



**First Joint UNESCWA-OECD-UNCTAD Competition Forum
for the Arab Region on 23 and 24 January –
Session 2 “Effective Competition Frameworks”**



Denise Sumpf

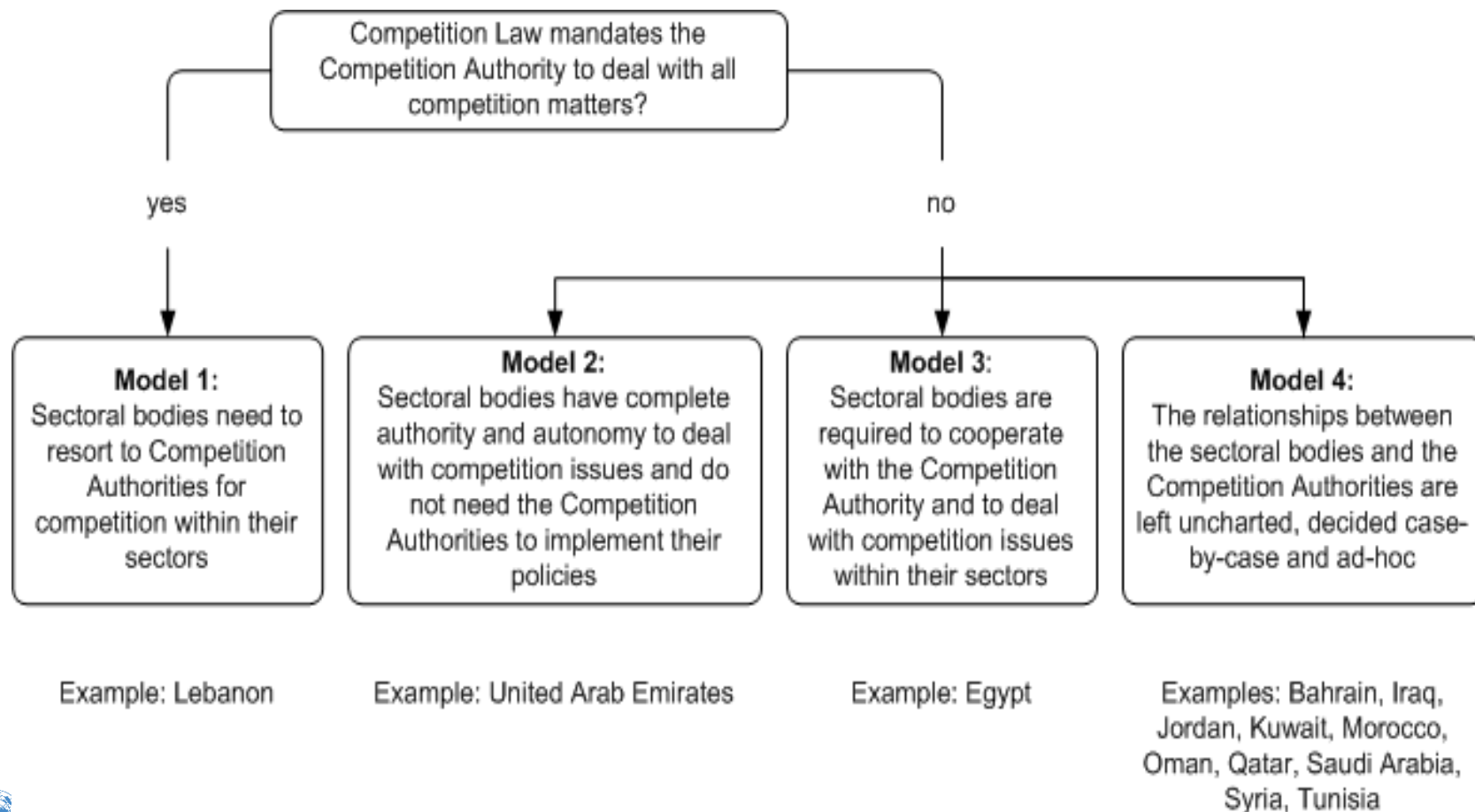
Thursday, 23 January 2020, at UNESCWA, Beirut

Purpose of the UNESCWA project

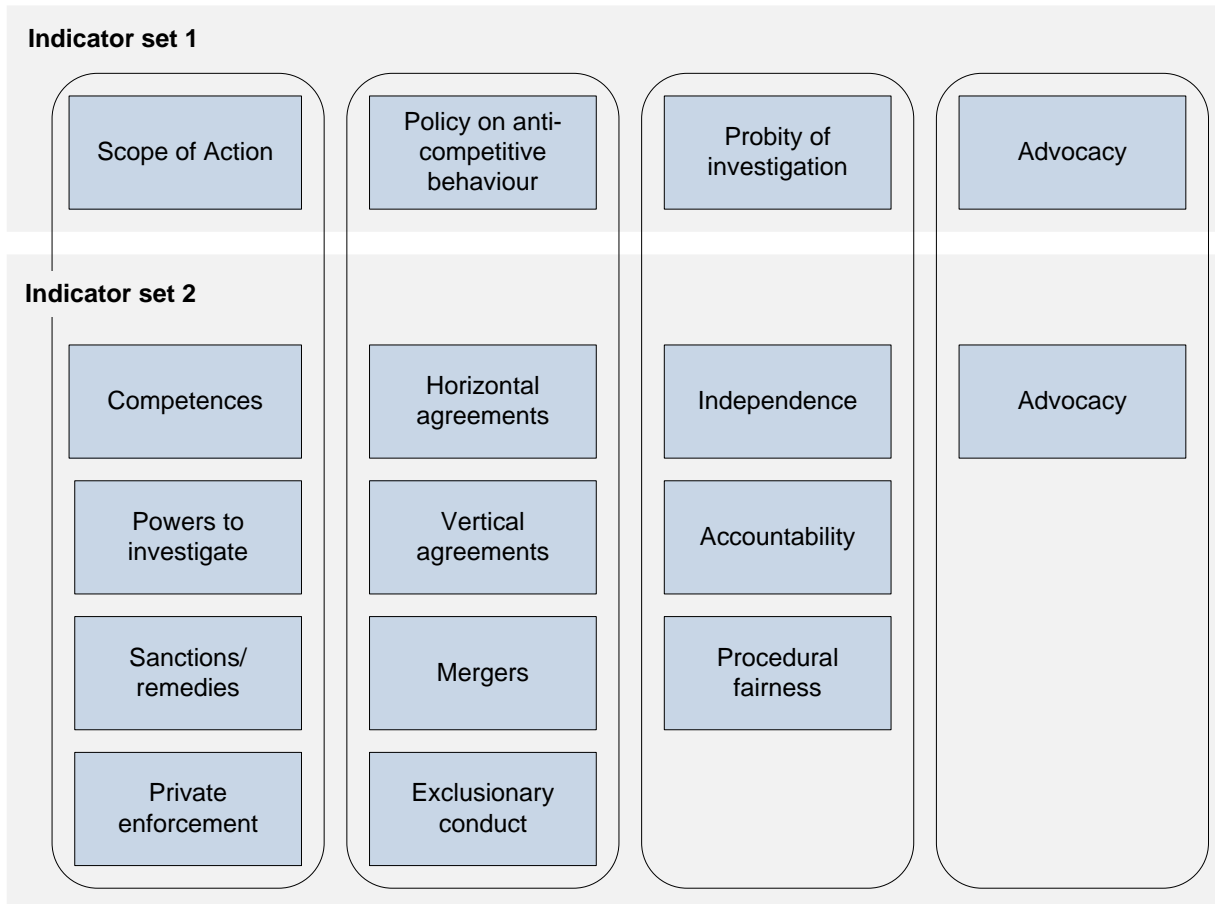
- **Assess indicators** of competition policy in the Arab region with a high-level of regional ownership and assessed the level of capacity towards drafting, implementing and enforcing competition legislation
- **Identify national legislative gaps** and requirements as a basis to formulate policy advice (e.g. vis-à-vis exemptions of public or state-owned enterprises)
- **Highlight current institutional arrangements** and their efficiency (e.g. independent competition authorities vs. Ministry-led competition commissions)
- **Provided an instrument to policy makers for self-assessment** and peer comparison within and beyond the Arab region, which complements the work of the OECD and the analysis in the UNESCWA report on competition and regulation

The indicator survey was carried out between July and September 2015 (English and Arabic): We received seven responses out of our 17 Member countries: **Algeria, Egypt, Morocco, Kuwait, Syria, Tunisia, and Yemen** (with the latter response being incomplete, thus no information on indicators sets “Policy on anti-competitive behaviours” and “Advocacy”).

