

İSLAM İŞBİRLİĞİ TEŞKİLATINDA REKABET POLİTİKASI FORUMUNUN KURULMASI İÇİN BİR ÖNERİ

Metin TOPRAK^a

İstanbul Sabahattin Zaim Üniversitesi, Türkiye

MAKALE BİLGİSİ

Makale Geçmişi:

Başvuru: 2 Şubat 2021

Kabul: 4 Haziran 2021

Makalenin Türü:

Araştırma Makalesi

JEL Sınıflandırma:

G23

G29

E44

O16

Anahtar Kavramlar:

İslami Rekabet,
İslam İşbirliği Teşkilatı,
Rekabet Politikası Forumu,
Türkiye Rekabet Kurumu,

ÖZ

İslam İşbirliği Teşkilatı (İİT) üye ülkelerinde piyasa ekonomisinin kurumlar ve araçlar temelinde gelişimi henüz olgunlaşmamıştır. Türkiye, hem pazar ekonomisi hem de demokrasi açısından en gelişmiş İslam ülkeleri arasında yer almaktadır. OECD üyesi olması ve Avrupa Birliği ile uzun vadeli ilişkileri, Türkiye'nin İslam ülkeleri arasında bir rol model olmasını sağlamıştır. İİT nezdinde gerçekleştirilen çeşitli çalışmalar, Türkiye'nin en rekabetçi ekonomi olduğu ve İslam dünyasında rekabeti özendirmede öncülük kapasitesine sahip olduğunu göstermektedir.

Bu çalışmada, İİT ülkeleri arasında bir rekabet politikası forumu için organizasyonel ve işlevsel bir mimari önerilmektedir. Bu politika forumunun kapsamı, her ülkenin önde gelen ekonomik sektörleri bağlamında farklılık gösterebilir. Bu çalışma, Türk rekabet otoritesinin yürüttüğü İİT ülkelerine yönelik rekabet hukuku ve politikası üzerine bir alan araştırması ve sonrasında gerçekleştirdiği toplantı sonucuna göre bir öneri geliştirmiştir.

Bu şekilde, Türkiye bir yandan referans olma statüsünü güçlendirecek ve diğer yandan Batılı kurumlar, araçlar ve değerlerle ilgili deneyimlerini diğer İİT ülkelerine yansıtarak olumlu dışsallık yaratacaktır. Politika forumu için geliştirilen organizasyonel ve fonksiyonel mimari tasarım, OECD ve AB'nin yaklaşımlarıyla uyumludur.

^a **Sorumlu Yazar:** Prof. Dr. İstanbul Sabahattin Zaim Üniversitesi, E-posta: metin.toprak@izu.edu.tr, : <https://orcid.org/0000-0001-9217-6318>

Söz konusu çalışma İstanbul'da 21-22 Kasım 2011 tarihinde düzenlenen "İslam İşbirliği Teşkilatı (İİT) Üyesi Ülkelerin Rekabet Hukuku ve Politikası Alanındaki İhtiyaçlarının Tespiti" konulu konferansa dayanmaktadır. Söz konusu etkinlik Türk Rekabet Kurumu (TRK) ve İslam Ticareti Geliştirme Merkezi (ICDT) tarafından organize edilmiştir.

Kaynak göster: Toprak, M. (2021). İslam İşbirliği Teşkilatında Rekabet Politikası Forumunun Kurulması İçin Bir Öneri. *İslam Ekonomisi ve Finansı Dergisi*, 7(1), 51-87.

PROPOSAL FOR THE ESTABLISHMENT OF A COMPETITION POLICY FORUM IN THE ORGANISATION OF ISLAMIC COOPERATION

Metin TOPRAK^b

Istanbul Sabahattin Zaim University, Turkey

ARTICLE INFO

Article history:

Received: Feb 2, 2021

Accepted: June 4, 2021

Article Type:

Research Article

JEL Classification:

G23

G29

E44

O16

Keywords:

Islamic Competition,
The Organisation of Islamic
Cooperation,
Competition Policy Forum,
Turkish Competition Authority

ABSTRACT

In the Organization of Islamic Cooperation countries, the development of the market economy in terms of institutions and instruments is not yet mature. Turkey is among the most advanced Islamic countries in terms of both the market economy and democracy. Being a member of OECD and having long term relationships with the European Union has given Turkey a unique role model in the Islamic world. As a result of various workshops conducted by the OIC countries, Turkey is considered to be the most competitive economy and having a leading capacity to promote competition in the Islamic world.

In this study, it is envisaged to draft an organizational and functional architecture for a competition policy forum among OIC countries (Figure 1). This policy forum can be comprehensive in the context of the leading economic sectors of each country. In this study, a proposal has been developed according to the results of field research and subsequent meeting on competition law and policy for the OIC countries conducted by the Turkish competition authority.

In this way, Turkey will reinforce its benchmark status on the one hand and will create positive externality by reflecting its experiences with the Western institutions, instruments, and values to other OIC countries on the other hand. The organizational and functional architectural design developed for the policy forum is in line with the approaches of the OECD and the EU.

^b **Corresponding Author:** Professor, E-mail: metin.toprak@izu.edu.tr, <https://orcid.org/0000-0001-7272-0697>

This study is based on "Needs Assessment of the OIC Member States in the Field of Competition Law and Policy Conference" held in Istanbul, on November 21-22, 2011. This event was organized by the Turkish Competition Authority (TCA) and the Islamic Center for Development of Trade (ICDT).

To cite this article: Toprak, M. (2021). Proposal For the Establishment of A Competition Policy Forum In The Organisation Of Islamic Cooperation. *Journal of Islamic Economics and Finance*, 7(1), 51-87.

© IZU International Research Center for Islamic Economics and Finance. All rights reserved.

INTRODUCTION: MOTIVATION

There are many fields of cooperation that the Organization of Islamic Cooperation can lead to developing ideas, permanent working teams, and sub-institutions to disseminate outcomes obtained. However, neither OIC as the umbrella nor a relatively developed member country has not been able to create that kind of sustainable environment. This work aims at re-bringing a very high-profile subject to the agenda.

The Turkish Competition Authority (TCA) and the Islamic Center for Development of Trade (ICDT) planned to launch a technical assistance project (TAP) in the field of “*competition law and policy*” for the member economies of the Organization of Islamic Cooperation (OIC) following the seminar entitled “*Competition Policy in the OIC Member States: Present Status and Prospects*” held in Tunisia in 2010 (ICDT, 2010a). Istanbul Conference constitutes the first step in this process. It was expected that the Istanbul Conference would act as a “needs assessment” platform to develop a well-designed long-term TAP for the OIC member states with the joint work of all the interested OIC member states.

The very first idea leading to the Istanbul Conference came from the above-mentioned seminar organized in Tunisia in February 2010. Conclusions reached in the seminar address issues of cooperation among the OIC member states with recommendations to (i) launch a technical assistance program; (ii) cooperate in the exchange of information and experience; (iii) create a regular platform at the level of the OIC for discussions and cooperation.

The Turkish delegation offered to organize a similar event during the seminar in Tunisia. The proposal was submitted to the Standing Committee for Economic and Commercial Cooperation (COMCEC) Secretariat in 2011. The first stage of the TAP was the Istanbul Conference which aimed to discuss the needs of the OIC member states in the field of competition law and policy (COMCEC, 2011; UNCTAD, 2012).

