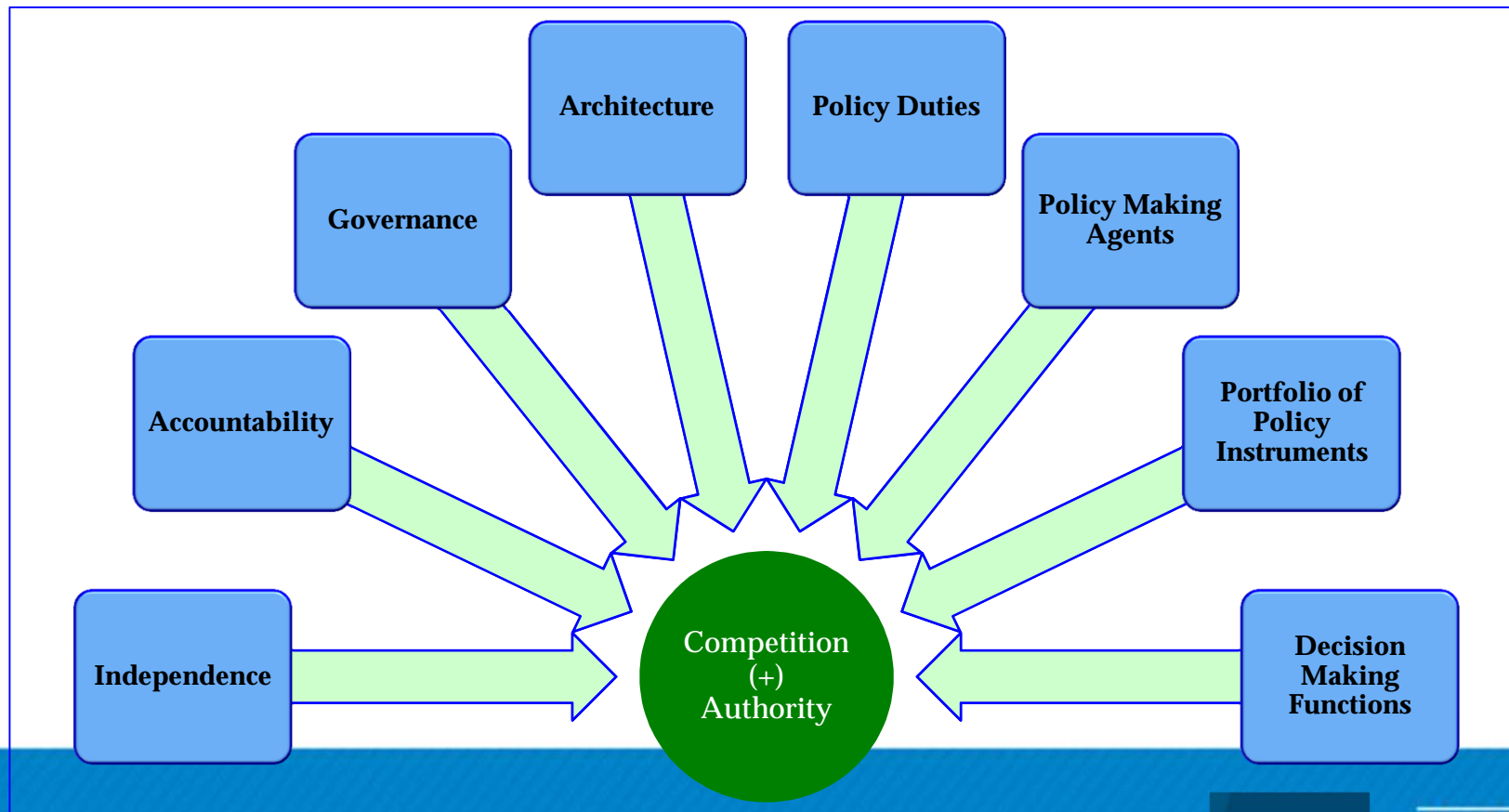
**Oceania:** Australia, Fiji, New Zealand, Papua New Guinea, [Samoa Islands](#)



# TODAY'S AGENDA

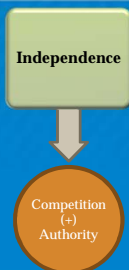
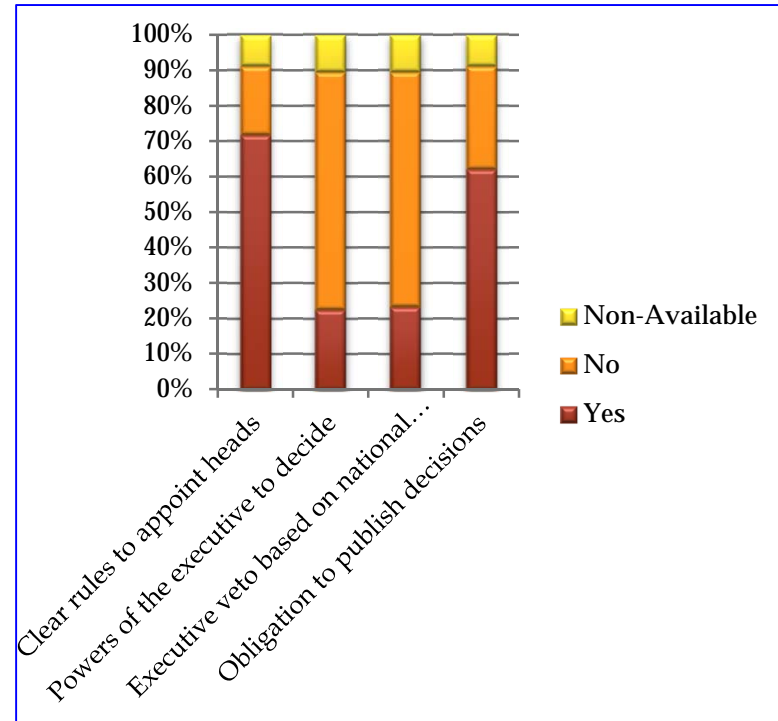
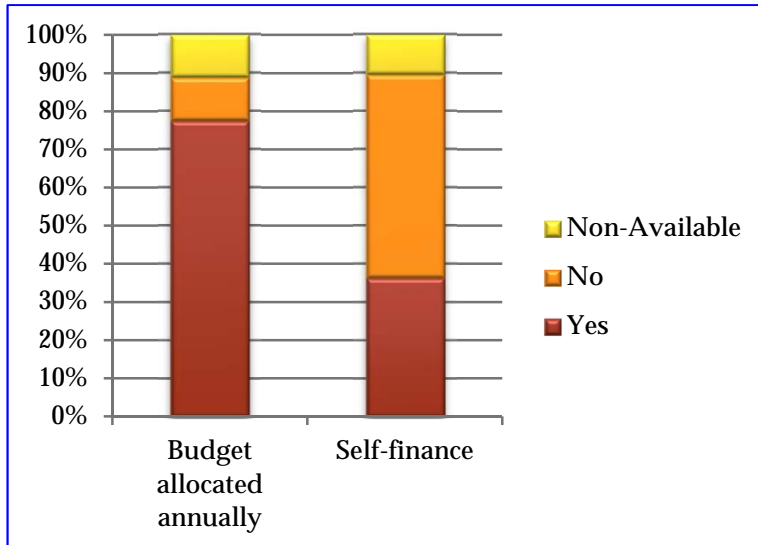
- ① Introduction
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# INSTITUTIONAL CHARACTERISTICS



