



International  
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Network

## Competition Policy Implementation Working Group

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Subgroup 1  
Assessing Technical Assistance:  
Preliminary Results

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ICN Competition Policy  
Implementation Working  
Group: Subgroup 1 – Technical  
Assistance



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Assistance for  
Competition Policy:**

*Preliminary Results*

*May 2005*

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## EXECUTIVE SUMMARY

The work of the Subgroup on Technical Assistance has been focused on the recognition that the expansion of competition law around the world in the past 20 years has meant that capacity building is a central challenge for the vast majority of the International Competition Network's members. Capacity building is a significant endeavor that includes not only the effective functioning of the competition authority itself but also other institutions such as the judiciary, sectoral regulators, and civil society itself. While recognizing the importance of building capacity outside of the competition agency, the principal focus of the Subgroup has been on the effectiveness of that component of capacity building directed to developing competition authorities.

In response to the need for capacity building for developing competition authorities, a number of institutions have provided technical assistance programs. These include multilateral institutions such as the World Bank, OECD, WTO, and UNCTAD, and a number of bilateral donors such as Australia, the European Union, Japan, Korea, and the United States. The programs have included a variety of components, including national and regional seminars, long term advisors, academic studies, short-term interventions, study visits, and legislative drafting.

Despite the importance of capacity and the level of resources being committed to it, there has been very little systematic work done to examine what makes for a successful technical assistance program. In 2002-2003, the ICN Working Group on Capacity Building and Competition Policy Implementation conducted a survey of agencies that provided and received technical assistance. That survey provided useful qualitative assessments of the challenges of technical assistance but did not lend itself to empirical conclusions. The quantitative data tended to indicate general satisfaction with all types of assistance received

Consequently, the renamed Competition Policy Implementation Working Group decided to conduct a more rigorous, objective survey to determine what had worked well and what had not for developing agencies at various levels of development. In cooperation with non-governmental advisors drawn from the ranks of survey research professionals, the Subgroup developed a survey methodology that relied principally on oral interviews. The survey instruments were pre-tested and revised through the cooperative efforts of ICN members and NGAs. The survey was designed to elicit more detailed information from recipient agency heads and from staff that had been involved with particular types of technical assistance projects. Questions were designed to determine how useful that project had been relative to other types of assistance the authority had received as well as to design the survey with sufficient objectivity to allow meaningful comparison between projects. Thirty-seven competition agencies were surveyed, including interviews with 34 agency heads or other senior officials and 35 project surveys were conducted with agency staff members responsible for technical assistance programs covering about 60 technical assistance activities. Thirty-four submitted agency data sheets.

This report presents the preliminary results of the survey. The Subgroup discovered, during the compilation of the survey, that the data suggested that additional research and analysis would be required in many areas and that further data would be needed to present a complete picture. Nonetheless, the data presents a cogent picture of the needs of competition agencies and what types of technical assistance have worked best.

Agencies that responded to the survey have been given a broad array of responsibilities and remedies, but have limited resources. While there is wide variation, the median budget of respondent agencies is about \$760,000 (USD) of which about 72% is devoted to competition matters. Responding agencies have a variety of different organizational structures and status within government. They have an

average of 12 lawyers, 15 economists, and eight other professionals working on competition matters. Staff turnover is significant, with about nine percent leaving and 18 percent new each year. On average, surveyed agencies completed 89 merger reviews and 20 cases of anticompetitive conduct, of which 2.5 were cartels and eight were abuse of dominance.

Perceptions differ between agency heads and agency staff participating in technical assistance programs about what kinds of programs are most effective. Agency heads favor procurement (*e.g.*, purchase of high budget items such as computers), in-country interventions, and national and regional seminars, whereas project managers believe that seminars, long-term advisors, and study missions are most effective. At the agency head level, there is some divergence in views about the effectiveness of long-term advisors, academic studies, and procurement; project participants are similarly divided with respect to procurement and in-country consultation. Further analysis and additional data will be required to determine what characteristics of these types of interventions make them perceived as more or less effective. However, there is some indication that agencies under tighter resource constraints may place more value on budget-enhancing interventions such as procurement and seminars, while those with fewer resource constraints place more value on interventions that transfer knowledge. Recipients indicated that the quality of the advisors, the quality of their teaching materials, and their ability to teach were key determinants of the success of programs.

Technical assistance projects appear to work better when the recipient is actively involved in the design of the program, and many recipients wish that they had more input into the design. Planning of technical assistance activities appears to be important to the success of a program. Recipient agencies' perception of effectiveness of a program correlated significantly with whether the goals and objectives of the program were clearly articulated and whether there were opportunities to make adjustments as the program unfolded.

While recipients were generally quite satisfied with the results of individual projects, they were somewhat less effusive about the degree to which projects had made them more effective in their work. It is important that project activities be appropriate to the agency's level of age and capacity for it to be perceived as successful. It is also important the project be designed to take account of local conditions, although it is not shown that the individual advisor needs to be closely familiar with local conditions. Perception of a program's effectiveness is associated with whether goals and objectives of the program are clearly articulated and whether there are opportunities to make adjustments to reflect changing conditions, although satisfaction with the overall quality of a program does not depend on those factors. Satisfaction with individual advisors appears to depend on their knowledge of the subject matter, the applicability and usefulness of their advice, and the quality of the materials they present.

While further analysis is necessary, the Subgroup draws attention to four principal findings from the survey at this preliminary stage. First, the study verifies the view of previous qualitative research that the satisfaction with technical assistance programs is higher if the recipient agency is actively involved in the initial process of assessing needs for assistance and in the design of specific assistance projects. Second, advisor quality is important for the success of a technical assistance project, and was significantly related to both overall project quality and overall impact on agency effectiveness. Third, developing competition agencies perceive that advisors are more effective when they are drawn from the ranks of more experienced competition agency staff than from other sources. Fourth, respondents' satisfaction with a technical assistance project does not necessarily depend on the project's impact on agency performance.

These preliminary conclusions raise a host of additional questions that merit further exploration, as described in the following Report.

## ACKNOWLEDGMENTS

This report has been prepared by a team composed of Maria Coppola of the U.S. Federal Trade Commission (FTC), Russell Damtoft from the FTC and current Co-chair of the Subgroup, Simon Evenett from the Universitat St. Gallen, Georges Korsun of Deloitte, William Kovacic from George Washington University who in his former capacity at the FTC was Co-chair of the Subgroup through most of its existence, and Michael Nicholson from the IRIS Center. Eleanor Fox from New York University, Russell Pittman and Anne Purcell White from the U.S. Department of Justice, Aini Proos from the Estonian Competition Board and Co-chair of this Subgroup, Taimoon Stewart of the University of West Indies, and Charles R. Taylor from Villanova University, made additional contributions. David Lewis of the South African Competition Tribunal, Gheorghe Oprescu of the Polytechnic University of Romania and who in his former capacity at the Romanian Competition Council was a former Co-Chair of this Subgroup, and Ningrum Sirait of the University of North Sumatra acted as independent reviewers for the Report, and provided important comments that have been incorporated herein. Brian Beall and Katy Rosenberg, both from the U.S. Federal Trade Commission, made valuable suggestions during the writing of the Report and provided editorial assistance.

The team was advised by the Technical Assistance Subgroup, including members from Armenia, Barbados, Brazil (SDE), Costa Rica, Estonia, European Commission, Hungary, Indonesia, Japan, Korea, Pakistan, Panama, Romania, Slovenia, South Africa (Tribunal) and the United States Department of Justice and Federal Trade Commission; Robert Anderson and Pierre Arhel from the World Trade Organization, Tomas Serebrisky from the World Bank and Abbott (Tad) Lipsky from the American Bar Association.

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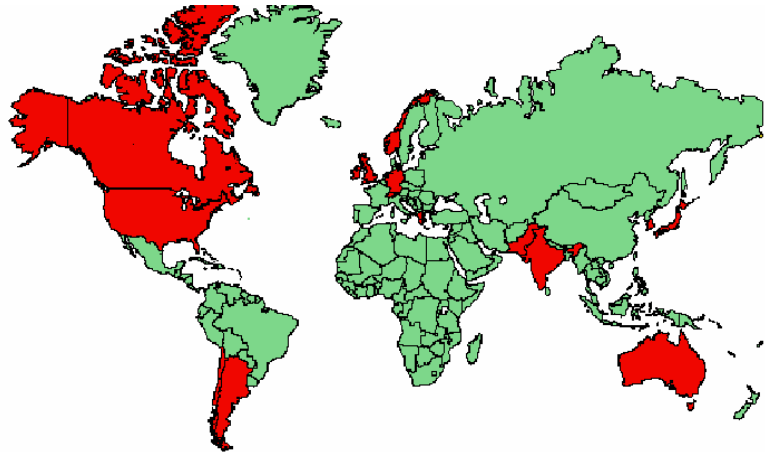
## I. INTRODUCTION

### A. The Need for Capacity Building

Capacity building is the major challenge facing developing competition authorities today. Given that all but a handful of the world's hundred or so competition authorities were established within the last 20 years, this means that capacity building is a central challenge for the vast majority of the International Competition Network's (ICN) members.

As the 2003 ICN Report on Capacity Building and Technical Assistance pointed out, technical assistance is closely related to the concept of capacity building.<sup>1</sup> Capacity building was defined as the larger process of "putting into place, at the national or regional level, sustainable competition policy frameworks and processes," whereas technical assistance was defined as those components of capacity building that include the transfer of skills and know how from one agency or jurisdiction to another.

