



Rabat, 28 November 2012

## **Meeting to Discuss Objectives and Possible Structure of a Euro-Mediterranean Competition Network**

**15th to 16th November in Rabat**

### **Summary of the meeting**

- I. Round Tables**
  - II. Conclusions**
  - III. List of participants**
  - IV. Programme**
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#### **I. Round Tables**

The Competition Council of Morocco in cooperation with the Federal Austrian Competition Authority (BWB) and the United Nations Conference on Trade and Development (UNCTAD) organized a meeting held in Rabat from November 15<sup>th</sup> to 16<sup>th</sup>. The meeting aimed at allowing some reflection on and have discussions on the possibility to put in place a Euro-Mediterranean Competition Network.

The meeting in Rabat follows the general consensus to foster regional cooperation in the area of competition law and policy, expressed by competition authorities in the meetings in Vienna, December 2011, in Doha, April 2012, and in Geneva, July 2012.

The ambassador of the European Union in Morocco, the Austrian ambassador to Morocco, high level representatives of competition authorities in the Euro-Mediterranean area and neighbourhood (Austria, Egypt, France, Malta, Morocco, Qatar, Tunisia and Turkey), representatives of UNCTAD and the European Commission as well as representatives of the civil society<sup>1</sup> participated.

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<sup>1</sup> List of participants, see point III.

During the two days meeting three round tables were held.<sup>2</sup>

## **1. First Round Table**

The first Round Table allowed for an information exchange of the institutions present, each presenting their experiences and their activities in cooperation. Also present and future needs and priorities were presented. The needs were primarily the promotion of competition culture, improving the institutional set up and legal framework and the level of expertise. It was repeatedly emphasized that the creation of a platform facilitating exchange of experience with regard to the specific needs of competition authorities would be useful and important. Thereby allowing a more tailor made approach when targeting and identifying obstacles in the region and developing solutions.

First, the debate allowed identifying certain needs and priorities of the authorities present. Second, it helped to identify a number of instruments of technical assistance available by international organisations like UNCTAD and the European Union which could be made available for authorities in the region. Third, the discussions showed how regional cooperation would need to look like to provide an added value in the region.

UNCTAD presented shortly their Latin American technical assistance programme “COMPAL”<sup>3</sup> as an example of successful regional cooperation, the concept of which could be transferred to other regions. UNCTAD emphasized their support for the initiative of cooperation in the Euro-Mediterranean region and offered to host a workshop in Geneva at the margins of the 13<sup>th</sup> IGE conference.

The European Commission presented different initiatives and programmes (Twinning, TAIEX etc.) which show their commitment to strengthening competition law and policy in the region.

## **2. Second Round Table**

In the course of the second Round Table it was discussed how regional cooperation could be organized in the future and what type of structure should be chosen. Also it was decided who would be actively involved in coordinating the activities.

The discussion allowed for a number of important questions to be raised and discussed. Different ways on organizing regional cooperation were proposed and also the specific features to avoid an overlap with other activities or existing fora of cooperation were emphasized.

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<sup>2</sup> Programme of the Meeting, see point IV.

<sup>3</sup> Competition and Consumer Protection Policies for Latin America (COMPAL).

The participants looked at already existing regional fora<sup>4</sup>, which exist and complement the existing international worldwide fora addressing the common concerns at the big annual conferences on competition law. It was emphasized that regional cooperation can provide an added value in that it may cover specific situations/problems focusing on the socio-economic specificities of the region and working in the languages of the region.

On the basis of the needs and priorities identified in the first round table and considering the problems and challenges faced by competition authorities, specifically by young authorities and those just coming into being, in implementing competition law & policy the participants discussed the possible objectives of a regional structure. The ideas presented centred around the understanding of the socio-economic structures in the region, strengthening of the institutional capacity of the authorities in the region, especially their independence, fostering convergence in the region (procedures and substantive laws) and establishing and elaborating cooperation on topics and cases that are of cross-border importance.

It was decided to opt at least for the next two years for an informal structure called « Euro-Mediterranean Competition Forum (EMCF) » open to all Authorities in the region and neighbourhood, International Organizations and certain representatives of civil society.

It was highlighted by the participants that the expertise and knowledge of members of civil society would enhance and provide an added value to the network. It was decided that eligibility criteria would be elaborated on how members of civil society could become eligible and how they can play a role in this cooperation.