The long term aim of the TAP is to support the OIC member states in the following fields (UNCTAD, 2019): (i) To assist the OIC member states in the following areas: Designing new or strengthening current competition regulation, which is the most suitable for the specific legal and economic architecture of the OIC countries.; (ii) Establishing new competition institutions or reinforcing current ones; (iii) Building capacity to conduct more productively enforcement of competition law; (iv) Encouraging a competition awareness through advocacy. In this context,

the Istanbul Conference aimed to gather information to the extent possible from the government agencies of the OIC member states responsible for competition law and policy to see the current picture as well as the challenges lying ahead of them. This information was intended to try to categorize the specific needs of the OIC member states.

In line with this and ahead of the Istanbul Conference, the TCA prepared a questionnaire both in English and French languages in July 2011. This questionnaire was sent to all the OIC Member States and Observer States through the Secretariat of COMCEC. The content of the questionnaire is extensively parallel with an OECD document (OECD, 2014) and overlaps with the OECD competition toolkit (OECD, 2019a). A report was prepared by the TCA based on the responses of 25 jurisdictions (24 OIC member states and 1 Observer State) to this questionnaire whose aim was to prepare a basis for the Istanbul Conference. Based on the report setting the ground for discussions during the Istanbul Conference the needs of the OIC members have been identified and a proposal of constituting a competition forum developed. It is quite meaningful that the survey was performed by Turkey since TCA has a relatively higher level of competence in the competition field among the OIC members. A recent report shows that the Arab world is still at the beginning of development in terms of culture and practice of competitiveness (World Bank, 2018).

The financial and organizational support of the Istanbul Conference was provided by TCA, ICDT, Islamic Development Bank, and The Statistical, Economic and Social Research and Training Centre for Islamic Countries (SESERIC). On the second day of the Istanbul Conference, a wrap-up panel was held, and a committee of experts was established to prepare a proposal for constituting the OIC Competition Policy Forum.

THE MEANING ATTRIBUTED TO THE COMPETITION IN TODAY'S WORLD³

One of the most basic presuppositions of economics assumes that as a primary pillar of a free market economy; competition has favorable effects on economic growth and social welfare. Today, for competition in a free

³ The publicized reports, information and statistics (mainly by OECD and ICN) used here referenced general without a detailed citation for the sake of reading-friendly.

market economy, the fundamental is also based on the adoption of the acceleration of economic growth and social welfare.

Competition is not only an important subject of discussion within an economy but also a controversial subject among countries. Along with the internationalization of business, states have come across international obstacles before a competition and thus cooperation between authorities to protect the national interests and those of national companies was encouraged. Over the last three decades, the role of the state has changed from being the main provider of social and economic services to being a regulator. Regional and global integration has reinforced the role of the best practice countries as being a reference. There are legal barriers to competition in many countries. Competition is prevented or substantially lessened via state monopolies, state-granted monopolies, tariffs, supports, or other protectionist measures.

The pattern of foreign trade of Islamic countries can be explained widely by absolute advantages resulting from their natural resources. However, comparative advantages⁴ are also considerable in relatively developed economies such as Turkey and Malaysia. As a matter of fact, the absolute advantage is more suitable to explain the trade of natural resources, while the comparative advantage is more suitable to explain the trade of processed agricultural products, industrial products, and services. Most OIC countries have not created a capacity to develop and export technology or R&D based products yet. The countries such as Japan, Germany, Korea, and China have managed to fulfill this process and their competitiveness level is not based on their natural resources, if their population is not considered as natural resources (Abdelrahman, 2015; Alpay et al., 2011; Toprak, 1994). There is a close relationship between competition and diversification and the most developed countries also differ in product diversity. As evidenced in the literature, developed countries diversify their exports (Bagci, 2016). While developing countries can specialize in very few products, developed countries advance in product diversification, especially for export purposes. Although Islamic countries have important centers on trade routes in history, it is noteworthy that they are

⁴ Absolute advantage concept belongs to Adam Smith and comparative advantage concept belongs to David Ricardo. While the absolute advantage depends on the cost advantage for the two countries, the comparative advantage measures the advantage over being relatively more advantageous or more disadvantageous for the two countries.

still in development stages in terms of market economy and social state experiences (Konrad Adenauer Stiftung, 2010).

Competition policy and competition law were organized and implemented in line with economic policy. The competition laws generally cover three basic rules: abuse of dominant position, anti-competitive agreements and concerted practices, and mergers and acquisitions creating or strengthening market power. In today's world, competition is in relation to the economy and business world in terms of theoretical purpose and regulatory framework. The ultimate goal of competition allows the consumer to choose between different options.

Competition is the driving force of high economic performance and innovation (Moen, Tvedten & Wold, 2018; Dereli, 2015; Castellacci, 2009). Competition is also the main motivator of reasonable prices and high quality. Besides consumers, by spending billions of dollars on procurements governments are also affected to a great extent by the level of competition. More competitive industries mean that governments, consumers, and non-governmental organizations (NGOs) will benefit more from reasonable prices and high quality. Regional and global economies benefit simultaneously from fair and open competition. Numerous cases in the world show that a small increase in competition leads to productivity increases dramatically (Polemis, 2020; Dresch et al, 2018, Gomaa, 2014; Kegels & van der Linden, 2011; Golebiewski, 2011; Aghion & Griffith, 2008).

Minimum state regulation and intervention are the most important characteristics of a free market economy. *Ceteris paribus*, a free exchange of goods and services without any support or obstacle is a trademark of a market economy.

Competition policy has important implications regarding consumers, companies, government agencies, and NGOs. Competition policy is related to the fair and open competition principles which the business community should follow. Encouraging entrepreneurship and efficiency, expanding of consumer preferences, the formation of higher quality with lower prices, helping to provide after-sales technical support with better quality, increasing respect to customers, increasing innovation and inventions (improvements in technology) and the emergence of more competitive global rivals are the most striking outcomes.

The Role of Competition Agencies and Competition Failures

The basic function of a competition agency is to fight against anti-competitive practices in the economy and to develop an awareness of the competition in all markets to develop competition. The other important function of a competition agency is to prevent mergers and acquisitions which reduce competition significantly. To identify the state restrictions on competition and to inform and advise governmental bodies to take relevant measures and to attract the attention of the public are also among the tasks of a competition agency. Therefore, in a market economy, the notion of competition is the key element/factor shaping economic relations both domestically and internationally.

However, factors such as public health, product standards, unfair competition, predatory pricing, government favoritism, economies of scale, strategic goods, externalities, differentiation of social and private benefit and cost, market failures, and coordination gaps keep the door open for public interventions. If there is no public intervention in these areas, market failure may occur in general. Also, regulated professions, products, and markets continue to be a problematic field of the competition realm. Thus, public intervention, on the one hand, regulated professions and fields on the other hand can lead to competition failure. Competition failure occurs as a result of market failure.

Supranational Support for Competition

Today, the organizational structure of competition agencies differs between countries. This difference can also be traced in terms of practices. The number of competition agencies, the hierarchical structure of various bodies implementing competition regulations, the organization of function-based competition agencies and the organization of competition agencies locally and federally are among the basic differences between developed and developing countries. While, in some countries, only one central agency is responsible for the protection of competition, public procurement, consumer protection, and unfair competition; in some countries, there is more than one central agency dealt with these problematic fields.

Therefore, there is a need for harmonization in competition regulation, since there are multiple regulators in a national economy on the one hand, and various understandings, regulations, and practices among coun-

tries on the other hand. The result is a need for supranational or international regulatory agencies or international consultative organizations on regulation.

