

REPORT OF THE ISTANBUL CONFERENCE ON "NEEDS ASSESSMENT OF THE OIC MEMBER STATES IN THE FIELD OF COMPETITION LAW AND POLICY"

(21-22 November 2011, Istanbul)

Istanbul Conference on "Needs Assessment of the OIC Member States in the Field of Competition Law and Policy" was held in Istanbul, on November 21-22, 2011.

This Conference was organized by the Turkish Competition Authority, ICDT and IDB Group.

This Conference was attended by more than 50 representatives from 28 OIC Member (Afghanistan, Albania, Algeria, Azerbaijan, Benin, Burkina Faso, Cameroon, Egypt, Gambia, Indonesia, Iran, Iraq, Jordan, Kazakhstan, Kyrgyzstan, Malaysia, Morocco, Pakistan, Qatar, Senegal, Sierra Leone, Palestine, Sudan, Syria, Tunisia, Turkey, Uzbekistan, Yemen), 4 Observer States (Bosnia and Herzegovina, Russian Federation, Turkish Cypriot State; Special Guest: Kosovo), COMCEC Coordination Office, Islamic Development Bank, SESRIC and invited speakers from United Kingdom, Ireland, Pakistan, ICDT and Consumer Unity & Trust Society (CUTS International).

Opening Ceremony

Istanbul Conference was inaugurated with the opening statements by the President of the Turkish Competition Authority Prof. Dr. Nurettin Kaldırımçı, Islamic Centre for Development of Trade by Dr. El Hassane HZAINÉ, Islamic Development Bank representative Mr. Abdullateef Al-Lawati and H.E. the Minister of Customs and Trade Mr. Hayati Yazıcı.

Introductory Remarks Regarding Competition Law and Policy in OIC Member States

In this session, ICDT Director General Mr. El Hassane HZAINÉ, Consumer Unity & Trust Society (CUTS International) Africa Regional Director Mr. Rijit Sengupta and Technical Coordinator in charge of International Relations Ms. Lerzan Kayıhan Ünal from the Turkish Competition Authority made presentations regarding the subject.

Following the aforementioned presentations, former president of the Pakistan Competition Commission Mr. Khalid Mirza from the Lahore University of Management Sciences and Dr. Maher Dabbah from the Queen Mary University of London delivered their addresses as keynote speakers.

Needs Assessment Session

This session which aimed to address the goal of the Conference, namely, assessing the needs of the OIC Member States in the field of competition law and policy consisted of two parts:

In the first part of the Needs Assessment Session, the goal was to discuss the needs of the OIC Member States in various areas such as whether there was consensus among the participant states on the needs involving a well-designed competition law, challenges related to the effective and efficient implementation of the competition law as well as those encountered during the implementation of a modern competition regime, capacity building following the enactment of the competition law, amendments or improvements to the competition law, design of the competition agency, training of the professional staff and other capacity building issues. In this context, following the introductory remarks by co-moderators Mr. Khalid Mirza, Dr. Maher Dabbah and Dr. Stanley Wong, OIC member states were given the floor.

The following may be listed among the needs mentioned in the first part of this session:

- Short- and long-term (a few days as well as a few months) training of trainers,
- Handbooks,
- Market monitoring and analysis as well as research related to businesses,
- Documents aimed at making competition law and related concepts accessible to the public,
- Financial resources for establishing libraries,
- An advisory body that may be used by competition authorities to consult and exchange opinions with each other,
- Financial resources allocated to competition authorities in order to enable them to make certain publications and organize meetings,
- A central database which includes relevant acts, decisions, case-law, etc.,
- A glossary,
- Communication/exchange of opinions through the use of various software over social networking websites such as Facebook,
- Elimination of procedural problems preventing economic analyses from being accepted as evidence by courts,
- Market definition and leniency program guidelines, block exemptions, etc.,
- A competition advocacy strategy.

The second part of the Needs Assessment Session was aimed at experience sharing (the ways and means to cooperate efficiently and effectively to overcome the

problems/challenges encountered, advocacy in competition law and policy) between the OIC member states. At the beginning of the session, a presentation was made by Dr. Stanley Wong, former Commissioner of the Irish Competition Authority and the Director of the Mergers Division and Monopolies Division, on the subject of experience sharing between competition authorities.

Member States made various statements concerning the application of competition rules, establishment of competition authorities and competition advocacy. Within this context, the points mentioned include the following: reforms in existing acts and the consequent changes in the characteristics of competition authorities; market surveys conducted and their tangible effects on consumers; the importance of conducting reform studies by taking the conditions in the relevant country, instead of those in developed countries; the importance of conducting cost-benefit analyses; the importance of the training of judges; the importance of short-term professional staff appointed by cooperating competition authorities; the importance of taking into account the legislation in other countries before adopting rules; the importance of strong institutions and effective laws, organizational competency, salary levels and strategic planning; and informing and obtaining support from various stakeholders concerning the adoption of the act.

Wrap-up Panel - The Way Forward

Mr. Khalid Mirza and Dr. Stanley Wong participated as panelists in the wrap-up panel, which was chaired by Competition Board Member Prof. Dr. Metin Toprak. In light of the presentations made, relevant reports submitted and discussions held during the Istanbul Conference, the chairman and panelists of the Wrap-Up Panel stated that certain challenges and needs were identified related to various subjects including Legislation, Organizational Structure, Relationships between Sectoral Regulators and Competition Authorities, Competition Advocacy, Future Steps to be Taken, and the Structure of Potential Technical Assistance Programs. They remarked that, in order to improve the situation in their countries, OIC Member States could work to enhance the competency of the competition authorities or other bodies responsible for the application of competition laws and policies.

During the discussions, a proposal was made to establish a "Policy Forum".

Lastly, taking the floor on behalf of the COMCEC Coordination Office, Mr. Selçuk Koç underlined the importance of cooperation in the field of the competition law and policy and thanked the Turkish Competition Authority for its valuable efforts in this regard.

The Conference was concluded with the closing remarks of the President of the Turkish Competition Authority Prof. Dr. Nurettin Kaldırımçı.

Conclusion

The Conference:

- affirmed the fundamental role of competition law and policy for sound economic development and recommended the continuation of the work initiated by the Turkish Competition Authority.
- highlighted the importance of awareness on benefits of competition among the OIC Member States,
- appreciated the work carried out by the Turkish Competition Authority to further the Technical Assistance Project.
- highlighted the importance of the establishment of a Forum for the OIC Member States with an aim to encourage experience sharing among the competition agencies and/or bodies responsible from the enforcement of competition law and policy and requested Turkish Competition Authority in cooperation with the COMCEC Coordination Office to study modality and details of this Forum.