

INSTITUTING THE COMPETITION ACT 2010 - THE ROLE OF UNIVERSITIES AND ACADEMICS

RICHARD WHISH
KING'S COLLEGE LONDON

INSTITUTING THE COMPETITION ACT 2010 - THE ROLE OF UNIVERSITIES AND ACADEMICS

- ◉ TEACHING
- ◉ WRITING
- ◉ BUILDING BRIDGES WITH OTHER
STAKEHOLDERS
- ◉ INPUT INTO POLICY
- ◉ INTERNATIONAL PERSPECTIVE

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TEACHING

- ◉ Who do we teach?
 - Undergraduates
 - Postgraduates
 - PhD students
 - Post-doctoral students
 - Practitioners
 - Practising lawyers and economists
 - Competition officials
 - Judges
 - Civil servants

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TEACHING

◉ What do we teach?

- Depends on the course
- Can be conceptual, theoretical
- Can be practical, procedural
- Competition law and economics requires both
- But universities are good at communicating high-level principles!
- Practical and procedural issues are continually learnt ‘at the coal face’

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TEACHING

- ◉ What becomes of the people we teach?
 - Most will not go into competition law and policy
 - But exposure to the principles of competition contributes to a ‘competition culture’
 - Some will become practitioners of competition law and policy in private practice
 - Some will join competition authorities
 - Many of them will ‘revolve’, depending on the country and the culture of that country, between practice and the public sector
 - Some will become judges

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TEACHING

- What becomes of the people we teach?
 - Some will become academics - an important point: the need to develop a competition law and policy community within the academic world
 - Some countries have done well in this respect
 - Others are noticeably lacking
 - There is a value in establishing 'Centres' of competition law and policy; and no reason not to have competing centres of competition law and policy!

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WRITING

- ◉ Writing is an important part of the academic function
- ◉ It can take a long time before a 'writing culture' develops
- ◉ Much of what is written is by the competition authority (guidelines, consultation documents etc.) and by the practising lawyers and economists
- ◉ Academics can produce writing that is objective; reflective; conceptual

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WRITING

- ◉ Textbooks are needed that deal with the academic side of the subject rather than what practitioners need in their daily lives
- ◉ Also articles that explore the conceptually difficult areas (what is an ‘as efficient’ competitor? What are ‘object’ restrictions?)
- ◉ Need for a bespoke journal of competition law and policy: best run out of the academic community

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BUILDING BRIDGES WITH OTHER STAKEHOLDERS

○ Everyone in competition law and policy can learn from one another

- Competition authorities
- Practitioners
- Judges
- Academics
- Politicians and civil servants

○ Universities can provide a ‘neutral’ location in which interested stakeholders can meet

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INPUT INTO POLICY

- ◉ Academic institutions can play an important part in the developments of policy
- ◉ For example
 - Commenting on draft guidelines
 - Responding to consultations
 - Discussions with Government, competition authorities, civil servants
 - Speaking at conferences, seminars etc.
- ◉ And academics can be important as advisers, members of the authority, lay members of courts etc.

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INTERNATIONAL PERSPECTIVE

- ◉ Competition law and policy today is very international
- ◉ This means that there is a rich body of literature, decision-making, international best practice, guidance
- ◉ And there are very effective international institutions
 - ICN, OECD, ASEAN
 - Also international academic organisations, eg ASCOLA

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INTERNATIONAL PERSPECTIVE

- ◉ It can be very difficult for practitioners and officials to keep up with all these developments
- ◉ The academic community may be particularly good at reviewing and reflecting on international developments
- ◉ Note the role of NGAs at the ICN: there are not many of these from developing countries/countries with new systems of competition law