

## SYMPOSIUM

Thursday, July 16, 2009  
9:00 am – 12:30 pm  
Terra-Nova All-Suite Hotel

### *Facilitating Competition through effective adjudication and enforcement*

#### OPENING REMARKS

*Mrs. Barbara Lee, Moderator*

Ladies and gentlemen I am so excited about this symposium. It promises a smorgasbord of information, perspectives, presentation styles and naturally controversy. Perhaps one of the few non - controversial statements you will hear this morning is that ‘The signal aim of every competition agency- national or regional; large or small; mature or “young” or in- between, is to be effective.’ What is a potential source of controversy however, is the question of what element, what aspect of all that falls within the rubric of competition enforcement can reasonably be seen as the *sine qua non* of that effectiveness. Research projects undertaken by the Competition Policy Implementation (CPI) Working Group of the International Competition Network (ICN) between 2007 and 2009 have identified through agency responses to questionnaires, a number of factors that contribute to an agency’s effectiveness, including:

- quality of its decisions
- ability of the agency to enforce compliance with those decisions
- knowledge of best practice
- ability to plan strategically
- quality of its competition advocacy
- human and financial resources
- quality of the relevant legislation

- and of course, institutional framework/ agency structure - which is the focus of this Symposium.

An exploration of this subject imports questions such as:

- How are decisions made?
- Do investigative and adjudicative responsibilities reside in the same agency?
- Where does the power to impose sanctions reside?
- Does the Court or any other institution have a role and if so what is that role?

The express aim of the ICN Project was to motivate agencies “... *to continually carry on with self-evaluations in order to increase the effectiveness of their performance and decisions*”

In this context, it bears noting that the UKOFT is reported as being committed to reviewing on an ongoing basis whether it operates effectively or whether changes, including its organizational structure need to made.

In 2008 the 100 year-old USFTC carried out what it refers to as an “*in-depth self-assessment exercise ... to encourage the acceptance of periodic self-assessment ... and to identify approaches for both long and short term improvement.*”

That is what this Symposium represents – A NECESSARY SELF ASSESSMENT; it is timely and we can appropriately expect that by the close of play each of us will be that much closer to answering in our own minds, the important question of the relationship between agency structure and effectiveness.

To help take us there is a panel of knowledgeable professionals, who have directed their mental and I daresay emotional energies to examining the issues relevant to this topic for up to nine years, in some cases. We are in good hands; and there will be no further delays.