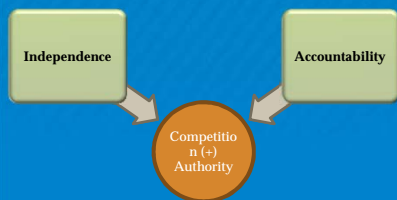
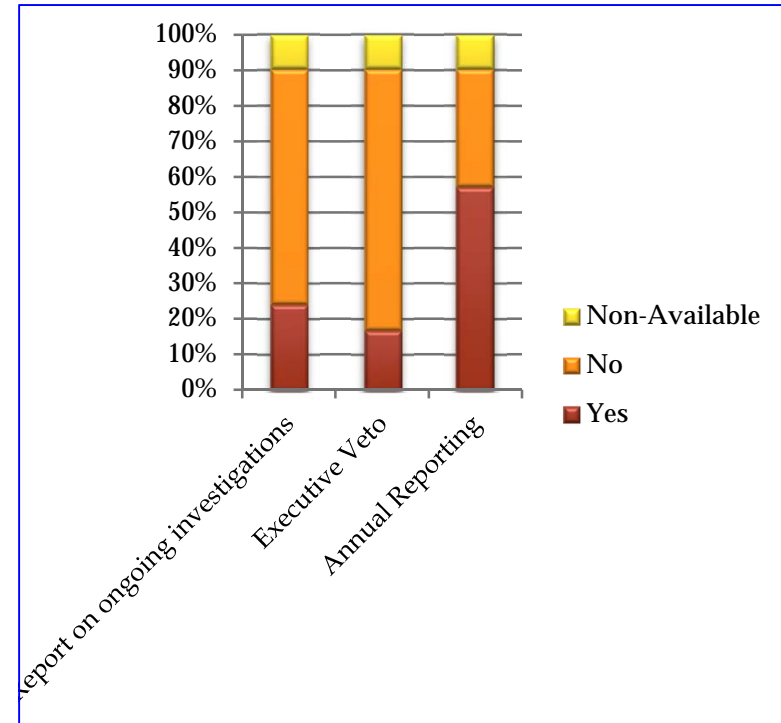
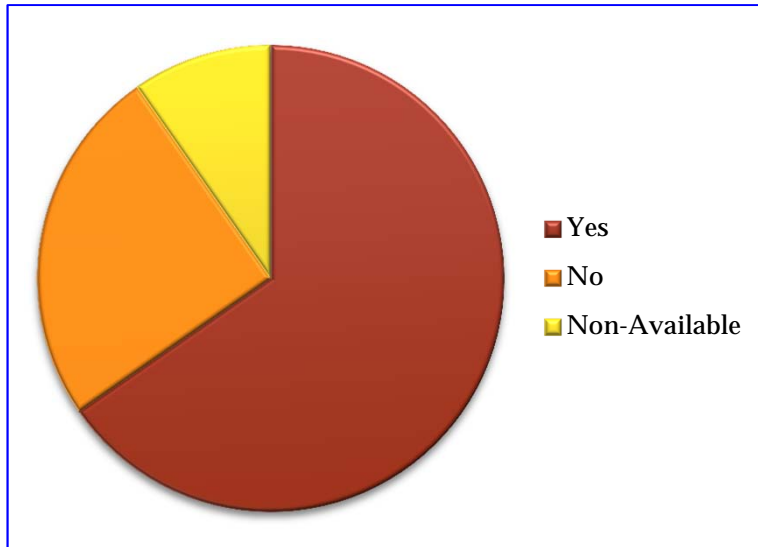
# INSTITUTIONAL CHARACTERISTICS