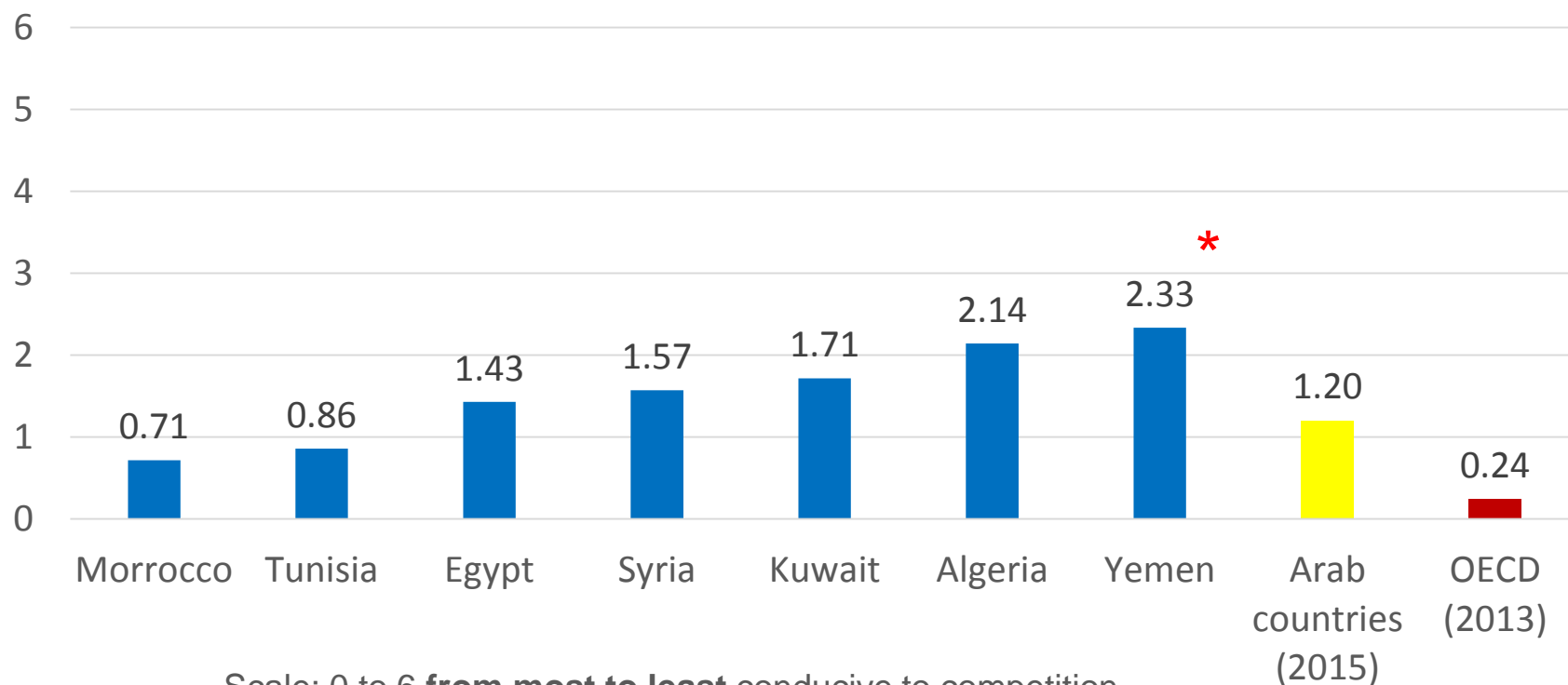
Policy Context in the Arab Countries



OECD Indicators on competition and policy



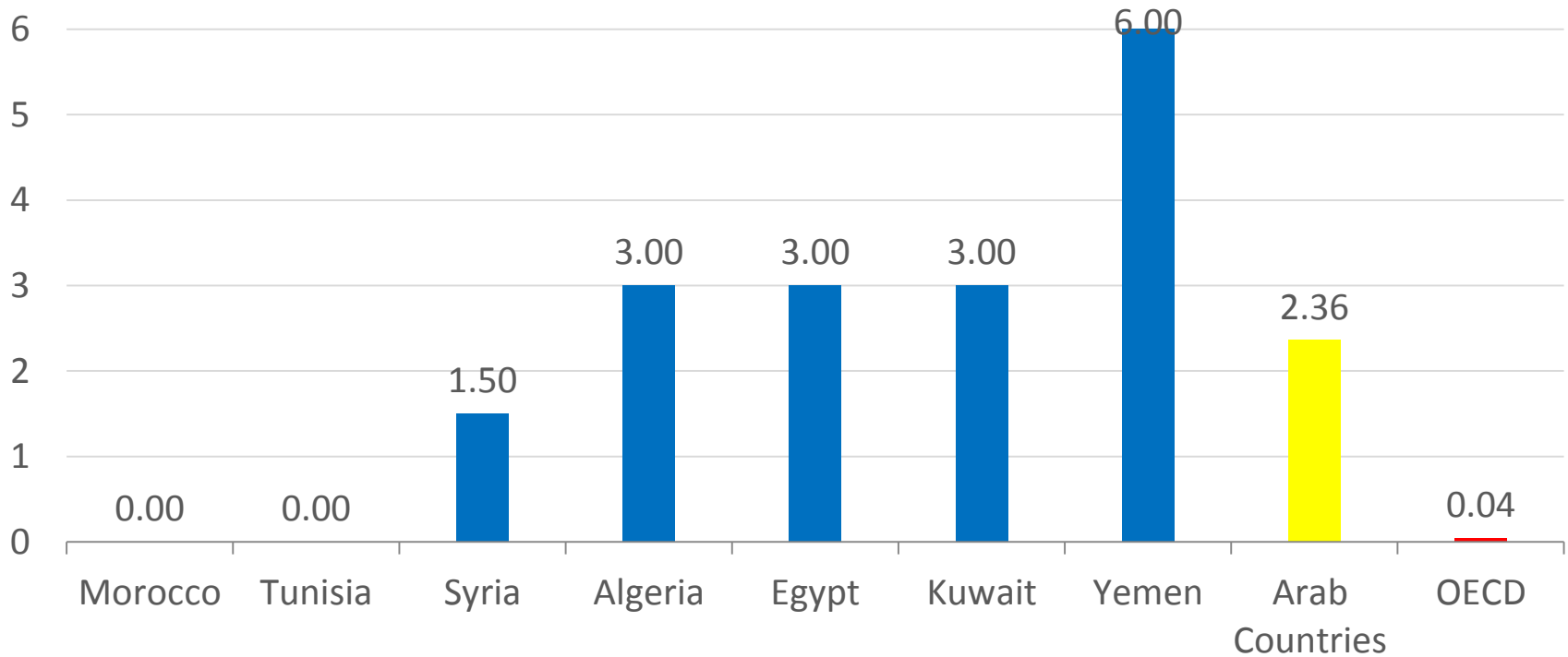
Aggregate CLP Composite Indicator: Scope of Action