In assessing technical assistance projects, however, it became clear that at the practical level the distinction between the two concepts is not obvious. For the purposes of this Report, technical assistance to a competition authority can be thought of as just one point on a continuum of capacity building efforts that range from providing specific skills to the authority's staff to building a competition culture in society as a whole. More specifically, in this Report technical assistance may best be seen as the inputs necessary to build effective institutions that implement competition policy. The principal institution is, of course, the competition agency itself. A proper institutional environment also includes well-trained and competent decision-makers, whether they are internal to the agency, part of a separate competition tribunal, or part of the regular judiciary. Depending on the nation's regulatory structure, sectoral regulatory agencies may also be an important part of the institutional setting, to the extent that their policies affect competition. While it may stretch the definition to include within it the building of a competition culture upon which the success of



Countries with Competition Laws 1980



Countries with Competition Laws Today

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<sup>1</sup> International Competition Network, *Capacity Building and Technical Assistance: Building Credible Competition Authorities in Developing and Transition Economies* (2003) (hereinafter "2003 Report") at 46.



competition policy ultimately lives or dies, it certainly does include the competition authority's ability to affect public opinion through the media, consumers, the private bar, and the business community.<sup>2</sup>

## B. Examining the Problem

Technical assistance programs vary widely. Among other things, they differ according to the framework under which they are provided, the type of assistance, and the type of provider.

The framework of technical assistance programs varies widely.<sup>3</sup> Some donors provide assistance in support of trade agreements or regional integration mechanisms with the goal of using competition policy to reduce barriers to trade. Other donors provide assistance as part of poverty reduction programs on the theory that more efficient markets will enhance consumer welfare. In many cases assistance follows traditional patterns based on common language, historical connections, and geographic proximity.

Type of assistance likewise varies. Assistance programs may include some or all of the following elements:

- National and regional *seminars*, where foreign and domestic experts offer their views on best practices;
- *Study missions*, where competition agency staffs from developing countries spend time in more experienced competition authorities;
- *Short term interventions*, by more experienced advisors on discrete set of issues including concentrated programs that simulate investigations of competition cases, training for judges, or other inputs;
- *Long term advisors* from experienced competition agencies who spend extended time working with colleagues from developing competition agencies;
- *Academic studies*: intense studies of economic problems within a country in order to provide a roadmap for enforcement activities by the authority; and/or
- *Legal drafting* of competition legislation and guidelines.

Assistance is similarly delivered by an array of providers. Staff from mature competition authorities are often providers, so that they may directly share their experience in enforcing their own competition laws with newer competition authorities. In other cases, competition policy expert consultants who have had experience delivering technical assistance in a number of countries provide assistance. These experts offer a comparative perspective that encompasses lessons learned from a number of newer competition authorities. Academics from foreign and local universities are also often called upon to conduct academic studies and provide training in the law and economics of competition law.

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<sup>2</sup> In this respect, the work of this Subgroup meets the boundaries of the Subgroup on Consumer Outreach, whose work is presented along with this Report.

<sup>3</sup> See 2003 Report, pages 47-52.

Despite all of the different combinations of framework of assistance, type of assistance, and assistance providers, little has been done to systematically examine what kinds of assistance work best under which circumstances. Some kinds of assistance might work better for a newer agency, for example, and others might work better for a better established agency. Most providers of technical assistance are proud of their work, and may have few doubts about their efficacy. Yet most experienced providers of technical assistance have a supply of anecdotes about what seems not to have worked well (typically in other programs), which suggests that not all programs may be equally effective. Recipients, who may feel they need all the help they can get, may be reluctant to criticize any help they have received. Consequently, evaluations conducted in connection with training programs may not elicit much in the way of constructive criticism. Recipients themselves may not have the experience to assess what was and was not truly valuable until years after the fact.

### C. The Work to Date

In 2002-2003, the ICN Working Group on Capacity Building and Competition Policy Implementation conducted a survey of agencies that provided and received technical assistance.<sup>4</sup> The survey consisted of two questionnaires, one focusing on the circumstances leading to the adoption of a competition law in their jurisdiction, and one soliciting experiences with competition technical assistance.<sup>5</sup> The data it elicited provided very useful qualitative assessments of the challenges of technical assistance, but because of differences in the way countries responded to the survey, it was not feasible to draw empirical conclusions. The quantitative data tended to indicate general satisfaction with all types of assistance received, which did not allow for a comparative approach.

Yet, this survey constituted an important first step. Among other things, the 2003 Report made a number of interesting observations including:

- “A large number of respondents from developing and transition economies insisted that more ‘hands-on training’ on case-work was necessary, to develop the practical skills essential to efficient case-handling. This desire was succinctly summarised by one respondent: ‘less theory, more practice’.”
- Agencies frequently mentioned that “they would need assistance in developing their skills (i) in investigative techniques, and (ii) for the economic analysis of cases.”
- “Similarly, many agencies expressed an interest in more visits to and internships with mature anti-trust agencies, allowing the visitors to obtain a first-hand impression of how these agencies conduct their investigations.”
- “Especially among economies that have no long-standing experience with market mechanisms, agencies attach particular importance to including advocacy activities (directed especially at policy-makers, the private sector and the media) in a comprehensive package of technical assistance.”
- “Several agencies also replied that assistance with regard to specific sectors undergoing liberalisation (mainly utilities) would be of high value.”

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<sup>4</sup> 2003 Report, pp. 10-11, 52-64.

<sup>5</sup> See <<http://www.internationalcompetitionnetwork.org/cbcpiquestion2.pdf>>.

- “Another area for assistance that is among the most frequently identified needs is to include the judiciary in the training process.”<sup>6</sup>

Given these observations, the Subgroup resisted the temptation to conclude that the empirical data received meant that all technical assistance was indeed perfect or equally effective, an unlikely analysis. To fully understand the issues it was decided that additional analysis was warranted.

#### D. Refining the Inquiry

Consequently, the renamed Competition Policy Implementation Working Group (CPI), after presenting the results at the ICN's Second Annual Conference in Merida, decided to conduct a more detailed, empirically based, objective survey to determine what had worked well and what had not for developing agencies at various levels of development. The objectives were defined as:

[T]he task [is] to attempt to find answers to three particular questions: (i) how the technical assistance needs of a developing or transition country competition agency can best be assessed, (ii) which models of technical assistance work best at the various stages of a competition agency's development, and (iii) how to best measure the impact of a technical assistance program.

To do so, during 2003-2004 the subgroup developed a methodology to examine these questions. This included a compilation of technical assistance programs to ICN Members<sup>7</sup> and the development of detailed survey instruments that would be implemented orally. These instruments were prepared for the ICN Third Annual Conference in Seoul, where the instruments were pilot tested.

Following Seoul, a new survey was designed in collaboration between ICN member agencies and survey research professionals. The survey was designed to elicit more detailed information from recipient agency staff that had been involved with particular types of technical assistance projects in order to determine how useful each project had been relative to other types of assistance the authority had received. The survey sought to use objective indicators that measured the success of a particular project or activity, as well as to include a set of satisfaction questions that measured respondent's perceptions of success. Further explanation of the survey design and methodology is offered in Section I.

From December 2004 until March 2005, oral interviews were conducted with 33 jurisdictions. The data were then analyzed through the use of statistical techniques, and the results are presented in this Report. This report presents preliminary findings.

Section II describes the survey design and methodology and discusses the limitations of the survey and the data. Then the results from the agency level surveys, which present the views of the efficacy of technical assistance at the general level, and the aggregate performance indicators based on the data sheet results, are presented in the third section. Together, this information offers preliminary conclusions about the extent to which the level of technical assistance was appropriate for the agency's age and maturity. The fourth section examines the degree of input by the recipient and others into the design of technical assistance projects to identify strengths/weaknesses of the design phase of technical assistance programs. The fifth section of this report presents the results of the specific project surveys at two levels: first, based on the objective indicators used for each type of activity, and second,

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<sup>6</sup> 2003 Report, pp. 62-63.

<sup>7</sup> This took the form of a “Technical Assistance Inventory”, available on the subgroup's website at <http://www.internationalcompetitionnetwork.org/effectivenesssta.html>.

based on the perceived satisfaction with the project and its encompassing activities. The concluding section of this report examines some of the lessons that may be taken from this exercise and considers future steps that may be taken.

The Subgroup has placed the data, as well as the survey instruments, on the ICN website, and invites others, including ICN members and NGAs to contribute to this discussion with their own analysis as well.

## II. SURVEY METHODOLOGY

### A. Description of the Survey

The Technical Assistance Survey was conducted by members and advisors of the Technical Assistance Subgroup of the Competition Policy Implementation Working Group. Recipients of technical assistance programs answered questions about technical assistance projects generally, and specific activities within those projects. Interviewing was conducted principally through telephone and in-person interviews, in English, Spanish, French and Russian. All interviews were carried out between November, 2004 and March, 2005. Thirty-seven competition agencies were surveyed.<sup>8</sup> Thirty-four agency head or senior agency officials participated in the Agency Survey which concentrates mainly on determining the agency's overall level of satisfaction with the type of technical assistance it received.<sup>9</sup> Thirty-five agencies responded to the Project Surveys, answering questions about 60 activities. The Project surveys examined technical assistance at the more detailed project and activity level, and the respondents were the agency staff that actually participated in the particular technical assistance activity being discussed. Thirty-four agencies from thirty-two jurisdictions submitted Agency Data Sheets which were designed to elicit background information about the agency.<sup>10</sup>

The Technical Assistance Survey built upon earlier work, done by the ICN and elsewhere, on evaluating technical assistance (TA). As mentioned in the introduction, the predecessor of this subgroup conducted a questionnaire-based survey in 2002-2003 that focused on experiences with technical assistance. The 2004-2005 Survey was designed to build on the earlier questionnaires and extract more detailed information so that responses could be easily compared. Four principal mechanisms were used to enhance the reliability of these reports:

- First, the Working Group determined to focus the surveys on specific, pre-identified TA projects rather than more general technical assistance interventions. This approach was intended to force interviewees to respond within the context of a particular TA experience so as to more precisely identify linkages between the inputs and outcomes.
- Second, the Survey attempted to target respondents who were most familiar with the information being sought by recognizing that different individuals within agencies would have different institutional memories. Accordingly, the survey was split into Agency- and project-level instruments. The Agency-level instrument was further divided into a non-quantitative survey, administered orally, and a data sheet distributed for completion within the Agency. Participating agencies were asked to identify individuals who had themselves participated in the projects being surveyed. This counteracted any inconsistency in responses that might have occurred in the earlier survey as a result of answers from respondents unfamiliar with the technical assistance projects being surveyed. It was hoped that the oral nature of the surveys would also mitigate the effect of "survey fatigue" that has been raised by some ICN members.