## INDEPENDENCE



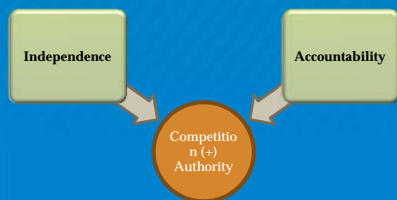
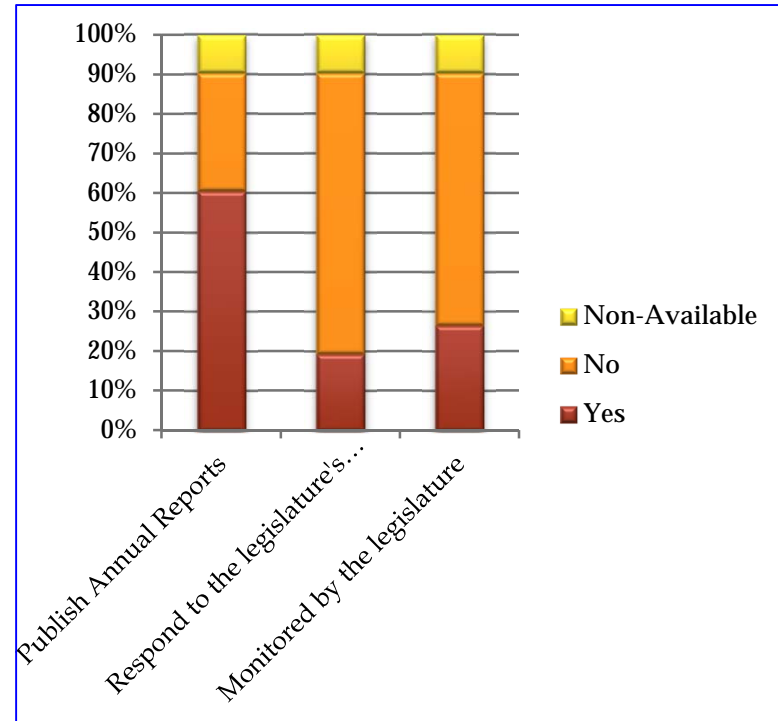
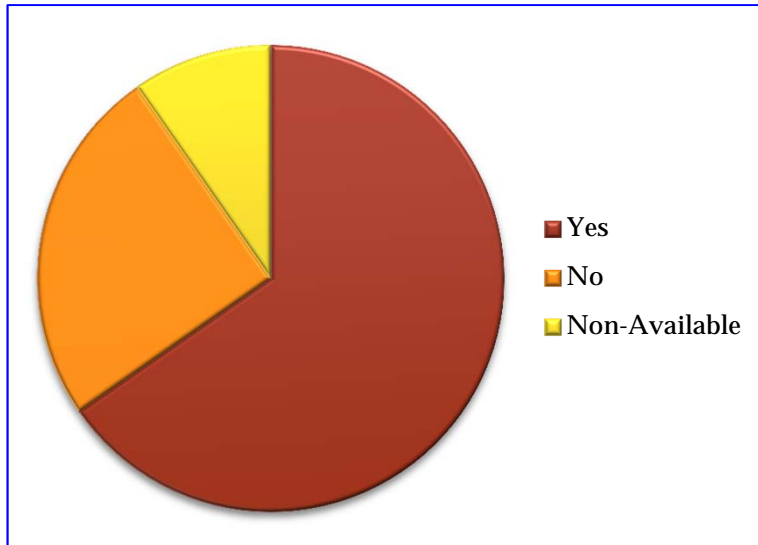
# INSTITUTIONAL CHARACTERISTICS

## ACCOUNTABILITY BEFORE THE EXECUTIVE



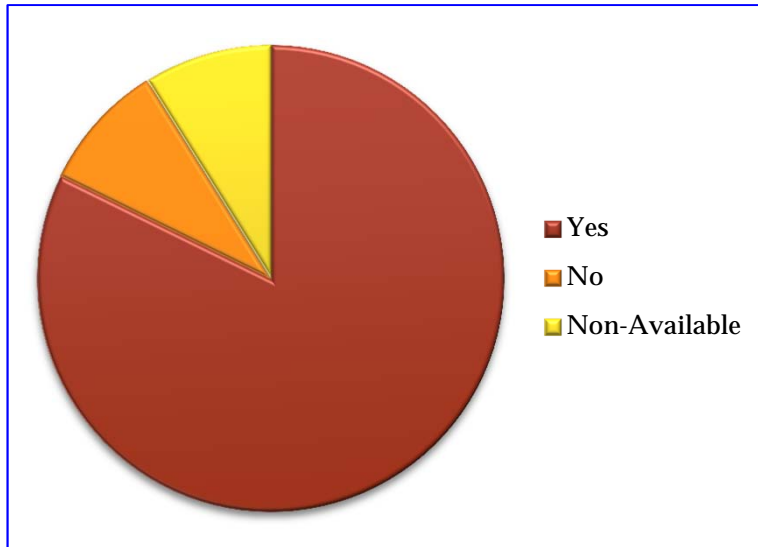
# INSTITUTIONAL CHARACTERISTICS

## ACCOUNTABILITY BEFORE THE LEGISLATURE

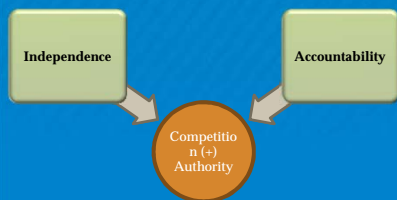
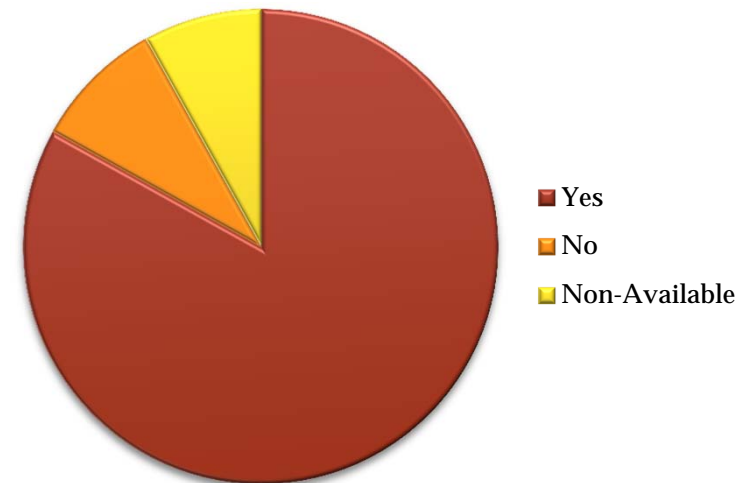