Scale: 0 to 6 **from most to least** conducive to competition

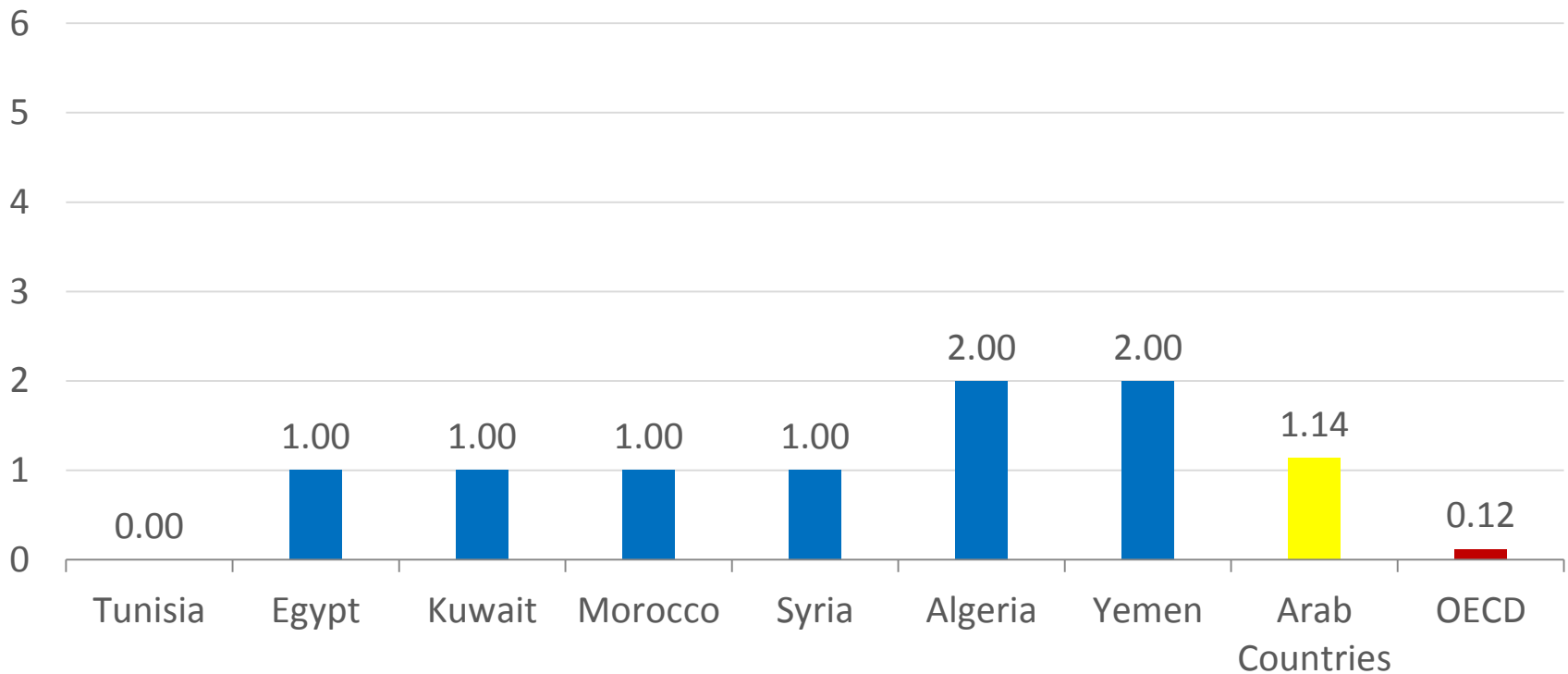
*The result for Yemen is based ONLY on the responses to three out of four sections: "Competences", "Powers to investigate" and "Powers to remedy/sanction", no responses to "Private enforcement"

CLP Indicator: Competences



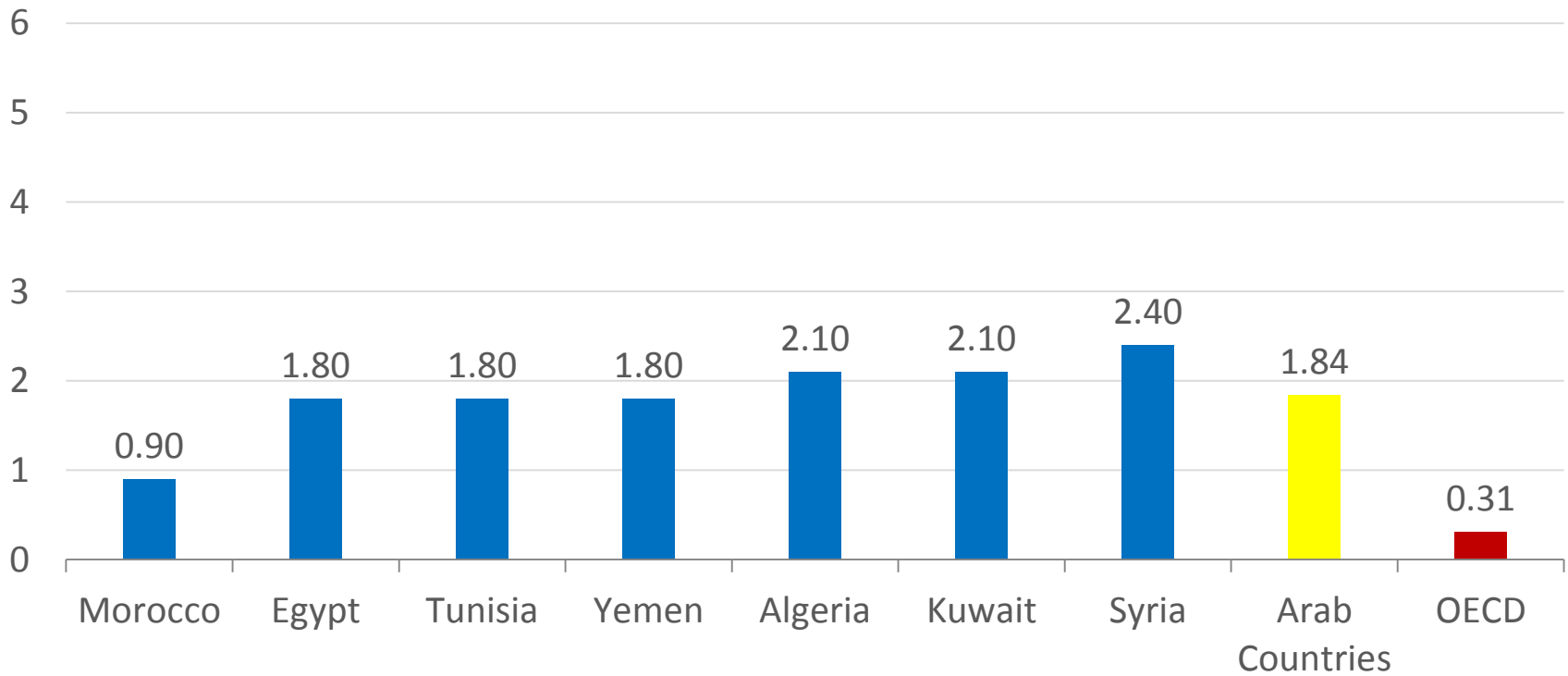
Scale: 0 to 6 **from most to least** conducive to competition