For the next two years three meetings were agreed on. UNCTAD proposed to host a workshop at the margins of the yearly UNCTAD meeting in July. Tunisia proposed to host another workshop in November 2013 and Malta offered to host the next conference in 2014. The two meetings in Geneva and in Tunisia will deal with specific topics but also allow to prepare the meeting in Malta, which will also serve to launch a formal network.

A provisional Committee was established to coordinate the activities: representatives of Austrian Competition Authority, Moroccan Competition Council, Tunisian Competition Council and Turkish Competition Authority as well as Mr. Hassan QAQAYA as representative of UNCTAD and Mr. Krzysztof Jaros as representative of civil society. The Moroccan Competition Council and the Austrian Federal Competition Authority will preside the Committee<sup>5</sup>.

### **3. Third Round Table**

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<sup>4</sup> E.g.: European Competition Network (ECN), European Competition Authorities (ECA), Competition and Consumer Protection Policies for Latin America (COMPAL), African Competition Forum (ACF), Organization Islamic Cooperation (OIC)...

<sup>5</sup> List of Coordination Committee members, see appendix.

The third Round Table had as objective to establish the working programme for 2013. Four topics were presented and proposed by the Moroccan Competition Council for discussion:

- ▶ T 1 : Implementing objective conditions to allow the emergence of independent Competition Authorities
- ▶ T 2 : Cooperation between Competition Authorities for the instruction of inter – Mediterranean cases/topics
- ▶ T 3 : Importance advocacy in Mediterranean countries
- ▶ T4: Competition Authorities and Protection Consumer Authorities: coordination or one institution?

Only three topics were withheld after the discussions (T1,T2 and T3). Another topic entitled «legal framework for the specifications and consultative role of Competition Authorities: practical case studies» was proposed by Tunisia and accepted for the meeting in Tunis.

It was agreed that the third topic (T3) will be debated next July in Geneva at the workshop to be held on the sidelines of the 13th IGE session of UNCTAD.

The first topic (T1) and the topic proposed by Tunisia were selected for the workshop in Tunis on November 2013

Topic two (T2) was listed as the second item on the agenda of the constitutive meeting, planned for the meeting in Malta 2014.

At the end of the conference a memorandum of understanding was signed between the Federal Austrian Competition Authority and the Competition Council of Morocco, signed by the heads of those two institutions<sup>6</sup>.

## **II. Conclusions**

Following two days of intensive reflection, assessment and debates the following points were agreed on:

- ❖ Putting an informal network called « Euro-Mediterranean Competition Forum (EMCF) » in place for the next two years, to be revised in Malta 2014;
- ❖ Making Forum an open and inclusive initiative, this means that membership remain open for new members interested;

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<sup>6</sup> This memorandum goes back to a bilateral meeting in Vienna on December 2011.

- ❖ Two workshops will be organized during the 2013 year: One by UNCTAD in Geneva in July and one by the Competition Council of Tunisia in November;
- ❖ Four topics will be dealt with in 2013 and 2014:
  - 1) Advocacy in Mediterranean countries (Geneva workshop, 2013);
  - 2) Implementing objective conditions allowing the emergence of independent Competition Authorities (Tunis workshop, 2013);
  - 3) Legal framework for the specifications and consultative role of Competition Authorities: practical case studies (Tunis workshop, 2013);
  - 4) Cooperation between Competition Authorities for the instruction of inter – Mediterranean cases (Malta meeting, 2014).
- ❖ Holding the first EMCF bi-annual meeting in November 2014 in Malta. Two items on its agenda:
  - 1) Revising the structure of cooperation to proceed to an official network of Euro-Mediterranean cooperation on competition issues
  - 2) Reflection on cooperation alternatives on cases/topics that are of cross-border importance.
- ❖ A provisional Coordination Committee was established to coordinate the activities for the next year: representatives of Austrian Competition Authority, Moroccan Competition Council, Tunisian Competition Council and Turkish Competition Authority, as well as the representative of UNCTAD and representative of civil society. The Moroccan Competition Council and the Austrian Federal Competition Authority will preside the committee.
- ❖ Three working languages were adopted: French, Arabic and English
- ❖ It was decided to elaborate certain criteria of eligibility for members of civil society.