# INSTITUTIONAL CHARACTERISTICS

## ACCOUNTABILITY BEFORE THE JUDICIARY

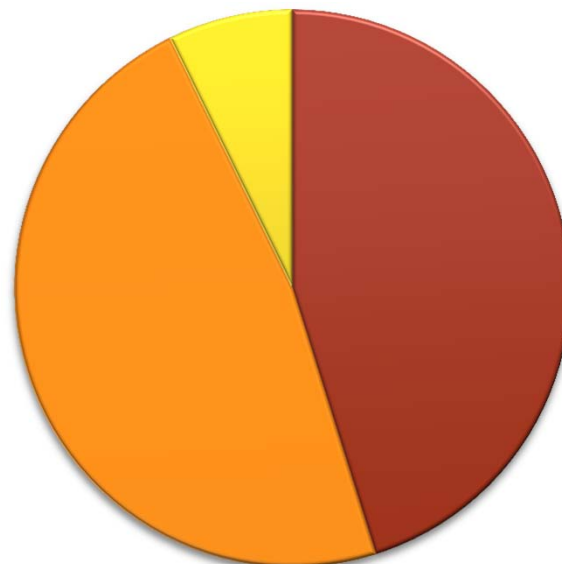


## DECISIONS REVIEWED BY THE JUDICIARY



# INSTITUTIONAL CHARACTERISTICS

## GOVERNANCE



■ Single headed

■ Multiple headed

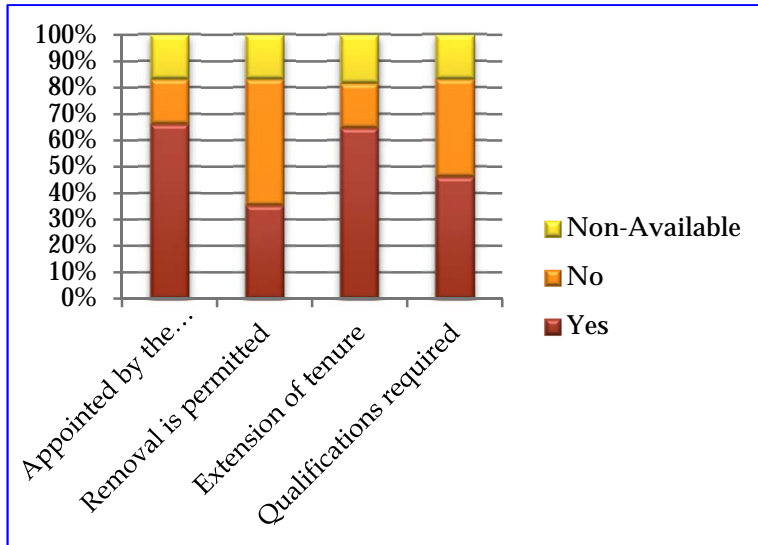
■ Non-Available



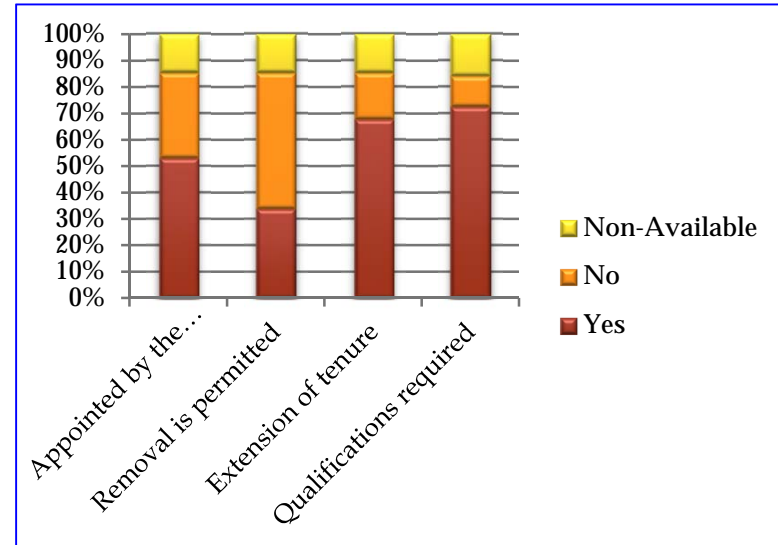


# INSTITUTIONAL CHARACTERISTICS

## SINGLE CHAIRMAN

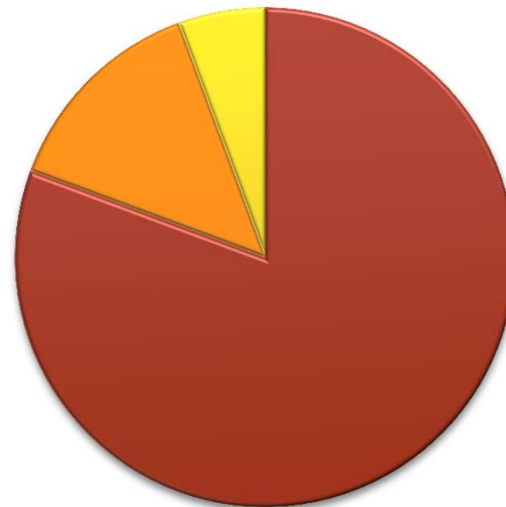


## COLLEGIATE BODY



# INSTITUTIONAL CHARACTERISTICS

## ARCHITECTURE



■ Self-Contained Unit

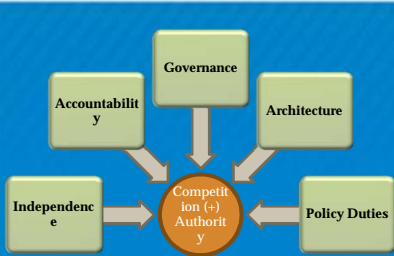
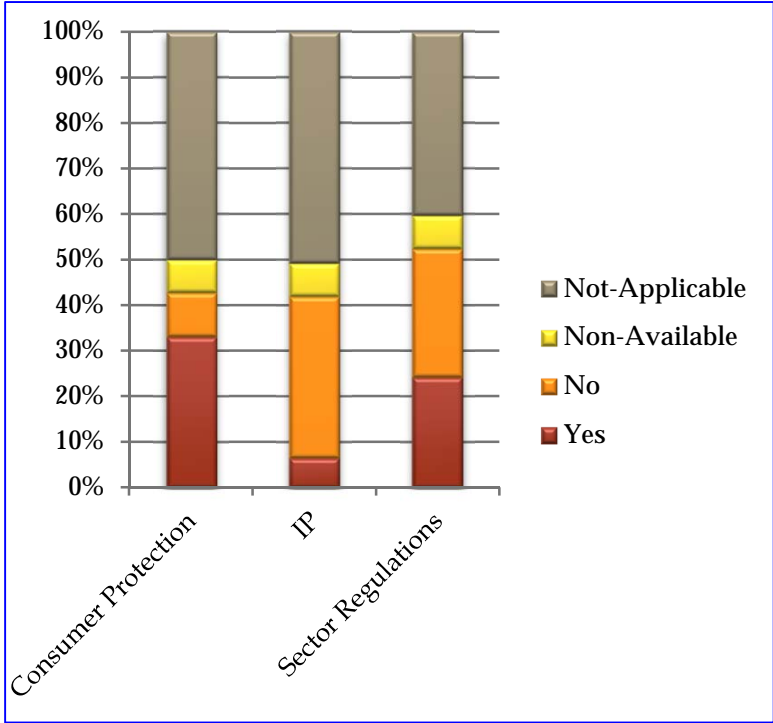
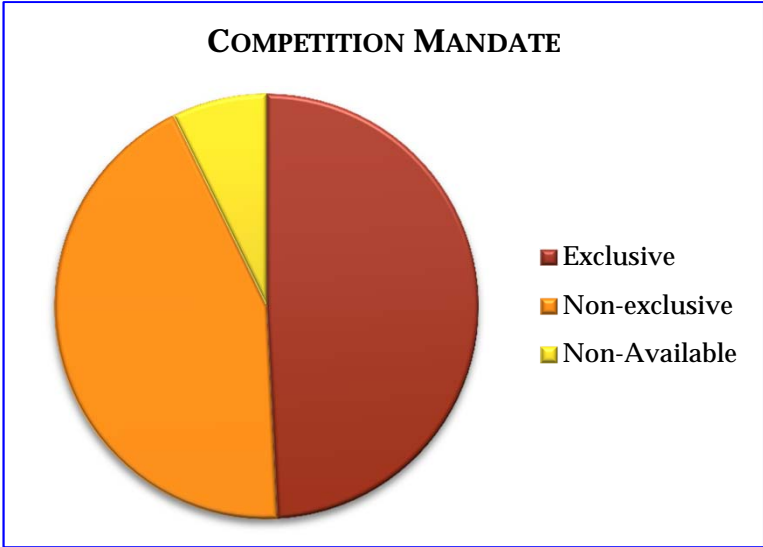
■ Subunit

