Building a culture for competition

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2016
Competition culture constituencies

- Government staff
- Business and associations
- Media
- Legal community
  - Law schools
  - Competition bar
  - Judges
- Politicians
- Public
• Tools to reach officials involved in regulation:
  – Involving competition authority to assess competitive impacts of regulation
  – Workshops on assessing competitive impacts of regulations
  – Include competition assessment as part of regulatory impact analysis

• Tools to reach the community of officials involved in procurement and increase their focus on competition include:
  – The OECD Guidelines for Fighting Bid Rigging in Public Procurement;
  – Embedding competition training in standard training programs for public procurement officials (Brazil, Canada, Mauritius, South Africa, among others);
  – Engaging in regular high-level discussions;
  – Requiring bidders to submit certificates of independent bid determination;
  – Establishing a MOU that allows sharing of information; and
  – Designate contact points at an operational level for procurement body and competition authority.
Business and associations

• Lay down a clear set of signals to indicate which business behaviors are appropriate, and which were not. Placing these signals in advance ensures that business would have time to adjust to a new legal environment, and adjust their dealings accordingly, prior to any competition enforcement.

• Reach out with these signals:
  – brochures explaining how competition law could apply to health practitioners were prepared and distributed.
  – speeches with workshops for the affected specific areas, e.g., for medical practitioners managers.

• Provide incentives to have effective compliance programme, e.g., toolkit prepared by the International Chamber of Commerce Commission on Competition.

• Book providing competition law guidance to business operators in ordinary language, with practical, illustrative examples from countries with a longer experience of competition law enforcement.
Media

- Issuing press releases that contain neutral phrasing and are thus appropriate as a source of text for the journalists;
- Holding press conferences; and
- Creating a cadre of journalists who are educated about competition law, and consider it to be one of their specialty areas.
- Further media tools can include competition authority officials writing regular columns and participating in radio and television programs.
- The heads of competition authorities can also hold occasional briefings or lunches with reporters to help to ensure more detailed understanding by journalists of competition law.
Legal community

• Law Schools
  – Introduce course on competition law and regulation; send professor(s) to law school in another country to see how such courses are organised and taught

• Competition Bar
  – Lawyer association organises workshops that provide continuing legal education credits, a particularly strong incentive in those countries that have a requirement for such on-going professional training.

• Judiciary
  – Workshops, often under the aegis of a judicial network.
• Studies showing the benefits of competition in the country.
• Occasional private briefings to key politicians about the work of the competition authority, without discussing cases under current evaluation.
• A final tool is through international policy comparisons that provide a motivation to politicians to keep up with other countries.
Public

• Childhood and “unconventional” education tools
• Information campaigns to help consumers identify better deals and lower priced stores
• Regular presence of the competition authority in the media with positive portrayals and reasonable quotes
• Price observatories
• Newsletters by competition authorities that explain cases
• Repeated emphasis of the benefits of competition resulting from careful, rigorous and unbiased studies
Thank you for your attention