### III. List of participants

<b>Institutions/Competition Authorities</b>			
	<b>Name</b>	<b>Institution</b>	<b>Country</b>
1	Wolfgang ANGERHOLZER	Ambassador to Morocco	Austria
2	Theodor THANNER	DG / Federal Competition Authority	Austria
3	Natalie HARSDORF	Federal Competition Authority	Austria
4	Ayman CHAFEI	Competition Authority	Egypt
5	Marianne FAESSEL-KAHN	Competition Authority	France
6	Sylvann AQUILINA ZAHRA	Chairman /Office for Competition-CCAA	Malta
7	Abdelali BENAMOUR	Chairman /Competition Council	Morocco
8	Rachid M'RABET	Competition Council	Morocco
9	Mohammed El MERGHADI	Competition Council	Morocco
10	Mohammed ABOUELAZIZ	Competition Council	Morocco
11	Khalid El BOUAYACHI	Competition Council	Morocco
12	Jihan BENNIS	Competition Council	Morocco
13	El Hassan BERRY	Competition Council	Morocco
14	Jaouad LBADAoui	Competition Council	Morocco
15	Omar TABIA	Competition Council	Morocco
16	Larbi BENABDALLAH	Competition Council	Morocco
17	Mohamed ELKHATTABI	Competition Council	Morocco
18	Sanae ELHAJOUi	Competition Council	Morocco
19	Hicham BOUAYAD	Competition Council	Morocco
20	Rachid BENABDALLAH	Competition Council	Morocco

21	Anissa LAZRAQ	Competition Council	Morocco
22	Abdelilah QACHCHACH	Competition Council	Morocco
23	Latifa LABLIH	Competition Council	Morocco
24	Hind ALAOUI	Competition Council	Morocco
25	Maria SBAI	Competition Council	Morocco
26	Sanae ELMAHJOUBI	Competition Council	Morocco
27	Halima BENSOUDA	Competition Council	Morocco
28	Youssef OTMAN	Competition Council	Morocco
29	Saoud AL-ASIRI	Consumer Protection and Competition Department - MBT	Qatar
30	Abdullah AL-SULETY	Consumer Protection and Competition Department- MBT	Qatar
31	Salwa BEN OUALI	Vice- Chairman / Competition Council	Tunisia
32	Lerzan KAYIHAN UNAL	Competition Authority	Turkey
33	Ozgur BAL	Competition Authority	Turkey
<b>International Organizations</b>			
	<b>Name</b>	<b>Department</b>	<b>Institution</b>
34	Patricia CORDOVILLA	Competition and Protection Consumer Branch	UNCTAD
35	Eneko LANDABURU	Ambassador to Morocco	European Union
36	Miek VAN DER WEE	DG Competition	European Commission
<b>Civil Society</b>			
	<b>Name</b>	<b>Position</b>	<b>Country</b>
37	Mona YASSINE	Vice-Chairman/Association for the Protection of Competition	Egypt
38	Krzysztof JAROS	Competition Expert	Germany
39	Noureddine TOUJGANI	Professor in Law	Morocco

## IV. Programme of the meeting

### Rabat, 15th and 16th November 2012

<b>Wednesday</b> <b>November 14th, 2012</b>	Delegates Arrival	
<b>Thursday</b> <b>November 15th, 2012</b>	9.00 – 9.30	Registration
	9.30 – 9.45	<b>Opening Allocution</b> <b>Abdelali Benamour</b> , President of Moroccan Competition Council
	9.45 – 10.00	<b>Mona YASSINE</b> , Vice-Chairman of Egyptian Association for the Protection of Competition
	10.00 – 10.30	Coffee Break
	<b>First Round Table</b> <b>Presentation of Experiences : assessments and needs</b> <b>10.30 – 13.00</b> Chairman of the session : <b>Mohammed EL MERGHADI</b> , Secretary General of The Moroccan Competition Council	
	10.30 – 10.45	Opening Allocution : Chairman of the session
	10.45 – 11.00	European Union presentation : <b>Miek Van Der Wee</b> , Head of International Relations, General Direction of Competition, European Commission
	11.00 – 12.10	Competition Authorities and Civil Society representatives presentations : review, needs and priorities for the future
	12.10– 12.50	General debate interactive
	12.50 – 13.00	Summary : <b>Khalid El Bouayachi</b> , General Case Handler, Moroccan Competition Council
	13.00 – 14.00	Lunch
	15.00	City tour of Rabat