■ Non-Available



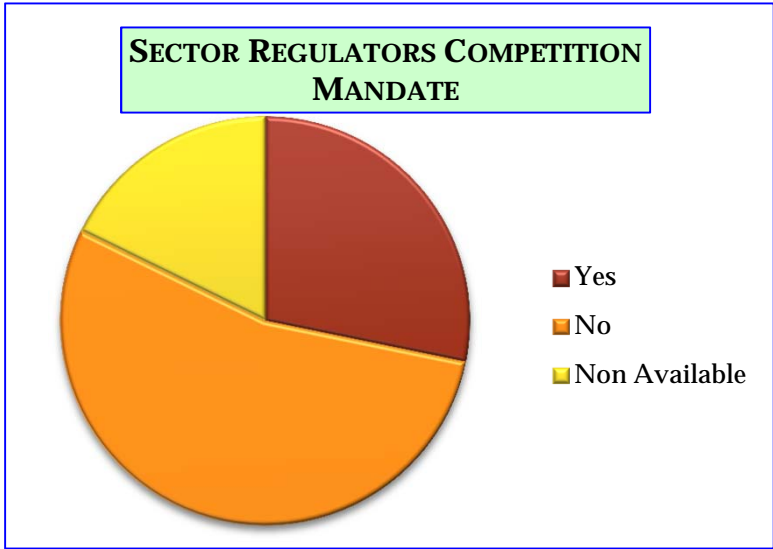
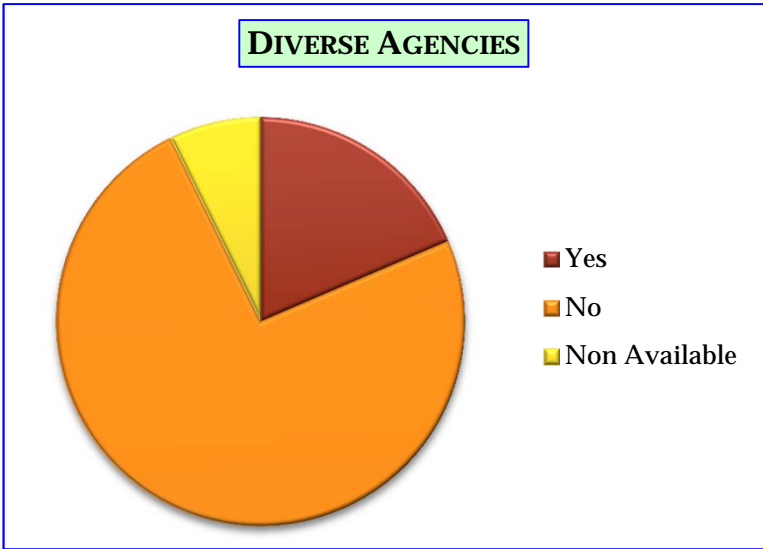
# INSTITUTIONAL CHARACTERISTICS

