



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Confederación Suiza

Departamento Federal de Economía,
Formación e Investigación DEFI
Secretaría de Estado para Asuntos Económicos SECO



UNITED NATIONS
UNCTAD

Final report for Internship at The COMCO's Secretariat

Informe escrito en el idioma inglés.

Julio 2005.



compal

FINAL REPORT

TO: Swiss Competition Commission and the COMPAL Program

FROM: Gonzalo Dávila Maceda

SUBJECT: Internship at The COMCO' s Secretariat

DATE: July 20th, 2005

Contents:

1. BACKGROUND.....	2
2. THE INTERNSHIP AND ITS BENEFITS.....	2
3. SOME SPECIAL REMARKS.....	5
4. CONCLUSIONS.....	6

1. BACKGROUND

As the result of the Agreement of cooperation signed by the Bolivian Government, the United Nations Conference for Trade and development (UNCTAD) through its program on competition and consumer protection policies for Latin America (COMPAL), which is supported by the Swiss State Secretariat for Economic Affairs (SECO) took place the internship program for three Bolivian professionals in the Swiss Competition Commission.

The internship which I was the first beneficiary started on April 4th, 2005, and ended June 30th, 2005.

2. THE INTERNSHIP AND ITS BENEFITS

The internship was developed at the Swiss Competition Commission Secretariat, where I had the opportunity to strength my knowledge and experience in the area of Competition.

The fundamental parts of the internship where the following:

1.1 Introduction to the Secretariat, its structure, members, principal tasks, objectives and way of work.

That part was one of the most important due to the fact that the first contact with the institution members and tasks is the first moment in which I had the feeling of being one more of the Secretariat's professionals. At the same time I was given an overview of the institution's scope and objectives.

1.2 Induction into the Swiss Law in general and into the Swiss competition Law in particular

The induction into the Swiss Law was interesting and helpful for understanding the specific regulations on competition.

As a lawyer who works in a regulatory institution that has as well to deal with the defense of competition without a specific Law, it has been of great value understanding and working with the Federal Act on Cartel Law (LCart).

I really appreciated to learn and work with the LCart and its different procedures. I think, this law is a very modern and complete one.

One aspect I had the opportunity to experience is the transition between the period in which the Secretariat did not have the possibility to sanction unlawful behaviors and the beginning of the application of article 49a of the LCart which gives the Secretariat the power to sanction directly the law infractors in the form of fines. As a competition lawyer, I think this is one important aspect for strengthening the power of a Competition Agency.

1.3 Immersion into the service, the work teams and participation into the cases

Although I had the opportunity to attend the sessions of the service "Infrastructures" (I) as well as "Services" (S) and meet their members and even share some work, I was part of the service "Product Markets" (P) at the Secretariat. There I participated in the different work teams that were in charge of treating the cases in French).

All the teams in which I participated were conformed by lawyers and economists with a high level of experience. Even though I was the one who was supposed to learn I felt as well that in the discussions my opinion was important within my work team. I really felt that I was not only an intern but one "collaborateur" at the Secretariat.

Within the Service “P” I had the opportunity to participate actively in the weekly internal sessions which I found really important as a way of planning the work and as a way of sharing the cases and other administrative affairs with all the service members. As well I had the opportunity to attend the meetings with the Chamber and with the Plenum of the Commission and to prepare the documents for their approval.

1.4 The cases

The cases were furthermore interesting and I participated in them from the issuance of a simple letter of reception, to the definition of the strategy for the solution of the problem, passing through the attendance to meetings with the parties, phone calls, writing of enquiries, and even formal visits to the parties offices as part of the investigation.

Therefore, after having a great overview of the Swiss Competition Law, the work in the real cases was the perfect complement for learning by doing.

Indeed, the cases regarding the distribution of fuel; promotion and distribution of bricks; distribution of vehicles and the three great cases of mechanical Swiss watches enabled me to develop and enhance my experience in the defense of competition.

1.5 Visits to related offices

A very important complement of the internship was the visit to very important offices such as the UNCTAD offices in Geneva and the Consumers Office and the Prices Supervisor's in Bern.

1.5.1 The visit to the UNCTAD

The visit to the UNCTAD offices was one of the most expected by me because I was really interested in knowing about the work of that institution regarding competition and I was not disappointed.

There I had the opportunity to have very clear and illustrative discussions with some high level professionals such as Mr. Cernat, Mrs Gachuri, Mr Kim and Mr Kenfack who gave me their precious time in giving me a complete overview of the work of the UNCTAD in the competition issue.

With them I learned the special effort of the UNCTAD for helping OECD countries in the implementation of competition law and policies, as well as the situation of the African and the Asian countries in the area of competition.

Finally, I visited Mrs Ana Maria Alvarez and Mr. Pierre Horna who are the arms of the COMPAL program, who organized the whole visit and with whom I had the opportunity to talk about competition issues in Bolivia and how the COMPAL program could be of better value for strengthen Bolivian professionals and institutions in competition.

1.5.2 The visits to the Federal Office of Consumer Affairs and the Price supervisor's Office

Both visits where of real value.

The visit to the "Bureau federal de la Consommation" enabled me to see how the tasks of regulation, defense of competition and defense of consumers could perfectly be separated and independent, and to learn about the importance of the consumer protection and the importance of competition as a way of protecting the consumer.

The visit at the "Surveillance des Prix" gave me the possibility to see how prices are observed in different industries and how that office works in the case it detects something that could affect the price of products or services.

3. SOME SPECIAL REMARKS

- a. As the first internship beneficiary I have to say that the value of the internship at the COMCO Secretariat is the familiarization with the competition legislation and the participation in the cases, followed of course by the different discussions with the case team members. From the point of view of a lawyer this is the most enriching activity.
- b. For really taking the most of it, the knowledge of the French or German language is absolutely necessary as laws and cases are only written in one of the mentioned languages.
- c. I think the third month is the busiest one because it is the month in which the intern is really involved with the cases and therefore he can do more work and finish it before leaving; there are visits he has to do and as well he has to prepare for leaving. Therefore, I suggest to program visits to the different offices for the second month, so the intern will have the time to take the most of the profit in both the work and the visits.

4. CONCLUSIONS

The internship at the Secretariat has been one of the most interesting and enriching experiences that I have had in my life, both in a professional and personal level. The possibility of sharing working experiences with professionals of another part of the world is unique. The complementation of the internship with visits to related offices and talk to well prepared professionals is furthermore beneficial.

But the good thing is that the internship and the experience does not finish the third month with the end of the sojourn in Bern. The professional and the friendship relations continue at the distance because not only I feel part of the COMCO Secretariat family but as well part of the COMPAL Program. Thanks to all of them.

Gonzalo Dávila Maceda
LEGAL ADVISOR
BOLIVIAN HYDROCARBONS SUPERINTENDENCY