OECD

In today's world economy, a value of common sense is attributed to the OECD rules, since OECD functions as a think tank establishment of developed countries. OECD is a supranational organization producing benchmarks for operating economies and businesses. The OECD is a platform of 36 economies for addressing the social, economic, and global environmental concerns and challenges (OECD, 2008 & 2019b). In this sense, the OECD develops high politics in terms of the management of human, physical, and financial resources of the countries. The OECD used to be the club of the rich. Besides, in recent years it has been serving as the kitchen of the G-20 economies. Therefore, the agenda of the OECD is very parallel to the agenda of the leading countries, i.e. the US and the other most developed countries.

OECD has a priority for competition and works with national competition authorities in many countries on topics such as decreasing unneeded restrictions on competition regulations, cartel prosecution, abuse of dominance, case studies, merger analysis, seminars, bid-rigging & public procurement, legislative drafting, sector-specific regulatory studies and judicial training (OECD, 2020).

The OECD also leads member states to understand and respond to the new understandings and concepts of the emerging topics such as the knowledge economy, corporate governance principles, and the outcomes of an aging population (OECD, 2016). The organization provides a setting where governments can compare policy experiences, seek answers to common problems, identify good practice, and work to co-ordinate domestic and international policies.

In the OECD framework, the concept of competition is handled under the following topics: cartels and bid-rigging, monopolization, mergers, abuse of dominance and prosecution and law enforcement; and reducing constraints in regulations on competition. The economic performance of a country can be improved through the acceleration of competition. With increased competition, business opportunities will be open to the citizens, and the cost of goods and services throughout the economy will

be reduced. However, numerous laws and regulations restrict competition in the marketplace. By restricting competition, many go further than necessary to achieve their policy objectives (OECD, 2012).

The researches and workshops, done by the Organisation for Economic Co-operation and Development (OECD) started a convergence trend among countries regarding the institutional and functional organization. This trend has accelerated cooperation internationally and coordination domestically.

OECD has developed a toolkit to help countries measure their level of competition, legislative compatibility, the institutional structure of competition agency, and consistency of implementation with the best practices.

Accordingly, a government can assess the level of competition in three forms (OECD, 2019a):

1. Competition related to existing regulations should be assessed (national economy-wide or sector-specific).
2. The draft of new regulations should be assessed by considering regulatory impact assessment programs.
3. Government's related institutions or boards should conduct an impact analysis of competition regulations and this feedback should be taken into account during drafting new regulations.

OECD'S Competition Assessment Toolkit benefits from the experiences of various OECD jurisdictions.

After above mentioned three ways of assessment were conducted the next step for further assessment would be based on if the proposal has the following four effects. (OECD, 2019a):

- (i) if the number or range of suppliers is subject to limitation;
- (ii) if the ability of suppliers to compete is subject to limitation;
- (iii) if the incentive of suppliers to compete is reduced;
- (iv) if the choices and information available to customers are subject to limitation.

To assess competition concerns the following six topics are considered (OECD, 2019a): market power, barriers to entry of new firms, the exit of firms, innovation, efficiencies, and increasing competitors' costs. To comprehend the adverse effects of the different types of competition, these concepts are quite useful. The updated competition assessment

toolkit provides a roadmap that allows authorities to exercise a logical step-by-step evaluation of the regulations regarding the competition.

Regulations have important functions to restrict or promote competition. Screening assessment of regulations is inevitable. Restrictive regulations are generally categorized as follows (Bungenberg et al., 2013 & 2018): Rules and regulations may restrict the number or range of suppliers, the ability of suppliers to compete, choices and information available to consumers, and reduce the incentives of suppliers to compete.

OECD has developed a “Competition Assessment Toolkit” to help governments to reduce unnecessary restrictions by applying this tool. The Toolkit provides a generic and comprehensive methodology for identifying redundant constraints and instead helps to develop alternative, less restrictive policies that will allow the government to reach its goals.

Three volumes of the “Competition Assessment Toolkit” have a sequential methodology. Principles, guidance, and operational manual are inter-related and instructive guidelines. Following this simplified methodology, a checklist was developed to identify the level of compliance for competition. The checklist has deconstructed rules and principles of the wisdom of competition portrayed in the toolkit books. Thus, the purpose of the competition toolkit can be understood more clearly and concretely through the checklist. Unnecessary regulations and practices that have the potential to restrict competition would be effectively detected through the checklist. This toolkit can be used effectively in the OIC member countries.

OECD competition assessment toolkit can be used in the following ways (OECD 2019a):

1. The national economy as whole or various sectors individually can be assessed as part of an overall, high-level evaluation of existing laws and regulations.
2. Drafting new laws and regulations can be effectively subject to a regulatory impact analysis process.
3. The logical step-by-step structure of the toolkit allows competition authorities to design their competition advocacy agenda.
4. Government institutions may use this toolkit to evaluate competitiveness vision and level of new law and regulations regarding economic issues.

The toolkit is flexible enough to be implemented in a deconstructive way. The decentralized or centralized character of OIC countries is not an obstacle before the toolkit to be implemented effectively. It is the most comprehensive and most accepted guide for competition assessment available currently.

ICN

The function of the International Competition Network (ICN) is portrayed as providing “competition authorities with a specialized yet informal venue for maintaining regular contacts and addressing practical competition concerns” (ICN, 2020c). Although competition agencies of OECD countries are indispensable players in the functioning of the ICN its membership is diversified to cover competition agencies around the world with different levels of development and experience which participate in and benefit from its works. This experience sharing approach allows for participatory and dynamic dialogue among all stakeholders and thus consensus is reached. Throughout the consultation and experience sharing processes a convergence towards sound competition policy principles is obtained and the global antitrust community has a chance to be almost synchronized.

The ICN has a multinational character although not supranational. The ICN is the worldwide network of national competition authorities and is devoted exclusively to competition law enforcement (ICN, 2009 & 2018). Working groups (WGs) consist of advocacy, agency effectiveness, cartel, merger, and unilateral conduct. Through these WGs, representatives of competition authorities produce reports and guidelines in a participatory manner through their involvement in project-oriented and outcome-based sessions. Online meetings are the most common way of doing business for members of the working groups. Internet, telephone, teleseminars, and webinars have been used since it has been formed in 1997.

Mostly annual periodic conferences and workshops bring the opportunity to discuss and assess working group projects and proposals and their implications for enforcement. The ICN does not have any executive mandate or any rule-making function. If a consensus on recommendations is reached at the ICN meetings or “best practices” arising from the projects are unanimously decided, then implementation of the decision to accept the recommendations is at the initiative of individual competition authorities. Unilateral, bilateral, or multilateral arrangements are various

ways of cooperation among ICN member representatives (Swaine, 2011; Geradin, Reysen & Henry 2011; Sokol, 2011).

ICN membership is voluntary. The ICN has reached a pinnacle with its membership reaching 135 competition agencies from 122 jurisdictions across the world (ICN, 2020a). ICN operating model is considered to be one of the best among governance models. Works have been done at ICN take place in project-oriented “working groups”. All related stakeholders from governmental and non-governmental organizations contribute to the working groups that they think can contribute.

ICN has a wide range of nongovernmental advisors mostly from agencies, universities, and market professionals. Live online and teleconference, and emails are the widely used instruments for discussions. ICN working groups have been producing numerous reports and suggestions. The main ones of these documents are as follows (ICN, 2009): Guidance documents, case-handling and enforcement manuals, discussion reports, recommended practices, and templates on legislation and rules in various jurisdictions, databases and toolkits, and special workshops (cartels/mergers), panel discussions and breakout sessions at the annual conferences.