## POLICY DUTIES



# INSTITUTIONAL CHARACTERISTICS

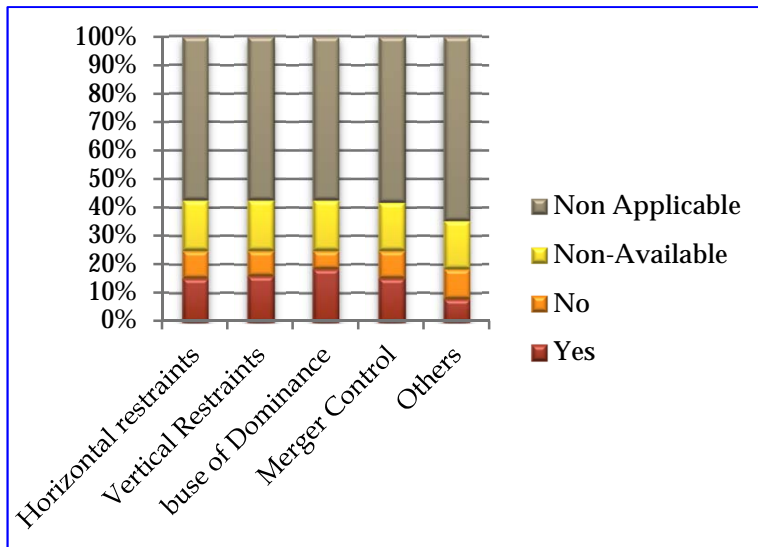
## POLICY MAKING AGENTS



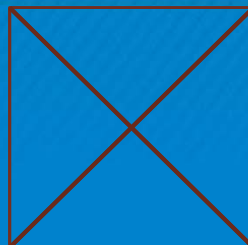
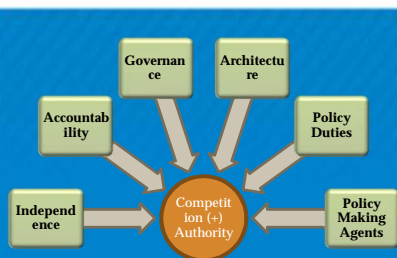
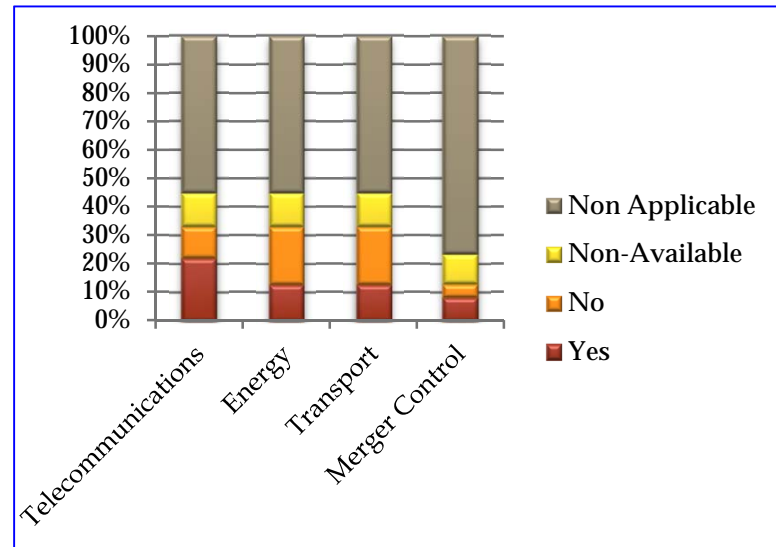
The bottom section features a conceptual diagram on the left with a central orange circle labeled 'Competition (+) Authority'. Six arrows point towards it from boxes labeled 'Governance', 'Architecture', 'Policy Duties', 'Policy Making Agents', 'Independence', and 'Accountability'. To the right of this diagram is a square with a large 'X' inside. Further right are the logos for 'GW LAW' and 'THE GEORGE WASHINGTON UNIVERSITY WASHINGTON, DC'.

# INSTITUTIONAL CHARACTERISTICS

## SECTOR REGULATORS COMPETITION MANDATE

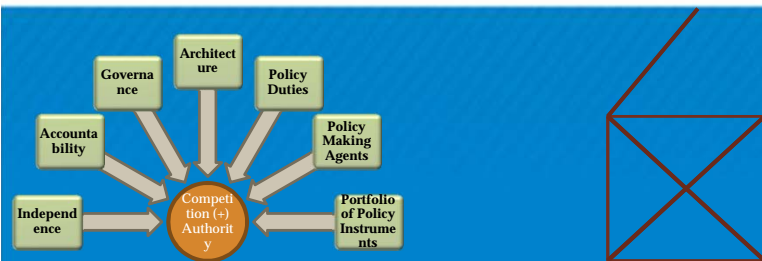
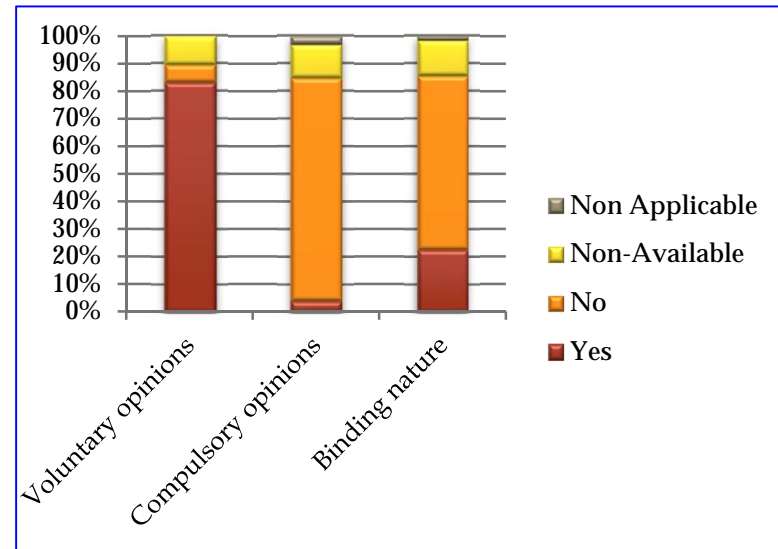
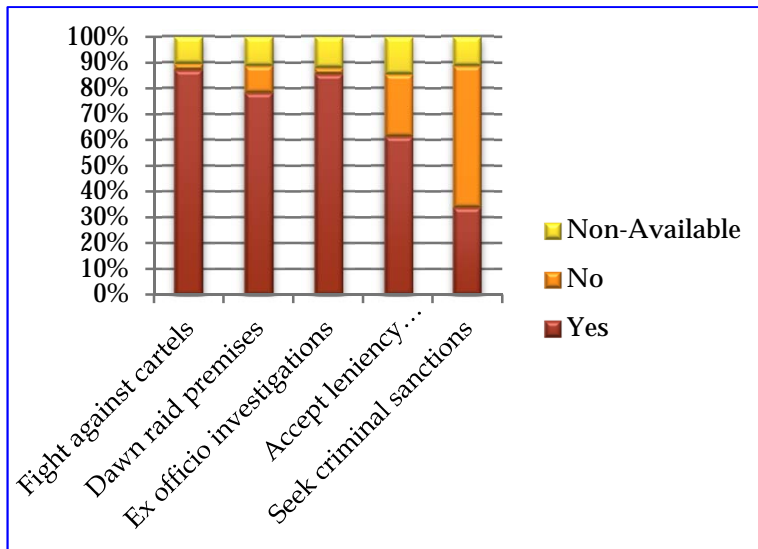


