

The First Joint ESCWA-UNCTAD-OECD  
Competition Forum for the Arab Region  
Beirut, Lebanon : 23-24 January 2020

<sup>(\*)</sup>Contribution of the Algerian Competition Council  
Presented In the 2<sup>nd</sup> session : « Effective competition frameworks »

« The Support for capacity-building of young competition  
authorities, an essential element for the success of the UNCTAD -  
MENA Programme »

Abstract :

Competition law is developing very rapidly into a specific branch of law. Despite its growing influence on national and regional laws and policy at these levels, and because of its technical nature and complexity, competition law is often still poorly understood.

There is a need for technical assistance and capacity-building advice in the field of competition policy that is growing rapidly and far beyond the resources of those who provide it. In addition, more countries are participating in this action. These two considerations raise important issues of funding and coordination.

In this context, the challenges facing the Governments of the countries of the Middle East and North Africa region in terms of technical assistance and capacity-building related to competition law and policy are extremely complex. One of UNCTAD's characteristics lies precisely in its sophisticated capacity-building mechanism.

However, it was only since the establishment of the UNCTAD-MENA Programme that it became clear that a purely national intervention was insufficient to solve, at the international level, increasingly acute economic and political problems. It is clear that most UNCTAD Member countries want to use the competitive advantages of the UNCTAD-MENA Programme. For example, countries in the Middle East and North Africa region often do not have a sufficient number of specialized human resources who are experts in competition law.

Many countries in the Middle East and North Africa region stressed that they had a vital and continuing need for technical assistance for capacity-building in order to be able to fulfil their obligations under the UNCTAD-MENA Programme.

They also considered it important to bring this assistance more into line with specific technical or legal needs in the field of competition law and policy.

To this reason, while recognizing the efforts made by the international community, UNCTAD, through the implementation of the UNCTAD-MENA Programme, called not only for increased technical assistance, but also for more effective coordination of technical assistance from all sources.

It is generally recognized that UNCTAD's technical assistance and training in competition law and policy can contribute more effectively to sustainable capacity-building if it is planned and designed on the basis of a thorough assessment of the needs of countries affiliated to this programme through the upgrading of Competition Law Rapporteurs and Investigators (Investigating Authority) on investigation practices and techniques (in terms of law and procedures). Thus, by taking charge of the support system for companies to bring them into compliance with competition law rules on the other hand.

**Reminder of the main objectives of the UNCTAD-MENA Programme :**

- The promotion of regional integration through the formulation of good competition rules and the efficient application of competition and consumer protection mechanisms and standards ;
- Good governance and the fight against corruption and poverty ;
- La training and upgrading of managers and institutional capacity building ;
- Le compliance with competition rules and consumer protection by companies and associations ;
- The Integration of the informal sector into the legal system to ensure fair competition between economic actors ;
- The better understanding of competition policies and laws through the organization of workshops and the design of guidelines that contribute to the proper application and dissemination of laws and regulations ;
- The Establishment of a good dialogue and consultation between economic institutions and actors to ensure the efficient implementation of competition and consumer protection policies and good governance in this area to ensure the well-being of citizens and gender equality.

The activities of the programme through the themes addressed by the experts during the work of the workshops organised and in general, have made it possible to :

- ❖ The providing significant added value for all the Algerian institutions concerned and consumer protection associations ;
- ❖ The upgrading of personnel and institutions in relation to the rules and standards in force at regional and international level ;
- ❖ The Improving the performance and efficiency of MENA Competition Council Authorities and their structures.

## Activities carried out as examples :

1°) Workshops: among these activities, the following should be mentioned :

- The programme launch workshop held in AGGADIR - MOROCCO during which the (Consulting Authorities) presented their needs ;
- And by way of illustration, the action relating to the audit of Algerian competition law, which has made.

The subject of a seminar organized, thanks to the support provided by the donor country, on 17 May 2017 in ALGER during which UNCTAD expert Philippe BRUSICK presented the results of the expertise conducted in this context.

- The workshop on e-commerce and consumer complaint management held in Beirut (Lebanon) from 14 to 17 October 2017 ;
- The workshop held from 25 to 28 February 2018 to launch the MENA countries' technical assistance programme for capacity building,

2°) Good governance guidelines, competition law lexicon and leniency guide.

## Perspectives, Suggestions & Recommendations :

- The establishment of a website dedicated to the programme or in the immediate future through the creation of a specific section on the UNCTAD website ;
- The creation of a common platform for MENA countries to create a permanent forum for exchange and guarantee the sustainability of the programme ;
- The strengthening and enrichment of the Facebook page dedicated to the program;
- The use of the videoconferencing method in the management of the programme ;
- The creation of a letter (newsletter) dedicated to the programme ;
- The submission by UNCTAD of documents relating to activities organized to enable them to be used in the preparation of the workshops ;
- The distribution, after each workshop, of an evaluation form to be completed by participants ;
- The implementation of a training of trainers plan to ensure the sustainability of the programme and its return to staff in MENA countries ;
- The launch of an E-learning training course through an electronic application ;
- The establishment of a platform dedicated specifically to future training programmes to be launched by the training centers created under the UNCTAD-MENA programme ;
- The creation of a framework for bilateral and multilateral cooperation between MENA competition institutions.

For future workshops and seminars, the following themes seem relevant to us, namely :

- ❑ Market observation and analysis procedures ;
- ❑ Investigation techniques (Investigation practices and investigation techniques) ;
- ❑ The question of monopoly and public service in competition law ;
- ❑ The problem of public companies in competition law ;
- ❑ How to assess the efficiency of competition ;
- ❑ Merger control rules. Publication of other competition guides to complement those already produced (competition lexicon, leniency tool and good governance guide).

### Conclusion :

In conclusion, the competition authorities of the countries of the Middle East and North Africa region should be given a real role in the implementation of the UNCTAD-MENA Programme in order to facilitate their integration into its various activities. The success of this integration depends on the development of technical assistance and training programmes for competition authorities, which suffer from a severe lack of such assistance. This assistance has become an absolute necessity to promote competition in their country's economy.

The countries of the Middle East and North Africa region, despite their immense resources and financial resources, remain stagnant and the average income level places most of the countries in this region at the bottom of the list of middle-income countries, income inequalities have widened, the growth rate of private consumption per capita has been negative over the past decade.

The time has come for countries in the Middle East and North Africa region to launch a New Deal to ensure that the benefits of technical assistance are equitably distributed to build the capacity of their institutions and competition authorities.

### By way of the conclusion, the Algerian Competition Council :

- Reiterates its deep appreciation to UNCTAD officials for their availability and efforts in managing the programme and to the Government of Sweden for its efficient contribution to UNCTAD-MENA programme activities ;
- Expresses the wish that the programme will be extended as it has been beneficial and useful for all MENA Competition Council Authorities ;
- And confirms its full availability to UNCTAD services and officials; UNESCWA and OECD to continue to collaborate actively in this regard under this programme or for the implementation of other future activities under other programmes.

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