CLP Indicator: Powers to Investigate



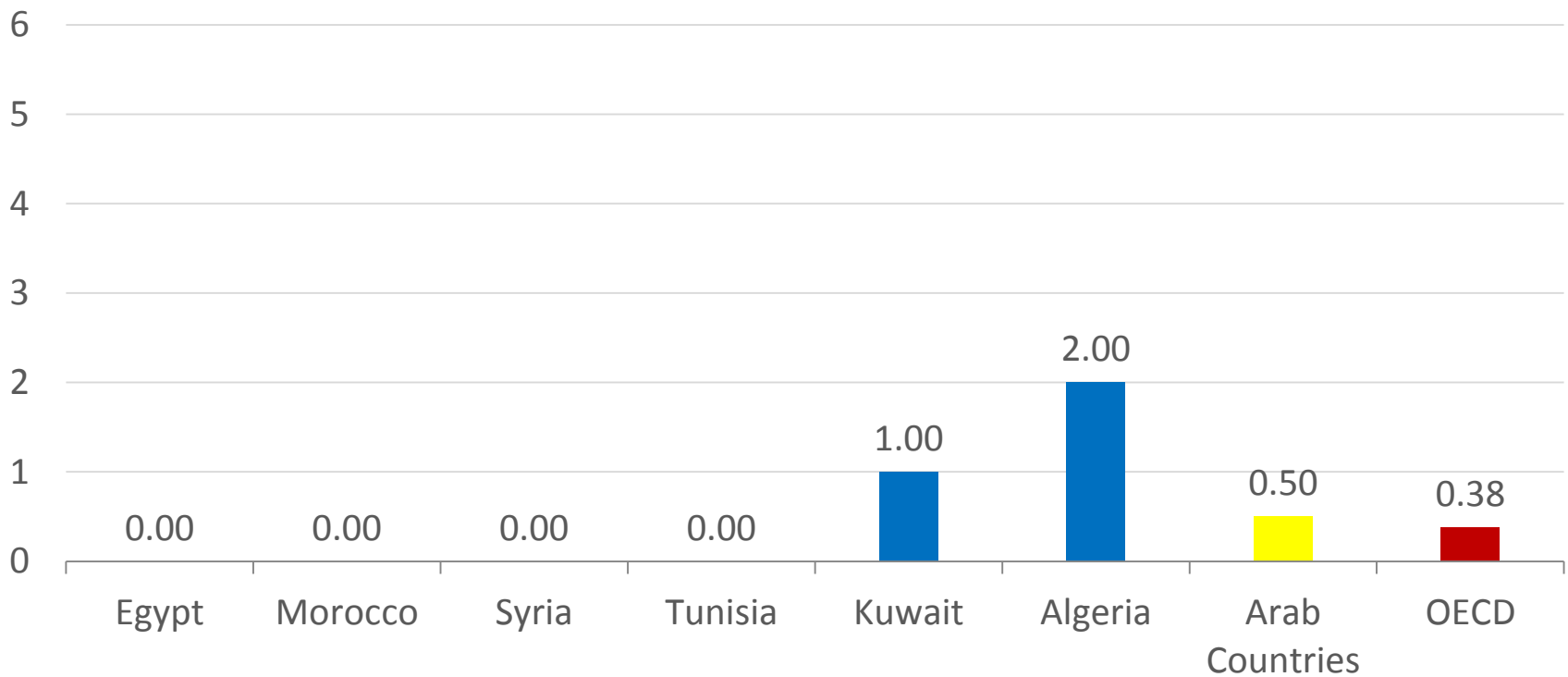
Scale: 0 to 6 **from most to least** conducive to competition

CLP Indicator: Sanctions/Remedies



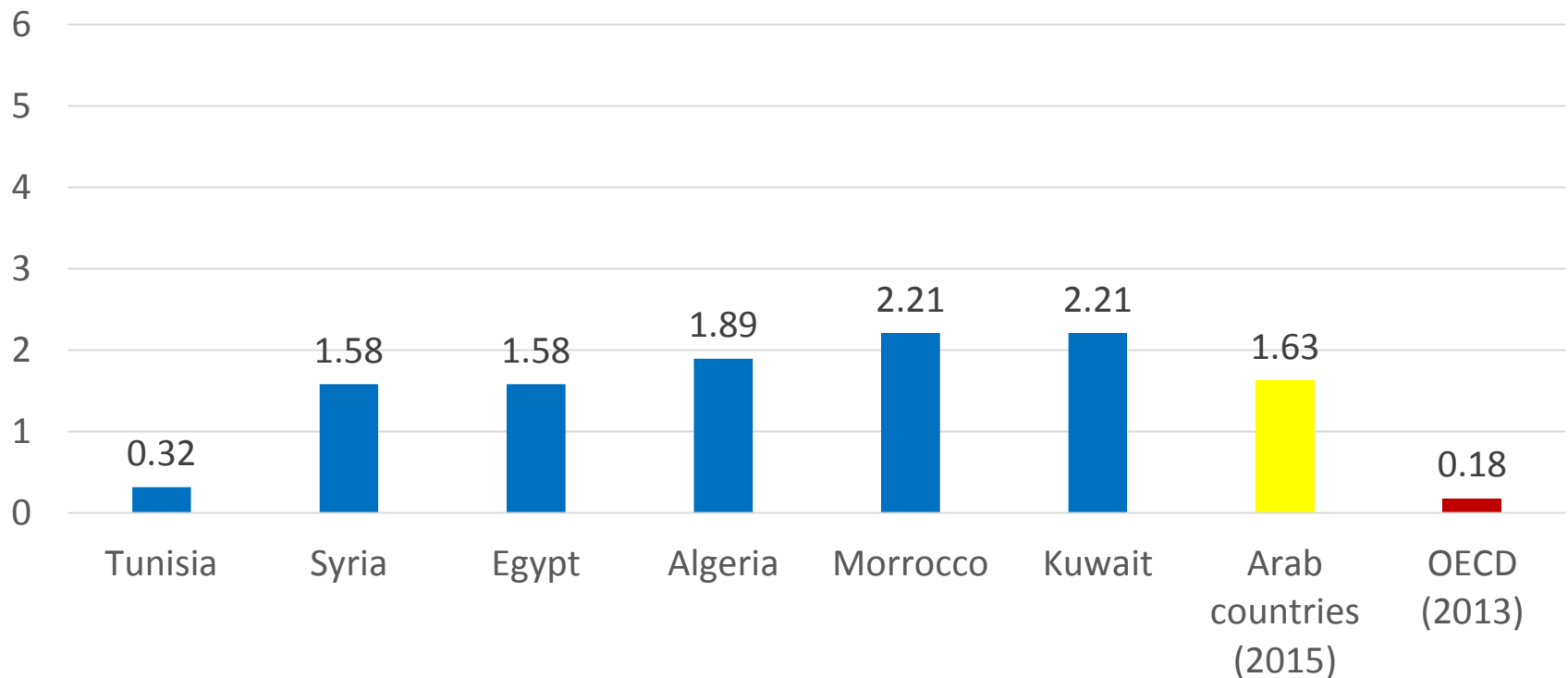
Scale: 0 to 6 **from most to least** conducive to competition

CLP Indicator: Private Enforcement



Scale: 0 to 6 **from most to least** conducive to competition

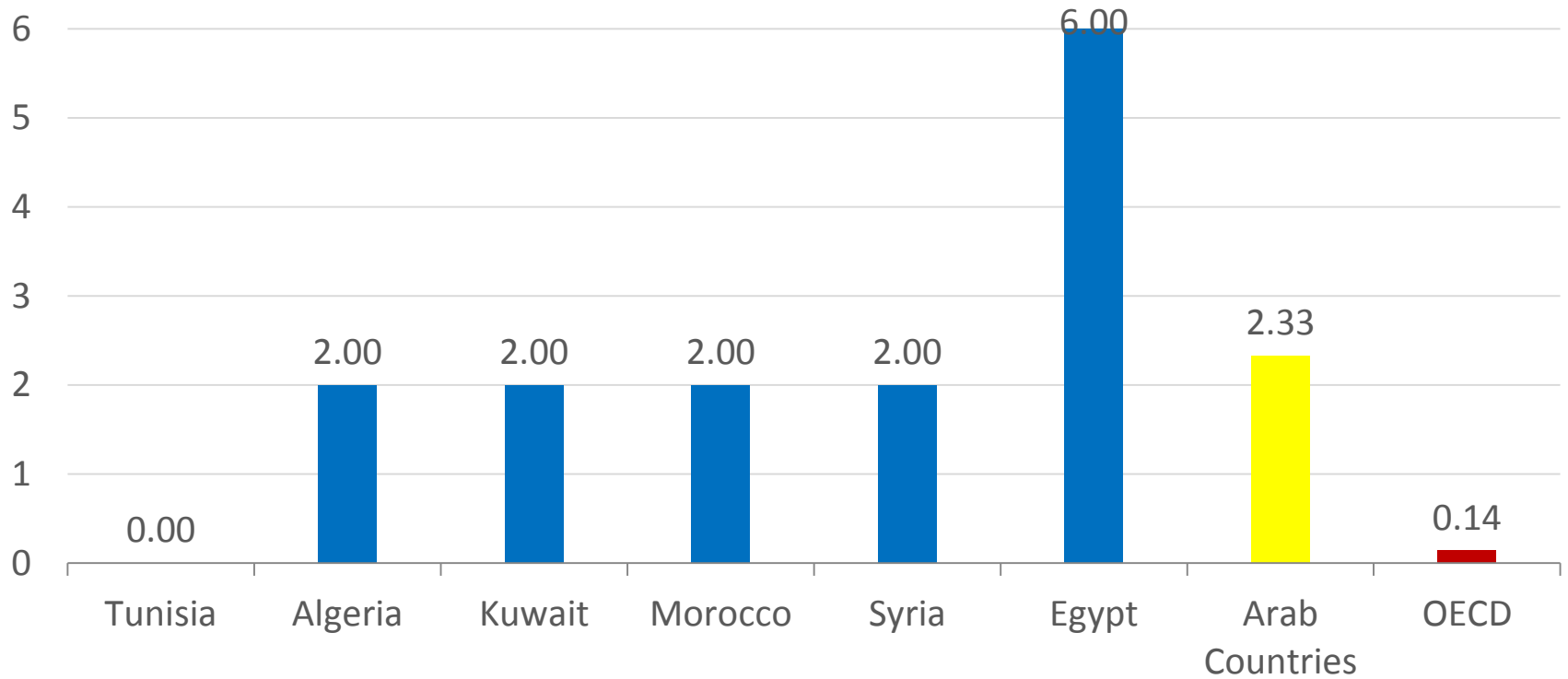
Aggregate CLP Indicator: Policy on anti-competitive behaviour



