

What People Say

"By reading the book, one can know about 150 years of evolution of competition law, along with its different aspects of legislation and implementation. The book helps in categorising competition authorities worldwide on the basis of the different types of institutional structures they follow, which would be extremely useful while assessing their efficiencies"

Santiago Roca, President of the Board, Peruvian competition agency: INDECOPI.

"The volume is a unique contribution to competition literature. It would plug a significant knowledge gap relating to competition scenarios the world over"

Frederic Jenny, a noted international competition expert and Judge, French Supreme Court

"The book is possibly the first attempt to present together competition scenario of so many developing countries in one volume"

George Lipimile, Executive Director of Zambia Competition Commission

"The uniqueness of the book lies in the fact that it analyses the competition process in the informal sector which comprises a significant part of the economy in many developing countries"

Gesner Oliveira, a competition expert and former Head of the Brazilian competition authority: CADE.

"There is no other publication which provides such a comprehensive overview of competition policy regimes around the globe. It is a very rich reference material, for researchers and policy makers, and most especially for developing countries trying to develop a competition policy that would work for them. The book is worthy of all accolades"

Erlinda Medalla, Research Fellow, Philippine Institute for Development Studies

"The book would serve as an important tool in the hands of consumer and other civil society activists, who are trying hard to get a better deal for consumers in different parts of the world"

Allan Asher, co-chairperson of INCSOC and former Deputy Chairman of the Australian Competition & Consumer Commission

"The report is very impressive. This is yet another innovative and highly useful endeavour by CUTS. It is a comprehensive report of all the existing competition regimes in the World, written by scholars and practitioners. I am sure the book will be of much value to many interested in the competition regimes"

Michal Gal, Senior Lecturer and Director of Law & MBA Programme, University of Haifa, Israel

"Good work done with the information provided on the Romanian Competition Regime"

Razvan Resmerita, Secretary General, Romanian Association for Consumers Protection

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Competition Regimes in the World

— A Civil Society Report

Foreword by
Supachai Panitchpakdi

Edited by
Pradeep S Mehta

Introductory Chapter with
Simon J Evenett

www.competitionregimes.com


CUTS
International

 International Network of Civil Society
Organisations on Competition (INCOSOC)

Competition is a process of economic rivalry between market players to attract customers. These market players can be multinational or domestic companies, wholesalers, retailer, or even the neighbourhood shopkeeper. In their pursuit to outdo rival enterprises, market players either adopt fair means (producing quality goods, being cost efficient, adopting appropriate technologies, etc.) or indulge in unfair measures (carrying out restrictive business practices – such as predatory pricing, exclusive dealing, tied selling, collusion, cartelisation, abuse of dominant position, etc.).

In the interest of consumers, and the economy as such it is necessary to promote an environment that would facilitate competitive outcomes in the market, and curb anticompetitive behaviour by the players. In other words, it is essential to evolve a 'level playing field' by putting in place appropriate policies and legislations to ensure competition in the marketplace, for the benefit of the economy and consumers.

More and more countries are waking up to the reality that a competition law is not a luxury but a necessity in the current context of liberalisation and privatisation of the economies happening throughout the world, especially in the developing world. It is, therefore, no surprise that more and more countries are embracing competition laws, while many are adopting new laws after scrapping old ones.

In the beginning of 1990, there were about 30 countries with a competition law, while presently the number has raced to exceed 100, with quite a few in the process of adopting a competition legislation very soon.

This report is an attempt to map out competition regimes around the world and covers 119 countries. Most of the countries covered in this volume have a competition legislation, while some are in the process of adopting one. The report also carries a brief description of the regulatory regime and the consumer protection framework of each country. Each of the chapters are illustrated with box stories on competition cases, which offer a good insight.

In the overall, the country papers in the compilation provide a glimpse of the competition scenario in the selected countries in a simple language, and exhibit information under the following broad categories:

- Basic introduction and country profile;
- Economic background;
- Genesis and environment of competition regime;
- Competition law and institutions;
- Examples of anticompetitive business practices;
- Sectoral regulatory regime;
- Consumer protection framework; and
- Future scenario.

This report contains essays on the countries by a large number of activists, scholars, experts and practitioners, whose names appear as authors in the corresponding chapters.

It serves as a ready reference for readers to understand where a country stands *vis-à-vis* other countries in the development of competition regimes – something of utmost importance to all groups of stakeholders, including policy-makers, academia, civil society and the business community.

Extracts from the 'Foreword'



CUTS and UNCTAD have a long history of collaboration on creating a competition culture in the developing world. It is thus a pleasure for me to commend the long-term efforts undertaken in this field by CUTS.

