

**3<sup>rd</sup> CUTS-CIRC Biennial Conference**  
**“Competition Reforms: Emerging Challenges in a Globalizing World”**  
**November, 18-19, 2013, New Delhi**

**DAY ONE: MONDAY, 18<sup>th</sup> NOVEMBER, 2013 (CREST HALL)**

<b>08:30 – 09:30</b>	<b>Registration</b>
<b>09:30 – 10:30</b>	<b>Inaugural Session</b>
<b>Welcome</b>	Pradeep S Mehta, Secretary General, CUTS International
<b>Address</b>	<ul style="list-style-type: none"><li>• Salman Zaheer, Programme Director, Regional Integration, South Asia The World Bank</li><li>• Arvind Mayaram, Secretary, Department of Economic Affairs, Ministry of Finance, Government of India</li><li>• Frédéric Jenny, Chairman, OECD Competition Committee, France</li><li>• Ashok Chawla, Chairperson, Competition Commission of India</li></ul>
<b>Book Release</b>	<b>Policy Souvenir, “Interface between Business Strategy and Competition Law” &amp; the Book, “Should Competition Policy and Law be Blind to Equity? The Great Debate”</b>
<b>Vote of Thanks</b>	Arun Talwar, Chief Operating Officer, CUTS Institute for Regulation & Competition

**10:30 – 11:00** **Tea Break**

**11:00 – 12:30** **SESSION I: “Should Competition Policy and Law be blind to equity - The Debate”**

It is now conventional wisdom in most countries of the world that competition has a key role to play in ensuring productive, efficient, innovative and responsive markets. Competitive forces drive firms to innovate, to develop more efficient production, processes and to adjust their products in response to changing demand. It is recognized more than ever before that the consumers should be ensured availability of 'goods' and 'services' in abundance of acceptable quality at affordable price. Competition law and policy also result in equity among producers and reduce rent seeking behaviour on their part. It is this imperative which has persuaded the countries to either enact new law or to modernize their existing competition law. Thus, there is a need to explore the policy framework to relook at this old debate and ask how the initial conditions and nature of growth affect wealth and distribution. Competition in this regard is an essential element of sustainable growth

because it promotes equal opportunity to participate in the market and rewards productive initiative for all members of society.

**Chair**

Frédéric Jenny

**Keynote Speakers**

- Taimoon Stewart, Senior Research Fellow, University of West Indies, Republic of Trinidad and Tobago
- Eleanor M. Fox, Professor of Trade Regulation, School of Law, New York University, USA

**Panelists**

- Pierre Jacquet, President, Global Development Network, India
- David Lewis, Executive Director, Corruption Watch, South Africa
- Shanker A. Singham, Managing Director, Competitiveness and Enterprise Development Project, Babson Global, USA

**12:30 – 13:30**

**SESSION II: “Competition Policy in Developing Countries- What makes it different from the Developed World?”**

Globalisation highlights the importance of competition policy and laws. Today’s business is essentially global in nature; markets operate across national boundaries, whether on a regional or global basis. Many sectors are dominated by a few multinational companies; others rely on those companies for sales or supplies. Developing countries—just like developed ones—need competition policy to ensure that big companies that are either local or international do not abuse their market power, and that public and private anti-competitive practices do not keep prices high and shut small producers out, thus preventing the poor gaining the full development benefits of globalisation.

**Chair**

Roger Nellist, Formerly, UK Department for International Development, London, and The Commonwealth Secretariat

**Keynote Speaker**

Eduardo Perez Motta, Former Chairman, Competition Commission of Mexico & Former Chairman, International Competition Network

**Panelists**

- Thula G. Kaira, CEO and Secretary to the Commission, Competition Authority of Botswana
- Anurag Goel, Member, Competition Commission of India
- Geronimo L. Sy, Assistant Secretary, Department of Justice, Republic of the Philippines
- Evan Due, Senior Regional Program Specialist, International Development Research Centre, India
- Frederick Ringo, Director, Fair Competition Commission, Tanzania

**13:30 – 14:30**

**Lunch**

14:30 – 16:00

**SESSION III: “How independent and accountable are competition agencies?”**

Institutional arrangement of competition and regulatory authority and the powers given to it are both a political economy and a governance issue. Independence should not be understood as autonomy for taking actions ignoring the government, rather as probability of implementing policies without interference of political agents. Another crucial issue is to assess how these institutions, once created, could be designed to foster high quality regulation. This calls for close attention to the institutional setting, with a view towards fostering accountability, transparency and trust. Regulatory authorities are not without risk, as they need to be protected from the risk of capture and also need to receive clear objectives and missions to fulfil their role within the regulatory framework.

**Chair**

Subir Gokarn, Director (Research), Brookings Institution, India

**Keynote Speakers**

- Amit Kapur, Partner, J. Sagar Associates, India

**Panelists**

- Yannis S. Katsoulacos, Professor of Economics and University Vice-Rector for Academic Affairs, Athens University of Economics and Business, Greece
- V. Ranganathan, Professor, Indian Institute of Management, Bangalore
- Kiran Nandinee Meetarbhan, Executive Director, Competition Commission of Mauritius
- Zhao Guobin, Director of Division, Enforcement Bureau of Antimonopoly and Anti-Unfair Competition, SAIC, China

16:00 – 16:30

**Tea Break**

16:30 – 18:00

**Session IV: “How to deal with the overlaps and conflicts between competition authority and sector regulators?”**

In recent years, most developing countries have complemented the trend of economic deregulation by sector specific measures designed to regulate public monopolies or to open up strategic sectors such as telecommunications, electricity distribution etc. for regulations. There is some cross-country empirical evidence to suggest that in many sectors the introduction of competition has led to significant decreases in costs and prices; an increase in the diversity of services offered to consumers; and higher economic growth. The notion of sectoral regulation is based on the premise that it is needed to address the absence of competition in the sectors where conditions of natural monopoly exists which are inherently prone to market failures. Obviously, there will be areas of overlap between the competition authority and the sectoral regulators. Some decisions by regulators are on matters that affect competition. There could be situations when both the agencies would claim to have jurisdiction or competence. Thus, the key question to address is how to resolve such jurisdictional or competence problems, which is a big challenge especially in developing countries?

