

**FEEDBACK ANALYSIS REPORT OF
TRAINING WORKSHOP ON
COMPETITION ENFORCEMENT FOR ETHIOPIA**

(CPS.06)

MAY 12-16, 2008, ADDIS ABABA, ETHIOPIA



1. Executive Summary

CUTS Centre for Competition, Investment and Economic Regulation (CUTS CCIER)¹ and Ministry of Trade and Industry, Ethiopia co-organised a training workshop on 'Competition Law Enforcement for Ethiopia' (CPS.06). The training workshop was conducted by CUTS Institute for Regulation & Competition (CIRC)². This workshop was meant mostly for members and staff of the Trade Practice Investigative Commission (TPIC), Ethiopia, though the ministry also invited other government departments, select academics, consumer organisation and media to the event. The workshop was held at the Ghion Hotel, Addis Ababa (Ethiopia) from May 12-16, 2008. It was a demand-based training workshop, and follow-up to an earlier training workshop 'Competition Policy and Law' (CPS.02), organised at the request of the Ethiopian government on March 29-30, 2006 in Addis Ababa.

The training workshop had 24 participants, and was conducted by experts/resource persons delivering on – (a) basic elements of competition; and (b) various practical aspects of competition enforcement. Over the period of the five days, the participants sharpened their skills on various aspects of competition policy and law through lectures, practical examples provided by resource persons, case studies and focussed group discussions.

Based on the feedback received from the participants and resource persons, the workshop was successful in terms of

- choice of topics;
- quality of participation;
- resource persons;
- resource materials; and
- administrative and logistical arrangements.

Participants acknowledged that learnings they derived from the training workshop proved to be extremely valuable and would enhance their practical skills of dealing with the complex subject of competition policy and law. All the participants expressed their desire to attend similar trainings in future, and thanked CUTS for taking the initiative.

2. Objective

The objectives of the five-day workshop were:

- Develop analytical, investigative and administrative capacities of the participants (officials of the TPIC, Ethiopia) to effectively implement the Ethiopian Competition legislation.
- Understand the expected role of different agencies and groups in order to ensure fair trading, competitiveness of the markets and accelerate economic growth.

¹ For details please visit www.cuts-ccier.org

² For details please visit www.circ.in

- Gain from the experience of specialists and take note of the process in which competition administration has progressed in select jurisdictions.
- Undertake first-hand exercises in order to be better to enforce the country's competition law.

3. Scope

3.1 The workshop covered the following areas related to competition policy and law:

- Introduction to Competition Policy and Law
- Introduction to Competition Analysis
- Dealing with Unfair Trade Practices (UTPS)
- Unfair Trade Practices: Case Analysis, Group work & Presentation
- Dealing with Abuse of Dominance
- Vertical Restraints/Agreements
- Horizontal Restraints/Agreements
- Cartels and competition law
- Understanding Competition Laws of Select Countries Structural and Functional Elements of Competition Agencies

4. Participants

4.1 The event was attended by 24 participants representing the Trade Practices Investigation Commission (TPIC), Ministry of Trade and Industry, Ethiopian National Parliament, Addis Ababa University, Consumer Association and the Media.

The list of participants is attached as *Annexure 1*.

5. Resource Persons and Facilitator

5.1 Resource persons comprised of eminent experts, practitioners and academicians in the field of competition policy and law and related matters. A practitioner from CUTS facilitated the workshop. A brief profile of resource persons and the facilitator is attached as *Annexure 2*.

6. Format of Training Workshop

6.1 Sessions were conducted on various aspects of competition policy and law issues, in order to educate the participants on specific aspects of competition enforcement through a blend of theoretical lectures and hands-on casework. There was ample time for interactions and group discussions. (Refer Agenda enclosed as *Annexure III*).

Summary of Participants' Feedback

The feedback form was designed with two types of questions: open-ended and close-ended. The open-ended questions have been analysed as per the descriptive responses received from the participants. These responses can be categorised as recommendations, highlights and suggestions.