A “steering group” composing of representatives from member agencies guides ICN. The tone of language is quite soft at ICN platforms that show its volunteer nature. Therefore, instead of “committee or board”, “group” is preferred. The Steering Group consists of 20 members and three of them are ex officio members (ICN, 2019), and Turkey is a member of the group. The ex officio members of the steering group represent ICN members assigned to host a future annual conference. Membership of the steering group is renewed every two years. Members of the steering group are confirmed unanimously by ICN members in odd-numbered years at the annual conference.

Four high-level goals are identified for the second decade of ICN (ICN, 2016): (i) to disseminate best practices and experience-sharing, (ii) to design recommendations aiming convergence of procedures and organizational and functional architectures through outcome-based projects, (iii) to encourage and support agencies for promoting advocacy, and (iv) to make international dialogue and cooperation much more effective.

The mission and activities of the ICN are formed by bringing together and refining the missions and tasks developed by working groups. Accordingly, the goal of advocacy working group is to increase the effec-

tiveness of member agencies via encouraging member agencies to advocate the dissemination of competition principles and the development of culture. The agency effectiveness working group is focusing on maximizing the effectiveness of the operation of member agencies. Therefore, the scope and content of this group are very extensive and blur to some extent. This is more evident when looking at the task definition and expected outcomes: The WG is mandated to provide a forum for sharing experiences among agencies; to motivate agencies to conduct impact analyses; to develop guidelines for an effective and efficient investigative process; to develop online training modules; to disseminate the WG's work product; and finally, to provide a forum for competition experts (economists and lawyers) to share their ideas and experiences.

The cartel working group is dealing with concerns and challenges regarding anti-cartel enforcement. Detection, prevention, investigation and punishment besides prudential regulations and practices are the main focal points of the group. The workload, vision and mission of the merger working group are determined mostly by the prevalence of international mergers and acquisitions in general, and national mergers and acquisitions in specific. Encouraging member agencies to adopt best practices and review merger regimes of member agencies are two main occupation areas of the group. The last working group is unilateral conduct. The scope of task field of this working group is quite innovative and challenging, because, especially in developing countries, economic positive and negative externalities, economies of scale, national priorities, old fashioned habits of jurisdictions, the effect of interest and pressure groups have to be taken into account and proper mechanisms and instruments need to be developed. Unilateral conducts of dominant companies and companies with substantial market power are handled by this group to overcome the above-mentioned challenges (ICN, 2020b).

THE OUTLOOK OF COMPETITION IN THE OIC MEMBER STATES

Based on reports, presentations and the discussions held during the Istanbul Conference, very challenging needs are identified across the OIC members. Systematizations of these views are given in the table in the appendix (Table 1). The needs are categorized in terms of legislation, institutional structure, relations between sectoral regulators and competition agencies, and advocacy. However, the main resource for the documentation of the requirements of the OIC members is the questionnaire prepared and implemented by TCA. Among OIC countries, TCA has a

relatively higher capacity in terms of providing technical assistance (Noon et al., 2018; Aydin, 2012). Based on this capacity TCA has also launched a new tool, i.e. media bulletin, to promote competition advocacy for ten years to promote competition advocacy and create awareness about competition issues (Ozkan, 2014). An example of being a proactive regulator is sector inquiries. Via sector inquiries, TCA aims to capture competitive dynamics in certain sectors (Gurkaynak et al., 2015). The enforcement performance of TCA is slightly around the average scores of all competition agencies (Çelen et al., 2018).

Legislation

The discussions held at the Tunisia and Istanbul meetings and the final reports published later showed that the OIC members have very different understandings and implementation *which were reflected in their competition framework* (ICDT, 2010a & 2010b; ICDT, 2012).

1. Differences in the scope of the competition legislation: Differences as to coverage of the competition laws, the differences in the sectors covered, type of exceptions; and differences in conduct regarded as violations.

2. Differences regarding the purposes of the competition rules: Protection of competition and similar considerations such as providing for free competition, establishing conditions for competition, establishing a competition regime, encouraging, improving, and promoting competition are the most cited objectives of the competition laws.

3. Differences among competition laws: The nature of the competition law in the responding states is considered as either civil or criminal or both civil and criminal.

4. Differences between relations of competition agencies and the government on one hand and the courts on the other.

Institutional Structure

The presentations and discussions made at the Tunisia and Istanbul meetings indicated that besides considering international trends in their institutional structures, differences in the institutional structure of competition agencies of the OIC members are also remarkable (ICDT, 2010a & 2010b; ICDT, 2012). However, the organizational structures show that the international trends have been also taken into consideration: (i) Inde-

pendency: It is seen that the agencies responsible to implement the competition laws are generally independent entities rather than, for instance, an administrative unit under a ministry in the great majority of the countries. In certain replies to the questionnaire, it is clearly understood that competition agencies are independent in decision making; (ii) Composition of the decision-making organ; (iii) Appointment of the staff; (iv) Dismissal of the term of office.

Relations between Sectoral Regulators and Competition Agencies

The presentations and discussions made at the Tunisia and Istanbul meetings revealed that various regulatory bodies and a competition authority cause contradictory results and confusion (ICDT, 2010a & 2010b; ICDT, 2012). However, regulatory capture⁵ and competitive neutrality⁶ seem to be the main problems for a while. There are also various problems arising from the legal gap or overlap between sector authorities and competition authority, such as the existence of sectoral authorities and differences in the regulated sectors; lack of clarification regarding boundaries of jurisdiction between the competition agencies and the sectoral regulators and regarding rules for cooperation; and differences in the jurisdiction of competition agencies, whether they are responsible for only competition rules or also for some other fields such as consumer protection rules.

Advocacy

In the concept of competition, advocacy refers to all activities carried out by the competition authority to develop a competitive environment by using non-enforcement instruments through its relations with other governmental institutions, and by increasing public awareness about competition issues and of the benefits of competition

Nearly all responding countries state that they are carrying out some kind of competition advocacy activities within their respective jurisdictions in various forms. However, taking the mechanisms and instruments into consideration, it can be said that there is room for advocacy concerning the legislation and the practice of the competition agency. Awareness of

⁵ Since both the sectoral regulatory authority and the sector firm know the market better than the state authority, the regulatory agency and firm can collaborate to hide information from the state authority and thus share the information rent. This situation is described as regulatory capture.

⁶ Competitive neutrality assures that business activities of the government which are in competition with the ones of the private sector should not have a competitive advantage or disadvantage simply due to government ownership and control.

target groups/stakeholders (academia, regulators, business, civil society) should be kept alive.

The Way Forward

The report, summarized in the appendix, analyzed data obtained by the questionnaire, has indicated that there is a need for technical assistance among the OIC countries in terms of (i) amendment or improvement in the competition laws; (ii) design of the organizational structure of the competition agency and capacity building; and (iii) training of the professional staff (i.e. methods for sectoral inquiry, how to formulate a leniency program, expertise for use of economic analysis). All these areas of technical assistance should be based on some principles in terms of purpose, means, and criteria. Also, a likely prototype TAP would have some obstacles i.e. tailor-made programs. Finally, the national and international best practices are to be taken as benchmarks.

Structure of Likely Technical Assistance Programs

The most concrete outcome of the Istanbul Conference is a proposal of a policy forum on competition among the OIC countries. During the wrap-up session at the end of the Conference, representation, administration, organizational structure, relationship to the other OIC bodies, network tools, training center, e-library, and especially IT forensic tools are discussed in detail.

