



Competition Law and Policy Webinar

- A collaboration between ESCWA, OECD and UNCTAD –

“Competition law and policy during and in the aftermath of the COVID-19 pandemic, reflections in the Arab region”

16 July 2020

Time: 11:00 am – 01:00 pm (UTC+03:00, Beirut time)
You can find your local time here:
<https://www.timeanddate.com/worldclock/converter.html?iso=20200611T180000&p1=34&p2=87>

Logistics: The webinar will be conducted in English on Webex:

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Participants will be able to live stream the webinar on Youtube. Translations from English to Arabic will be available on Youtube.

Facilitator: Ms. Nathalie Khaled, Economic Affairs Officer, UNESCWA

Speakers: Experts from ESCWA, OECD and UNCTAD
Representatives from Arab competition authorities
Experts from regional and subregional organizations such as the League of Arab States

Target audience: National competition authorities in The Arab region
The webinar will be open to the public and run live on Youtube.



Background and relevance of the subject:

The coronavirus (COVID-19) pandemic has provoked a public health crisis without precedent in living memory. In addition to causing large-scale loss of life and severe human suffering, the pandemic has also set in motion a major economic crisis that will burden our societies for years to come. As restrictions are eased and economic activities gradually resume, governments are faced with shrinking GDPs and growing unemployment that cause increasing uncertainty. Arab states' GDP is expected to decline by at least USD 42 billion in 2020 with an estimated increase in the regional unemployment rate by 1.2 percent¹. In response, governments have implemented various stimulus programs in parallel with measures to contain the virus.

In the Arab region, competition, which is nascent in many countries, is facing several unexpected challenges. Markets in the Arab region have seen an intensification of government intervention, including measures to protect employment due to business shutdowns, subsidies, and price controls. Many countries have enforced export bans on a range of essential consumer goods due to the need to provide for consumers' demand. The region has witnessed a sharp increase in cases of price gouging, which is the result of shocks in both demand and supply of certain goods and of ineffective supply chains. Failing businesses depend on mergers as a survival tactic, potentially resulting in decreased competition adversely affecting consumers.

Competition authorities struggle to remain effective in the face of containment measures that have impeded interventions, investigations, and assessing mergers. The functioning of courts has slowed down and in certain cases even stopped entirely.

Enforcement activities by competition authorities have suffered across the board. While mergers continue to be notified, some of them will be rather

¹ UNESCWA Covid-19 Economic Cost to the Arab Region
<https://www.unescwa.org/news/least-17-million-jobs-will-be-lost-arab-region-due-coronavirus-pandemic>



urgent since they may involve firms in severe economic distress. Competition authorities may have difficulties processing these notifications efficiently using normal procedures and standards. Investigations of cartel and abuse of dominance cases will be ongoing. However, the suspension of courts' activities and difficulties with performing investigative activities during the pandemic will affect the ability of enforcers to effectively pursue cases.

Since governments are poised to support economic recovery through public funds in order to restore markets' functioning and to maintain employment, competition policy should play an important role in the post-COVID-19 context for the sound development of resiliency. Through strong advocacy, competition authorities need to help the overall policy response of governments to deal with this crisis in a pro-competitive and sustainable way. Governments in the Arab region need to understand the importance of promoting and protecting competition across the economy both domestically and through strengthened regional co-operation. Governments need to involve competition authorities in the design of economic recovery packages and in the monitoring of their implementations to make sure that competition principles are duly considered and contribute to help pave the way to recovery.

Post-COVID-19 crisis, competition authorities may need to adapt their enforcement practices by, for example, giving more consideration to public interest concerns rather than pure efficiency gains and therefore, grant the exemptions needed and impose the mergers' conditions required.

In this webinar we discuss the challenges faced by competition authorities in the Arab region during the COVID-19 crisis and its aftermath and discuss measures authorities can take and already have taken in some cases in order to protect and promote competition. We furthermore discuss the importance of regional and international co-operation among jurisdictions, as well as the collaboration within jurisdictions. The webinar will illustrate



the role of regional and international organizations and how they can support competition authorities in adjusting to the new challenges.

Agenda:

- Introductory remarks by Mr. Mounir Tabet, Deputy Executive Secretary, UNESCWA (ca. 5 min)

Panel 1

- What are the main challenges faced by competition authorities around the world and best measures taken to protect and promote competition since the beginning of the COVID-19 pandemic?
Each speaker is given 10 minutes to elaborate on the topic from an international perspective.

Speakers:

Prof. Frédéric Jenny, Chairman of the OECD Competition Committee;

Ms. Teresa Moreira, Head of the Competition and Consumer Policies Branch, UNCTAD

Panel 2

- National competition authorities from all four Arab sub-regions (Mashreq, Maghreb, GCC and LDC) are going to share their experiences regarding the challenges they faced since the beginning of the COVID-19 crisis and the remedial measures they took to protect and promote competition in their countries (such as reactions to cases of price gouging and abuses of dominance, merger control, relaxation of competition laws through exemptions from the law and temporarily allowing for coordination agreements between companies, cooperation with other authorities/organizations, and others).
Each competition authority is given 10 minutes to present their case from a national perspective.

Speakers: Countries Competition Authorities;

- Egypt: Mr. Amir Nabil,
Chairman, Egyptian Competition Authority
- Palestine: Jamal Abu Farha,
D.G. of Competition General Directorate



- Kuwait: Mr. Abdullah S. Alowaisi, TBC
Executive Manager, Competition Protection Agency
- Tunisia: Ms. Fathia Hammed
Second Vice President of Tunisian Competition Council

Panel 3

- What is the role of regional and international cooperation in this context? (And how can regional and international organizations support competition authorities in adjusting to the new challenges?)

Each speaker is given 5-10 minutes to elaborate on the question.

Speakers:

- Mr. Khaled Al Moualem, Economic Affairs Officer, Regional Integration Section, UNESCWA;
 - Mr. Juan Luis Crucelegui, Competition and Consumer Policies Branch, UNCTAD;
 - Dr. Bahgat Abu El Nasr, Director General of the Arab Economic Integration Department, League of Arab States.
 - Ms. Lynn Robertson, Competition Expert and project manager in the OECD Competition Division, OECD
- Final remarks by UNESCWA, OECD, UNCTAD (10 minutes)
 - 10 minutes for questions from the public (participants are able to ask questions during the webinar through the chat function in Youtube but are advised to submit their questions in advance through the registration form)