

6 ARAB COMPETITION FORUM

Baghdad, Iraq 28-29 May 2025



Shared Prosperity Dignified Life



The Role of Market Studies in Supporting Competition Law Enforcement in the Arab Region

UN Trade and Development (UNCTAD)

<https://unctad.org/Topic/Competition-and-Consumer-Protection>

Market Studies by Competition Authorities especially post COVID-19 Pandemic



1

Market studies provide [market monitoring](#) functions.

2

Market studies help prioritize [enforcement](#) actions.

3

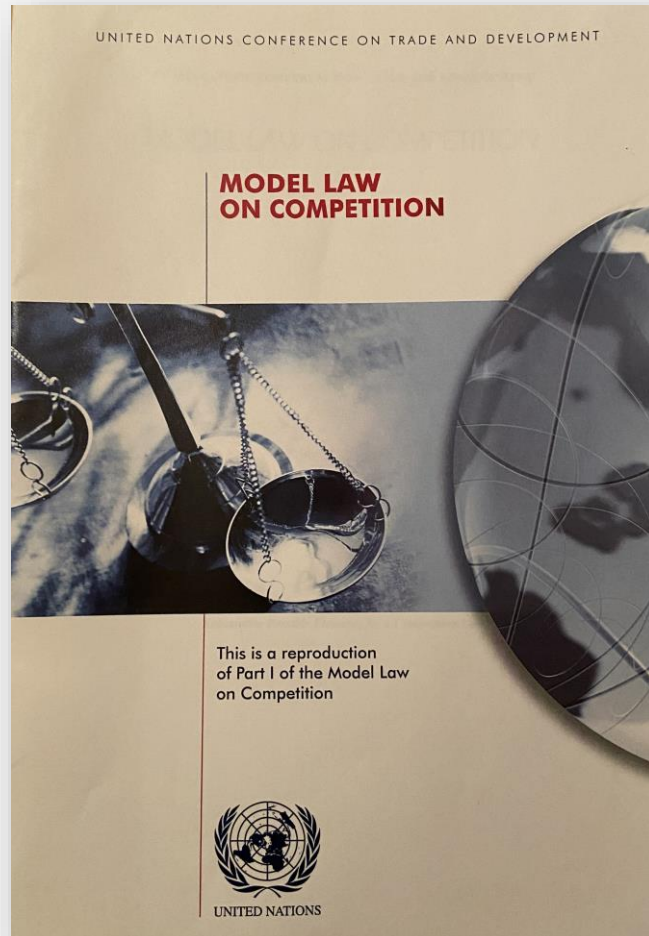
Market studies are instrumental for [advocacy](#) with Government/Parliament, sectoral regulators, and the private sector.

See Competition advocacy during and in the aftermath of the COVID-19 [crisis](#) (TD/B/C.I/CLP/58) - 28 Apr 2021



Photo source: <https://www.istockphoto.com/photo/conceptual-photo-showing-printed-text-competition-law-gm1217187910-355202373>

Goals of Market Studies



To improve knowledge of markets, looking at markets structures and business practices



To examine possible restrictions on competition arising from legislative and regulatory measures and public bodies and business conduct through anticompetitive practices



To better identify remedies and solutions for market access and functioning restrictions

How to Make a Successful Market Study



1



Have available [resources](#), such as qualified human and financial resources, to conduct a market study.



2



Consider how to gather [quality data](#), ensuring the data will be comprehensive and reliable.



3



[Collaborate](#) with other public bodies and regulators. Facilitate cooperation with other stakeholders, such as businesses.



4



Engage in efficient internal [planning](#). Determine the scope of the market study, participants, whether the market study will be publicly disseminated, if there will be an impact assessment, among other things.

Photo sources: <https://www.pexels.com/search/planning/>, <https://www.freepik.com/free-photos-vectors/money>, <https://www.freepik.com/free-photos-vectors/collaboration>, <https://www.istockphoto.com/search/2/image-film?phrase=data+collection>.

Outcomes of Market Studies



- **No Action:** Market is working well, improving, or remedies are too costly
- **Policy Recommendations:** Propose changes to laws, policies, or regulations
- **Law Enforcement (Competition & Consumer protection)**
- **Further Monitoring or Market Study**
- **Guidance to Business**
- **Voluntary Business Action**
- **Education and Awareness**
- **Referral to a Third Party for Action**
- **Market Restructuring**

Source: ICN, Market Studies Good Practice Handbook, 2016, p. 44, available at:

https://www.internationalcompetitionnetwork.org/wp-content/uploads/2018/09/AWG_MktStudiesHandbook.pdf.