## MOU'S WITH SECTOR REGULATORS



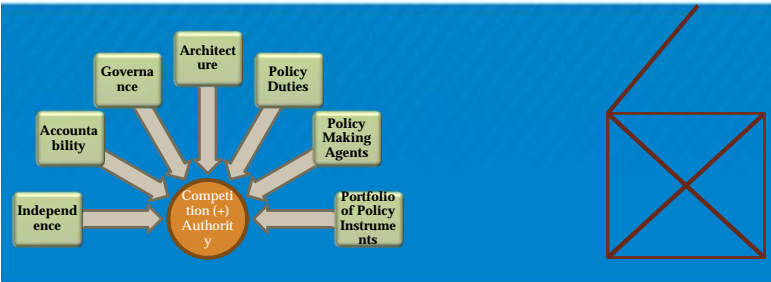
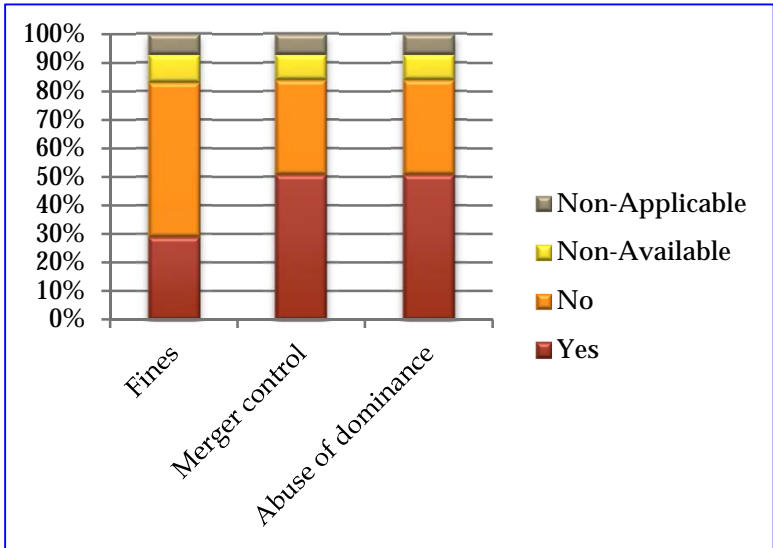
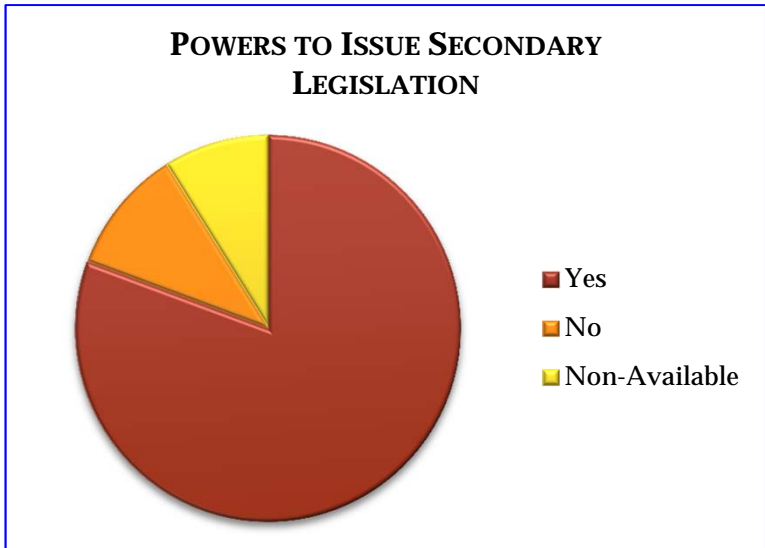
# INSTITUTIONAL CHARACTERISTICS

## PORTFOLIO OF POLICY INSTRUMENTS



# INSTITUTIONAL CHARACTERISTICS

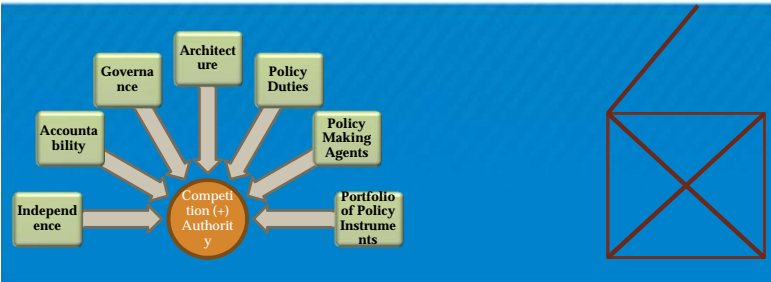
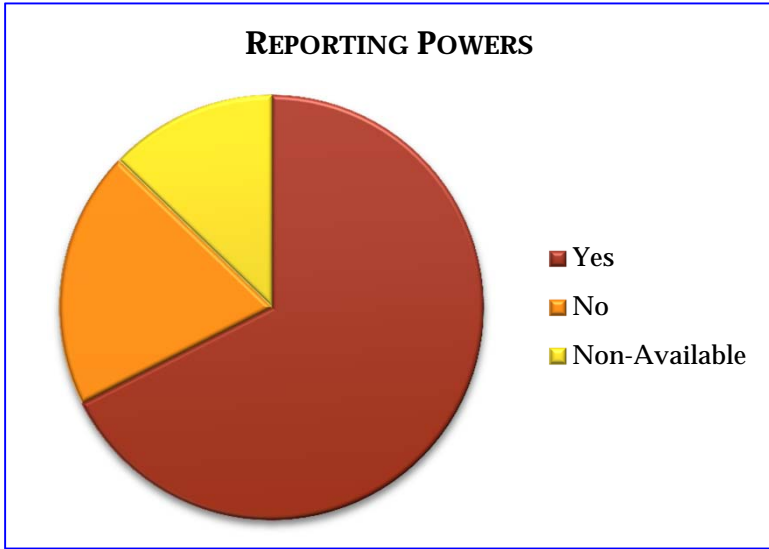
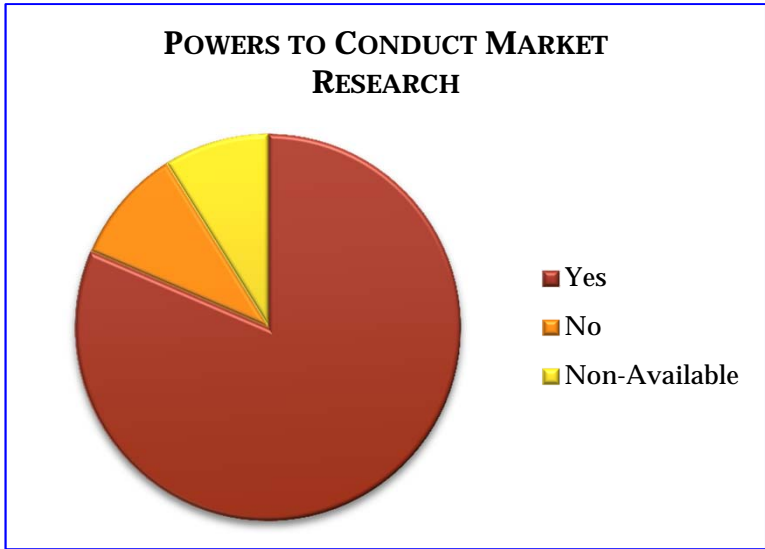
## PORTFOLIO OF POLICY INSTRUMENTS



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# INSTITUTIONAL CHARACTERISTICS

