



Competition Advocacy: from Barriers to Prosperity

– Takeaways from 2019 ICN Advocacy Workshop in Kyiv, Ukraine

By Matthew Wong

(Hong Kong Competition Commission)¹

The biannual ICN Advocacy Workshop was fully completed on March 1, 2019, in the historic city of Kyiv. Under the theme of “Competition Advocacy: from Barriers to Prosperity,” the two-day event gathered more than 100 competition officials, advocacy professionals, lawyers, economists, and academics from about 60 enforcement agencies and organizations. It was co-organized by the Anti-monopoly Committee of Ukraine (“AMCU”) and the Advocacy Working Group co-chairs, i.e. Norwegian Competition Authority (“NCA”), Hong Kong Competition Commission (“HKCC”), and Competition and Consumer Commission of Singapore (“CCCS”). AMCU Chairman Yuriy Terentiev and HKCC Senior Executive Director Rasul Butt delivered the opening remarks to welcome participants flying in from all corners of the world, from countries as far as Australia and the Philippines to nearby neighboring countries such as Turkey and Lithuania. Representing the co-chairs, Butt gave a brief overview of the work that has been done by the Working Group in 2018-19, including three main work-streams on (1) Advocacy Strategy; (2) Advocacy and Digital Markets; and (3) Impact Assessment, with the Kyiv Workshop as the year’s finale project. With continued, firm support from member agencies and non-governmental advisors (“NGAs”) on those projects, the Working Group has been able to carry out its mission smoothly and successfully – that is to improve the effectiveness of ICN members in advocating competition principles and to promote the development of a competition culture in the respective jurisdictions.

The Workshop began with five competition and advocacy experts sharing their insights on formulating a successful and effective advocacy strategy in the first plenary session. The panelists discussed the challenges their agencies have encountered throughout the life cycle of the advocacy work. Chairman Yuriy Terentiev shared experiences in strategizing AMCU’s advocacy work by referencing the theories of conflict and change managements and elaborated on how the agency has tackled competition issues arising from the operation of the country’s largest airport. Ubaldo Steconi from the European Commission (“EC”) talked about the planning and evaluation process of a recently launched advocacy project, “Shaping Competition Policy in the Era of Digitization.” In this large-scale project, the EC Directorate-General for Competition has interactively engaged stakeholders via various channels, including a one-day conference, a research report, as well as a student contest. Sarah Livestro from the Channel Islands Competition Regulatory Authorities spoke from a small jurisdiction perspective, and shared with other newer agencies on how to implement advocacy actions in an efficient and effective manner and with modest internal resources. Joaquín Vallés from the National Commission on Markets and Competition (“CNMC”) of Spain talked about the full life cycle of the CNMC’s advocacy efforts from a larger and well-established agency’s perspective. Lastly, the presentation by David Valdes from the Federal Economic Competition Commission of Mexico went beyond the ordinary life cycle to introduce an innovative approach to advocacy.

In the second plenary “Bridging Competition Advocacy and Enforcement,” Matthew Chiasson from the Competition Bureau of Canada gave an intriguing presentation on the lessons learned in Canada and drew a humorous but apt analogy between agency’s advocacy work and the “Ghostbusters” – the 1980s version of the hit Hollywood movie. Renato Ferrandi from the Italian Competition Authority spoke about the full potential of the interaction between advocacy and enforcement, and discussed how enforcement agencies could make use of the ICN’s “Gold Mine” of resources. Ninette Mwarania from the Competition Authority of Kenya and Nuno de Carvalho from the Portugal Competition Authority also shared insights on how to foster competition culture through advocacy to enhance enforcement impact, with cases from their jurisdictions, including issues arising from an exclusive license by the Kenya Forest Services.

On the second day, the Workshop continued with the plenary discussion on competition assessment in the policy development process. Five experts, including Ania Thieman from the Organisation for Economic Co-operation and Development (“OECD”), Takujiro Kono from the Japan Fair Trade Commission, Nuno de Carvalho, from the Portugal Competition Authority, Jennifer Halliday from the UK’s Competition and Markets Authority, and Elodie Vandenhende from the Autorité de la Concurrence of France, spoke on their best practices on conducting competition assessment (tools, scope, etc.), evaluating the likely impact on competition and delivering the results in collaboration with other government departments and public bodies.

The Workshop also consisted of nine break-out sessions, enabling lively discussions following up on various aspects of the matters that were more broadly debated in the plenaries, such as advocacy in the digital era, traditional and social media, as well as inter-agency collaboration. In addition, these more focused discussions also covered topics that are highly relevant to the current advocacy challenges facing the competition authorities in Ukraine and the region, including issues in relation to natural monopoly, adjacent market, state-owned enterprises, and privatization process.

To conclude the Workshop, recognized experts from the ICN and the three sister organizations – OECD, the World Bank Group (“WBG”), and the United Nations Conference on Trade and Development (“UNCTAD”) – came together to discuss practical ways for the competition agencies to assist and cooperate with each other with a view to harmonizing their diverse competition law regimes through multilateral platforms. In this last plenary “Advocating International Best Practices,” Teresa Moreira from UNCTAD, Georgiana Pop from WBG, Ania Thieman from the OECD, and Nuno de Carvalho from the ICN introduced the latest international cooperation projects steered by their organizations as well as the wealth of resources and instruments of which competition agencies may make use in order to address domestic challenges and to meet the needs of an increasingly globalized world.

The presentation materials will be made available on the ICN website.

¹ Matthew Wong is Senior Adviser (Advisory and International Affairs) of the Hong Kong Competition Commission. This report is a summary of the Workshop based on his own understanding and takeaways from the event, and any views expressed in this report do not represent those of any institutions.