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<sup>8</sup> The original plan was to interview all 44 ICN member agencies that were identified on the inventory of technical assistance projects as having received technical assistance, but time limitations made this impossible.

<sup>9</sup> Not every agency responded to every question. Tabulations of averages shown in this report take this into account.

<sup>10</sup> Agency data sheets were submitted by Armenia, Brazil (CADE, SDE, SEAE), Chile, Colombia, Costa Rica, Croatia, Estonia, Hungary, Indonesia, Jamaica, Kenya, Kyrgyz Republic, Latvia, Lithuania, Macedonia, Mexico, Netherlands, Pakistan, Panama, Peru, Poland, Romania, Russian Federation, Senegal, Slovenia, South Africa, Tajikistan, Tunisia, Turkey, Uzbekistan, Venezuela, and Zambia.

- Third, the survey avoided open-ended questions so that the responses could be compared easily across jurisdictions.
- Finally, to facilitate accurate responses, the surveys were conducted in four languages: English, Spanish, Russian, and French.

A fifth mechanism was planned to reduce bias, by using only individuals who were not connected with institutions that had provided technical assistance to the interviewee's institution to administer the survey. Unfortunately, resource constraints ultimately made it impossible to comply completely with this goal.<sup>11</sup>

The projects were selected from the Inventory of Technical Assistance Projects that was prepared by this Subgroup in 2003-2004.<sup>12</sup> While efforts were made to select projects in a systematic fashion, limited institutional memory and availability among respondent agencies made it difficult to do so. To the extent possible, projects were chosen so as to represent a variety of donors and providers, as well as to represent projects of different size, length, content, and means of delivery.

## **B. Structure of the Questionnaires**

There were two questionnaires in the study: agency and project surveys, consisting of multiple parts.<sup>13</sup> Both sets of the surveys used quantitative and qualitative performance indicators to measure outcomes. The quantitative indicators sought to obtain objective information on actual progress of technical assistance activities. The qualitative indicators ("satisfaction questions") measured perceptions of performance success of technical assistance activities. The respondents were assured confidentiality of all subjective responses.

### *1. Agency-Level Instruments*

The Agency Surveys were conducted with the head of the competition agency or another senior official. This survey, which took an average of 20 minutes, began with a series of objective questions on the agency's decision-making powers, oversight and subject matter jurisdiction. The second section addressed needs assessments, and the agency's experience with outside reviews. The final section of this survey asked a series of satisfaction questions about the efficacy of technical assistance based on the agency's overall experience as a recipient of technical assistance and considering all technical assistance received. Respondents were asked to rate on a seven-point semantic differential scale, for example, the effectiveness of various types of technical assistance they had received in improving the agency's ability to fulfill its mission and objectives. Respondents were also asked to rate the importance of a series of characteristics in determining the success of the technical assistance projects, including the role of the agency in the involvement of the project design, the resource contributions made by the

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<sup>11</sup> In cases where it was necessary to deviate from the original plan, the individuals administering the survey were not among those who had been involved with the technical assistance program.

<sup>12</sup> This inventory is available at: [http://www.internationalcompetitionnetwork.org/tainventory\\_seoul.pdf](http://www.internationalcompetitionnetwork.org/tainventory_seoul.pdf).

<sup>13</sup> All of the survey instruments can be found in Annex A as well as at: <http://www.internationalcompetitionnetwork.org/effectivenesssta.html>.

agency, the degree of control the agency had over the selection of the advisors, the overall role of the donors, etc.

The second Agency-level instrument was the Agency Data Sheet. This consisted of a set of objective questions that elicited detailed background information about the institutional design of the agency, staffing, budget, and types of cases. Respondents were sent the questionnaire via Email, and asked to complete it in writing due to the large amount of information the questionnaire sought. Responses to this survey are not confidential.

## *2. Project-Level Instruments*

The Project Surveys consisted of a multi-part set of survey instruments that examined a technical assistance project (“general project”) and specific activities (“modules”) within that project. A project was defined as a set of one or more technical assistance activities that form part of a singularly conceived, designed, and executed program, typically with a single donor and a single organization coordinating its implementation. The modules addressed the following activities: seminar, study mission, long term advisor, short term intervention, legal drafting, and academic studies. All interviews were conducted with agency staff that had actually participated in that particular technical assistance activity. The general project interviews took approximately a half hour to complete, and each individual module lasted between 20 minutes and 40 minutes.

The general project instrument gathered all of the relevant information regarding sources and types of funding, project activities, and providers. The main section of the survey asked a series of questions regarding project design and implementation, with the respondent answering quantitative questions such as the degree of involvement of the agency in project design, and whether the project allowed the agency to investigate new types of cases or cases in new sectors that it could not have without the project. Qualitative questions included the rating of the administrative requirements relative to other technical assistance projects, assessing the role of various criteria in the success of the project, and evaluating the role of the different activities (seminars versus short term advisors, etc.) with respect to their overall impact on the effectiveness of the agency in fulfilling its mission or objectives.

The module survey instruments largely focused on the use of objective indicators of success of particular activities. For example, in the seminar survey respondents were asked to identify when the seminar materials were provided; in what language (and whether they were subsequently translated if not provided in one of the agency's working languages); whether, and if so, how, the materials were used for training staff that did not attend the seminar; where the materials were kept at present and whether anyone continued to consult them for informational purposes. Other areas of inquiry related to format, content, contacts with speakers and other attendees, etc. The other modules, on study missions, legal drafting, short term advisors, long term advisors and academic studies, similarly sought to elicit objective information on the success of a particular activity. The final section of all of the module survey instruments contained a series of satisfaction questions, which were relatively similar across modules, where respondents were asked to rate different inputs and outputs on a seven point semantic differential scale.

## **C. Limits of Methodology**

The three principal weaknesses of this survey design and methodology relate to: (1) the difficulty of defining objective performance indicators; (2) the lack of detailed information about the universe of technical assistance projects provided to ICN member competition agencies; and (3) the relatively small number of Project Surveys that were conducted.

The first weakness is not easily rectified. The broad nature of technical assistance activities, the multiplicity of objectives of these activities and the difficulties of measuring capacity building ex post create serious challenges for the objective of establishing clear and unambiguous causal links between project design features and outcomes. At the same time, the academic literature in strategic management suggests that managers are generally accurate when perceptual measures are used.<sup>14</sup> Studies that have compared perceptual measures of outcomes (or performance) to actual performance found them to be relatively similar. Thus, at least for the Agency Survey, responses to the perception questions are likely to be good indicators of actual performance.

The second issue, the lack of detailed information about the universe of technical assistance projects signifies that it is impossible to draw a random or scientific sample of projects. Because the known project population from which the sample is drawn is incomplete and obtained largely through the assistance of the recipient and donor agencies, it reflects, to some unknowable extent, the biases of those agencies. This bias need not have been conscious to require that caution should be exercised in interpreting survey responses as a result. Further, because of staff turnover, there were some cases in which there was no individual currently at the agency with familiarity with a given program.

The third concern could be mitigated if additional project-level surveys were carried out. Throughout the course of the interviews respondents frequently cited technical assistance projects that were not part of the original Technical Assistance Inventory. These projects could be added to the Inventory to allow for a more comprehensive list. With a more accurate total population, additional interviews could ensure both that an adequate number of interviews are conducted and that they provide a more representative sample of all technical assistance projects received by ICN members.

#### **D. Data Analysis**

Analysis of the data was performed by different teams drawn from subgroup membership. While the drafting team conferred with some regularity with the object of bringing a consistent analytical framework to the process, some variation did emerge. The Subgroup has not attempted to eliminate all differences in approach. For example, statistical significance is computed with greater precision in some sections than others, and variations exist between how different responses on a seven point scale are categorized as being positive, negative, or neutral. While one and two were universally regarded as negative, four and five as neutral, and six and seven as positive, a response of three was in some cases classified as negative and in some cases classified as neutral. These differences reflect differences in whether responses should be scaled around the numeric midpoint or whether they should reflect the fact that responses tend to be more positive than negative overall. The Subgroup did not attempt to resolve this problem. Further analysis of the data may well lead to more refined results.

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<sup>14</sup> See Venkatraman, N and Ramanujam, V. (1986). 'Measurement of Performance in Strategy Research: A Comparison of Approaches' *Academy of Management Review*, 11, 4, 801-814. and Robinson, R. B., Jr. and Pearce, J. A., II. 1988. "Planned Patterns of Strategic Behavior and Their Relationship to Business-Unit Performance." *Strategic Management Journal*, 9 (1): 43-60



### III. AGENCY PERFORMANCE

#### A. Introduction

Many of the countries that have recently adopted competition laws in the last several years are finding that adopting the laws can prove to be the easiest step towards an effective policy and the real challenge lay in developing institutions sufficiently strong to implement them. As discussed in the Introduction, the path towards an effective institution usually entails capacity building and often occurs with the technical assistance programs of the sort analyzed by this survey.

An ideal survey would compare the nature and quality of technical assistance inputs with the resulting effectiveness of the institution. An effective institution can be generally characterized as one that successfully implements policy, but such an operational definition does not lend itself easily to quantification. Developing and measuring performance indicators can be particularly challenging for developing comparisons across jurisdictions because the quality of agency performance appears to defy quantitative measure under any criteria likely to enjoy widespread acceptance. The survey instrument was designed to capture the effectiveness of technical assistance in building capacity at competition agencies and thus begins with a survey of aggregate indicators relating to agency performance in order to set the stage for later analysis of individual projects.

The first section of this chapter discusses the reported agency data, including the multiple methods employed to characterize such performance. One approach analyzes the mandate granted to competition agencies by the law. With the proliferation of competition laws, there has also been significant convergence in the laws that are adopted. In addition to the work of the ICN itself, the work done by academics and international organizations such as the OECD, the World Bank, WTO, and UNCTAD and national models such as those of the European Union and the United States have led to a measure of convergence on the purpose, scope, and language of competition law.