## PORTFOLIO OF POLICY INSTRUMENTS

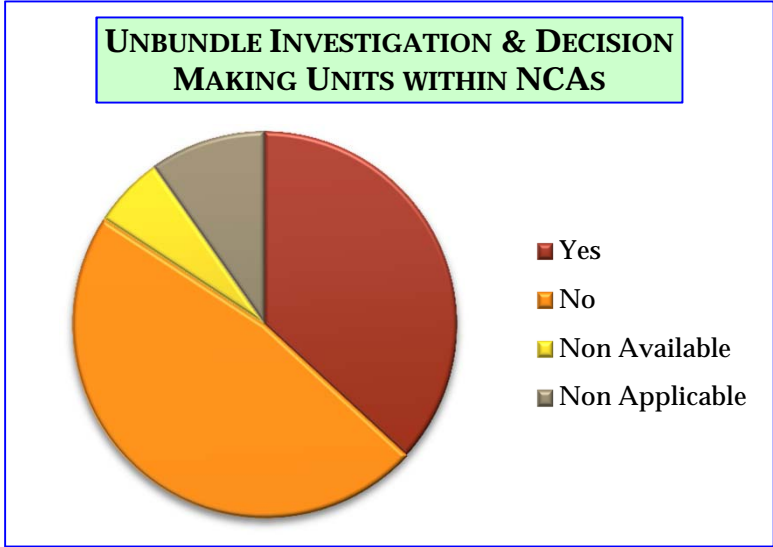
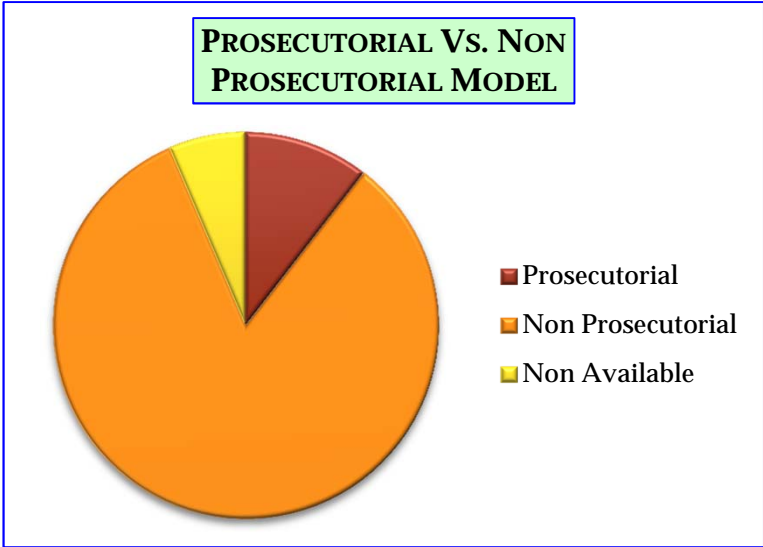


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# INSTITUTIONAL CHARACTERISTICS

## DECISION MAKING FUNCTIONS



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# FUTURE AHEAD & CONCLUSIONS

## AUDIENCE THAT CAN BENEFIT & CONTRIBUTE TO THE BENCHMARKING PROJECT

### Multilaterals

- Profit from a database that benchmarks well established & incipient competition systems

### Public Administration

- Learn from other experiences, self critics & search for improvements

### Private Sector

- Learn the institutional setting that business is conducted
- Provided informed advise on regulatory frameworks

### Academia

- Dataset of reference that inform hypothesis
- New field of research that requires lots of input

### Governments

- Reforming existing competition systems
- Creating new competition systems

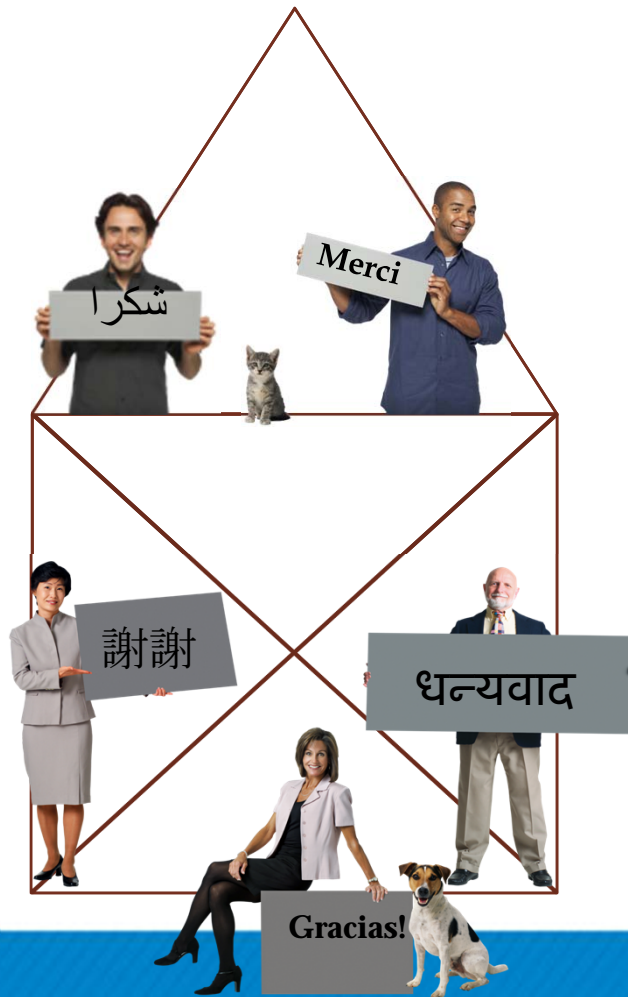
# FUTURE AHEAD & CONCLUSIONS

## CONCLUSION:

- ❖ Sufficient **institutional design experimentation** worth observing & examining
- ❖ Data provides for the menu that hopefully will **inform future decisions** when reforming and/or creating competition systems
- ❖ First step but **additional analysis** is required

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**THANK YOU!**

**&**

**Please contact us if willing to:**

- Provide Ideas to Improve the Research
- Identify mistakes so they can be solved
- We can be reached out at:

[www.gwclc.com](http://www.gwclc.com)



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The logo for GW Law is centered on a dark blue background. It features the letters "GW" in a white, bold, serif font, with two horizontal gold lines above and below the letters. To the right of "GW" is a vertical white line, followed by the word "LAW" in a white, all-caps, serif font. The entire logo is contained within a slightly lighter blue rectangular area.

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