The OIC member states could work together to improve the expertise level of the competition agencies or bodies in charge of competition law and policy to improve the current situation (ICDT, 2012).

A PROPOSAL FOR THE OIC COMPETITION POLICY FORUM

The OIC is the second largest inter-governmental organization with its 57 member states after the United Nations (UN). It is the collective voice of the Muslim world. We are of the opinion that OIC has been long overdue in addressing competition issues in comparison to developed countries. The statistical office of the OIC, i.e. SESRIC, has the most comprehensive statistical data and is located in Turkey. Therefore, Turkey could serve as the task force in terms of policy development, data collection, and creating a logistics base like the role that OECD plays (DinarStandard, 2017; Tireli et al., 2013; UNCTAD, 2013; Facchini 2011).

Currently, business is becoming increasingly globalized. Competition law and policy constitute very important components in the functioning of today's global world. In line with this, there is a growth in the number of countries shifting towards more market-oriented policies. Meanwhile, developing countries recognize more and more the potential benefits that can be derived from competition law enforcement in the market economies. This tendency is also influencing the member states of the OIC. Therefore, the institutionalization of competition laws in the OIC member states, reinforced by effective legislation and advocacy, is of utmost importance for the betterment of the economies of the OIC member jurisdictions. This also leads to the competitiveness of the markets in a positive manner. Last but not least, effective competition law and policy benefits consumers in the developing world and help to reduce poverty while contributing to the robustness of their economies.

To launch a TAP in the field of “*competition law and policy*” for the OIC member jurisdictions would be one of the most concrete outcomes of the Istanbul Conference. Also, constructing a competition policy forum would make the TAP easier to operate. Therefore, it is hereby proposed to create a competition policy forum comprising competition agencies and/or bodies authorized for the enforcement of competition law and policies in the OIC Member States without excluding participation in its work external stakeholders and people with an advisory role. For the likely functions of the competition policy forum and structure following explanations and charts may be taken into account.

The following items could be the tasks of the OIC competition policy forum portrayed in this proposal:

(i) To portray and identify competition problems and develop policy recommendations and tools.

(ii) To develop a well-designed long-term TAP.

(iii) To assist the OIC member states in the following areas: Developing new or reinforcing current competition regulation, which is the most suitable for the specific legal and economic architecture of the OIC countries.

(iv) To assist OIC member jurisdictions in capacity-building to practice competition law and policy much more effectively.

(v) To promote a competitive culture for firms and the general public through advocacy activities.

(vi) To converge competition policy and law across the OIC member states.

(vii) To incorporate a competition assessment into government regulatory decision making.

CONCLUSION

Since Turkey is among the leading economies in the field of competition, economic development, and prevalence of democracy, being a benchmark in these fields for OIC economies is supposed to be TCA's voluntary duty. The Turkish Competition Authority initiated a web-based forum called Istanbul Competition Forum (ICF) aiming to share best practices and create a platform for collaboration and learn from each other. This new initiative also shows that Turkey has this leading potential. However, ICF-like initiatives need to be organized under the OIC, organized as an organ to perform on a periodic agenda. The organizational structure proposed here will contribute to embody TCA's efforts.

This study is based on a survey conducted by the Turkish Competition Authority. The survey covers various dimensions of competition law and policy among competition authorities or related bodies in OIC economies. 22 member states submitted their feedback. The meeting held in Istanbul after the field research has made the needs and dimensions much more concrete. 50 representatives from 28 OIC member states attended the conference.

The conference affirmed the crucial role of competition law and policy for robust development and recommended the continuation of the initiative started by the Turkish Competition Authority. Since some OIC member states do not even have competition awareness, the road map design should be adapted accordingly. The role of the Turkish Competition Authority in maintaining technical assistance and establishing a competitive policy forum are other issues emphasized by the Istanbul conference. In collaboration with the COMCEC Coordination Office, the Turkish Competition Authority should encourage experience sharing among agencies and bodies responsible for the enforcement of competition law and policy (COMCEC, 2011).

The organizational and functional architectural design developed here is largely compatible with the approaches of the international community, i.e. OECD and EU. The policy forum envisaged here will reinforce the cohesion of OIC economies with international standards and practices

regionally and globally. Leading and hosting this initiative will reinforce the benchmark status of Turkey in both the OIC domain and the league of emerging economies.

REFERENCES

- Abdelrahman, Abdelrahman Yousri. (2015). *Does Islamic Banking Help in Economic Development of Muslim Countries? MPRA Paper No. 88387*. 33p. https://mpra.ub.uni-muenchen.de/88387/8/MPRA_paper_88387.pdf (Accessed: June 2, 2018).
- Aghion, Philippe and Griffith, Rachel. (2008). *Competition and Growth: Reconciling Theory and Evidence*. MIT Press: Cambridge, US. 120p.
- Alpay, Savaş, Atlamaz, Murat & Bakimli, Esat. (2011). "Trade among OIC Countries: Limits of Islamic Solidarity". *Insight Turkey*. 13(2), 145-170.
- Aydin, Umut. (2012). "Between Domestic Factors and the EU: Explaining the Emergence of the Turkish Competition Regime". *The Antitrust Bulletin*. 57(2), 303-335.
- Bagci, Kenan. (2016). "Measuring within Diversification". *The International Trade Journal*. 30(3), 223-236.
- Bungenberg, Marc, et al. (2013). *European Yearbook of International Economic Law*. Springer. Lausanne.
- Bungenberg, Marc, et al. (2018). *European Yearbook of International Economic Law*. Springer. Lausanne.
- Castellacci, Fulvio. (2009). "How Does Competition Affect the Relationship between Innovation and Productivity? Estimation of a CDM Model for Norway Department of International Economics". *Norwegian Institute of International Affairs (NUPI). MPRA Paper No. 2759*. 36p.
- Çelen, Aydın, Dalgıç, Başak & Özskici, Aybars Ilter. (2018). "Measurement of the Efficiency of the Turkish Competition Authority: An Application of Data Envelopment Analysis (DEA)". *Amme İdaresi Dergisi*, 51(3), 173-204.
- COMCEC. (2011). *Assessment of the OIC Member States in the Field of Competition Law and Policy*. (21-22 November 2011, Istanbul). http://icdt-oic.org/RS_67/Doc/Report_of_Istanbul_Conference.pdf (Accessed: April 26, 2017).
- Dereli, Deniz D. (2015). "Innovation Management in Global Competition and Competitive Advantage". *Procedia - Social and Behavioral Sciences*. 195, 1365-1370.
- DinarStandard. (2017). *State of the Global Islamic Economy Report 2016/17*.
- Dresch, Aline, Collatto, Dalila C. & Lacerda, Daniel P. (2018). "Theoretical Understanding Between Competitiveness and Productivity: Firm Level". *Industrial Engineering*. 20(2), 69-86.
- Facchini, François. (2011). "Economic Freedom in Muslim Countries: An Explanation Using the Theory of Institutional Path Dependency". *CES*