The adoption of similar laws in many jurisdictions has advantages, particularly that agencies can benefit from the experience or best practice of more mature institutions in implementing similar laws. However, these laws may not always be appropriate for the commercial or legal environment of a particular country. Their successful implementation requires not only a strong competition agency that has been developed in a manner to support the particularities of the law, but an appropriate level of rule of law to ensure judicial support and enforcement. Consequently, the statutes may prove insufficient as a measure of agency performance. Even a perfectly drafted set of laws may remain ineffective as an antitrust measure without effective enforcement mechanisms to accompany them. One goal of this report is to identify the successful means by which technical assistance transforms laws on the books into the rule of law.

In addition to discussion of the laws themselves, agency performance measures could include inputs and outputs. The former consists of such indicators as public funding or level and skill of agency staff, to indicate the resources employed in antitrust enforcement. Observable outputs include the number of cases investigated, sources of investigation, cases completed, and fines imposed. Included in the assessment are appeals against agency decisions, which could indicate either the efficiency of institutions or the success of the review process in a particular country. Caution must be used in relying on such measures, however, as numbers of cases, investigations, or resources may say little about whether enforcement efforts are being appropriately directed. An alternative approach is to consider indirect effects, such as the competitive environment of a national economy. This would be an ideal approach, but it is difficult to measure the effect of a competition agency on that environment, and even more difficult to link that impact to received technical assistance

The survey instrument incorporates many of the approaches outlined above in order to develop aggregate performance indicators. These include four general categories:

- Agency Data
- Agency Status
- Needs Assessment
- Efficacy of Technical Assistance

These assimilate measures of competencies, inputs, and outputs, as well as the extent technical assistance programs have adequately addressed the needs of individual agencies. The first section below offers an array of descriptive data gleaned from the agency surveys. This presents a general overview of the agencies under discussion, which frames later discussions of the impact of technical assistance. The second section draws conclusions about the impact of technical assistance on general agency performance.

## B. Agency Data

The first part of the agency survey focuses on data related to the agency itself which are presented in the following tables. These questions were submitted to every agency, although in one jurisdiction two agencies submitted a joint response.

**Table 2.1. Agency Powers<sup>15</sup>**

Does the law allow the issuance of orders that:	Y	N	Average number of orders issued over last two years
Prohibit or require a particular conduct	30	1	55.5
Invalidate or void contracts	25	6	5.4
Allow the agency to monitor future conduct	25	6	11.6
Block, condition, or reverse mergers	28	3	6.1
Impose monetary sanctions on enterprises or individuals	29	2	Not available
Imposition of criminal penalties on individuals	10	21	0

The responses displayed in Table 2.1 indicate the general powers attributed to the competition agencies are consistent across the great majority of respondent institutions. Almost all agencies have the ability to order conduct modification and allow agencies to monitor future conduct. Almost all allow for the imposition of fines.

The imposition of criminal penalties on individuals, however, is an uncommon power. Only about a third of all agencies have this power. The data does not reveal whether the criminal sanctions that do exist are available for substantive as well as procedural violations of law. In any case, no respondent agency imposed criminal sanctions on individuals in 2002 or 2003.

As occurs throughout the survey, the differences in sizes dramatically impact the counts of activity, and thus the information presented on “average” is not normalized. Similarly, data on the number of cases may not tell a complete story. Not all cases are equal in difficulty or impact – a cartel case may have a high impact and require significant resources, and an agency that brings only a few such cases arguably has a higher impact than one that brings a larger number of unfair competition cases that have lower impact.

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<sup>15</sup> Computed from the first question of the Agency Data Sheet.

**Table 2.2. Fines<sup>16</sup>**

	2002	2003
Median total monetary sanction imposed by responding agencies	419,918	550,000
Median total monetary sanction collected by responding agencies	301,968	346,025

Table 2.2 indicates the fines imposed on enterprises or individuals are a common tool of enforcement across jurisdictions. The median fines increased 31% from 2002 to 2003. However, collection of fines assessed appears to be a problem, as only around three quarters of all fines assessed were actually collected. It is possible that this disparity reflects differences in the way that fines are collected as opposed to differences in agency performance. In some cases collection of fines is the responsibility of the competition agency, and in other countries it is the responsibility of other government bodies, such as a Ministry of Finance. Seven agencies that assessed fines in 2003 did not collect any at all.

In the fourth question of the Agency Data Sheet, survey respondents were asked about decisions taken in the past two years, as well as appeals of those decisions. These results are presented in Table 2.3.

**Table 2.3. Decisions and Appeals<sup>17</sup>**

	Total Number	Average
In the last two years, approximately how many decisions have been taken?	13,471	464.5
If Yes, how many decisions were appealed externally?	1729	12.8%
How many decisions were reversed?	179	1.3%

Table 2.3 shows the aggregate numbers for decisions taken in the past two years. Two agencies reported making zero decisions. Virtually all agencies (29 out of 31) operate under laws allowing for external appeal of agency decisions. An appeal was taken in an average of 12.8% of all decisions. The average reversal rate was 10.4% of decisions that were appealed. Overall, only about 1.3% of all agency decisions, whether appealed or not, were ultimately reversed. The survey did not address the use of consent decrees. It may be worth exploring the use of consent decrees in the future, as this approach, used by some experienced competition agencies, is one often introduced to developing agencies for the first time through technical assistance programs.

**Table 2.4. Agency Budgets<sup>18</sup>**

What was the total budget of your agency in 2003, and how was it allocated? <sup>19</sup>					
High		Low		Average (mean)	
\$44,175,600		\$2,944		\$5,619,493	
%Budget Dedicated to Competition in 2003 <sup>20</sup>			% Budget Dedicated to training in 2003		
High	Low	Average	High	Low	Average
100%	12%	72%	15%	0%	3%

<sup>16</sup> Computed from the second question of the Agency Data Sheet.

<sup>17</sup> Computed from the fourth question of the Agency Data Sheet.

<sup>18</sup> Computed from the fifth question of the Agency Data Sheet.

<sup>19</sup> Figures are reported in United States dollars.

<sup>20</sup> The figures for "High" and "Low" represent the highest and lowest reported values for any agency, respectively. The column for "Average (mean)" lists the arithmetic mean of the reported percentages; the column for "Average (median)" lists the midpoint of the reported percentages; neither represents the average of the aggregate budgets reported.

Table 4 gives approximate figures for the budgets of agencies. The response is quite wide. The mean is significantly higher than the median because the budget of the highest respondent agency was 10 times higher than the next highest, which tends to distort the mean. Care should be taken in reading too much into budget figures. Cost of living varies widely in respondent countries, and this study makes no attempt to adjust for these variations. Agencies that exist within a ministry may have critical functions handled as part of a larger ministry budget, whereas independent agencies would need to bear these costs in their entirety.

Only three of 22 responding agencies reported that 100% of their budget was devoted to the agency's competition mission. Nine more reported between 80 and 99% of the budget went to competition, five reported between 50 and 79%, two reported between 20 and 49%, and three reported less than 20% went to competition.

Regardless of size, however, only a small portion of agency budget is invested in training. This could mean that agencies' resources are too constrained to do much training on their own. It might also mean that there are relatively few local sources of training that would be useful. However, it should be noted that only six of the 27 firms that responded to this question listed no budget at all devoted to training.

**Table 2.5. Staffing<sup>21</sup>**

Total agency staff (avg. per agency)		Dedicated to competition (avg. per agency)	
Lawyers	29.3	Lawyers	12.2
Economists	28.6	Economists	14.9
Other professionals	31.4	Other professionals	7.6
<b>TOTAL</b>	<b>89.3</b>	<b>TOTAL</b>	<b>35</b>

Table 2.5 shows that the agencies tend to employ slightly more economists than lawyers in their competition missions. The mix between lawyers, economists, and "other professionals" is fairly even across jurisdictions. Note that some agencies have very few (or none) of a particular category of professional employee. Thirteen agencies have more lawyers than other professionals; 9.5 are dominated by economists, and 7.5 are dominated by other groups.<sup>22</sup>

Agencies with the five largest budgets all have more lawyers than economists, but only four of the ten with the smallest budgets do likewise. This may suggest that richer agencies tend to hire more lawyers. No conclusions may be clearly drawn, however, as both professions are characterized in some countries by holding a postgraduate degree and in other countries with an undergraduate degree. Any asymmetry in how the professions are characterized within a jurisdiction could skew the results. Nonetheless, this data suggests that as agencies' budgets grow, they are likely able to hire greater numbers of professionals with advanced degrees.

<sup>21</sup> Computed from the seventh question of the General Data Sheet. Thirty agencies reported figures for lawyers and economists, but only 28 agencies reported figures – including zero – for "other professionals".

<sup>22</sup> "Half" an agency means there was the same number of one type of professional as another in an agency, and the score was divided to each category accordingly.

**Table 2.6. Staff Turnover<sup>23</sup>**

2003	Average number	Percentage
Total professional staff	89.3	
Professional staff joining	14.2	15.9%
Professional staff leaving	7.9	8.8%

Table 2.6 displays the relative turnover between agencies surveyed, with the columns indicating the total number of professionals as reported. Competition agencies do appear to have grown over the past three years, since professionals joining the staff exceed those leaving in each year. The largest turnover of any agency reported in 2003 was 38% of employees. On the other hand, eight of the 27 agencies respondent to the question reported less than five percent turnover. Further analysis is needed to determine whether low turnover correlates to an agency's age, budget, independence, or other factors. The result may hold value for institutional development, as it seems likely that agencies that are better able to retain skilled staff members are more likely to be effective. Conversely, it may be that agencies with strong retention are better able to develop the skills of their staffs.