Scale: 0 to 6 **from most to least** conducive to competition

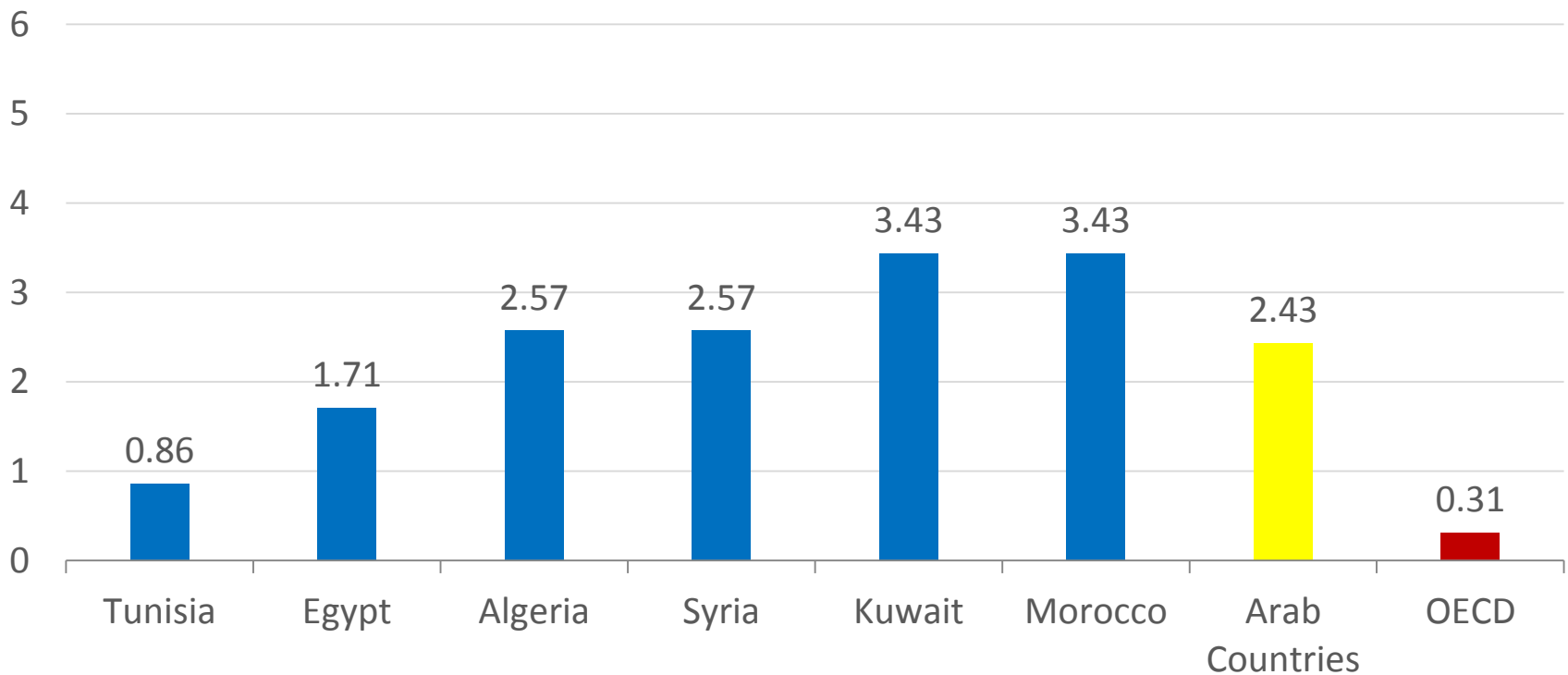
Yemen did not respond to any section under this indicator

CLP Indicator: Mergers



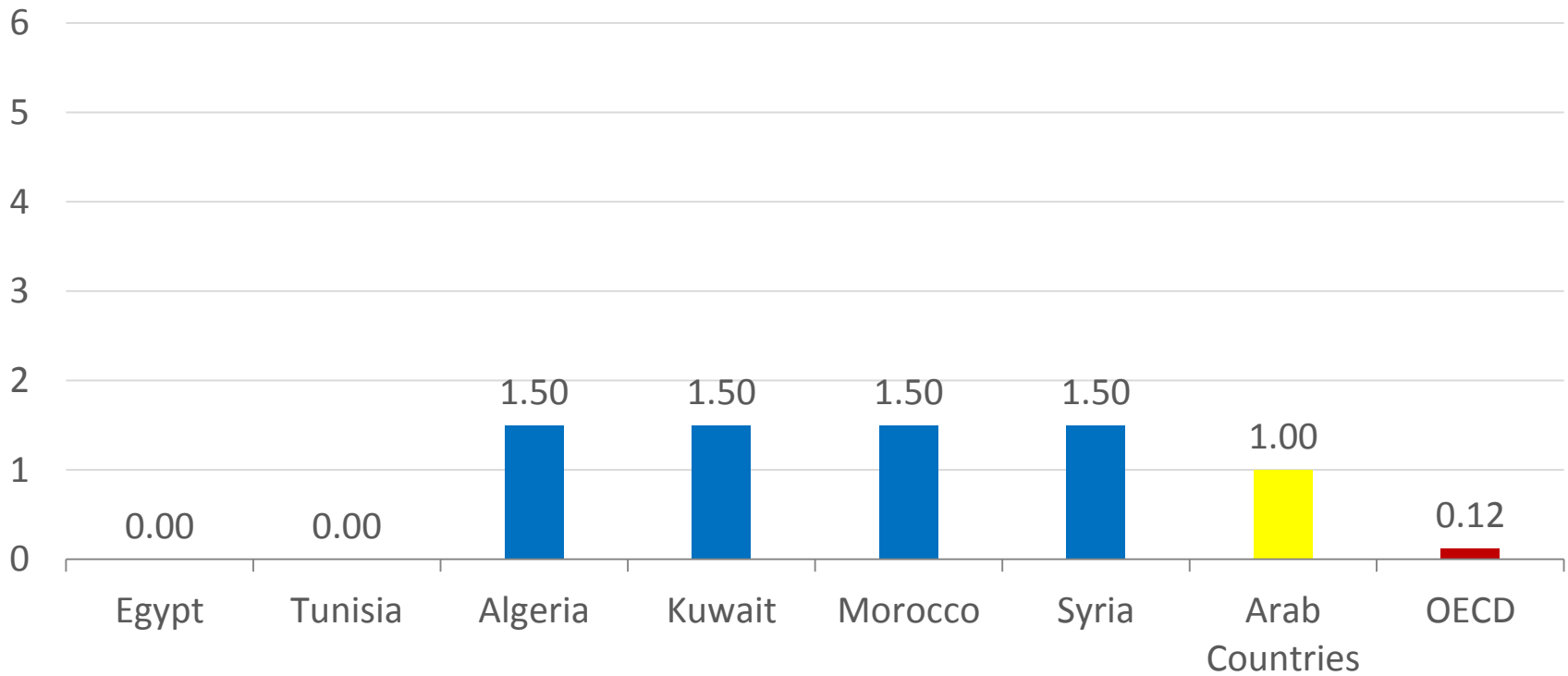
Scale: 0 to 6 **from most to least** conducive to competition