The present report, which attempts to compile the most recent information about *Competition Regimes in the World*, is a very ambitious and invaluable atlas of competition regimes worldwide.

I personally found the contents very interesting, and I hope that this publication by civil society will reinforce the momentum for all countries to progress in making their markets more competitive by adopting, and better implementing, competition laws and policies – one of the main objectives of the UN Competition Set.

Supachai Panitchpakdi
Secretary General, UNCTAD

- **Policy-makers and competition authorities**, so as to learn about the competition regimes around the world and how the knowledge can help them to improve the situation in their own countries.
- **Academics, lawyers and other professionals**, so that they too can, in one place, observe the contours of competition laws in various countries of the world for use in their own work.
- **Civil society personnel**, so that they can learn on how competition law benefits the consumer and the economy and be able to advocate for a better competition culture in their own domains.
- **Business executives**, in order to improve their own understanding of various regulatory regimes around the world and how to use the knowledge to be better corporate citizens.

Table of Contents

Foreword for this report has been written by Dr. Supachai Panitchpakdi, Secretary General, UNCTAD, Geneva, Switzerland. **The Introductory Chapter** by Pradeep S Mehta & Simon J Evenett, (Chair, International Trade & Economic Development, University of St. Gallen, Switzerland), lays out the history of competition laws in the world and how each country went about adopting and strengthening their laws.

I. Asia Pacific

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|--------------------|---------------|----------------------|---------------|-------------|
| • Armenia | • Australia | • Azerbaijan | • Bangladesh | • Bhutan |
| • Brunei | • Cambodia | • China | • Fiji | • Hong Kong |
| • India | • Indonesia | • Israel | • Japan | • Jordan |
| • Kazakhstan | • Korea | • Kyrgyzstan | • Lao PDR | • Lebanon |
| • Malaysia | • Mongolia | • Nepal | • New Zealand | • Pakistan |
| • Papua New Guinea | • Philippines | • Russian Federation | • Singapore | • Sri Lanka |
| • Taiwan | • Tajikistan | • Thailand | • Uzbekistan | • Vietnam |

II. Africa

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|------------|-----------|----------------|----------------|----------------|
| • Algeria | • Angola | • Benin | • Botswana | • Burkina Faso |
| • Cameroon | • Egypt | • Ethiopia | • The Gambia | • Ghana |
| • Kenya | • Malawi | • Mauritius | • Mozambique | • Namibia |
| • Nigeria | • Senegal | • Sierra Leone | • South Africa | • Swaziland |
| • Tanzania | • Tunisia | • Uganda | • Zambia | • Zimbabwe |

III. Europe

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|------------------|-------------------------|------------------|-------------|------------------|
| • Albania | • Austria | • Belarus | • Belgium | • Bulgaria |
| • Croatia | • Cyprus | • Czech Republic | • Denmark | • Estonia |
| • European Union | • Finland | • France | • Georgia | • Germany |
| • Greece | • Hungary | • Iceland | • Ireland | • Italy |
| • Latvia | • Lithuania | • Luxembourg | • Macedonia | • Malta |
| • Moldova | • Netherlands | • Norway | • Poland | • Portugal |
| • Romania | • Serbia and Montenegro | • Slovakia | • Slovenia | • Spain |
| • Sweden | • Switzerland | • Turkey | • Ukraine | • United Kingdom |

IV. Americas

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|---------------------|-------------|----------------------------|-------------|---------------|
| • Caricom Countries | • Argentina | • Bolivia | • Brazil | • Canada |
| • Chile | • Colombia | • Costa Rica | • Ecuador | • El Salvador |
| • Guatemala | • Jamaica | • Mexico | • Nicaragua | • Panama |
| • Paraguay | • Peru | • United States of America | • Venezuela | |

Editor



Pradeep S Mehta is the founder Secretary General of Jaipur-based Consumer Unity & Trust Society (CUTS International), a leading research, advocacy and networking organisation established in India in 1984. CUTS now operates out of six offices in India, and one each in Zambia, Kenya and the UK.

He is the Co-Chair of International Network of Civil Society Organisations on Competition (INCSOC). He also serves on the advisory bodies of the Manchester University's Centre on Regulation and Competition, and on Loyola University's Institute of Antitrust and Consumer Protection. Further, he is a member of the WTO Director General's Informal NGO Advisory Body; World Bank Operations Evaluation Department's High Level External Advisory Panel for Trade Assistance Evaluation, CII National Committee on Infrastructure, India, among others.

He writes extensively in the national and international press and has published several papers and books which include: Essays on the International Trading System – An Unfinished Journey; Towards a Functional Competition Policy for India; Multilateralisation of Sovereignty; Analyses of Interactions between Trade and Competition Policy; State of the Indian Consumer; and others.