

Fifth ARAB COMPETITION FORUM (ACF)

22-23 May 2024
Tunisia



E/ESCWA/CL6.GCP/2024/ACF/Agenda

Agenda

I. Background

In the pursuit of fostering market efficiency and ensuring the well-being of consumers, competition policies play a pivotal role in both developed and developing economies. The Arab region, historically marked by significant State involvement and concentrated market structures, has increasingly recognized the importance of competition laws, and transitioned toward more market-oriented economies. By introducing and strengthening competition laws and policies, Arab countries aim to stimulate innovation, attract investment, reduce prices, and enhance product and service quality, thereby fostering economic development.

In recent years, the Arab region has witnessed significant advancements in competition laws, although variations exist among Arab countries. The latest scores of the [Arab Business Legislative Framework \(ABLF\) 2024](#), which provides a holistic assessment of regulations related to competition and other business areas, has shown a transition in the regional competition score from "Moderate" to "Developed" when compared to the previous ABLF report published in 2021.

The implementation of new competition laws or amendments in several Arab countries has undoubtedly brought positive changes to the region. However, insights from the ABLF reveal the ongoing necessity to address pressing concerns, with a particular emphasis on exemptions that hinder the effectiveness of competition legislation. Persistent challenges, especially in areas like transparency and the precise definition of competition concepts, shed light on additional areas that warrant continued improvement. To address these challenges, Arab countries can enhance the effectiveness of their competition frameworks by strengthening institutional capacities, fostering enforcement mechanisms and aligning their practices with international standards.

In pursuit of these objectives, the Economic and Social Commission for Western Asia (ESCWA) will continue to convene its Annual Arab Competition Forum which started in 2020, in partnership with the UN Trade and Development (UNCTAD) and the Organization for Economic Co-operation and Development (OECD), which aims at establishing a continual knowledge-sharing platform on competition policy and enforcement for Arab stakeholders. This year, the forum will focus on the theme of Advocacy, highlighting the importance of actively

promoting and supporting effective competition policies. This focus is crucial, given the pivotal role of advocacy in fostering a competitive environment and raising awareness to enhance fair competition.

The Fifth Arab Competition Forum is organized by ESCWA, in collaboration with the UN Trade and Development, OECD, the Tunisian Competition Council (TCC), in addition to the COMESA Competition Commission (CCC). The two-day event will provide a common channel for advancing knowledge and best practices in competition, and facilitating coordination and collaboration at the national, regional and international levels. Competition authorities in member States will benefit from peer learning based on international case studies and best practices provided by their counterparts from different countries.

II. Objectives

The objectives of the Fifth Arab Competition Forum include the following:

- Support unified and impactful competition advocacy efforts in the Arab region.
- Contribute significantly to advancing economic growth and governance in the Arab region, aligning with the Sustainable Development Goals (SDGs).
- Enhance collaboration and coordination among competition authorities across ESCWA member States.
- Provide valuable insights to shape competition policymaking and enforcement in the Arab region, drawing inspiration from global best practices.
- Compile actionable recommendations for future initiatives aimed at advancing competition policy and enforcement in the Arab region.

III. Participants

The Forum will foster dialogue among participants from member States represented through competition authorities in the region, academia, the United Nations and international organizations, regional organizations, and international experts engaged in competition policy and enforcement.

IV. Language

The meeting will be conducted in Arabic and English. Simultaneous interpretation will be provided between Arabic and English for onsite and online participants.