**Table 2.7. Workload<sup>24</sup>**

		2001	2002	2003	No. of Zeroes
Merger reviews	Initiated (average)	124.3	86.0	86.1	8
	Completed (average)	111.1	93.2	89.0	9
Cases of anticompetitive conduct	Initiated (average)	52.8	36.7	26.6	9
	Completed (average)	43.5	27.0	19.5	11
Investigations of abuse of dominance	Initiated (average)	5.3	26.4	12.3	14
	Completed (average)	3.7	15.7	8.3	13
Cartel cases	Initiated (average)	1.6	3.9	3.7	18
	Completed (average)	2.1	4.2	2.5	16

Table 2.7 shows the workload as reported by the agencies surveyed. It should be noted that there was an overall decline in anticompetitive conduct investigated from 2001 to 2003, but a relative incline in cartels and abuse-of-dominance investigated over that same time period.

The bulk of the aggregate caseload is clearly in merger reviews. The average agency reviews more than twice as many mergers as it investigates anticompetitive conduct cases. Because of the nature of merger review, however, it is not clear that the high numbers of merger cases truly reflects the magnitude of the workload. It may be that a merger is counted if it is notified and cleared even if it is immediately obvious that the transaction has no anticompetitive effects in the jurisdiction, but a case of anticompetitive conduct would only be counted if someone deems the matter to be worthy of investigation. Merger cases, however, have also been declining, which may reflect the end of the recent merger "wave" to the extent that the wave affected developing economies. The incidence of merger review may reflect the actions of the relatively mature agencies, which are generally located in larger and wealthier economies. If the merger data does accurately reflect agency workload, the data may suggest that merger investigations are consuming resources that might otherwise be devoted to cartel and other anticompetitive conduct investigations. Further analysis of data from agencies with and without merger notification regimes might shed light on whether merger reviews have such an effect on agency priority setting. Eight of the 29 agencies responding to these questions did not initiate or

<sup>23</sup> Computed from the eighth question of the General Data Sheet. Twenty-six agencies reported figures for professionals joining in 2003, 24 for professionals joining in 2002, and 23 for 2001. For professionals leaving, 27 agencies reported figures for 2002, and 23 agencies for 2002 and 2001.

<sup>24</sup> Computed from the ninth question of the General Data Sheet.

complete any merger reviews in 2003. Three of the agencies that reported no merger activity did not have merger regimes.

There does not appear to be any general trend with regard to the size of budgets and the types of cases that are conducted, with the clear exception of cartels. Only 11 agencies reported initiating any cases on cartel activities, and less than 10 reported activity on noncartel or vertical agreements. Three agencies reported conducting more than 25 cartel cases in 2003, with the next highest being eight. All three are amongst the six largest reported budgets.

Data was not collected on numbers of competition advocacy interventions. Although advocacy is important, agencies engage in advocacy activities in such a variety of ways that it would be difficult to collect meaningful comparative data.

### C. Effectiveness of Technical Assistance – Agency Survey

The next section outlines the respondents’ information regarding technical assistance and agency performance. Ideally, information would be available to test a hypothesis about which programs were most effective or efficient.<sup>25</sup> Although such estimation is not yet possible, the tables below move a step forward, and do provide the best available data regarding the perceptions that heads of competition agencies have about technical assistance and its effectiveness.

The first set of tables focus on the efficacy of technical assistance, particularly in the general perception of technical assistance (TA) by its agency head. These questions related also to the role of the agency in drafting the goals of the TA, and the value placed on each characteristic of the assistance.

**Table 2.8. Agency Head Perception of Effectiveness of TA Received<sup>26</sup>**

Type of technical assistance	Number of Survey Responses	Percent Receiving given type of technical assistance	Average Effectiveness score	Percent with less than 4	Percent with 6 or 7
Procurements	12	41%	6.00	17%	83%
In-country consultations	21	66%	5.90	0%	66%
Study missions/internships abroad	23	78%	5.83	4%	65%
National/Regional/international workshop/seminar	30	97%	5.70	7%	60%
Legal drafting	18	59%	5.61	6%	55%
Long term advisor	15	47%	5.07	20%	20%
Academic studies	13	41%	4.38	31%	23%

Table 2.8 displays the types of TA received, and its perceived effectiveness on the part of the competition agency head. This data must be interpreted with some care, as the effectiveness of technical assistance may appear quite different from the perspective of an agency head and a staff member. The impact of a workshops and seminars may be quite evident to an agency head, especially if it is in a foreign location to which he or she personally travels. The same may be true of procurement, typically of information technology whose presence will be quite evident to the head of an agency. By

<sup>25</sup> These are not necessarily the same concepts; the most effective programs may prove to be the most expensive, such as in the case of long-term advisers. One direction the working group hopes to shed light involves the efficiency of particular programs, answering such questions as whether scarce resources would be better employed in a single long-term adviser or multiple short-term advisers.

<sup>26</sup> Computed from Question 24 of the Agency Survey.

contrast, the effectiveness of interventions directed more closely at the staff level, such as long term advisors, may be less obvious to the agency head.

The most common form of received TA was in the form of seminars, which is consistent with Table 13 below as the most common form of TA provided. Based on the gradations in the table, agency heads judged the relatively effective forms of TA to be seminars, consultations, and study missions, with 85% of the respondents listing effectiveness above the median score (four). Note that 67% of the respondents gave the highest possible score of "7" for procurements (computers), and that this activity also received the highest average of 6.0. Academic studies generally rated as the least effective form of TA, with almost one-third of the respondents reporting its effectiveness below four, and a mean of 4.38, with long-term assistance and legal drafting roughly in the middle.

Further, there is wide disparity in the perceived effectiveness of some types of technical assistance. Long term advisors and academic studies received significant number of very high and very low scores. These types of assistance can be the most difficult to implement and are typically implemented over a long period of time. The nature of the assistance is sometimes presented through a long term advisor and sometimes through a series of short term advisors. The diversity of scores leads to a conclusion that these can be perceived as very effective if done right, but can be perceived as ineffective if done wrong. Further study will be needed to determine which attributes of these programs make them perceived to be more or less effective.

Note that only the average responses between long term advisors and academic studies proved statistically significantly different from each other.

Short term interventions such as in-country consultations, seminars, and study tours tend to receive uniformly high marks. This may reflect a high degree of satisfaction of these programs or simply that any deficiencies in a program of short duration are less likely to be noticed.

By contrast, a rating of the perceptions of the effectiveness of technical assistance by agency staff involved with particular projects yields the following data, arranged in the same fashion:

**Table 2.9. Project Participant Perception of Technical Assistance Effectiveness**

Type of technical assistance	Number of Survey Responses	Percent receiving given type of technical assistance	Average effectiveness score	Percent with less than 4
National/Regional/international workshop/seminar	26	76%	5.96	0%
Study missions/internships abroad	15	44%	5.93	0%
Long term advisor	12	35%	5.83	8%
Academic studies	11	32%	5.72	0%
Legal drafting	11	32%	5.64	0%
In-country consultations	17	50%	5.35	12%
Procurement	9	26%	4.89	22%

As evidenced by Tables 2.8 and 2.9, the differences between project manager and agency head perception appear to be significant. However, caution must be exercised, as the data is not strictly comparable. Agency heads were reporting on the effectiveness of technical assistance projects as a whole, project participants were reporting on types of activities within a particular project. In addition, an agency head presumably has had oversight of all technical assistance projects at the agency, at least during their tenure, but the project participant may have been involved with only certain projects.

Nonetheless, the data shows that project participants rated conferences and study missions most effective, with long term advisors only slightly behind. Procurement is the lowest rated, with academic studies and drafting in between, and in-country consultations lagging behind.

Long term advisor projects again had a wide variety of scores, with generally very high ratings for most programs, but a few programs of perceived lower quality pulled the overall average down.

The difference between the two tables suggests that further inquiry is warranted. Some programs focus technical assistance efforts principally on agency leadership, some focus on agency staff, and some focus on both. Programs focused on agency leadership may have greater impact because the recipient is in a position to implement lessons learned, but may be less efficient if agency leadership is replaced and the impact of the program is lost. Programs aimed at staff may have greater sustainability in the long run because staff tends to remain in place when leadership changes, but staff may have difficulty persuading agency managers to accept what has been learned. These differences in perception may warrant further inquiry.

**Table 2.10. Rating of Importance of Particular Characteristics of Technical Assistance Projects<sup>27</sup>**

	Total responses	Average score	Percent responses under 4	Percent responses at 6 or 7
The role of the agency in the involvement of the project design	31	6.29	3.2%	80.6%
The quality of training and case materials provided by the technical assistance advisors	30	6.27	0.0%	80.0%
The knowledge and experience of the technical assistance advisors	31	6.19	3.2%	80.6%
Ability of technical assistance advisors to teach	31	6.19	0.0%	74.2%
The stability and predictability of funding from donors over the course of the project	30	5.87	3.3%	66.7%
The flexibility of the donor to change or revise the projects to reflect changes in the needs of the agency	30	5.80	10.0%	66.7%
The timing of the agency's involvement in project design	31	5.61	6.5%	58.1%
The technical assistance advisors' familiarity with local legal and economic conditions	31	5.52	3.2%	51.6%
The resource contributions made by the agency	31	5.03	16.1%	38.7%
The degree of control the agency has over the selection of the advisors	31	4.94	22.6%	41.9%
The role of donors in deciding the time frame of the intervention	30	4.63	23.3%	36.7%
<b>Overall Experience</b>				
The overall quality of the designers	32	6.44	0.0%	90.6%
The overall role of the agency in project design and implementation	32	6.25	3.1%	81.3%
The overall role of the donors	29	5.69	6.9%	58.6%

Table 2.10 provides information about agency heads' perceptions concerning the importance of particular characteristics of technical assistance programs. The greatest importance is given to the role of the agency in the involvement of the project design, the quality of training and case materials provided by the technical assistance advisors, the knowledge and experience of the technical assistance advisors, as well as the ability of the technical assistance advisors to teach. Relatively little importance is granted to the contributions of the agency in terms of resources or advisor selection, and

<sup>27</sup> Computed from Question 25 of the Agency Survey.



the least important characteristic appears to be the role of donors in the timeframe of the intervention. Respondents prefer to retain some control over the design, priorities, and implementation of the project, and prefer to have quality advisors, but are content, having provided that input to the donor or provider, for the donor or provider to select the actual advisors.