CLP Indicator: Horizontal Agreements



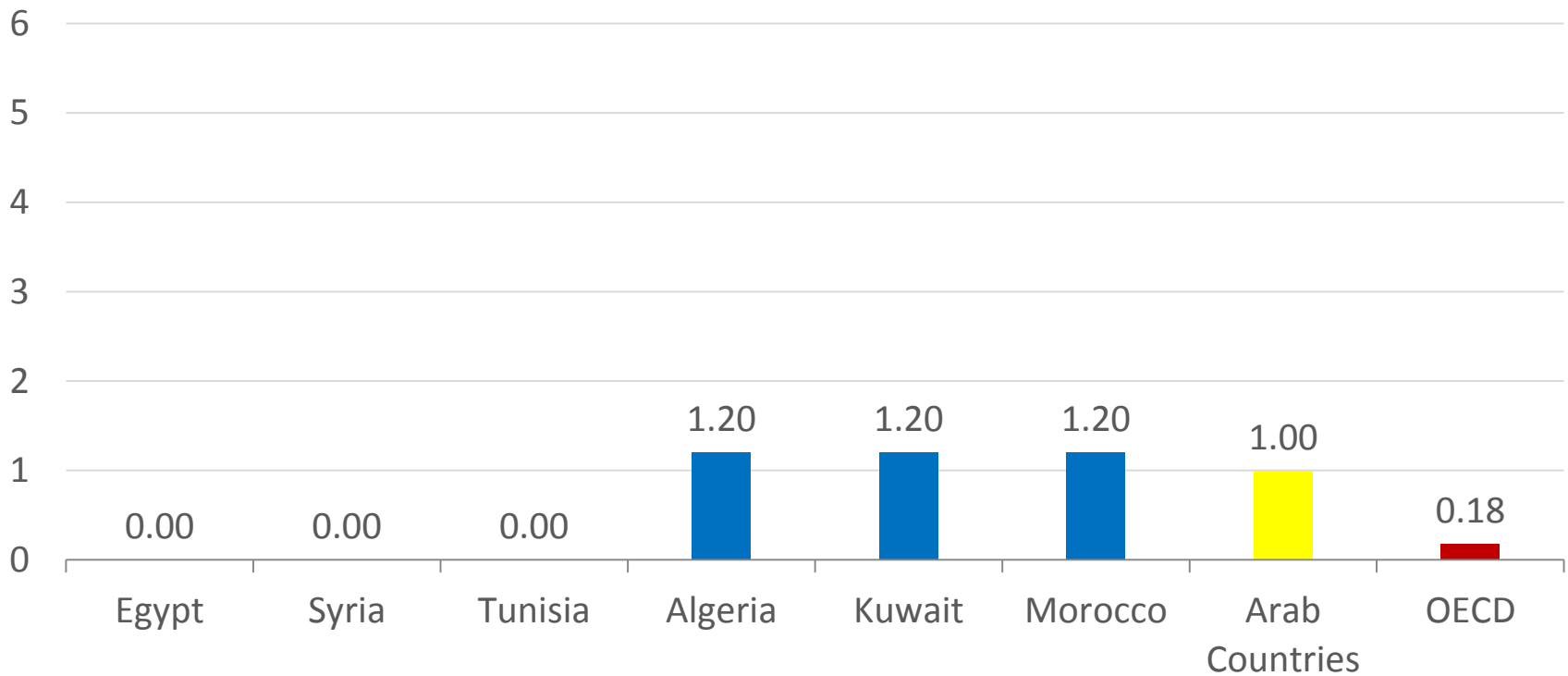
Scale: 0 to 6 **from most to least** conducive to competition

CLP Indicator: Vertical Agreements



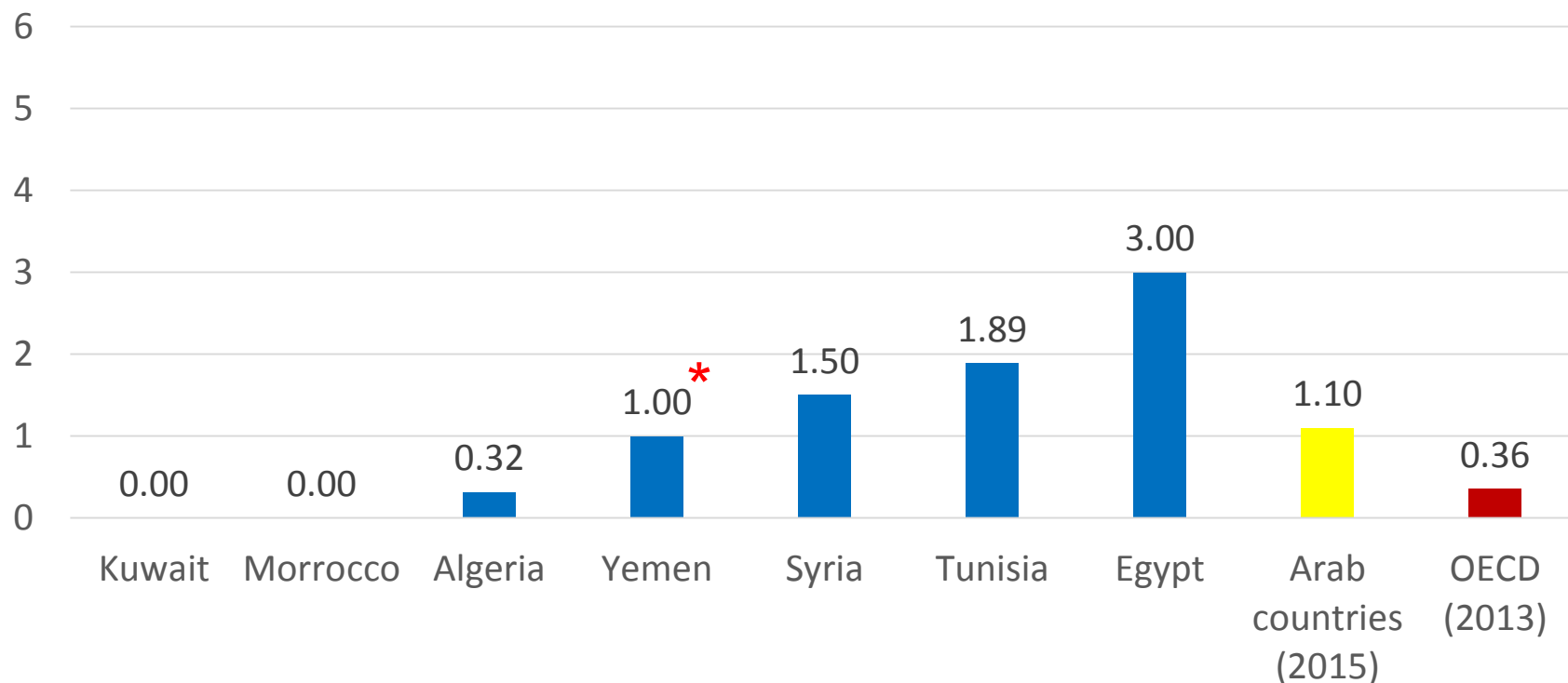
Scale: 0 to 6 **from most to least** conducive to competition

