

The Enduring Significance of Poland's Antimonopoly Law

William E. Kovacic

U.S. Federal Trade Commission

Warsaw, 27 May 2010

Why Celebrate Anniversaries?

- How Poland's Law Mattered in 1990
- How Poland's Experience Matters Today: The Current Issues
- Personal Views

The Stakes in 1990

- Poland's Own Transition
- Poland and Hungary: The Prototypes
 - Test beds for new competition systems
 - Path for institutional reform
 - Learning in technical assistance
 - Consider: What would happen if the experiments failed?

Why Poland's Experience Matters Today

- Examination of Basic Principles
- Stimulus for New Thinking About Old (and Dormant) Questions of Public Administration
- Feedback Effect

Why Adopt a Competition Law?

- What Are the Goals?
 - Do they change over time?
- How Do We Know It Works?
 - Measures of effectiveness

What Is a System of Law?

- Interdependent Elements
 - What are the substantive rules?
 - How do you detect violations?
 - Will infringements be prosecuted?
 - Will tribunals find guilt?
 - How will offenders be punished?

What Are the Necessary Institutional Foundations?

- Inside an Agency
- Outside the Agency

Inside the Agency

- Goals and Priorities
- Organization of Tasks
- Portfolio of Policy Tools
- Human Capital
- Investments in Knowledge
- Quality Control

Outside the Agency

- Courts
- Universities
- Professional Societies
- Business Associations
- Consumer Groups
- Media

Life Cycles

- Challenges in the First Ten Years
- Continuing Tests

Autonomy and Accountability

- Prosecution: Independent in Exercising Powers
- Advocacy: Connected to Political Decision Makers
- Accountable for Policy Choices

Toward a Theory of the Agency

- What Combination of Functions?
 - Sectoral regulators
 - Multi-function agencies
 - Integration by contract or ownership?
- What Governance Structure?
 - College or hierarchy?

Effectiveness: How Do We Know It Works

- Substantive Programs
- Procedure
- Evaluation
 - Own work
 - Peer review
 - Benchmarking

International Cooperation

- Technical Assistance: Long-Term Engagement
- Cross-Border Collaboration
 - Bilateral
 - Regional
 - Global

Model of Improvement

- Evolution
- Experimentation and Adjustment
- Continuous Improvements
 - Critical self-assessment
 - Routine upgrades

Concluding Thoughts

- Leadership
 - Formative years
 - Succession
 - Playing for the long term