These points are supported by the overall experience reported by the heads of agencies, where the overall quality of the advisers (such as knowledge, experience, and teaching ability) is given the highest priority, and the overall role of the donors is given the least priority.

There is a relatively low importance given to the technical assistance advisors' familiarity with local legal and economic conditions, with seven characteristics receiving a higher average as well as a greater percentage of scores above the mean. This result is consistent with that found in the Project Survey, discussed *infra*, and suggests that advisors skills with sharing competition analysis techniques may be seen as readily transferable across jurisdictions and that local expertise is less important. This result is somewhat consistent with the above result on long-term advisers, since it may be expected that long term advisers gain the ability to understand and apply their expertise more knowledgeably to local conditions. There is little correlation between the two ratings, however, as the three below-average ratings for long term advisers all gave above-average scores for the benefits of local knowledge.

Note that none of the response averages are statistically different from each other.

**Table 2.11a. Correlation between Effectiveness of Technical Assistance and Agency Budget<sup>28</sup>**

Type of Technical Assistance	Number of Survey Responses	Correlation
Academic studies	12	0.360
Legal drafting	29	0.339*
Study missions/internships abroad	23	0.289
Long term advisor	13	0.229
Procurement	13	0.089*
In-country consultations	20	0.034
National/regional/international workshop/seminar	29	0.007

**Table 2.11b. Correlation between Characteristics of Technical Assistance and Agency Budget<sup>29</sup>**

Characteristics of Technical Assistance	Number of Survey Responses	Correlation
The role of the agency in the involvement of the project design	29	0.362**
The stability and predictability of funding from donors over the course of the project	28	0.293*
The role of the donors in deciding the time frame of the intervention	28	0.122
The resource contributions made by the agency	29	0.102
The knowledge and experience of the technical assistance advisors	29	0.063
The degree of control the agency has over the selection of the advisors	29	0.042
The flexibility of the donor to change or revise the projects to reflect changes in the needs of the agency	28	-0.033
The technical assistance advisors' familiarity with local legal and economic conditions	29	-0.062
The timing of the agency's involvement in project design	29	-0.081
The ability of the technical assistance advisors to teach	29	-0.108
Quality of training and case materials provided by the technical assistance advisors	28	-0.123

\*Statistically significant with 90% confidence.

\*\*Statistically significant with 95% confidence.

<sup>28</sup> Computed from Question 5 of the Agency Data Sheet and Question 24 of the Agency Survey.

<sup>29</sup> Computed from Question 5 of the Agency Data Sheet and Question 25 of the Agency Survey.

Tables 2.11(a) and (b) display responses about the effectiveness of types of assistance and characteristics of technical assistance, respectively, and their correlation with agency budgets. Note the positive correlation between budget and the effectiveness of academic studies. This suggests that the agencies with the most money appear to place greater value on academic studies, long term advisors, and legal drafting. It seems plausible that these are more highly valued because they represent inputs that cannot be replicated locally simply by spending money. By contrast, a seminar or procurement of capital equipment can be arranged without the need for extensive external know-how if funding is available. Some confirmation of this relationship may come from the fact that there is a slight negative correlation between budget and procurements. This latter result is quite intuitive, since it suggests that agencies with greater financial resources are less in need of physical goods.

Agencies with higher budgets place less significance in having a role in project design. There is notable negative correlation between the two factors, which could mean that richer agencies grant less importance to the development of the assistance. This figure is the only correlation coefficient statistically significant at 95% or higher. It may also mean that wealthier agencies have more institutional maturity and are able, from the outset, to request targeted technical assistance of the sort they perceive as most valuable to them. In that case, there would be little need for the agency to be further involved with the design. Less mature agencies that do not have as clear a picture of the task before them would logically want to be more involved with the project design.

The largest positive correlation of budget with characteristics is the stability and predictability of funding. This is consistent with a hypothesis that agencies with higher budgets place higher value on projects that transfer analytical and investigational skills over an extended time, as those are the kinds of inputs that cannot be replicated through the expenditure of their own funds. Such projects, to be effective, may need to be implemented over time, which would make stability and predictability of outside funding more important.

**Table 2.12. Outside Reviews<sup>30</sup>**

Has the agency been subject to an outside review?		Yes	No
		17	16
General purpose:	General diagnostic		4
	Anticipation of new TA project		3
	Peer review		8
	Other		3
Identity of institution that:		Initiated outside review	Conducted outside review
Competition agency		9	0
Another government agency		1	1
Multinational organization		8	9
Multinational lender		0	0
Another competition agency		0	2
Consultants/NGOs		0	5
Other		0	2
Results		Yes	No
Did review leave agency with good understanding?		17	0
Have any recommendations been incorporated?		9	7
Did review change agency's perceptions?		7	9

<sup>30</sup> Computed from Question 16 of the Agency Survey.

What changes have occurred as a result?		Yes	No
	Change in enforcement strategy	12	4
	Change in legal/regulatory framework	8	8
	Change in organization or structure	8	8
	Change in agency mission or objectives	5	11
	Change in staffing	5	11
	Other (more advocacy)	1	15

According to Table 2.12, about half of the 33 respondents have been subject to an outside review. These usually consisted of peer review by sister agencies. Only a handful of the reviews were conducted in conjunction with a new TA project. The reviews were either initiated by the competition agency itself, or by a multinational organization and were generally carried out by multinational organizations or consultants.

Jurisdictions have mixed responses to these reviews. Although it was unanimous that the reviews left agencies with a “good understanding” they did not generally change perceptions and only about half the time the recommendations were incorporated. The most successful seemed to be a change in enforcement strategy. The failure of agencies to incorporate the changes that were recommended may be due to the political environment within which the agency operates. To the extent that recommended changes require amendments to competition legislation, budget, civil service or other matters outside of the agency's ability to implement on its own – or to the extent that the recommendations suggest actions that would lead to political opposition that the agency deems unmanageable -- agencies may have limited ability to follow through on recommendations even though they understand them well.

**Table 2.13. Technical Assistance Provision<sup>31</sup>**

Is the agency a provider of technical assistance?		Y	N
		19	14
Type:	Long-term adviser	2	19
	In-country consultations	12	9
	National/regional/international conference	20	1
	Study missions	12	9
	Assisted in drafting laws or regulations	14	7

According to Table 2.13, 19 of the 33 jurisdictions reported providing technical assistance to other competition agencies, particularly through conferences or consultations. It is unclear whether this represents a hitherto undocumented trend of recipient agencies also serving as providers of technical assistance or if it merely reflects visits and speeches by senior agency officials at international conferences sponsored by multinational agencies. In any event, there is clearly regular interaction amongst the various competition agencies, and at the very least two recipients of technical assistance have also provided long term advisors to others.

<sup>31</sup> Computed from Question 15 of the Agency Survey.

#### IV. THE DESIGN OF TECHNICAL ASSISTANCE PROGRAMS

The extent to which a recipient competition agency is said to "own," or at least influence, programs of technical assistance (TA) is thought to be an important determinant of the overall effectiveness of such assistance. This view is widely shared among the donor community and applies to other forms of assistance and not just with respect to competition law and its enforcement. Programs designed from the "outside" and with little input from recipients are, it is argued, unlikely to garner the best results. Given that the resources of the providers of TA are scarce and often under considerable scrutiny from elected bodies, and that limitations on the capacity to absorb TA may exist, there is an understandable desire to optimize the benefits of TA programs on competition law and enforcement. Making sure that all parties' expectations are aligned and that they are agreed on a plan of action may well contribute positively in this regard.

The surveys conducted by the CPI working group shed light on the degree to which ICN members that are recipients of TA feel that they have influenced the design of assistance programs. The recipients were also asked about their desired degree of influence over the design of such programs, allowing a comparison of what is with what ought to be. Furthermore, some insights into the effect of recipient's influence on the perceived success of TA programs can be discerned from the responses to these surveys. The purpose of this section is to summarize the main findings of these surveys as they relate to design matters, offering caveats where appropriate. The findings may be of interest to industrialized and developing country members of the ICN and to the competition policy community in general.

The surveys of individual TA projects and of specific types of TA provide an indication of the extent to which recipients of TA perceive they influence the design of assistance programs, and the principal findings are summarized in tables one and two. When asked to gauge on a seven point scale the influence of different parties on the design of TA programs, with a score of one indicating no influence and a score of seven pointing to greatest influence, ICN members clearly felt significantly involved in their design. The average<sup>32</sup> survey response on the degree of recipient agency influence was 5.67. This average score is higher than those for the perceived degree of influence of the providers of technical assistance, the donors, and other agencies (including government ministries) within the recipient country (see table one). Moreover, in 11 out of 33 survey responses the recipient agency felt that no other party had a greater degree of influence over the design of the TA program in question.

**Table 3.1: How much influence did the recipient agency have over the design of technical assistance projects?**

In the first part of question nine of the General Project survey respondents were asked "How much influence did each of the following organizations have on the design of the project?" A seven point scale was used with a score of one indicating "no influence" and a score of seven indicating "highest influence".<sup>33</sup> The parties having a potential influence over the design of TA programs are listed in this table in descending order of mean survey response.

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<sup>32</sup> In this section of the report the "average" always refers to the mean (and not to the median or to the mode.)

<sup>33</sup> These interpretations of the scores one and seven, which are given in quotation marks, are taken directly from the General Project survey. In all of the tables in this section this convention is followed when characterizing such scores.

**Table 3.1. Recipient Agency Influence on TA Project Design<sup>34</sup>**

Organization having potential influence over the design of technical assistance projects	Number of survey responses (from which the mean responses were calculated)	Mean survey response	Number of responses with a score less than 4
"Your" (recipient) agency	33	5.67	4
Provider of technical assistance	29	5.07	6
Donor	31	5.00	5
Other agency or ministry of "your" (recipient country's) government	23	3.52	13

Note: Number of survey responses where "your agency" was rated as having the greatest influence over the design of the technical assistance: 11.