Market Studies Triggering Law Enforcement Actions



South Africa: In February 2025, the Competition Commission of South Africa published the [Provisional Report of the Media and Digital Platforms Market Inquiry](#). This report found that Google’s algorithm distorts competition among news media organizations in South Africa by overrepresenting global news outlets in search results and top stories, while underrepresenting local language and community media. As a remedy, the report proposed that Google compensate South African news media with an annual payment of [R300–500 million](#) (approximately USD 16–27 million) over 3–5 years.

Market Studies Triggering Law Enforcement Actions



South Africa, [COMPETITION ACT 89 OF 1998](#), amended in 2024

43E(3) . Outcome of market inquiry

Excerpt (summarized):

On the basis of information obtained during a market inquiry, the Competition Commission may:

- Initiate complaints and enter into consent orders;
- Launch further investigations;
- Refer the matter directly to the Competition Tribunal;

Market Studies Informing Policy Recommendations



Kenya: In February 2025, the Competition Authority of Kenya (CAK) published its report on [the Animal Feed Market Inquiry](#). This inquiry was conducted to address concerns about high animal feed prices. The final report concluded that prices were “significantly higher than they would be under effective competition,” citing regional supply coordination issues and local regulatory barriers as key factors. The study put forward several policy recommendations to address these issues, including **urging the government to remove internal trade barriers, such as county-level taxes, and to harmonize regulations across borders within the COMESA and EAC regions to improve input supply.** Additionally, it recommended **ongoing price monitoring and interventions** if anti-competitive conduct is suspected.

Market Studies Informing Policy Recommendations



Kenya, [Competition Act](#), CHAPTER 504, Revised Edition 2022

Section 18 (3)

In appropriate cases, after conclusion of an inquiry or a sectoral study, the Authority shall in its report to the Cabinet Secretary identify sectors where factors relating to unwarranted concentrations of economic power subsist and **give advice regarding measures which may ameliorate such situations.**

Market Studies Providing Guidance to Businesses



India: In 2020, the Competition Commission of India conducted a [Market Study on E-commerce in India](#), urging e-commerce platforms to “ensure transparent policies and fair practices in areas such as search rankings, data use, reviews, contract terms, and discount policies to reduce information asymmetry and promote healthy competition.”

**Note: There is no specific clause on market studies in [Indian Competition Act, 2002 \(as amended in 2023\)](#). However, Sections 18 (Duties of the Commission) and 49 (Advocacy for Competition) provide the legal foundation for the CCI to conduct market studies as part of its advocacy and policy functions.*

Regional cooperation and market studies



ASEAN

In 2020, ASEAN released “[A Trainer’s Guide to Support the Implementation of Competition Market Studies](#),” a detailed manual to help agency staff plan and carry out market studies effectively.

The Guide also takes into account the situations of less experienced countries, such as Laos and Myanmar (P. 9).

African Competition Forum

In 2013, ACF published the [Regional Cement Market Study Final Report](#) (encompassing Botswana, Kenya, Namibia, South Africa, Tanzania, Zambia) analyzed pricing and market structure across borders in the cement, poultry and sugar industries.

COMESA

In 2024, the COMESA Competition Commission (“Commission”) issued a request for comments on its [proposed draft COMESA Competition and Consumer Protection Regulations](#) (not yet adopted). Article 24 of the proposed amendments grants the Commission the power to **conduct market inquiries, carry out investigations, implement remedies, and make policy recommendations and advocacy following market studies.**

Prior to this, the Commission has already undertaken [market studies](#) in key sectors, including **aviation, fertilizers, and the vegetable oil value chain.**

Market Studies Requested by Developing Countries to UNCTAD



Malawi

**Competition Issues
in the Tobacco
Industry of Malawi
(2011).**

Zambia

**The Petroleum
Industry in Zambia: A
study on market
structure and
competition (2011).**

Cocoa

**Cocoa Study:
Industry Structures
and Competition - A
study prepared by
the UNCTAD
secretariat (2008).**

Malawi



Photo source: <https://www.istockphoto.com/search/2/image-film?phrase=tobacco+malawi>.