- Working Papers, Documents de Travail du Centre d'Economie de la Sorbonne*, 25p.
- Geradin, Damien, Reysen, Marc & Henry, David. (2011). "Extraterritoriality, Comity, and Cooperation in EU Competition Law". In, Guzman, Andrew T. (Ed.). (2011). *Cooperation, Comity and Competition Policy*. Oxford Univ. Press. pp.21-44
- Golębiewski, Jarosław. (2011). "Product Market Competition and Productivity: Evidence from the Polish Food Marketing System". *Economic Science for Rural Development*. 24, 50-58.
- Gomaa, Marwa M. (2014). "Competition and Economic Growth: An Empirical Analysis with Special Reference to MENA Countries". *Topics in Middle Eastern and African Economies*. 16(2), 192-213.
- Gurkaynak, Gonenc, Guner, Ayse & Yasar, Ayse Gizem. (2015). "The Turkish Competition Authority's Sector Inquiries: Past and Current Sector Inquiries Reviewed". *The Turkish Commercial Law Review*. 1(1), 51-60.
- ICDT. (2010a). *Report on the Regional Seminar On "Competition Policies and Regulations in the OIC Member States: Present Status and Prospects"*. 22-24 February 2010, Tunis. https://icdt-oic.org/ICDT_Page.aspx?Id_Page=893 (Accessed: June 6, 2018).
- ICDT. (2010b). *Tunis Declaration*. Istanbul. 5-8 October 2010. [https://icdt-oic.org/ICDT_Page.aspx?Id_Page=893_\(Accessed: June 6, 2018\)](https://icdt-oic.org/ICDT_Page.aspx?Id_Page=893_(Accessed: June 6, 2018)).
- ICDT. (2012). *Report of the Istanbul Conference On "Needs Assessment of the OIC Member States in the Field of Competition Law and Policy"*. 21-22 November 2011, Istanbul. [https://icdt-oic.org/ICDT_Page.aspx?Id_Page=893_\(Accessed: June 6, 2018\)](https://icdt-oic.org/ICDT_Page.aspx?Id_Page=893_(Accessed: June 6, 2018)).
- ICN. (2009). *ICN Factsheet and Key Messages*. <https://www.internationalcompetitionnetwork.org/wp-content/uploads/2018/09/Factsheet2009.pdf> (Accessed: June 5, 2018).
- ICN. (2016). *The Future of the ICN in Its Second Decade: Final Report*. Paris. 96p. <https://www.internationalcompetitionnetwork.org/wp-content/uploads/2018/09/ICN2dDecade2016.pdf> (Accessed: June 5, 2018).
- ICN. (2018). *What is the ICN?* <https://www.internationalcompetitionnetwork.org/about/> (Accessed: June 5, 2018).
- ICN. (2019). *ICN Steering Group Members*. <https://www.internationalcompetitionnetwork.org/working-groups/icn-operations/steering-group/steering-group-members/> (Accessed: April 26, 2020)
- ICN. (2020a). *Members*. <https://www.internationalcompetitionnetwork.org/members/> (Accessed: April 26, 2020).
- ICN. (2020b). *Working Groups*. <https://www.internationalcompetitionnetwork.org/working-groups/> (Accessed: April 26, 2020).
- ICN. (2020c). *What is the ICN*. <https://www.internationalcompetitionnetwork.org/about/> (Accessed: April 26, 2020).

- Kegels, Chantal & van der Linden, Jan. (2011). *Competitiveness, Productivity, Competition and Structural Reforms: The Belgian Case. Reflets et Perspectives de la vie Économique*, De Boeck Université. 3, 27-51.
- Konrad Adenauer Stiftung. (2010). *Islamic Economic Thought and the Social Market Economy*, 12p.
- Moen, Øystein, Tvedten, Tord & Wold, Andreas. (2018). “Exploring the relationship between competition and innovation in Norwegian SMEs”. *Cogent Business & Management*, 5(1), 1564167.
- Noon, Hazizan, Karim, Zehadul & Uddin, Sayed. (2018). “Development and Modernization of OIC Member Countries: A Study Based on Selected Indicators”. *Intellectual Discourse*. 26(1), 229–253.
- OECD. (2008). *Shaping Policies for the Future of the Internet Economy: Annexes*. 85p.
- OECD. (2012). *Recommendation of the OECD Council on Fighting Bid Rigging in Public Procurement*. 20p.
- OECD. (2014). *Experiences with Competition Assessment Report on the Implementation of the 2009 OECD Recommendation*. 73p.
- OECD. (2016). *Better Policies Japan: Boosting Growth and Well-being in an Ageing Society*. 44p.
- OECD. (2019a). *Competition Assessment Toolkit: Volumes 1-3, Principles, Guidance, Operational Manual of the 2009 OECD Recommendation*.
- OECD. (2019b). *Member countries*. <https://www.oecd.org/about/members-and-partners/> (Accessed: March 7, 2019).
- OECD. (2020). *Competition Global Relations*. <https://www.oecd.org/fr/daf/concurrence/competitionglobalrelations.htm> (Accessed: March 3, 2020).
- Ozkan, Ahmet Fatih. (2014). “A New Tool in Competition Advocacy: Press Releases of the Turkish Competition Authority”. *Journal of Inonu University Faculty of Law*. 5(2), 515-558.
- Polemis, Michael L. (2020). “A Note on the Estimation of Competition-Productivity Nexus: A Panel Quantile Approach”. *Journal of Industrial and Business Economics*. <https://doi.org/10.1007/s40812-020-00155-w> (Accessed: June 3, 2020).
- Sokol, D. Daniel. (2011). “International Antitrust Institutions”. In, Guzman, Andrew T. (Ed.). (2011). *Cooperation, Comity and Competition Policy*. Oxford Univ. Press. pp.187-213.
- Swaine, Edward T. (2011). “Cooperation, Comity, and Competition Policy: United States”. In, Guzman, Andrew T. (Ed.). (2011). *Cooperation, Comity and Competition Policy*. Oxford Univ. Press. pp.3-20.
- Tireli, Münir, Çoşkun, Selim & Kunduraci, Nevzat Fırat. (2013). “A Comparative Analysis of Relationship between Social Indicators and Human Development Indicators in Turkey and OIC Countries”. *Journal of Social Policy Studies*. 13(7), 61-87.

- Toprak, Metin. (1994). "The Structure of Foreign Trade in Islamic Countries". *Journal of Economics, Management and Finance*. 104, 34-51.
- UNCTAD. (2012). *Capacity-Building Extended to Young Competition Agencies: Note by the UNCTAD Secretariat*. https://unctad.org/meetings/en/SessionalDocuments/ciclpd17_en.pdf? (Accessed: April 5, 2012).
- UNCTAD. (2013). *Competition and Poverty Reduction*: 516p. <http://www.oecd.org/daf/competition/competition-and-poverty-reduction2013.pdf> (Accessed: April 5, 2015).
- UNCTAD. (2019). *Review of Capacity-Building in and Technical Assistance on Competition and Consumer Protection Law and Policy*. 12p. https://unctad.org/meetings/en/SessionalDocuments/ciclpd19_en.pdf (Accessed: April 20, 2019).
- World Bank. (2018). *The Arab World Competitiveness Report 2018*. 149p.

AUTHORS' PERCENTAGE-BASED CONTRIBUTION

The contributions of each author to the study by percentages are as follows:

The percentage-based contribution of the author is 100%.

The Author: Literature review, data analysis, writing, research design, model construction.

DECLARATION OF CONFLICTING INTERESTS

There is no financial or individual relationship with a person or an institution in the context of the study. Also, conflicting interests do not exist.