The surveys of different types of TA activities also show a high degree of recipient agency influence over the design of assistance programs, see table 3.2. Although the number of respondents to each type of survey was often lower than one might like, each survey asked more than one question about the degree of different forms of influence over the design of a TA activity. The total number of questions asked about design influence, therefore, exceeds (in some cases by a wide margin) the number of ICN respondents and from the responses to those questions an average score of the degree of influence was calculated. For each of the six types of TA an average score of design influence by recipient agencies was calculated and the results reported in the final column of table two. It appears that recipients of TA feel that they have had more influence over the design of study missions, long term advisors, and academic studies. Perceptibly less influence was felt over the design of seminars on competition law and related matters.

Although the questions posed in the surveys of different types of TA on recipient agency influence are not exactly the same as that asked in the General Project survey (which formed the basis for average score reported in table one and, for comparative purposes, is reproduced in the last row of table 3.2), it is noteworthy that the average scores for the former are all less than that for the latter. That is, when asked to evaluate influence on *specific* TA programs, recipient agencies perceive less influence than when asked to give their *general* impressions, a finding that readers may want to take into account. Overall, though, the surveys indicate that recipients of TA feel a considerable degree of influence over recent assistance activities.

**Table 3.2: Average scores for the degree of recipient agency influence on the design of six types of technical assistance.**

For each type of technical assistance listed below, a number of questions were asked of recipient agencies of the extent to which they participated in various aspects of the design of a technical assistance project. Each of those questions sought a response on a seven point scale with a score of one indicating the agency was "not influential" in the design of a specific program of technical assistance and a score of seven indicating that the agency was "most influential"<sup>35</sup> in the design of that

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<sup>34</sup> Computed from responses to question nine of the General Project survey.

<sup>35</sup> Unfortunately, in the surveys on Study Missions, Long Term Advisors, and Academic Studies the stated interpretation of scores one and seven differed from "not influential" and "most influential," respectively. In the surveys on Study Missions and Academic Studies the stated interpretation for a score of one was "no influence" and a score of seven "complete influence." In the survey on Long Term Advisors the stated interpretation for a score of one was "least influential" and a score of seven "most influential."

program of technical assistance. The types of technical assistance are listed in this table according to declining average scores of the degree of recipient agency influence.

**Table 3.2. Degree of Recipient Influence on Design of TA Projects<sup>36</sup>**

Type of technical assistance	Number of ICN members responses to survey	Number of questions in a given survey about the degree of design influence	Total number of responses actually completed by ICN members	Average score on degree of influence over the design of this form of technical assistance
Study missions	7	5	34	5.47
Long term advisors	11	3	30	5.30
Academic studies	6	2	11	5.27
Short term interventions	11	4	41	5.04
Legislative drafting	5	3	14	4.93
Seminars	22	4	83	4.69
Total	62	21	213	5.01 <sup>37</sup>
<i>Memo: Average score of recipient agency influence reported in Table 1</i>				5.67

The survey responses indicate that the conduct of needs assessment for technical assistance projects tends to be associated with different relative contributions to the design of such projects. Of the 33 responses to the General Project survey, 20 concerned projects where a needs assessment exercise was conducted and eight where such exercises were definitely not conducted. The survey responses in table 3.1 can, therefore, be sorted into those where a needs assessment exercise was definitely conducted and those where such an exercise was not. Table 3.3 contains summary statistics on the recipient agency's perception over the respective importance of different agents in the design of TA projects, taking account of whether or not a needs assessment was conducted. Comparing the last two columns of this table it is clear that recipient agencies feel far less involved in the design of those TA projects which did not involve the conduct of a needs assessment. Moreover, the design of the latter projects appears to be dominated by donors. In contrast, the recipient agency and providers of technical assistance have tended to take a more prominent role in the design of TA projects that involved needs assessments. These findings are consistent with the view that needs assessments can be effective vehicles by which donors can engage recipient agencies and, for that matter, others such as providers of technical assistance.

**Table 3.3: Did the conduct of specific needs assessments affect the degree of influence of the recipient agency over the design of technical assistance projects?**

In question eight of the General Project survey respondents were asked "Did the donor conduct a specific needs assessment prior to the design of this project?" The answer to this question was used to sort the answers to question nine of the General Project survey which, as stated earlier, sought to gauge the degree of influence of different parties over the design of TA projects.

<sup>36</sup> Computed from the responses to question eight of the survey on Study Missions, question seven of the survey on Long Term Advisors, question 12 of the survey on Academic Studies, question nine of the survey on Short Term Interventions, question six on the survey on Legislative Drafting, and question 16 of the survey on Seminars.

<sup>37</sup> Average score calculated from all 213 responses.

**Table 3.3. Needs Assessment and Degree Influence<sup>38</sup>**

Organization having potential influence over the design of technical assistance projects	Mean survey response of the degree of influence			
	All surveys	Surveys that specifically stated whether a needs assessment was conducted	Surveys when a needs assessment was conducted	Surveys where a needs assessment was not conducted
<b>"Your" (recipient) agency</b>	<b>5.67</b>	<b>5.96</b>	<b>6.25</b>	<b>4.75</b>
Provider of technical assistance	5.07	5.00	5.40	4.14
Donor	5.00	4.64	4.47	5.57
Other agency or ministry of "your" (recipient country's) government	3.52	3.71	3.53	3.50
<i>Number of surveys from which the mean survey responses were calculated.</i>	33	28	20	8

How does the perceived degree of influence compare with the desired level of recipient influence? The General Project survey helps shed some light on this matter. Table four is the analogue to table one except that responses to a question concerning the desired degree of "involvement" of different organizations or parties in the design of TA programs are reported. On a seven point scale, the average response of the recipients agencies' desired level of involvement was 6.21, which comfortably exceeds the perception of their actual influence (which took an average value of 5.67 in table one). Interestingly this desire for additional influence does not come at expense of other TA programs, whose scores in table 3.4 are similar to those in table 3.1. Even so, it would be useful to learn in what ways the recipient agencies think they can contribute more to the design of TA programs other than, as noted earlier, participating in needs assessments.

**Table 3.4: How much influence would the recipient agency have preferred to have over the design of technical assistance projects?**

In the second part of question nine of the General Project survey respondents were asked "Looking back, what would have been your preferred level of involvement for each of these organizations on the design of this project?" A seven point scale was used with a score of one indicating "no influence" and a score of seven indicating "highest influence". The parties are listed in the table in descending order of mean survey response.

**Table 3.4. Preferred Levels of TA Design Influence<sup>39</sup>**

Organization having potential influence over the design of technical assistance projects	Responses to a question on the desired degree of influence of a given organization			<i>Memo: Average score of actual degree of influence (from Table 1)</i>
	Number of survey responses	Number of responses with a score less than 4	Mean survey response	
<b>"Your" (recipient) agency</b>	<b>33</b>	<b>2</b>	<b>6.21</b>	<b>5.67</b>
Provider of technical assistance	31	7	4.90	5.07
Donor	30	7	4.73	5.00
Other agency or ministry of "your" (recipient country's) government	23	12	3.30	3.52

<sup>38</sup> Computed from responses to questions eight and nine of the General Project survey.

<sup>39</sup> Computed from responses to question nine of the General Project survey.

Note: Number of survey responses where "your agency" was rated as should having the greatest influence over the design of the technical assistance: 14.

Turning now to the potential impact of recipient influence on the design of TA programs on the latter's effectiveness, the surveys' responses indicate a variety of findings. When asked to gauge the importance of different potential contributors to TA effectiveness in general "the role of the agency in the involvement of project design" is found to be, on average, the most highly rated and positive influence (see table five). Moreover, in the survey responses "the role of the agency..." was given consistently high scores; in 25 out of 33 survey responses it received a score of six or seven (the maximum). Interestingly, "the timing of the agency's involvement in project design" was seen as a far less important influence. Timing might have been thought to be more important because of a perceived issue about whether agency input should be obtained in advance of a donor funding commitment or whether input should be obtained only after funding ceases to be a matter of speculation.

**Table 3.5: What was the overall assessment of the importance of agency involvement in the design of technical assistance projects to the success of those projects?**

A seven point scale was used with a score of one indicating "no importance at all" and a score of seven indicating "greatest importance". The potential factors are listed in the table in descending order of mean survey response.

**Table 3.5. Assessment of Agency Involvement in TA Design<sup>40</sup>**

Potential contributor to the success of technical assistance programs	Number of survey responses (from which the mean survey responses were calculated)	Mean survey response	Number of responses with a score less than 4	Number of responses with a score of 6 or 7
<b>The role of the agency in the involvement of the project design</b>	33	6.29	1	25
The quality of training and case materials provided by the technical assistance advisors	32	6.27	0	24
The knowledge and experience of the technical assistance advisors	33	6.19	1	25
The ability of technical assistance advisors to teach	33	6.19	0	23
The stability and predictability of funding from donors over the course of the project	32	5.87	1	20
The flexibility of the donor to change or revise the projects to reflect changes in the needs of the agency	32	5.80	3	20
<b>The timing of the agency's involvement in project design</b>	33	5.61	2	18
The technical assistance advisors' familiarity with local legal and economic conditions	33	5.52	1	16
The resource contributions made by the agency	33	5.03	5	12
The degree of control the agency has over the selection of the advisors	32	4.94	7	13
The role of donors in deciding the time frame of the intervention	33	4.63	7	11

<sup>40</sup> Computed from responses to question 25 of the "Agency survey."



Table 3.5 reports the average scores of respondents when they were asked to evaluate 11 potential contributors to the success of TA programs. In a different part of the Agency survey a question was posed that included only three potential contributors to success and one of them was "the overall role of the agency in project design and implementation." (Note that the latter quotation refers to the implementation as well as to the design of TA programs.) The responses to the latter question are summarized in table 3.6, which has been constructed to as to be comparable to table 3.5. In table six the agency's role is found, on average, to be the second most important positive influence on the effectiveness of TA programs. The quality of advisors to a TA project was found to be more important, and the role of donors to be less important than the agency's role. All in all, these survey findings support the view that allowing recipients a role in influencing the design of TA projects adds to their effectiveness.

