Competition enforcement: Mistakes, and how to avoid them

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Objectives

- Enhancing consumer welfare
  - Prohibiting anticompetitive activity
  - Making markets work better
- Rigorous enforcement
  - Picking the right targets
  - Acting with consistency / coherence
  - In the right time frame
  - Effective intervention

Mistakes

- Priorities:
  - Not setting them
  - Setting the wrong ones
  - Changing them
Mistakes

- Mistaking competition concerns for competitors’ concerns:
  - Competitor Welfare
  - Consumer Welfare

- Risk of over-enforcement

Theories of harm
- Not having one
- Having one, but not having the evidence

Being tough on liability but weak on remedies
- Something to learn from the courts?
Mistakes

- Evaluation of decisions
  - Decisions aim to benefit consumers
    - Requires
      - Monitoring
      - Evaluation

Getting enforcement right

- Priorities and long term planning

- Checks and balances
Getting enforcement right

- Co-operation: ECN, and globally

Getting enforcement right

- Resources