<p style="text-align: center;"><b>Friday</b> <b>November 16th, 2012</b></p>	<p style="text-align: center;"><b>Second Round Table</b></p> <p style="text-align: center;"><b>Organizational Priorities of the future structure :</b></p> <p style="text-align: center;"><b>Structured Network or informal Structure</b></p> <p style="text-align: center;"><b>9.00 – 11.00</b></p> <p>Chairman of the session : <b>Theodor Thanner</b> , Director General of the Federal Austrian Competition Authority</p>	
	9.00 – 9.15	Opening Allocution : Chairman of the session
	9.15 – 10.15	Discussion on the general structuring : objectives, missions, functioning and organization
	10.15 – 10.45	Cooptation of the monitoring structures of the euro-Mediterranean debate on competition
	10.45 – 11.00	Summary : <b>Natalie HARSDORF</b> , Case Handler Enforcement Department International Relations, Federal Austrian Competition Authority
	11.00 – 11.30	Coffee Break
	<p style="text-align: center;"><b>Third Round Table</b></p> <p style="text-align: center;"><b>Work Program for 2013</b></p> <p style="text-align: center;"><b>11.30 – 13.30</b></p> <p>Chairman of the session : <b>Patricia Cordovilla</b>, Competition and Consumer Policies Branch, UNCTAD</p>	
	11.30 – 11.45	Opening Allocution : Chairman of the session
	11.45 – 12.00	Presentation of the 2013 work program <b>Jihan Bennis</b> , Case Handler Coordinator, Moroccan Competition Council
	12.00 – 13.00	Debate
	13.00 – 13.15	Summary : <b>Mohammed Abouelaziz</b> , Advisor of the President, Moroccan Competition Council
	13.15 – 13.30	Closing work
	13.30 – 14.30	Lunch

## Appendix: List of Coordination Committee members of Euro-Mediterranean Competition Forum (EMCF)

Institution	Name	Function	Quality CC-EMCF	E-mail
Competition Council of Morocco	<b>Abdelali BENAMOUR</b>	President	President	<a href="mailto:A.benamour@conseil-concurrence.ma">A.benamour@conseil-concurrence.ma</a>
	Jihan BENNIS	Case Handler Coordinator	Deputy member	<a href="mailto:J.bennis@conseil-concurrence.ma">J.bennis@conseil-concurrence.ma</a>
Federal Competition Authority of Austria	<b>Theodor THANNER</b>	Director General	Président	<a href="mailto:Theodor.thanner@bwb.gv.at">Theodor.thanner@bwb.gv.at</a>
	Natalie HARSDORF	Case Handler Enforcement Department International Relations	Deputy member	<a href="mailto:Natalie.harsdorf@bwb.gv.at">Natalie.harsdorf@bwb.gv.at</a>
Competition Council of Tunisia	<b>Mohamed FAOUZI BEN HAMMED</b>	President	Member	<a href="mailto:mohamedfaouzi.benhammed@cct.gov.tn">mohamedfaouzi.benhammed@cct.gov.tn</a>
	Saloua BEN OUALI	Second Vice President	Deputy member	<a href="mailto:saloua.benouali@cct.gov.tn">saloua.benouali@cct.gov.tn</a>
Competition Authority of Turkey	<b>Nurettin KALDIRIMCI</b>	President	Member	<a href="mailto:nkaldirimci@rekabet.gov.tr">nkaldirimci@rekabet.gov.tr</a>
	Lerzan KAYIHAN ÜNAL	Coordinator at the President's Office	Deputy member	<a href="mailto:lkayihan@rekabet.gov.tr">lkayihan@rekabet.gov.tr</a>
UNCTAD	<b>Hassan QAQAYA</b>	Head of Competition and Consumer Policies Branchm	Member	<a href="mailto:Hassan.qaqaya@unctad.org">Hassan.qaqaya@unctad.org</a>
	Patricia CORDOVILLA	Economics Affaires Officer	Deputy member	<a href="mailto:Patricia.Cordovilla@unctad.org">Patricia.Cordovilla@unctad.org</a>
Civil society	<b>Krzysztof JAROS</b>	Competition Expert	Member	<a href="mailto:kjaros@web.de">kjaros@web.de</a>