Highlights:

- The training workshop was successful in combining the knowledge and understanding of competition policy and law issues.
- Participants opined unanimously that all the sessions were of relevance to them and acknowledged that the agenda had been very well drafted to cover all the important issues related to competition policy & law. Moreover, a case-study approach to problem-solving (of competition cases) proved to be an added advantage as the modality of the workshop. This was in addition to the excellent choice of resource persons and resource materials.
- Participants were of the view that the organisers managed the training workshop efficiently (subject and time-wise).
- They hoped that the feedback provided by them would help organisers in customising the course module and methodology for conducting follow-up training workshops in future.
- All the participants wanted to attend similar training workshops in future. Most of them stated that they would recommend it to others, as it met their expectations and needs.
- Participants acknowledged that the sessions were structured in a manner that had provided enough time for discussion and interaction.

Recommendations:

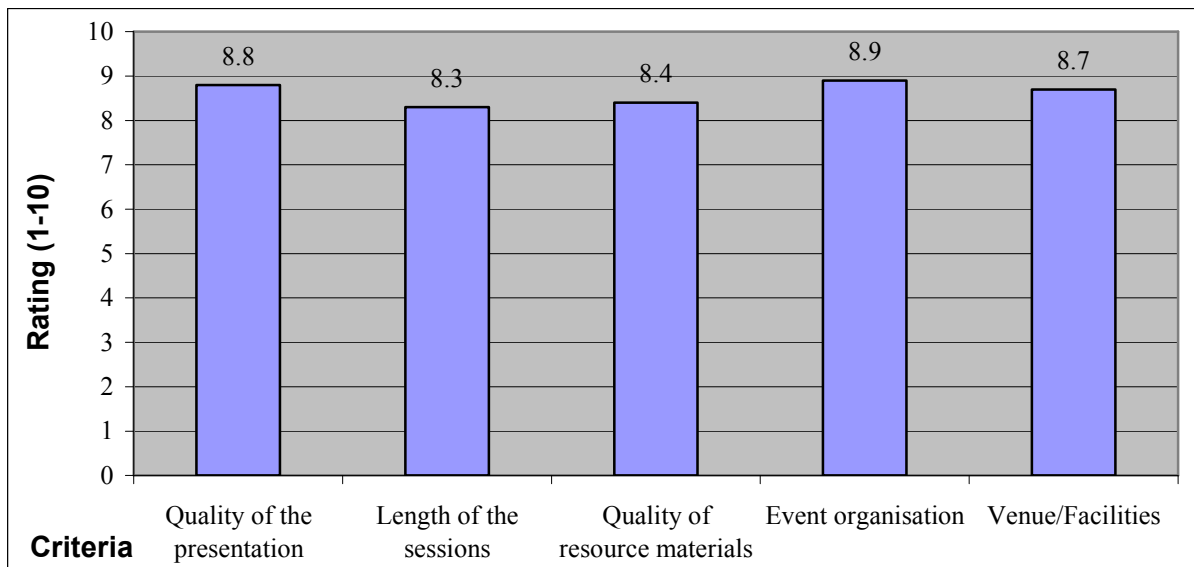
- Participants recommended having similar workshops on a periodic basis.
- Training of how Competition Commission of a country should introduce commercial diplomacy
- There is a need to carry out research and investigation to identify prevailing Unfair Trade Practices (UTPs) in Ethiopia, as there was hardly any evidence available on record.
- Resource materials should be distributed beforehand to participants, in order for them to go through the materials before the workshop.
- Resource persons could be a mix from other disciplines too, to offer better and wide variety of experience.
- The technical language barrier should be overcome as it impedes understanding.

The other part of the feedback form contains close-ended questions, which have been statistically analysed. Responses on specific aspects of this training workshop are analysed by deriving an average mean. The model is described below by taking the example of responses received on 'quality of presentation'. In the feedback participants were asked to rate each of the sessions on a scale of 1 (poor) to 10 (excellent).