<b>Chair</b>	David Lewis
<b>Keynote Speaker</b>	Christopher Decker, Senior Associate Research Fellow, University of Oxford, UK
<b>Panelists</b>	<ul style="list-style-type: none"><li>• Dhanendra Kumar, Principal Advisor, Indian Institute of Corporate Affairs, Ministry of Corporate Affairs, India</li><li>• Pramod Deo, Former Chairman, Central Electricity Regulatory Commission, India</li><li>• Sanjeev S. Ahluwalia, Senior Advisor, Capacity Building and Public Sector Management, Kenya</li><li>• Kasturi Moodaliyar, Associate Professor, Oliver Schreiner School of Law, University of Witwatersrand, South Africa</li><li>• Pedro Callol Garcia, Partner/Socio, EU &amp; Competition Law, Roca Junyent, Spain</li></ul>
<b>18:15 – 20:00 (Conclave I &amp; II)</b>	<b>Release of CUTS Research Report “Rethinking Business Responsibility in India” by Arun Maira, Member, Planning Commission of India</b>
<b>20:00 Onwards</b>	<b>Reception Dinner address by Shashi Tharoor, Minister of State, Human Resource Development, Government of India on “India and the World of the 21<sup>st</sup> Century”</b>

**DAY TWO: TUESDAY, 19<sup>th</sup> NOVEMBER, 2013 (CREST HALL)**

09:00 – 10:30

**Session V: “Multi-lateral Disciplines on Trade and Competition: Overview of the Debate”**

While cross-border operations and international trade have spread at a fast pace, the same cannot be said about international co-operation to act against such anti-competitive practices which seems to still be at a nascent stage. While agreements exist at the bilateral and regional levels, their potential is rather limited for developing countries. Scholars and policy makers globally are of the view that only a binding multilateral agreement with a designed focus to promote competition throughout the world would be able to achieve this.

**Chair**

Mark Pearson, Deputy CEO, Australian Competition and Consumer Commission, Australia

**Keynote Speaker**

Frédéric Jenny

**Panelists**

- Philippe Brusick, Chairman, PRB International, Switzerland
- Shanker A. Singham
- Hilary Jennings, Consultant & Former Head of Global Relations for Competition, OECD
- Sumit K. Majumdar, Professor, University of Texas, Dallas, USA

10:30 – 10:45

**Tea Break**

10:45 – 12:00

**Session VI: “Strengthening Transparency and Accountability in Public Procurement – Competition is a key”**

The relationship between public procurement and competition has off late been receiving an increasing amount of attention, both in academic and policymaking circles. It is becoming common ground that public procurement holds a complex and bidirectional relationship with market competition and that, consequently, a tighter link between public procurement and competition law enforcement needs to be established. It is globally known now that there are competition distortions caused by government policies and laws. The yardsticks of fairness, integrity and transparency through competition, efficiency and economy in public procurement practices, have either failed to achieve their objective or have not been very effective. A well laid down advocacy agenda is crucial in creating awareness about the risks to competition in procurement procedures and at the same time developing appreciation of the benefits of inculcating competition in public procurement processes.

**Chair**

Bibek Debroy, Research Professor, Centre for Policy Research, India

**Keynote Speaker**

R.S.Khemani, Principal, Microeconomic Consulting & Research Associates, Inc. USA

### Panelists

- S. L. Bunker, Member, Competition Commission of India
- David Cousins, Professorial Fellow, Monash University, Australia
- John Davies, Head-Competition Division, OECD, France
- Shan Ramburuth, Former Commissioner, Competition Commission of South Africa

**12:00 – 13:00**

### **Session VII: Global Landscape of Competition Scenario in 60 minutes**

### Moderator

Alice Pham, Director, CUTS International-Hanoi Resource Centre

### Speakers

- Samuel Kofi Date-Bah, Retired Justice, Supreme Court of Ghana – *On West Africa*
- Ahmed Farouk Ghoneim, Professor of Economics, Cairo University, Egypt – *On MENA Regions*
- Sandeep Vaheesan, Special Counsel, American Antitrust Institute, USA – *On United States and Canada*
- John Davies – *Implications of globalisation for competition law enforcement*
- M.M.Sharma, Head-Competition Law and Policy, Vaish Associates, India - *Antitrust Enforcement on Cartels (Asian Perspective)*
- Omar Ousman Jobe, Director, Africa Competition Forum, Kenya- *State of play on competition regimes in Africa*

**13:00-13:30**

### **Valedictory Session**

### Rapporteur

Sanjeev S. Ahluwalia and Kasturi Moodaliyar

### Closing Remarks

- Nitin Desai, President, CUTS Institute for Regulation & Competition
- Frédéric Jenny
- Pradeep S Mehta

**13:30 – 14:30**

### **Lunch & Departures**