Text source: UNCTAD, Competition Issues in the Tobacco Industry of Malawi (2011). Available at: http://unctad.org/en/PublicationsLibrary/ditccp2011d5_en.pdf.

Key findings: Lack of effective competition and weak enforcement of competition laws.

Regulatory recommendations: Improve regulatory frameworks, strengthen technical capacity of regulatory institutions, and prevent regulatory bodies from having vested interests.

Other recommendations: Study the impact of horizontal relationships and investigate alleged anti-competitive practices in the tobacco industry.

Zambia



Photo source: <https://www.istockphoto.com/photo/zambia-oil-industry-concept-industrial-illustration-zambia-flag-and-oil-wells-with-gm1089834220-292367260?searchscope=image%2Cfilm>.

Text source: UNCTAD, The Petroleum Industry in Zambia: A study on market structure and competition, (2011). Available at: http://unctad.org/en/Docs/ditcclp2011d1_en.pdf.

Key findings: Though the petroleum industry was still in the exploration phase at the time of this study, UNCTAD found that competition is limited by several factors including: protectionist policies, three of the main actors being SOEs, and failure to enforce domestic laws, among other things.

Important recommendations: Improvement is needed in institutional framework, transparency, and efficiency, in addition to other areas.

Competition law recommendations: Investigate alleged instances of anticompetitive conduct and the government should stop using a protectionist approach, among other things.

Cocoa



Photo source: https://stock.adobe.com/fr/search?k=cocoa+bean&asset_id=253758481.

Text source: UNCTAD, Cocoa Study: Industry Structures and Competition - A study prepared by the UNCTAD secretariat, (2008). Available at: http://unctad.org/en/Docs/ditcom20081_en.pdf

Key findings: The cocoa market in Africa is highly concentrated and has vertical integration.

Role of competition law and policy: Adoption and enforcement of a competition law tailored to the needs and market structure of cocoa-producing countries would be a helpful tool.

Important takeaway: Competition law and policy should be complemented by other economic policies to create a competitive and fair cocoa market.

Final remarks

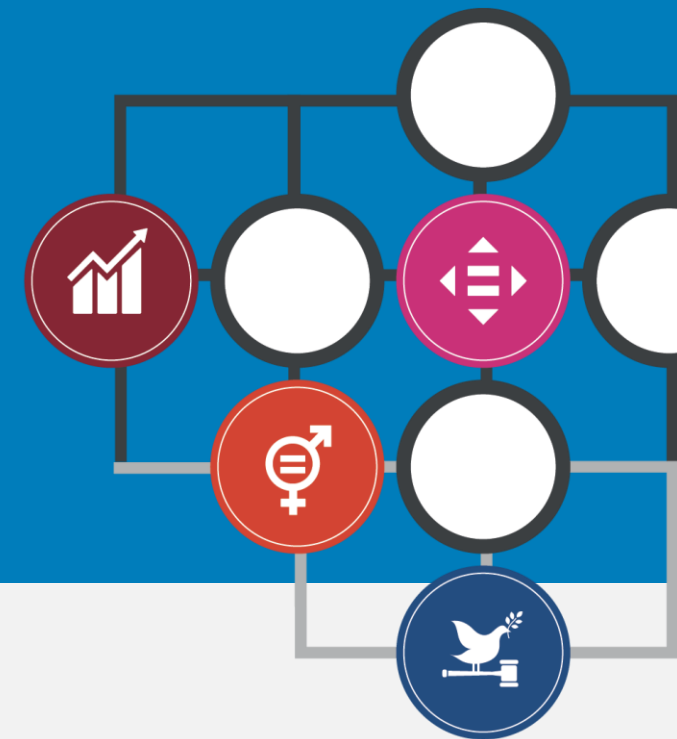


- **Market studies are useful and important tools for Competition Authorities to identify competition restrictions and to gather information to identify future enforcement priorities**
- **Stakeholders collaboration is necessary for comprehensive and accurate studies – participation; transparency**
 - **Assessment studies' impact and following up on its conclusions and recommendations' implementation provide learning opportunities**
- **For young and small Competition Authorities regional cooperation through formal agreements or informal arrangements can be extremely relevant**

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Thank you!