The following table presents the outcome of the assessment:

Data Value	Frequency (Responses received from participants on the scale of 1-10)	Frequency X Data Value
1 (<i>Bad</i>)	None	0
2 (<i>Poor</i>)	None	0
3 (<i>Poor</i>)	None	0
4 (<i>All right</i>)	None	0
5 (<i>Good</i>)	2	10
6 (<i>Good</i>)	13	78
7 (<i>V Good</i>)	32	224
8 (<i>V Good</i>)	46	368
9 (<i>Excellent</i>)	117	
10 (<i>Excellent</i>)	2	20
Sum	12	92
Mean		92/12 = 7.6

Figure 1: Average score (Arithmetic Mean) on 'overall management' of the training workshop



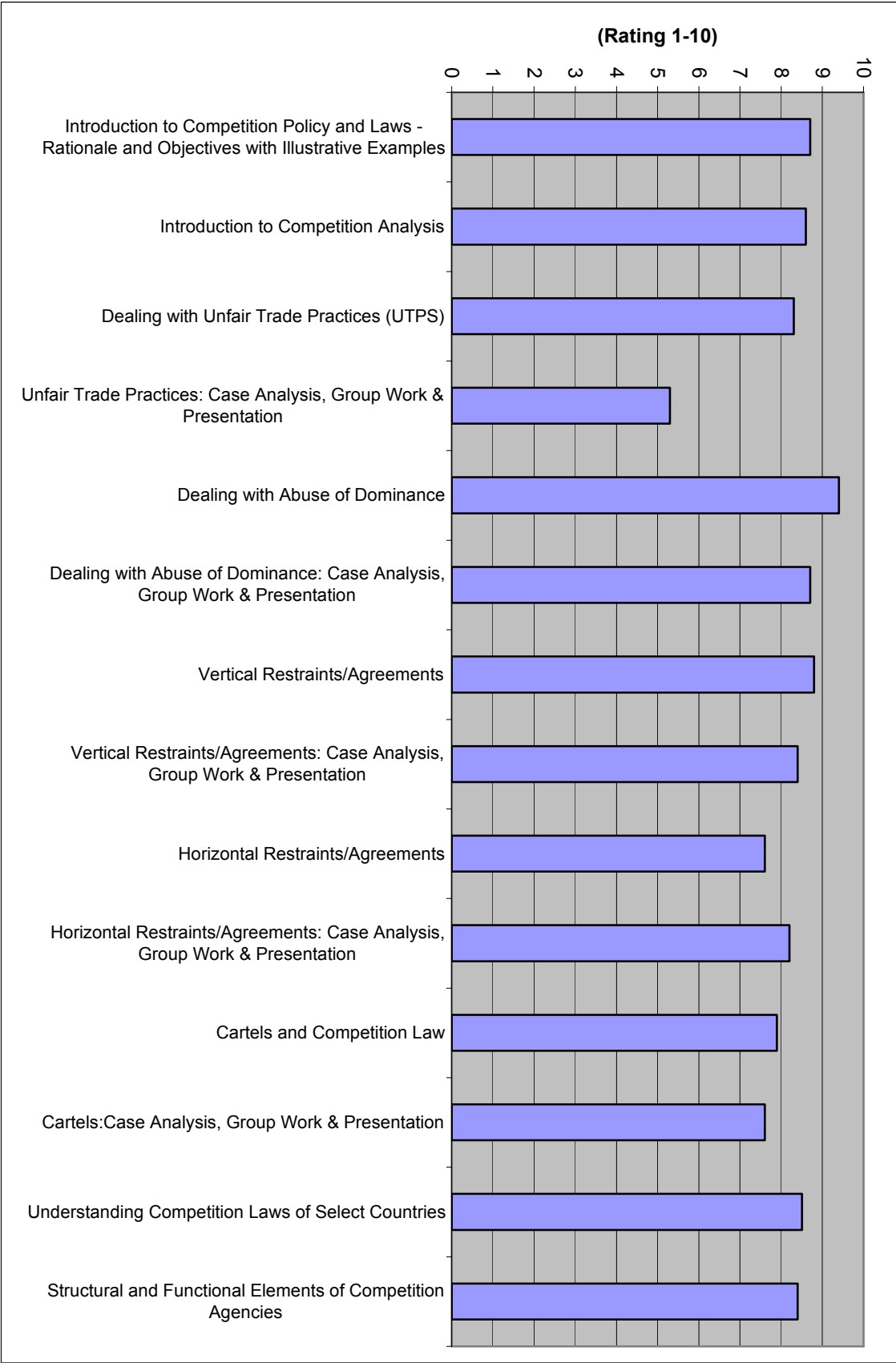


Figure 2: Average score of different sessions.

