

## RECENT TITLES

COMPETITION & INVESTMENT



### Competition Regimes in the World – A Civil Society Report

This report is an attempt to map out competition regimes around the world from the civil society perspective. It covers about 120 countries, including European Union which is a supra-national competition jurisdiction. Most of the countries covered in the report have a competition regime, while some are still in the process of adopting one. The publication is primarily based on the voluntary contributions of various International Network of Civil Society Organisations on Competition (INCSOC) members and other experts and practitioners whose names appear in the respective country reports. INCSOC was floated by several CSOs in 2003, in the aftermath of CUTS' pioneering Project, namely '7Up1', so as to promote a healthy competition culture around the world.

The country papers in the compilation provide a glimpse of the competition scenario in the selected countries in a simple language. It would serve as an almanac, resource material as well as the launching pad for taking up more analytical work in future. The report will also help the readers to understand where a particular country stands *vis-à-vis* other countries in relation to development of competition regime. Thus, it would be useful for all groups of stakeholders including policy-makers, regulators, civil society members, academia and business representatives.

Due to the enormous work, the book was released as an 'advance copy' at the 'fifth UN Conference on Competition' at Antalya, Turkey, on November 14-18, 2005. The final copy was released at Cape Town, on May 02, 2006, on the sidelines of the annual conference of the International Competition Network (ICN). This report has been fine tuned over the time with latest developments.

*For India Rs3000, and for outside India US\$150 respectively The same can be viewed at: [www.competitionregimes.com](http://www.competitionregimes.com)*

**CUTS**  
International

**Consumer Unity & Trust Society**

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D-217, Bhaskar Marg, Bani Park, Jaipur 302 016, India, Ph: 91.141.228 2821, Fx: 91.141.228 2485  
Email: [cuts@cuts.org](mailto:cuts@cuts.org), Website: [www.cuts-international.org](http://www.cuts-international.org)



## Institutions and Pro-Poor Growth in Bangladesh: IPPG Inception Phase Study

This paper was prepared for the inception phase of the Department for International Development (DFID) funded Research Programme, Institutions and Pro-Poor Growth (IPPG). The paper is an exploratory study of Bangladesh, which aims to address the following question: “why is economic growth in Bangladesh not more pro-poor given the various shifts and changes in the economy since 1990?” This exploratory study has sought to address this question by placing emphasis on employment-creating sectors and the relationship between economic, social, political and cultural institutions.

It has three parts. The first is a literature review which besides looking into the key moments of *Bangladeshi* history and their implications for growth and poverty, explores institutional changes and the (changing) relationship between economic institutions and social/political/cultural institutions. The second part of the exploratory study is a series of diagnostic interviews with stakeholders associated with the aforementioned sectors. The third part of the exploratory study includes detailed sub-sectoral analyses of the ready-made garment (RMG) and poultry industries.

While emphasising the role of economic and social institutions in supporting and promoting pro-poor growth in Bangladesh, the paper finds that weak political institutions and the skewed distribution of resources (economic, as well as political capital) has resulted in a relatively more *de facto* political power in the hands of a few, which, in turn, is hindering the process of pro-poor growth.

*IPPG Working Paper*  
The same can be viewed at: <http://www.lse.ac.uk/collections/IPPG/PDF/IPPG%20WorkingPaper/IPPGWP2BangladeshCaseStudyBCHATTERJEEetalJune2006.pdf>

## Fairplay Please!



Competition has become a driving force in today's integrating world. Countries are adopting trade and economic liberalisation policies, both due to pressures of the WTO and of their own volition, and moving towards a market economy. However, due to market distortions, the benefits of trade and economic liberalisation do not necessarily always accrue to the economy. Hence, countries around the world are also designing and implementing market regulatory instruments, such as in securities, utilities and so on. One such economy-wide regulatory instrument is a competition law and policy, which is no longer a rich country luxury, but has become an important public policy to provide safety nets.

Strongly aware of the severe resource and capacity constraints that developing countries are facing in the path towards a competition regime, CUTS Centre for Competition, Investment & Economic Regulation (CUTS C-CIER) has taken up initiatives codenamed as '7Up Projects', which endeavour to accelerate the process towards a well-suited competition law and policy in select countries in different regions of the world. The 7Up1 covered select countries of South Asia and Eastern and Southern Africa, while the 7Up2 covers select countries of South and Southeast Asia, viz. India, Nepal, Bangladesh, Lao PDR, Cambodia and Vietnam; and advance the environment in which the law and policy be enforced through various research-based advocacy and capacity building activities.