V. Agenda

| Day 1: 22 May 2024 | |
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| 8.30–9 a.m. | Registration |
| 9–9.45 a.m. <i>Format: Open session /Broadcasted live</i> | <p>Opening remarks and introductory comments</p> <ul style="list-style-type: none"> • Kalthoum Ben Rajeb, Minister of Trade and Export Development, Tunisia • Tarik Alami, Cluster Leader, Governance and Conflict Prevention, Economic and Social Commission for Western Asia (ESCWA) • Rebeca Grynszpan, Secretary-General of the UN Trade and Development (UNCTAD) • Frederic Jenny, Chairman of the OECD Competition Committee • Willard Mwemba, Director and CEO of the COMESA Competition Commission (CCC) |
| 9.45–10.15 a.m. <i>Format: Open session /Broadcasted live</i> | <p>Special session. Arab Youth in Competition (Local Universities)</p> <p>Participating universities in Tunisia have been invited to prepare an original case study on a subject related to competition advocacy. During this special ceremonial session, awards will be granted to the winners of the competition challenge.</p> |
| 10.15–10.30 a.m. | Coffee break and group photo |
| 10.30 a.m.– 12.30 p.m. <i>Format: Open session/Hybrid</i> | <p>Session I. The state of competition advocacy in the Arab region and the challenges faced by small and emerging competition authorities</p> <p>Competition advocacy is a complimentary approach to competition enforcement, serving as the primary avenue for cultivating a culture of healthy competition. Within the realm of advocacy, competition agencies can engage in diverse activities, including conducting studies, fostering communication with government agencies, organizing awareness-raising initiatives, educating stakeholders about the agency's significance and mission, explaining competition laws and other outreach activities.</p> <p>This session will delve into the initiatives and advocacy efforts aimed at fostering a robust culture of competition in the Arab world. Discussions will include exploring the strategies and challenges towards advancing the promotion of competition in the region, with particular attention to addressing the challenges faced by young and small competition authorities. The panellists will bring international, regional, and national perspectives and examples to the discussion.</p> |

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| | <p>Session coordinator: Tunisian Competition Council</p> <p>Moderator: Mohamad Monser, 2nd Vice President, Tunisian Competition Council</p> <p>Speakers:</p> <ul style="list-style-type: none"> • Mohamad Cheikhrouho, General Rapporteur, Tunisian Competition Council • Marianne McManus, Senior Counsel, The Commercial Law Development Program (CLDP), U.S. Department of Commerce Office of the General Counsel. • Nathalie Khaled, Coordinator of the competition and consumer protection project, Economic Affairs Officer, ESCWA • Juan Luis Crucelegui, Chief, Capacity Building and Advisory Services, Competition and Consumer Policies Branch, UN Trade and Development • Said Kechida, Competition Expert, OECD <p>Developments in member States</p> <p>Open Discussion</p> |
| 12.30–1.30 p.m. | Lunch |
| <p>1.30–3.30 p.m.</p> <p><i>Format: Open session/Hybrid</i></p> | <p>Session II. Convergence and cooperation between Arab competition authorities</p> <p>The coordination and collaboration among Arab Competition authorities encourages a framework that promotes fair business practices, prevents anti-competitive behaviour, and fosters economic efficiency, particularly considering cross-border transactions operated by companies. Insights for the discussion will stem from the latest ESCWA publication, “The Arab Business Legislative Frameworks”, which devotes a full chapter for assessing competition legislation in the region, along with country profiles for each Arab country.</p> <p>Experts will likely address issues such as cross-border competition concerns, the impact on regional economic integration and the role of harmonized legislation in adopting common competition principles, creating a level playing field for businesses across the region, and facilitating the cooperation between competition authorities. The session will touch upon the collaborative efforts needed among Arab countries to address these concerns.</p> <p>Session coordinator: ESCWA</p> <p>Moderator: Tarik Alami, Cluster Leader, Governance and Conflict Prevention, ESCWA</p> <p>Speakers:</p> <ul style="list-style-type: none"> • Abdulaziz bin Abdullah Al-Zoom, Chief Executive Officer of The General Authority for Competition, KSA, and Chairman of the Arab Competition Network (ACN) |