List of Participants (CPS.06)

S. No	Name	Coordinates
1.	Harka Haroye Oda	Chairperson Ethiopian Trade Practice Investigation Commission Member of the Board of the Comesa Competition Commission P.O.Box 1309, Code 1110 Addis Ababa, Ethiopia Tel: 0911-897191 Email. Harkaharoye2006@yahoo.co.uk
2.	Kidist Zewdie Mengiste	Trad Expert Trade & Industry dev't Addis Ababa, Ethiopia Tel: 0912010238/011-1117790 Email.kidist1363@yahoo.com
3.	Netsanet Mekuria Mamo	Trade Practice Expert Trade Practice Investigation Commission Addis Ababa, Ethiopia P.O.Box.23985 Tel: 251-911-370593 Email.yene_neh@yahoo.com
4.	Getnet Damte Meshesha	Investigation Commission Legal Expert Investigation Commission Addis Ababa, Ethiopia Tel: 0911-474464 Email.getnetdamte522@yahoo.com
5.	Birru Olbamo Madebo	Chief Trade Practice Trade Practice Commission Addis Ababa, Ethiopia Tel: 251-11-504153
6.	Teshome Abera Tessema	Head of Purchasing and Procurment Administration Ethiopian Radio and Television Agency Addis Ababa, Ethiopia P. O. Box 170287 Tel: 251-911-698564/677959/5157853 Email. ybaweke@yahoo.com Teshome111@yahoo.com]
7.	Atlaw Alemu Tarekegn	Lecturer AAU (Addis Ababa University) Department of Economics Addis Ababa, Ethiopia Tel: 0911 144974 Email- atlaw.elem@gmail.com
8.	Beyene Moges Woldegiorgis	Reporter ENA Addis Ababa, Ethiopia Tel: 011-4565281

9.	Girma Bejiga Senbeta	Trademark Examiner Ethiopian Intellectual Property Office Addis Ababa, Ethiopia P.O.Box 25322/1000 Tel: 011-5526659 gibesen@yahoo.com
10.	Asfaw Yeshidagna Banjaw	Investigation Bureau A.A Police Addis Ababa, Ethiopia P.O.Box 5647/1000 Tel: 251-0911-608399
11.	Alemu Yimer Getahun	Member Trade & Industry Affairs Standing Committee Federal Parliament Addis Ababa, Ethiopia Tel: 251-911897157 alemuymr@yahoo.com
12.	Kebede Abera Ido	MP (Chairperson of Trade and Industry Standing Committee) House of Peoples Representative Tel: 251-11-1241071 Email.abe_kebede64@yahoo.com
13.	Ayele Seyoum Anore	Ethiopian Member of Parliament (Trade & Industry Committee deputy chairman) Addis Ababa, Ethiopia P.O.Box 14333 Tel: 251-091 2056102 Ayele123@yahoo.com
14.	Etabezahu Taye Abera	Team Leader A.A. Trade & Industry dev't bureau Addis Ababa, Ethiopia Tel: 011-4390212
15.	Yeshitila Moges Shawel	Team Leader Pricing & Distribution of Fuel Ministry of Trade & Industry Addis Ababa, Ethiopia Tel: 251-011-5504144 yeshmogshawel@yahoo.com
16.	Yonas Kebede Tache	Advocate III Ministry of Trade & Industry, Ethiopia Addis Ababa P.O. Box 704 Ethiopia Tel: 251-11-5515 411, 5514288
17.	Seifu Ali Gebeyahu	Government organization (civil servant) fully time work Ethiopian Consumer Protection Association Board Member Addis Ababa, Ethiopia Tel: 251-1-0911-627376 Email. seifuali@ethionet.et