ETHICAL APPROVAL OF THE STUDY

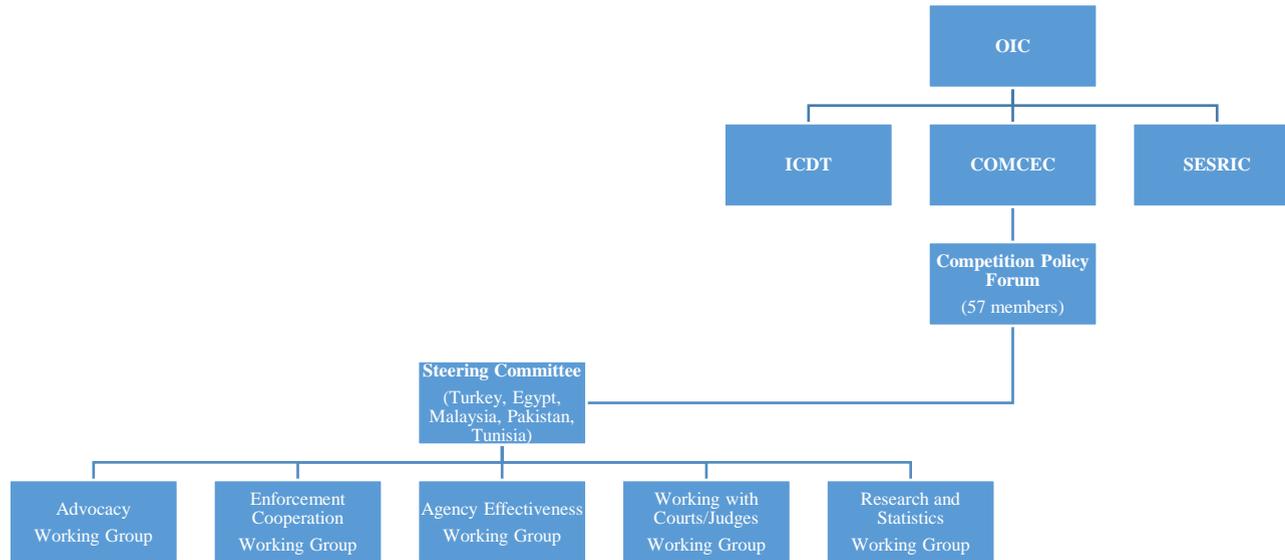
All rules within the scope of "Instruction on Research and Publication Ethics for the Higher Education Institutions" were observed throughout the study. No actions mentioned in the Instruction's second chapter titled "Actions Against to Scientific Research and Publication Ethics" were taken in the study.

ACKNOWLEDGMENT

My special thanks go to Mr. Yüksel Kaya and Ms. Lerzan Kayıhan Ünal of the Turkish Competition Authority, for their comments and contributions. Last but not least, I am grateful to the head of the institution, Prof.Dr. Nurettin Kaldırımçı for his leadership for making a needs assessment survey and organizing the international evaluation meeting happen.

Appendix 1.

Figure 1. *The Organizational Structure of the OIC Competition Policy Forum*



International experts would take place in each WG and at the Steering Committee as advisors. The selection of steering committee members is based on their involvement and positive tendency to competition law and practice.

Appendix 2.

Table 1. *The Needs of the OIC Member States*

(Findings from the questionnaire conducted by TCA and the notes taken during the meeting on November 21-22, 2011)

| | Jurisdiction | Existence of Competition Law | Agency | Scope of Legislation | Duration of the Legislation | Civil Criminal | Status of Agency | Need for Amendment of Legislation | Need for Financial Assistance | LDC |
|---|----------------------------|-------------------------------|---|--|-----------------------------|----------------|---|---|-------------------------------|-----|
| 1 | Azerbaijan Republic | Yes applies to all sectors | State Service for Antimonopoly Policy and Protection of Consumers' Rights | cartels, dominance, administrative restrictions, mergers, consumer protection, advertising, unfair competition | 18 years | Both | Independent agency under the Ministry of Economic Development | There is a competition code in the Parliament | Yes | No |

| | Jurisdiction | Existence of Competition Law | Agency | Scope of Legislation | Duration of the Legislation | Civil Criminal | Status of Agency | Need for Amendment of Legislation | Need for Financial Assistance | LDC |
|---|--------------|------------------------------|---|--------------------------------------|--------------------------------|----------------|---|---|-------------------------------|-----|
| 2 | Sudan | Yes Not in force | Council for Competition and Prohibition of Monopoly Practices | cartels, abuse of dominance, mergers | Since Feb 2009 Not in force | Both | Independent agency subject to the supervision of the Minister | Yes To organize the law, objective, etc. and add more article about consumer protection, consistency with model law on competition and reform the establishment of the Council | Yes | Yes |

| | Jurisdiction | Existence of Competition Law | Agency | Scope of Legislation | Duration of the Legislation | Civil Criminal | Status of Agency | Need for Amendment of Legislation | Need for Financial Assistance | LDC |
|---|--------------|--|--|--|-----------------------------|----------------|---|---|-------------------------------|-----|
| 3 | Indonesia | Yes applicable in all sectors with exceptions and exemption | Commission for the Supervision of Business Competition | agreements, practices, abuse, mergers, advocacy | Since 2000, 11 years | Both | Responsible directly to the President and People's Representative Council. The Commission is independent and free from the government's and other parties' influence. | a new draft of law is being finalized mainly to reform the procedure and the institutional capacity | Yes | No |
| 4 | Pakistan | Yes applies to all sectors with possible exceptions on grounds of state security, | Competition Commission | abuse, agreements, mergers, deceptive, marketing, advocacy | since 2007 | Both | Independent having autonomous administrative control | No | Yes | No |

| | Jurisdiction | Existence of Competition Law | Agency | Scope of Legislation | Duration of the Legislation | Civil Criminal | Status of Agency | Need for Amendment of Legislation | Need for Financial Assistance | LDC |
|---|-------------------|---|------------------------|--|---|----------------|--|--|-------------------------------|-----|
| | | state obligations, sovereign actions | | | | | | | | |
| 5 | The Gambia | Yes applies to all sectors | Competition Commission | cartels, unilateral conduct, mergers, advocacy | since 2007 Commission operational since 2009 | Civil | Independent but reports to the Ministry of Trade for administrative purposes | Not yet. However, identifying areas that need more clarity | Yes | Yes |
| 6 | Nigeria | No various efforts to have competition law failed. | | | | | | | Yes | No |

| | Jurisdiction | Existence of Competition Law | Agency | Scope of Legislation | Duration of the Legislation | Civil Criminal | Status of Agency | Need for Amendment of Legislation | Need for Financial Assistance | LDC |
|---|--------------|--|-----------------------------------|--|-----------------------------|----------------|---|--|-------------------------------|-----|
| 7 | Saudi Arabia | Yes applies to all firms except public corporations and fully-owned state companies | Council of Competition Protection | cartels, abuse, mergers, advocacy | issued in 2004 | Criminal | The Council is independent and chaired by the Minister of Commerce & Industry | Working now in amending the Law to make it more effective. | No | No |
| 8 | Syria | Yes applies to all sectors with exceptions such as sovereign acts of the State, public facilities owned or operated by the State to provide products or services to | Competition Commission | agreements (against the integrity of business transactions), anti-competitive agreements, cartels, abuse, monopolies, concentrations, advocacy | since 2008 | Both | Independent with legal personality and financial autonomy | Yes | Yes | No |