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| | <ul style="list-style-type: none"> • Frederic Jenny, Chairman of the OECD Competition Committee • Willard Mwemba, Director, and Chief Executive Officer of the COMESA Competition Commission • Nathalie Khaled, Coordinator of the competition and consumer protection project, Economic Affairs Officer, ESCWA • Teresa Moreira, Head, Competition and Consumer Policies Branch, Division on International Trade and Commodities, UN Trade and Development • Houssam Eddine Touiti, Director General of Competition and Economic Research, Ministry of Trade and Export Development, Tunisia <p>Developments in member States</p> <p>Open Discussion</p> |
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| Day 2: 23 May 2023 | |
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| 8.30–9 a.m. | Registration |
| 9–11.00 a.m. <i>Format: Open session/Hybrid</i> | <p>Session III. Competition and industrial policies in the Arab region</p> <p>The economic and political landscape in which competition law is enforced and applied has undergone significant transformations over the past decade. The forces of globalization and a revitalized emphasis on industrial policy have spurred demands for a more adaptable and responsive approach to competition policy, particularly for many Arab countries who are undergoing structural economic reforms.</p> <p>The session will address the challenges that competition authorities, particularly recently established ones, face in the interplay between competition and industrial policies and the possible solutions to these challenges. It will also discuss how can the interaction frameworks and mechanisms between competition authorities and industrial policymakers be improved, in addition to the role that competition authorities can play for Governments to better deal with recent economic changes. The session will extend to include the crucial aspect of competitive neutrality, examining its role in fostering fair competition within evolving economic landscapes.</p> <p>Session coordinator: UN Trade and Development</p> <p>Moderator: Akari Yamamoto-Bonenfant, Legal Officer, UN Trade and Development</p> <p>Speakers:</p> <ul style="list-style-type: none"> • Walid Gani, Rapporteur, Director General, Tunisian Competition Council • Mohammad Abou Haider, General Director, Ministry of Economy and Trade, Lebanon |

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| | <ul style="list-style-type: none"> • Natalie Harsdorf-Borsch, Director General, Austria Competition Authority • Dina Waked, Professor, Sciences Po Law School • Francois Souty, Executive President, Cabinet LRACG Conseil <p>Developments in member States Open Discussion</p> |
| 11.00–11.30 a.m. | Coffee break |
| 11.30 a.m.–1.30 p.m. <i>Format: Open session/Hybrid</i> | <p>Session IV. The promotion of competitive neutrality by competition authorities</p> <p>Significant market distortions may arise when some enterprises benefit from undue competitive advantages conferred by state actions, for example on the basis of their ownership, nationality or their activity in the market. These distortions can prevent competition from reaching its potential for economic growth, productivity and innovation. In particular, they may discourage investment, create regulatory uncertainty, and encourage other jurisdictions to adopt similar distortions that undermine a global level playing field. Competition authorities have a role to play in promoting the application of competitive neutrality principles, including addressing distortions through their enforcement tools, and advocating for neutrality in state actions ranging from subsidies to procurement.</p> <p>This session will introduce the concept of competitive neutrality and explore how authorities in the region and beyond have promoted competitive neutrality to help governments develop resilience in key markets.</p> <p>Session coordinator: OECD</p> <p>Moderator: Antonio Capobianco, Deputy-Head of the Competition Division, OECD</p> <p>Speakers:</p> <ul style="list-style-type: none"> • Mahmoud Momtaz, Chairman, Egyptian Competition Authority • Muhammad Amin Gabsi, Judicial Judge, Tunisia • Mariem Mezghenni-Malouche, Senior Economist, World Bank • Vittoria Tesei, Senior Competition Expert, Italian Competition Authority • Torben Toft, Senior Expert, European Commission • William Friedman, Civil Conduct Task Force, Antitrust Division - U.S. Department of Justice <p>Developments in member States Open Discussion</p> |
| 1.30–2.30 p.m. | Lunch break |

2.30–3.00 p.m.

Format: Open session /Hybrid

Closing session. Way forward on enhancing competition in the Arab region.

Session coordinators: ESCWA and partners

During this session, participants will point out the lessons learned, and main intervention areas needed to advance competition in the Arab region. The session strives to bring about an agreement on concrete recommendations for enhancing advocacy practices and promoting competition policies and enforcement in member States.