



Shared Prosperity Dignified Life



# Competition Law & Policy Webinar

Competition Law & Policy During and in the Aftermath of the COVID-19 Pandemic, Reflections From the Arab Region

**International Experiences and Best Practices**

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## COMPETITION LAW AND POLICY MEASURES DURING THE COVID-19 CRISIS ACROSS THE WORLD

- ❑ **Enforcement-related:** against cartels, illegal product tying, and abuses of market power by undertakings taking advantage of the disruption caused by the pandemic regarding essential goods and services.

Note: most price gouging of masks, hand sanitizers, food products and other unfair commercial practices usually infringed Consumer protection legislation or general economic legislation.

- Strong and vigilant market monitoring;
  - Warnings/recommendations to businesses to encourage compliance;
  - Temporary adjustment of procedural requirements.
- ❑ **Exemptions:** exceptionally, through sector-specific block instruments or guidelines to horizontal cooperation agreements between competitors
    - to ensure the supply of essential goods and services during the quarantine;
    - to facilitate Research and Development projects directly related to pandemic – pharmaceuticals and medical equipment;
    - To maintain an enabling framework during the crisis (retail property; banking; hospitality);
    - To support SMEs.



## COMPETITION LAW AND POLICY MEASURES DURING THE COVID-19 CRISIS ACROSS THE WORLD (2)

❑ **Merger control:** the shutdown of businesses and filing for bankruptcy have already started but after the Summer, mergers and acquisitions are expected to increase, possibly leading to further market concentration.

The expected reference to “failing firm defense” and digital related sectors will demand a careful prospective market analysis, justifying the imposing of the necessary conditions to promote fair competition and contribute for a level playing field, namely for SMEs, when possible.

❑ **Advocacy:** the economic recovery packages launched by Governments with significant amounts of public funds provide a unique opportunity for Competition Authorities to advocate a pro-competitive approach translated into specific commitments/conditions imposed to the targeted companies and economic sectors.

This role of Competition Authorities is yet to be fully explored regarding new or revised legislation, foreseen nationalization and any restructuration deemed inevitable in the post COVID 19 crisis.

# UNCTAD work on COVID-19

UNCTAD Competition & Consumer protection news items

*Defending competition in the markets during COVID-19*

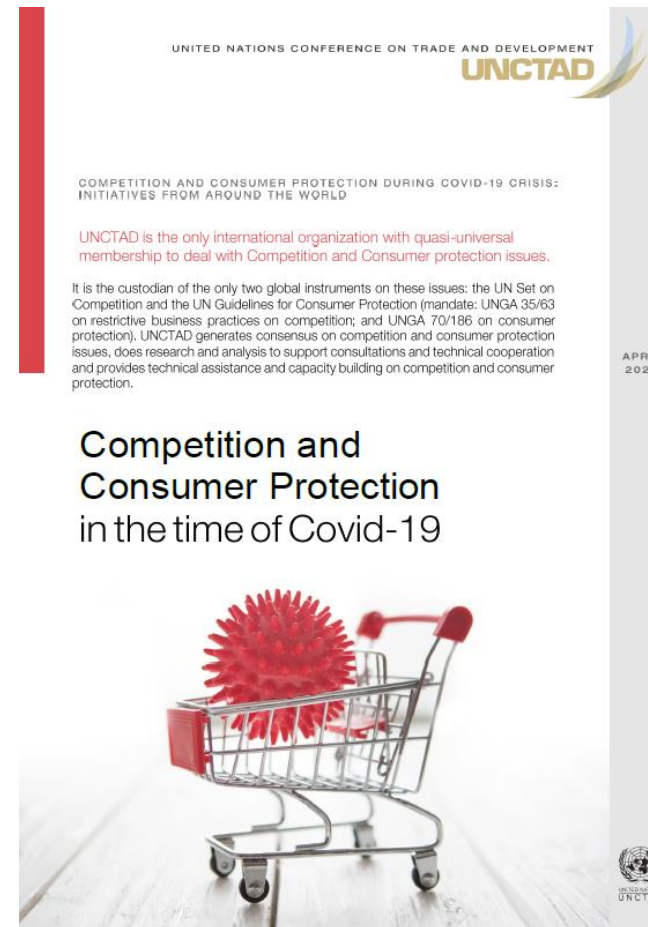
*COVID-19: Firmer action needed to better protect consumers*

*Airlines must respect consumers' rights*

Podcasts



UNCTAD newsletter April 2020 on competition and consumer protection COVID-19 edition



# Upcoming UN MINISTERIAL CONFERENCE ON COMPETITION AND CONSUMER PROTECTION

- held by UNCTAD as the focal point  
on Competition and Consumer  
protection within UN system  
(mandated by the UN General  
Assembly)



# 8<sup>TH</sup>. UN REVIEW CONFERENCE, October 2020

- **High-Level Segment discussion: "Leaving no one behind in the post-COVID-19 world: the contribution of competition and consumer protection policies";**
- **Session on International Cooperation in Competition law and policy and on the Guiding Policies and Procedures under Section F of the UN Set on Competition** (expected to be approved by the Conference);
- **Voluntary Peer Review of Competition Law and Policy of WAEMU - West African Economic and Monetary Union;**
- **Session on "Strengthening Consumer Protection and Competition in the Digital Economy";**
- **Roundtable on "Combatting cross-border cartels"** (facilitated by FAS Russian Federation);
- **Roundtable on "Competitive Neutrality"** (facilitated by Austrian Competition Authority);
- **Reports on the Implementation of the UN Set on Competition and on Technical Assistance and Capacity Building.**



# FINAL REMARKS

## Post COVID-19 crisis:

- Competition Authorities should interact further with other public bodies – Consumer agencies; Sectoral regulators; Procurement authorities; Data protection authorities – for sounder and more effective decisions;
- Advocacy is key: Competition Authorities need to be actively involved in the design and the implementation of economic recovery measures to advocate for competitive business environments at the national level, aiming for well-functioning and accessible markets, through the definition of appropriate objective and non-discriminatory criteria and conditions for subsidies, loans, State guarantees, etc.;
- Competition Authorities should focus in close market monitoring, to effectively address market concentration and to prevent abuse of dominance by State Aid recipient companies and other relevant market players;
- Competition Authorities should keep a vigorous law enforcement against anti-competitive and abusive practices, paying increased attention to digital platforms' behaviors.
- Increased and improved cooperation - bilateral; regional; international - is extremely necessary: exchange of information and experiences; identification of best practices; joint/coordinated action against cross-border anti-competitive practices;
- UNCTAD is well placed to facilitate such efforts through its intergovernmental machinery and technical cooperation in both Competition and Consumer Protection policies.



**THANK YOU!**

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[\*\*DITC/CompetitionLaw/Competition-Law-and-Policy.aspx\*\*](http://unctad.org/en/Pages/DITC/CompetitionLaw/Competition-Law-and-Policy.aspx)



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