CLP Indicator: Exclusionary Conduct



Scale: 0 to 6 **from most to least** conducive to competition

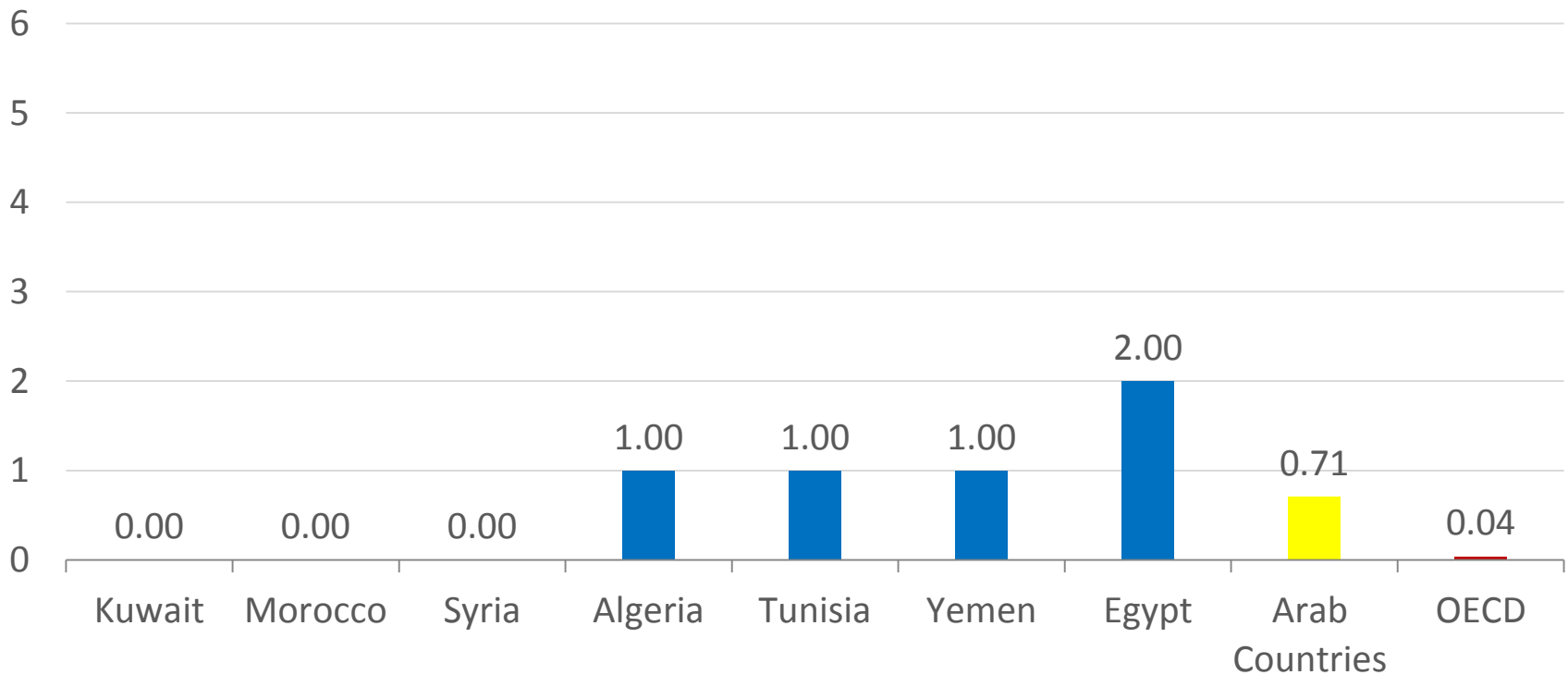
Aggregate CLP Indicator: Probity of investigation



Scale: 0 to 6 **from most to least** conducive to competition

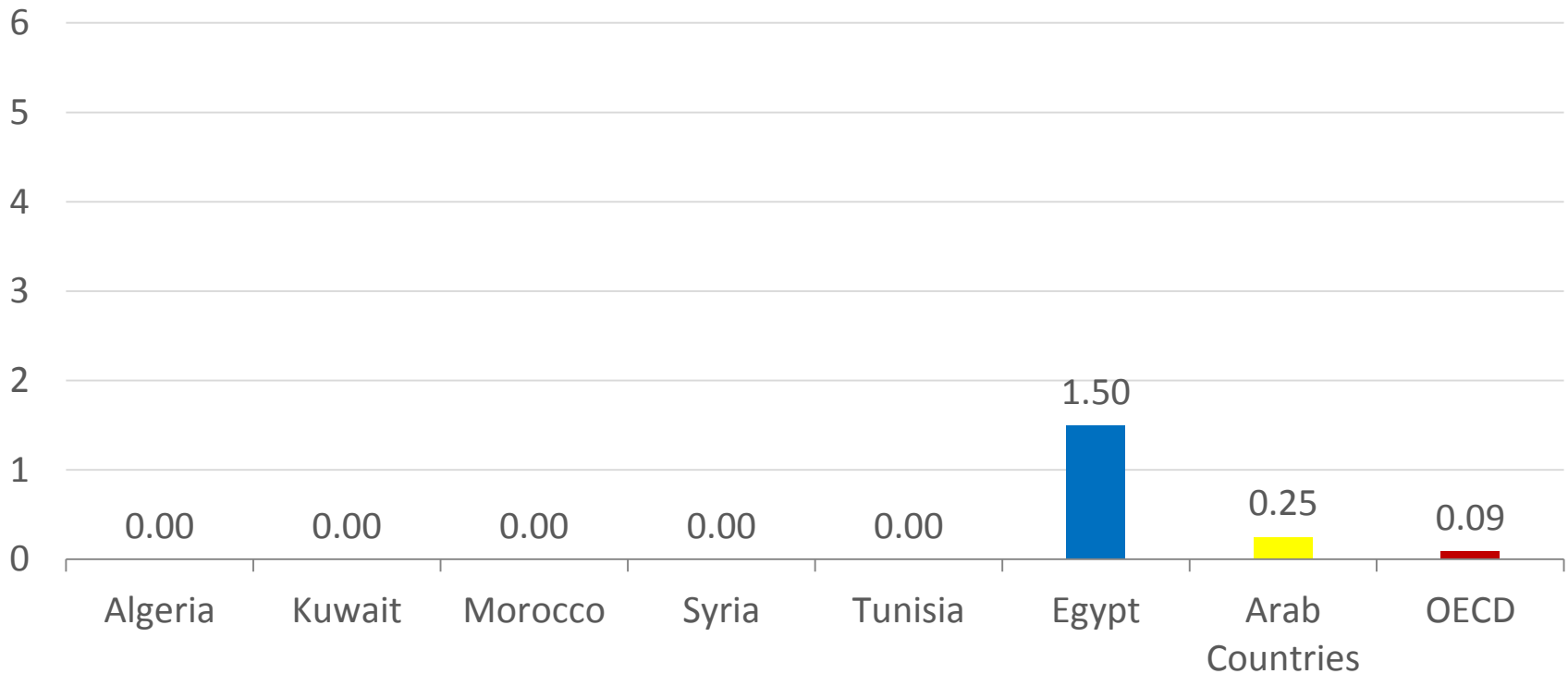
*The result for Yemen is based ONLY on the responses to one out of three sections namely "Independence"

