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**Report on the Implementation of the Set of Multilaterally Agreed Equitable  
Principles and Rules for the Control of Restrictive Business Practices, Including  
a Brief Assessment of 20 Years of Voluntary Peer Reviews of Competition Law  
and Policy**

**Presentation**

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# Report on the implementation of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices, including a brief assessment of 20 years of voluntary peer reviews of competition law and policy



7 July 2025, 16:00 - 17:00 (CEST) Geneva, Switzerland

Venue: Room XIX, E-Building, Palais des Nations

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Director-General, Competition Authority of Kenya

Vision: "A Kenyan economy with globally efficient markets and enhanced consumer welfare for shared Prosperity"



# Recent trends in the development of competition law and policy around the world in response to emerging global challenges



- **Regulation of Digital Markets:** Authorities are adapting laws to address dominance by tech giants, algorithmic collusion, and the competitive implications of data accumulation. Examples include the EU's Digital Markets Act and the US antitrust actions against Google and Meta. Kenya has embarked on the amendment of the Competition Act to provide for the regulation of digital markets. Further, the Authority has installed a forensic lab to enhance investigations and analysis of digitally collected information
- **Rethinking Merger Control:** Due to rising concerns over market concentration, some countries have adopted stricter thresholds and introduced tools to scrutinize non-notifiable or "killer" acquisitions. In Kenya, the merger thresholds are very clear, with businesses expected to notify the Authority of any mergers; Mergers with a combined value of assets/turnover (whichever is higher) between KES 500,000,001 to KES 1,000,000,000. Further, public interest considerations are coming to the fore in merger assessment. Kenya is currently reviewing the special interest guidelines to align them with global best practice, to include sustainability, contribution to SME growth, among others
- **Stronger Global and Regional Cooperation:** Multilateral institutions and regional bodies (e.g., UNCTAD, ICN, COMESA) are fostering greater coordination in investigations, merger reviews, and policy harmonization across borders. Further, the upcoming Continental Competition Authority, AfCFTA, will play a role in the competition landscape. Currently, the competition protocol regulations are being developed.



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# Challenges faced by developing countries in implementing competition law and policy, and how they can be addressed



- **Limited Technical and Financial Resources:** Many competition authorities operate with minimal staff, training, budget, and infrastructure, which constrains their ability to conduct complex investigations or sustained advocacy. There should be concerted efforts to share knowledge through sessions such as webinars or in-person peer-to-peer sessions. The CAK regularly supports younger agencies to implement their competition regimes through training and/or staff exchange. In addition, we have established a forensic lab that we intend to equip to support other competition agencies in Africa
- **Low Awareness and Market Formalization:** In markets dominated by informal sectors or low consumer awareness, applying competition principles is more challenging. The Authority collaborates with other agencies, such as the Micro & Small Agencies Authority (MSEA), to impress on them the need for formalization that benefits them through training, advocacy and government support
- **Judicial and Legislative Gaps:** The lack of specialized courts to handle competition cases, and also to equip the judiciary officials with knowledge of the competition law to enable them to fast-track decisions and support the implementation of the Act. The Authority will, in the next three years, develop training modules to equip the judiciary and Legal practitioners with knowledge on competition and consumer protection

# Main achievements of the voluntary peer review process, and how it can be improved in the future



- The **UNCTAD Voluntary Peer Review of Competition Law and Policy** is an initiative that enables developing countries to assess and improve their legal, institutional, and enforcement frameworks.
- Kenya was peer reviewed in 2005 by UNCTAD, with recommendations which transformed the **Monopolies and Prices Commission** to the **Competition Authority of Kenya (CAK)** in 2011





# Benefits of Peer Review to the Authority

- **Catalyst for Legislative and Institutional Reform:** Kenya's 2005 peer review directly influenced the replacement of then Restrictive Trade Practices, Monopolies and Price Control Act with the **Competition Act, 2010**, and the establishment of an independent regulator, the Competition Authority of Kenya, in 2011.
- **Benchmarking and Global Standards:** The peer review process has enabled authorities like CAK to assess their practices against international norms and adopt best practices tailored to their context.
- **Capacity Building:** The process recommends the relevant technical assistance and training for both enforcement staff and stakeholders, helping build sustainable institutional knowledge.
- **Improved Enforcement and Advocacy:** Reviews have strengthened competition authorities' ability to prioritize and address pressing market distortions through more strategic enforcement and advocacy tools.
- **Policy Guidance and Impact Monitoring:** Follow-up reviews, such as those conducted for Kenya and other countries, assess the implementation of previous recommendations and support ongoing reform.

# Recommendations for Future Improvement

- **Institutionalized Follow-Up Mechanisms:** Sustain the regular progress reporting and tailored technical assistance linked to review recommendations.
- **Sector-Specific Reviews:** Introduce focused assessments on critical sectors such as agriculture, digital economy, or public procurement that have a high propensity for competition law infractions.
- **Integrated Support Packages:** Align peer review outcomes with donor and regional initiatives for more effective implementation.
- **Mentorship-Based Cooperation:** Create structured partnerships between newly reviewed authorities and more experienced agencies for peer-to-peer learning.

# Thank you

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