18.	Tesfaye Kebede Gebremariam	Head Trade Follow-up & Control section Trade & Industry Dev't Bureau Addis Ababa, Ethiopia Tel: 251-911-315801 Email. teskeb2006@yahoo.com
19.	Seyoum Teka Bairu	Legal Advisor Ethiopian Trade Practice & Investigation Commission Addis Ababa, Ethiopia Tel: 251-911-996486 Email. Seyoumt2008@yahoo.com
20.	Wogayehu Geber Hanna	Member of ECOPA ECOPA Addis Ababa, Ethiopia Tel: 0911-677983
21.	Kidist Yebeka Abebe	Advocate Q.S.A.E. Addis Ababa, Ethiopia Tel: 0911-228903 Fax. 251-6460880 Email. kimanahu@yahoo.com
22.	Girma Tessema Wodjo	Head of Investigation Department Addis Ababa, Ethiopia Tel: 011-5551922 Fax. 0911637772
23.	Sitotaw Enyew Gesesse	Ministry of Trade & Industry
24.	Minale Arega Yimer	Member, Ethiopian Consumer Protection Association Addis Ababa, Ethiopia

Brief Profile of Resource Persons and Facilitator

1. Carl Buik, Australian Competition and Consumer Commission (ACCC), Australia

Carl Buik has 26 years experience in competition law and policy. He currently holds the position of Director, Enforcement & Coordination at ACCC in Canberra, Australia. He is a graduate of the University of New England (Bachelor of Economics) and the Australian National University (Bachelor of Laws). He has held senior positions in diverse areas of the ACCC including competition and consumer protection enforcement (investigations and litigation), compliance strategies (industry codes of conduct, business compliance programs, business and consumer education), legal (internal advising and proposals for legislative amendment), corporate (policy, planning, research and analysis) and e-commerce.

2. Peter Githaiga Kanyi, Monopolies and Prices Commission (MPC), Kenya

Peter Githaiga Kanyi has done Bachelor of Arts (Business Management) from Moi University, Kenya. He is working as Senior Monopolies & Prices Officer. He holds a certificate from UNCTAD on “Training Course on Investigation Tools for Case Handlers”. He analyses anti-competitive practices in the Kenyan market/economy, implementing competition policies, identifying and controlling unfair trade practices and structures like cartels, concentration of economic power, mergers likely to cause ‘monopolies’ and conducting market surveys, investigations, research and subsequent report writing.

3. S. Chakravarthy, Advisor /Consultant on Competition Policy and Law

He is a Civil Servant by profession, being a Member of the Indian Administrative Services. He is a masters Degree holder in Mathematics and Statistics. After joining the Government, he got a Doctorate Degree in Management from the Indian Institute of Technology, Delhi. His experience as a Civil Servant in India over 4 decades (1961-2002) has been essentially in the areas of Industries, Commerce, Management of state-Owned Enterprises, Competition policy, Industrial Development and Export Promotion have been central to his specialisation. Among the top assignments he held were Special Chief Secretary to Government and Member, Monopolies and Restrictive Trade Practices Commission. As a member, Company Law Board and Member, Monopolies and Restrictive Trade Practices Commission, his experience as adjudicating Tribunal is around 10 years.

4. Kasturi Moodaliyar, University of Witswatersrand, South Africa

She is currently pursuing her PhD on “Anti-cartel Enforcement in Industries characterized by Coordinated Conduct”. She has done M.Phil in Criminological Research from University of Cambridge. She is also the recipient of Nelson Mandela Magdalene Scholarship. Presently working with University of Witwaterstrand as Senior Lecturer in Competition Law and co-ordinates and lectures on Competition law to Practitioners. She has also worked with Competition Commission of South Africa as Merger Analyst, conducted investigation, relevant research and merger analysis under Chapter 3 of the Competition Act. Prior to this she was Junior Investigator, investigating anti-competitive practices in terms of Chapter 2 of the Competition Act.

5. Rijit Sengupta, CUTS, India

Rijit coordinates the activities of the Centre for Competition, Investment & Economic Regulation (CUTS CCIER). He is trained in social sciences and management, and has been working with CUTS for five years. He has over three years of experience of coordinating competition policy and law projects in sub-saharan Africa. He has represented CUTS at several national and international seminars, conferences on competition policy and investment, and has travelled on work assignments in over 20 countries.