CLP Indicator: Independence



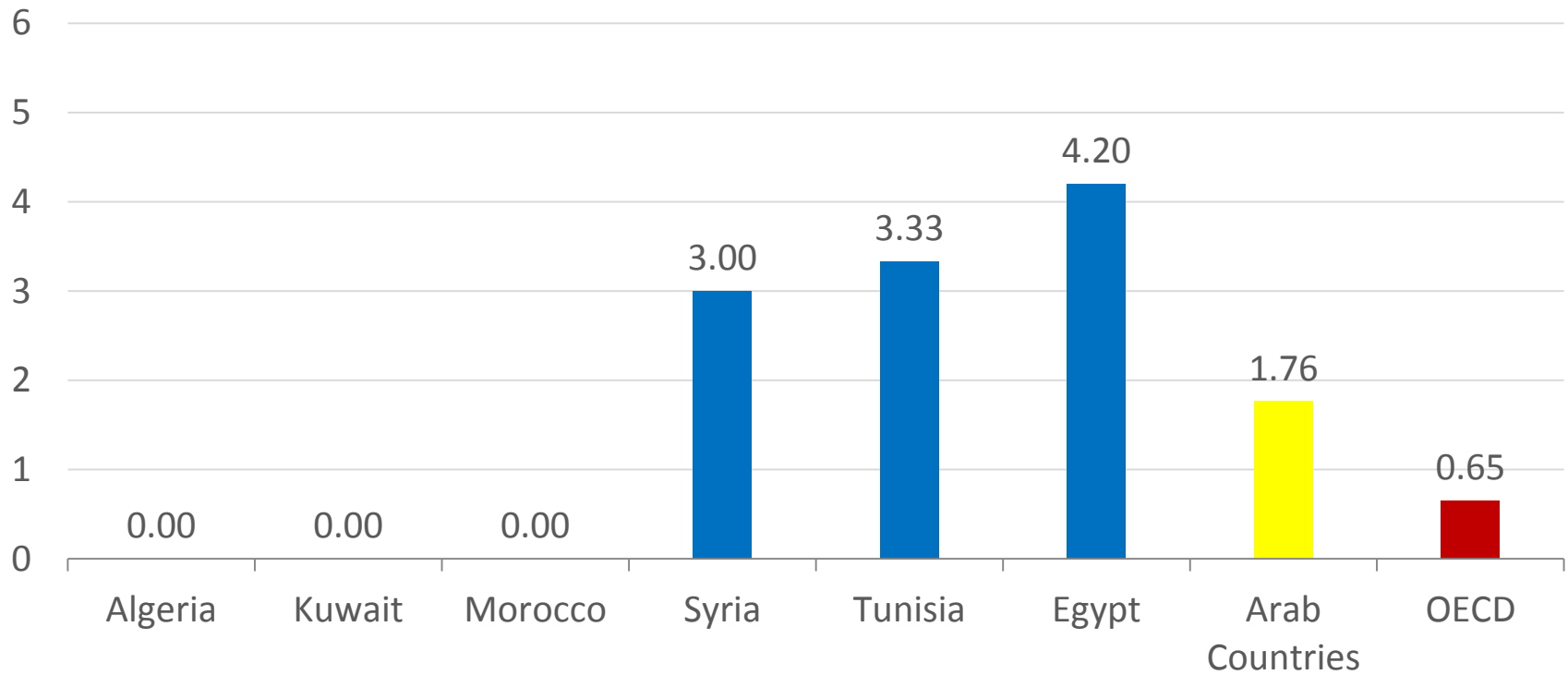
Scale: 0 to 6 from most to least conducive to competition

CLP Indicator: Accountability



Scale: 0 to 6 **from most to least** conducive to competition

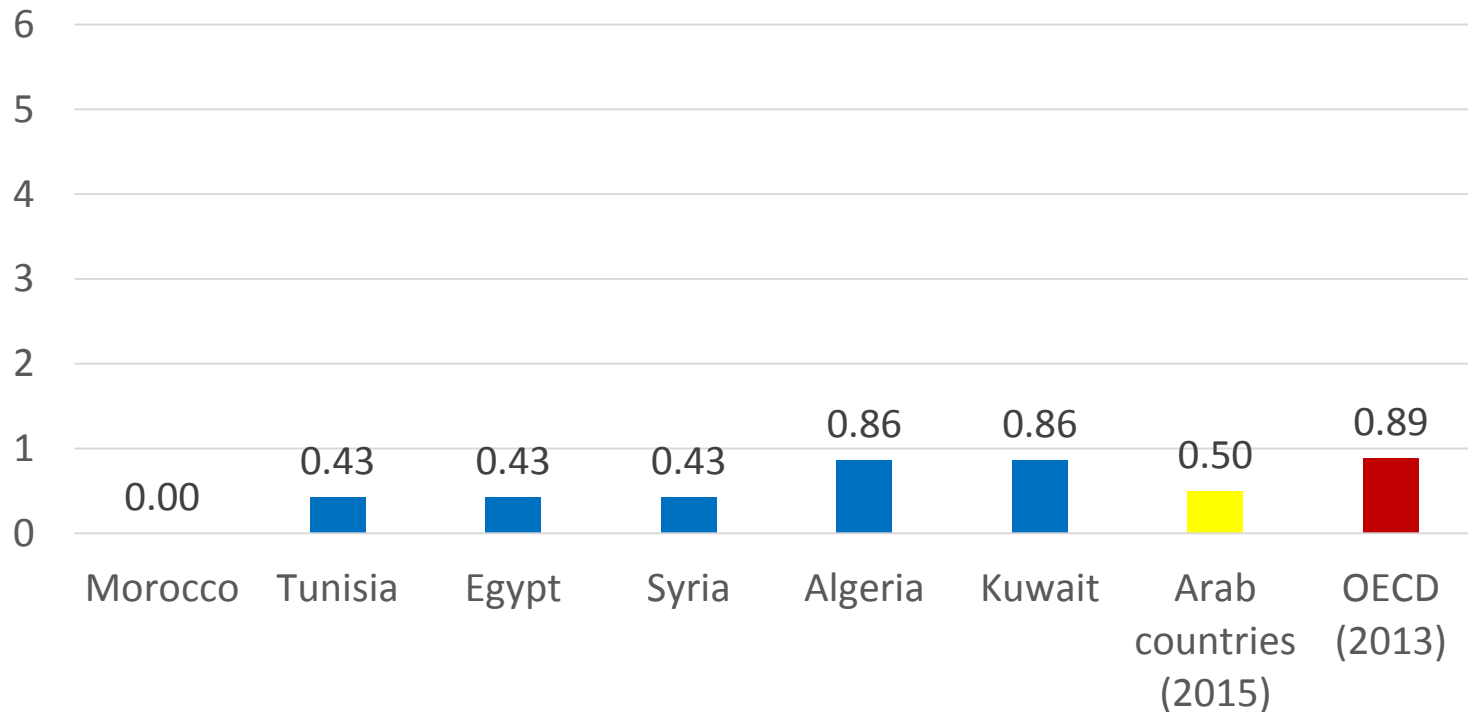
CLP Indicator: Procedural Fairness



Scale: 0 to 6 **from most to least** conducive to competition



CLP Indicator: Advocacy



Scale: 0 to 6 **from most to least** conducive to competition

Yemen did not respond to the questions under “Advocacy”, hence it is not included



Food for thought



THANK YOU

Related report

Economic Governance Series 2015: Competition and Regulation in the Arab Region

<https://www.unescwa.org/publications/competition-regulation-arab-region>



Economic Governance Series

**Competition and Regulation
in the Arab Region**

Food for thought

- There is a clear push towards the development of competition regimes in the region and that the efforts in the Arab region are strong in comparison with the OECD average. Ongoing reforms in many countries, for example, Morocco, Tunisia and Algeria. Other countries, such as Syria and Yemen affected by ongoing conflict.
- The legal and procedural frameworks underpinning national competition policy have seen multiple reforms in the past decade, increasing the scope of activity, the investigative and enforcement powers of competition authorities in the region. Spearheaded by reforms in Morocco, Tunisia and Egypt, other countries are beginning to re-evaluate the role of antitrust regulation.

Food for thought (cont'd)

- Survey shows the need for improvement in terms of independence of competition authorities, procedural fairness as well as enforcement concerns. With the exception of Tunisia, all other countries have not investigated or imposed sanctions on some or all antitrust infringements related to mergers, horizontal and vertical agreements, or exclusionary conducts. Most competition authorities surveyed are nominally independent, though subject to government interference in certain aspects of the decision-making, investigative and sanctioning process.
- Concerns regarding transparency and fairness in the application of antitrust measures are observed: Decisions on antitrust infringements are often not disclosed, while the publication of investigative and decision-making processes is limited in a number of countries.