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Opening Plenary

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UNCTAD Intergovernmental Group of Experts on Competition Law and Policy

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Speaking points - The latest legislative and institutional developments and guidance documents

In 2021, the Egyptian Competition Authority (ECA) set its strategy for the years 2021-2025. The strategy is composed of four pillars.

I. Effective enforcement

- 16 infringement decisions so far in 2023, in the following sectors: school uniforms, chemical products, automotive spare parts.
- Creating the Bid-Rigging Department in May 2022, tasked with investigating complaints and initiations relating to collusion in procurement, as well as raising awareness among state employees regarding detecting and preventing bid-rigging.
- Creating the Economic Intelligence Department in May 2022, which is tasked with Detecting anti-competitive practices using quantitative techniques, measuring the effect of ECA's decisions, and creating a data base for different economic sectors.
- Amendment of the Egyptian Competition Law (ECL) in December 2022, giving ECA powers to investigate economic concentrations ex-ante, as opposed to the previous ex-post notification regime.
- Enhancing international cooperation through:
 - Suggesting and leading the creation of the Arab Competition Network in March 2022, which will be headed by ECA until 2024.
 - Signing Memorandums of Understanding with different competition authorities, such as those of Greece, Oman, Nigeria, South Africa, and India.
 - Hosting the annual meeting of the Africa Heads of Competition Dialogue in February 2023, which ECA will be heading until 2024.

II. Preventing anti-competitive state measures and competitive neutrality

- Setting the Competitive Neutrality Strategy in June 2022, which has been adopted by the government, creating a whole-of-government approach towards competitive neutrality. The strategy is composed of four pillars:
 - Setting the institutional framework, which entailed creating the Competition Policy and Competitive Neutrality Department and the High Committee for Competitive Neutrality. The former is a Department within ECA, tasked with creating guidelines aimed at unifying competition policy, as well as investigating and initiating issues relating to anti-competitive state measures. These findings are then referred to the High Committee - headed by the Prime Minister, its members including the Ministry of Planning and Economic Policy, the Ministry of Justice, and the Ministry of Trade and Industry – which then takes binding decisions against the government agencies issuing the anti-

competitive state measures in question to repeal or amend these measures. The Committee has so far taken decisions in the food, gas, and tobacco sectors.

- Setting the regulatory framework. This entailed issuing a circular from the Cabinet of Ministers on importance of considering Article (11/5), which obliges public bodies to consult ECA before issuing legislation that could affect competition. It also included developing and disseminating ECA's Guidelines for Competition Impact Assessment of State Measures (created based on 2017 cooperation with the World Bank), which provide a framework for ECA in assessing anti-competitive state measures, as well as for government agencies drafting and issuing state measures.
- Disseminating competition culture among employees of state agencies; whereas ECA carries out monthly workshops in different state agencies in order to explain the concept of competitive neutrality and the practical application of the Guidelines.
- Carrying out ex-post evaluation, which mainly entails the creation of a Competitive Neutrality Index. The Index measures, in a quantitative manner, the extent to which there are anti-competitive state measures across different sectors over the years. This will be used by ECA to detect sectors that require intervention, as well as to measure the impact of ECA's decisions.

III. Competition awareness

- Creating and disseminating guidelines on different topics, such as its leniency policy and bid-rigging. ECA also updated its Compliance Toolkit, as well as recently created guidelines for the School Uniforms Sector.
- Launching two awareness campaigns on the topics of bid-rigging and competitive neutrality. ECA has carried out around 25 workshops at different state authorities since 2021.

IV. Institutional capacity

- Raising institutional capacity by onboarding new lawyers, economists, and data scientists.
- Employees have participated in international workshops and conferences (including those of the UNCTAD, ICN, ESCWA, OECD, and DG Comp). Moreover, 4 employees have been seconded to the OECA Competition Division and the COMESA Competition Commission.

Impact: The ESCWA Competition Analysis 2022 (to be released end of 2023) shows the improvement of ECA's performance, compared to 2020, in regards to multiple pillars, including: competition enforcement, merger regulation, and international treaties.