Agenda

Training Workshop on Competition Policy and Law Administration

12-16 May 2008

Ghion Hotel, Addis Ababa, Ethiopia

Monday, 12th May 2008

- 1100 to 1110 hrs: Welcome and Opening**
Representative of the Ministry of Trade and Industry, Ethiopia
- 1110 to 1120 hrs: Introduction and purpose of the training: Setting the Stage**
Rijit Sengupta, Centre Coordinator and Deputy Head, CUTS Centre for Competition, Investment & Economic Regulation (CUTS CCIER), CUTS International
- 1120 to 1200 hrs: Self-Assessment Questionnaires**
Moderator: Rijit Sengupta, CUTS International
- 1200 to 1300 hrs: LUNCH BREAK**
- 1300 to 1415 hrs: Introduction to Competition Policy and Law – Rationale and Objectives with Illustrative Examples**
Resource Person: S Chakravarthy, Competition Expert, India
- What is Competition Policy and how is it different from Competition Law?
 - Objectives and Scope of Competition Policy and Law
 - What are Anti-competitive Practices and how do they affect consumers?
 - Why does a country need competition law and authority?
- 1415 to 1500 hrs: Group/Floor Discussion**
- 1500 to 1530 hrs: TEA BREAK**
- 1530 to 1700 hrs: Introduction to Competition Analysis**
Resource Person: S Chakravarthy, Competition Expert, India
- Basic concepts
 - Market definition, relevant market and market structure
 - Calculation of market concentration
- 1700 to 1730 hrs: Group/Floor Discussion**

0900 to 1000 hrs: Dealing with Unfair Trade Practices (UTPS)

Resource Person: Carl Buik, Australian Competition and Consumers Commission (ACCC), Australia

- What are UTPs
- How they affect consumers
- Ways of dealing with UTPs

1000 to 1045 hrs: Floor Discussions

1045 to 1100 hrs: TEA BREAK

1100 to 1300 hrs: Unfair Trade Practices: Case Analysis, Group work & Presentation

[The participants are divided into 3 or 4 groups; they are then provided a Real/Hypothetical Case on UTPs; each of the groups is expected to analyse the case internally and come up with prescriptions on how to deal with the same. A representative from each of the groups makes a presentation. This is followed by a brief general discussion]

Resource Person: Carl Buik, Australian Competition and Consumers Commission (ACCC), Australia

Moderator: Rijit Sengupta, CUTS International

1300 to 1400 hrs: LUNCH BREAK

1400 to 1500 hrs: Dealing with Abuse of Dominance

Resource Person: S Chakravarthy, Competition Expert, India

- Meaning of Dominant Market Position
- Understanding Abuse of Dominance situations
- Role of Competition law in addressing abuse of dominance

1500 to 1530 hrs: Floor Discussion

1530 to 1600 hrs: TEA BREAK

1600 to 1800 hrs: Abuse of Dominance: Case Analysis, Group work & Presentation

[The participants are divided into 3 or 4 groups; they are then provided a Real/Hypothetical Case on Abuse of Dominance; each of the groups is expected to analyse the case internally and come up with prescriptions on how to deal with the same. A representative from each of the groups makes a presentation. This is followed by a brief general discussion]

Resource Person: S Chakravarthy, Competition Expert, India

Moderator: Rijit Sengupta, CUTS International

0900 to 1030 hrs: Vertical Restraints/Agreements

Resource Person: Kasturi Moodaliyar, University of Witswatersrand, South Africa

- What are Vertical Restraints?
- Understanding different types of Vertical Restraints
- Competition law and vertical restraints

1030 to 1100 hrs: Floor Discussion

1100 to 1115 hrs: TEA BREAK

1115 to 1230 hrs: Vertical Restraints/Agreements: Case Analysis, Group work & Presentation
[The participants are divided into 3 or 4 groups; they are then provided a Real/Hypothetical Case on Abuse of Dominance; each of the groups is expected to analyse the case internally and come up with prescriptions on how to deal with the same. A representative from each of the groups makes a presentation. This is followed by a brief general discussion]