This research volume is the second in our '7Up' series, the first being: 'Pulling Up Our Socks', which focused on what is needed to buttress the existing competition regimes to make them more effective. The present volume is a compendium of the synthesis report and six country chapters prepared within the framework of our 7Up2 project. However, the current project was more challenging, as five of the six countries did not have a competition law, with India being the exception thus, the title of this report symbolises the need to promote fairplay in the marketplace.

"Fairplay Please!" – This motto hopefully will ring the bells in a manner forceful enough, to call for goodwill and cooperation, warn wrongdoers, and move the champions, the opinion leaders among the society, so that laws are adopted, and mechanisms set to work towards effective market for growth and development with equity around the world.

*Book*  
Suggested Contribution: Rs 900/US\$50



## Extraterritorial Application of Competition Laws in the US and the European Union

(No.4/2006)

“From the day the Sherman Act was passed to the present time, it has been clear that the United States (US) antitrust laws have some application to foreign trade and commerce. On the other hand, it is equally clear that the US did not, and cannot, legislate rules of market organisation or behaviour for the entire world”.

Competition laws, such as the European Commission (EC) competition law and US antitrust law certainly must have some application to foreign commerce or conduct, if that conduct adversely affects its domestic commerce, in order to retain and promote competition in the domestic market. The question remains as to the exact scope of jurisdiction over conduct abroad – so called ‘extraterritorial’ application of commercial laws.

The aim of this paper is to analyse and compare the scope of US and European Union (EU) jurisdictions regarding anticompetitive conduct abroad.

*Briefing Paper*

*The same can be viewed at: [http://www.cuts-international.org/pdf/Extraterritorial\\_4-2006.pdf](http://www.cuts-international.org/pdf/Extraterritorial_4-2006.pdf)*



## Towards an Asian Economic Community by 2020

(No.2/2006)

Regionalism has become a key component of the new international economic order, fundamentally altering the world trade landscape. It offers to both developed and developing countries a new and attractive complimentary strategy to multilateralism. Today, more than one-third of global trade takes place between countries that have some form of reciprocal trade agreement (RTA). The EU and the US are playing a prominent role in the proliferation of RTAs, but Asia is no exception to this trend.

This briefing paper examines the evolving regional trading panorama on the Asian continent, spanning from the Far East and Southeast to the South, West and Central Asian region, with its recent surge in bilateralism, including its implications for evolving a regional trade architecture. It argues that by facilitating the development of a seamless region-wide zone of trade and investment, the region will enhance its prospects for becoming the world’s centre for economic growth and prosperity by 2020.

*Briefing Paper*

*The same can be viewed at: <http://wwwcuts-citee.org/PDF/BP2-2006.pdf>*



## Trade Preferences: Furthering Development or Political Interest?

(TDP No.2/2006)

The issue of trade preferences for developing and least developed countries (LDCs) gained high visibility at the World Trade Organisation (WTO) Hong Kong Ministerial 2005 through, for example, the discussions on duty free and quota free market access for LDCs. In the first place, securing trade preferences itself is generally viewed as an achievement by developing countries, and at the same time provides benefactor countries with a 'good reputation' in the international arena.

The debate that ensued as a consequence of the latest promises by developed countries to cut their tariffs in favour of the more vulnerable economies shows the extent of media attention that this issue has attained, on the premises that it is a crucial factor for speedy economic development in developing countries and LDCs. Still, more often than not the grant of preferential treatment does not come as a 'free gift': this aspect has long been denounced by stakeholders and development actors, and is further proved by the use of preferences as a bargain card during the last round of WTO negotiations in order to gain more from developing countries on the liberalisation of their markets.

This briefing paper discusses the evolution of the political motives behind trade preferences from the post-World War II period to the creation of the WTO. It undertakes a critical analysis of trade preferences as a source of aid with a view to answer the *cui bono* (who benefits?) question.

*Briefing Paper*

The same can be viewed at: <http://www.cuts-citee.org/PDF/tdp-2-2006.pdf>



## Reforms in Food Corporation of India: Case of Wheat Imports

(GRANITE No.1/2006)

The Food Corporation of India (FCI) was set up under the Food Corporation Act 1964, in order to fulfill certain objectives of the food policy. These objectives include effective price support operations for safeguarding the interests of the farmers, distribution of foodgrains across the country through the public distribution system (PDS) and maintaining satisfactory level of operational and buffer stocks of foodgrains to ensure National Food Security.

The issue of wheat imports has given rise to a number of controversies and highlights the extreme inefficiency of the FCI. This inefficiency has resulted into high food subsidy bill. The gross anomalies in the system need to be balanced with certain radical reforms. Introduction of food stamps is a promising alternative in this regard. This has not only great potential of effective transfer of food subsidy to the poor, but also has the potential to benefit the poor local foodgrain producers.

*Briefing Paper*

*Suggested Contribution: Rs.20/US\$5*

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