| | Jurisdiction | Existence of Competition Law | Agency | Scope of Legislation | Duration of the Legislation | Civil Criminal | Status of Agency | Need for Amendment of Legislation | Need for Financial Assistance | LDC |
|----|--------------|---|--|---|-----------------------------|----------------|------------------|-----------------------------------|-------------------------------|-----|
| | | citizens, such as drinking water, gas, electricity, oil, public transport, mail, and communications | | | | | | | | |
| 9 | Algeria | Yes applies to all sectors | Competition Council in close coordination with the Ministry of Trade | abuse, prohibited agreements, mergers, advocacy | since 1995 | Civil | Independent | No | Yes | No |
| 10 | Sierra Leone | Not yet draft law expected to | | | | | | | Yes | Yes |

| | Jurisdiction | Existence of Competition Law | Agency | Scope of Legislation | Duration of the Legislation | Civil Criminal | Status of Agency | Need for Amendment of Legislation | Need for Financial Assistance | LDC |
|----|---------------------|--|--|--|---|----------------|--------------------------------|-----------------------------------|-------------------------------|-----|
| | | pass in Q1 of 2012 | | | | | | | | |
| 11 | Senegal | Yes applies in all sectors | National Competition Commission | anticompetitive practices (restrictive agreements, cartels, abuse of dominance, restrictive practices, etc.), advocacy | adopted in 2004 applied only in 2006 | Civil/Adm | Independent | Yes | Yes | Yes |
| 12 | Burkina Faso | Yes not applicable in telecommunications, communications, electricity, hydrocarbons, school supplies, cigarettes, and public prices | National Competition and Consumer Council (Commission Nationale de la Concurrence et de la Consommation) | cartels, abuse, advocacy | since 1994 | Both | Independent in decision making | Yes | Yes | Yes |

| | Jurisdiction | Existence of Competition Law | Agency | Scope of Legislation | Duration of the Legislation | Civil Criminal | Status of Agency | Need for Amendment of Legislation | Need for Financial Assistance | LDC |
|----|--------------|--|--|---|-----------------------------|----------------|--|--|-------------------------------|-----|
| 13 | Benin | No a draft law is in the Ministry of Justice for examination | Directorate of Competition and Fight against Fraud (Direction de la Concurrence et de la Lutte contre la Fraude) under Ministry of Trade | | | | | | Yes | Yes |
| 14 | Jordan | Yes applies to all sectors prices for some materials may not | Competition Directorate | anti-competitive practices, alliances, and agreements, abuse, mergers, advocacy | since 2004 | criminal | Competition Directorate is working as a part of the Ministry of Industry and Trade | Yes there are processes to adjust the law in order to include | Yes | No |

| | Jurisdiction | Existence of Competition Law | Agency | Scope of Legislation | Duration of the Legislation | Civil Criminal | Status of Agency | Need for Amendment of Legislation | Need for Financial Assistance | LDC |
|----|--------------|---|---------------------------------|--|-----------------------------|--|--|-----------------------------------|-------------------------------|-----|
| | | be set under market conditions | | | | | | the excessive prices | | |
| 15 | Malaysia | Yes applies to all sectors. Only the communications and multimedia and the energy sectors are not covered as they are covered by their own laws. | Malaysia Competition Commission | Anti-competitive agreements, abuse of dominant positions, advocacy | since 1 January 2011 | civil in nature except for general offences for individuals, such as giving false or misleading information, destruction of documents or records, etc. | It is an agency under the Ministry of Domestic Trade, Cooperatives & Consumerism. It is independent in terms of its decision making and management but for its financial budget, it has to apply for federal | No | No | No |

| | Jurisdiction | Existence of Competition Law | Agency | Scope of Legislation | Duration of the Legislation | Civil Criminal | Status of Agency | Need for Amendment of Legislation | Need for Financial Assistance | LDC |
|----|--------------|---|--|--|---|----------------|--|--|-------------------------------|-----|
| | | | | | | | government funding through the Ministry. | | | |
| 16 | Ivory Coast | Yes applies to all sectors There are some regulated sectors as well. The Competition Commission has general powers in | Competition Commission Directorate for Competition and Fight against Fraud courts | anti-competitive practices, abuse of dominant position, mergers and acquisitions | Since 1991 Il faut rappeler que la Commission nationale ne peut plus traiter les pratiques anticoncurrentielles entre entreprises depuis l'avènement | Both | Competition Commission is an independent agency under the Ministry of Commerce | Yes in order to adapt to the legislation of WAEMU | Yes | No |

| | Jurisdiction | Existence of Competition Law | Agency | Scope of Legislation | Duration of the Legislation | Civil Criminal | Status of Agency | Need for Amendment of Legislation | Need for Financial Assistance | LDC |
|----|--------------|--|---|---|---|----------------|------------------|--|-------------------------------|-----|
| | | telecom, media, public markets, and electricity. | | | de la Législation Communautaire de l'UEMOA en 2002. | | | | | |
| 17 | Uzbekistan | Yes applies to all sectors | Cabinet of Ministers and State committee on de-monopolization and competition | restrictive agreements, practices (cartels), abuse, unfair competition, mergers, advocacy | 19 years | Civil | Independent | Yes because the current law does not cover the financial sector | Yes | No |
| 18 | Albania | Yes applies to all sectors | Albanian Competition Authority | restrictive agreements, concerned practices, cartels and abuse of | since 2003 | Civil | Independent | No | Yes | No |

| | Jurisdiction | Existence of Competition Law | Agency | Scope of Legislation | Duration of the Legislation | Civil Criminal | Status of Agency | Need for Amendment of Legislation | Need for Financial Assistance | LDC |
|----|-------------------------------------|--|---------------------------------|--|-----------------------------|----------------|--|-----------------------------------|-------------------------------|------|
| | | | | dominant position, mergers, advocacy | | | | | | |
| 19 | Turkish Republic of Northern Cyprus | Yes Law applies to all sectors nationwide except labor markets and public monopolies. | Competition Board | collusive agreements restricting competition such as price fixing, limiting supply, preventing entries, abuse of dominant position, mergers, state aid, advocacy | since 2009 | Civil | Independent | Yes | Yes | N.A. |
| 20 | Cameroon | Yes applies to all sectors | National Competition Commission | restrictive agreements, abuse, mergers, advocacy | since 1998 | Civil | Attached to Ministry of Commerce which appoints the head of the Competition Commission and provides other staff, | Yes | Yes | No |

| | Jurisdiction | Existence of Competition Law | Agency | Scope of Legislation | Duration of the Legislation | Civil Criminal | Status of Agency | Need for Amendment of Legislation | Need for Financial Assistance | LDC |
|----|--------------|---|--|---|-----------------------------|----------------|------------------------------------|-----------------------------------|-------------------------------|-----|
| | | | | | | | covers the expenses via its budget | | | |
| 21 | Egypt | Yes In principle, competition law should apply to all sectors nationwide. There are some exceptions/exemptions (i.e. involving conduct by public utilities) some sector regulators | Competition Authority (cease and desist orders) economic courts (fines) some sector regulators are equipped with competition enforcement | restrictive agreements, abuse, advocacy The law does not include the M&A control; it embodies only an ex post binding notification | since 2005 | Both | Independent | Yes | No | No |

| | Jurisdiction | Existence of Competition Law | Agency | Scope of Legislation | Duration of the Legislation | Civil Criminal | Status of Agency | Need for Amendment of Legislation | Need for Financial Assistance | LDC |
|--|--------------|-------------------------------------|----------------------|----------------------|-----------------------------|----------------|------------------|-----------------------------------|-------------------------------|-----|
| | | have competition enforcement powers | powers in some areas | | | | | | | |