Resource Person: Kasturi Moodaliyar, University of Witswatersrand, South Africa

Moderator: Rijit Sengupta, CUTS International

1230 to 1330 hrs: LUNCH BREAK

1330 to 1445 hrs: Horizontal Restraints/Agreements

Resource Person: Peter Kanyi, Monopolies and Prices Commission (MPC), Kenya

- What are Horizontal Restraints?
- Analysing different types of Horizontal Restraints
- How does competition law address Horizontal Restraints

1445 to 1515 hrs: Floor Discussion

1515 to 1545 hrs: TEA BREAK

1545 to 1730 hrs: Horizontal Restraints/Agreements: Case Analysis, Group work & Presentation

[The participants are divided into 3 or 4 groups; they are then provided a Real/Hypothetical Case on Abuse of Dominance; each of the groups is expected to analyse the case internally and come up with prescriptions on how to deal with the same. A representative from each of the groups makes a presentation. This is followed by a brief general discussion]

Resource Person: Peter Kanyi, MPC, Kenya

Moderator: Rijit Sengupta, CUTS International

0900 to 1000 hrs: Cartels and competition law

Resource Person: Peter Kanyi, MPC, Kenya

- What are cartels?
- Addressing cartels through competition law
- Cartel Investigations, Leniency provisions and penalties

1000 to 1030 hrs: Floor Discussions

1030 to 1100 hrs: TEA BREAK

1100 to 1300 hrs: Cartels: Case Analysis, Group work & Presentation

[The participants are divided into 3 or 4 groups; they are then provided a Real/Hypothetical Case on Abuse of Dominance; each of the groups is expected to analyse the case internally and come up with prescriptions on how to deal with the same. A representative from each of the groups makes a presentation. This is followed by a brief general discussion]

Resource Person: Peter Kanyi, MPC, Kenya

Moderator: Rijit Sengupta, CUTS International

1300 to 1400 hrs: LUNCH BREAK

1400 to 1500 hrs: Understanding Competition Laws of Select Countries

(Presenting a brief overview of the salient features of each Act)

- **South Africa:** Kasturi Moodaliyar, University of Witwatersrand, South Africa
- **Kenya:** Peter Kanyi, MPC, Kenya

1500 to 1530 hrs: TEA BREAK

1530 to 1630 hrs: Understanding Competition Laws of Select Countries

(Presenting a brief overview of the salient features of each Act)

- **India:** S Chakravarthy, India
- **Australia:** Carl Buik, ACCC, Australia

1630 to 1700 hrs: Questions and Answers

0900 to 1100 hrs: Structural and Functional Elements of Competition Agencies

[In this session the resource persons would provide a brief perspective on specific issues related to certain structural and functional elements of a competition authority. These perspectives would be constructed drawing heavily from the knowledge and/or experience of their respective country's competition regime, and/or by drawing from others]

- **Courts/Commission/Tribunals (Different types of structures of competition authorities)**

Resource Person: Kasturi Moodaliyar, University of Witswatersrand, South Africa

- **Functional Autonomy and Financial Independence**

Resource Person: Carl Buik, ACCC, Australia

0950 to 1000 hrs: TEA BREAK

- **Competition Law and Sectoral Regulation**

Resource Person: Peter Kanyi, MPC, Kenya

- **Competition Advocacy and Communications**

Resource Person: Carl Buik, ACCC, Australia

Session to be moderated by: Rijit Sengupta, CUTS International

1100 to 1200 hrs: Questions and Clarifications

1200 to 1300 hrs: LUNCH BREAK

1300 to 1400 hrs: Assessment of the Training Programme

(Feedback from the participants, etc. on various themes of the training workshop)

Moderator: Rijit Sengupta, CUTS International

1400 to 1430 hrs: Self-Assessment Questionnaire (30 mins)

Moderator: Rijit Sengupta, CUTS International

1430 to 1500 hrs: TEA BREAK

1500 to 1530 hrs: Summing Up & Closing

Representative of MTI, Ethiopia

Rijit Sengupta, CUTS International