**Table 3.6: Another perspective on the importance of agency involvement in the design and implementation of technical assistance projects to the success of those projects.**

A seven point scale was used with a score of one indicating "no importance at all" and a score of seven "greatest importance". The potential contributors are listed in the table in descending order of mean survey response.

**Table 3.6. Agency Involvement and the Implementation of TA Projects<sup>41</sup>**

Potential contributor to the success of technical assistance programs	Number of survey responses (from which the mean survey responses were calculated)	Mean survey response	Number of responses with a score less than 4	Number of responses with a score of 6 or 7
The overall quality of the advisors	32	6.44	0	29
<b>The overall role of the agency in project design and implementation</b>	<b>32</b>	<b>6.25</b>	<b>1</b>	<b>26</b>
The overall role of the donors	29	5.69	2	17

Since the General Project survey asks recipients to gauge whether they agree that a given TA project has a number of distinct and desirable attributes it is possible to check whether these desirable attributes tend to be found in projects where the agency also reported having a lot of influence over the project's design. Table 3.7 reports, for eight desirable attributes, the correlation coefficients between perceptions of influence and assessments of whether TA project shares certain desirable attributes. Such calculations indicate where design influence is most highly correlated with good project outcomes. Interestingly there is a wide degree of variation in the correlation coefficients. Design influence is highly and positively correlated with the following perceived outcomes: "the goals and objectives of the project were clearly articulated" and "there were opportunities to make adjustments to the project to reflect changing conditions." It is not difficult to see how a larger role for recipient agencies in the initial design and in the evaluation of ongoing TA projects could lead to these positive outcomes.

On the basis of these survey responses design influence is not correlated with the perception that "the project was designed to take account of local conditions" and that "the project achieved its objectives." The former finding seems counter-intuitive and could be the result of any tendency by providers of technical assistance to employ their own *modus operandi*, whatever the circumstances. With respect to the latter finding it should be recognized that that influencing the design of a project is not the only the factor determining whether a project meets its objectives. Both findings point to limitations of the effect

<sup>41</sup> Computed from responses to question 25 of the Agency survey.

of recipient agencies' design influence on recent technical assistance programs. Having said that it should be noted that recipient influence is never negatively correlated with any of the positive characteristics of TA programs. These findings could also be read as indicating where future TA initiatives might strengthen the opportunities for input from recipient agencies (in, for example, the selection of activities and in the design and execution of mid-point review processes.)

**Table 3.7: To what extent do measures of the degree of design "input" from recipient agencies correlate with their assessment of certain desirable attributes of technical assistance programs?**

Question 15 of the General Project survey asked agencies to evaluate on a seven point scale whether a technical assistance project had a certain desirable attribute. A score of one indicated that the agency "strongly disagree"(s) that the project had a given attribute, whereas score of seven indicated that it "strongly agree"(s) that the project had the attribute in question. These responses were correlated with the response to question nine of the same survey. The latter question asked the extent of influence the agency had over the design of the same project. A score of one indicated the agency had "no influence" over design; a score of seven indicated the agency had the "highest influence." For each desirable attribute of a technical assistance project, a simple correlation coefficient was calculated between the agency's perception of its degree of influence and its assessment of whether that project had the desirable attribute in question.

**Table 3.7. Recipient Input and Desirable TA Attributes<sup>42</sup>**

Desirable attribute of a technical assistance project	Correlation coefficient
The goals and objectives of this project were clearly articulated	0.69
There were opportunities to make adjustments to the project to reflect changing conditions	0.63
The activities were appropriate for the Agency's level of age and capacity	0.35
The activities selected for this project were clearly linked to its goals and objectives	0.22
There were opportunities to assess the progress of the project periodically	0.21
The project has made a substantial contribution to the Agency's ability to carry out its mission or objectives	0.16
The project achieved its objectives	0.08
This project was designed to take account of local conditions	0.06
Simple average of the correlation coefficients	0.30

Surveys of this type are subject to many potential concerns and caveats, and these should be borne in mind when reflecting on the above results. Even so, five potentially significant findings arose from this aspect of the CPI's work program; namely, that recipients feel a strong degree of influence over the design of recent TA programs, that they would like more such influence, that conducting needs assessments before implementing TA programs provides an effective means to engage recipient agencies and providers of technical assistance, that the input of recipients is widely perceived to contribute to the success of TA programs, and that the impact of such influence has been on certain aspects of TA programs and not on others.

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<sup>42</sup> Computed from the responses to questions nine and 15 of the General Project survey.

#### IV. PROJECT SURVEYS

The preceding sections examined the views of senior officials of technical assistance as a whole, as well as the role of agencies in project design. While these two factors are undoubtedly important for understanding what makes for a successful technical assistance activity, it is only by analyzing the detailed characteristics of a large number of actual technical assistance projects that the determinants of success can be isolated and resulting concrete, specific solutions for improving the delivery of technical assistance be formulated.

As noted in the introduction, the framework of technical assistance programs varies widely. Types of assistance, for example, may include any combination of some or all of the following activities: seminars, study missions, short term interventions, long term advisors, academic studies, legal drafting and/or procurement. Similarly, assistance is delivered by an array of providers, including staff from experienced competition agencies, competition policy expert consultants from multilateral institutions or private firms, and/or academics from foreign and local universities, among others. Projects are funded by multinational donors, a large number of bilateral development agencies, and private foundations.

The diversity of programs raises a number of questions in evaluating technical assistance. What delivery method, *i.e.*, type of activity, has the greatest impact on the effectiveness of the agency? Do recipients of technical assistance prefer a specific donor? Are certain providers more adept at providing assistance generally, or does it vary with the type of activity or by the substance of the program? Should help be sought from an array of countries, or is it better to develop a close relationship with a single donor or provider? How important is it that the training come from someone with a similar legal system, economic history, or language, or do the concepts to be learned transcend those kinds of cultural factors? Is there a "template" of assistance that is needed, the use of which can obviate the need to "reinvent the wheel," or must a full assessment of needs be done in each country? It is ultimately hoped that the survey will yield answers to these questions. At present, the data is sufficient to address only a few of them.

This section of the Report addresses some of these questions by presenting the results of the Project Surveys, a multi-part survey instruments that examined a technical assistance project ("General Project Survey") and specific activities ("modules") within that project. A project was defined as a set of one or more technical assistance activities that form part of a singularly conceived, designed, and executed program, typically with a single donor and a single organization coordinating its implementation. The modules addressed the following activities: seminar, study mission, long term advisor, short term intervention, legal drafting, and academic studies.<sup>43</sup>

Unlike the Agency Survey described in Section III, the respondents to the Project Surveys were agency staff that had actually participated in the particular technical assistance activity being discussed, and are thus presumably best equipped to provide detailed, accurate responses.

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<sup>43</sup> The survey instruments provide definitions of each type of assistance. Legal drafting includes assistance that the respondent jurisdiction received in drafting a national competition law, amendments of to an existing competition law, or implementing regulations. A long term advisor is an advisor whose stay at the agency lasts more than three months. Procurement includes procurement of high budget items, such as computers. Seminars include national, regional and international seminars on competition policy matters. A short term intervention has a duration of less than one month, and for the purposes of this survey is not one that is focused exclusively on a legislative drafting project, a seminar, or the preparation of academic studies. Study missions include trips by officials from the respondent agency to foreign competition agencies and/or associated government ministries that were less than one month in duration.

The interviews included 34 responses to the General Project Survey, and 62 responses to the module level instruments. While not all activities within a project were surveyed, efforts were made to select projects that varied in size and scope.<sup>44</sup> The 62 module responses include:

- 22 seminar-specific survey responses;
- 11 short term intervention-specific survey responses;
- 11 long term advisor-specific survey responses;
- Seven study mission-specific survey responses;
- Six academic studies-specific survey responses; and
- Five legal drafting-specific survey responses.

The small number of responses to modules other than seminars prevents these responses from being included in any of the analysis of this report. This limits considerably the ability to draw meaningful conclusions at the project level, because the General Project Survey was intended to be analyzed together with the module instruments. The Technical Assistance Subgroup of the Competition Policy Implementation Working Group has proposed to continue gathering project-level survey responses in the coming year. Hence, the results presented here should be considered exploratory and preliminary in nature.

Efforts were also made to gather data on a variety of donors and providers. Ten projects were funded by multinational organizations<sup>45</sup>, ten projects were funded by the European Union, and 15 projects were funded by bilateral donors.<sup>46</sup> The projects were implemented by a variety of providers, including staff from other competition agencies (21); individual consultants by multilateral donors (14); private consulting firms (9); and individual consultants from multinational organizations (6).

The General Project Survey is divided into three parts. The first part seeks objective information about the project, *e.g.* activities included, donor(s), provider(s). The second part asked a series of questions regarding project design and implementation, with the respondent answering qualitative questions such as the degree of involvement of the agency in project design, and whether the project allowed the agency to investigate new types of cases or cases in new sectors that it could not have without the project. The third part of the survey involved a series of subjective questions on satisfaction and impact.

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<sup>44</sup> As a result, six of the projects included at least five activities (with the following combinations of activities: seminar, short term intervention ("STI"), academic studies ("studies"), study mission, procurement (2); seminar, STI, studies, study mission, procurement (1); seminar, long term advisor ("LTA"), STI, legal drafting ("drafting"), study mission (1); seminar, LTA, STI, drafting, procurement (1); and seminar, LTA, drafting, study mission, procurement (1)); four projects included at least four activities (with the following combinations of activities: seminar, LTA, STI, procurement (1); seminar, STI, drafting, procurement (1); seminar, STI, drafting, study mission (1); and seminar, LTA, study mission and studies (1)); seven projects included at least three activities (with the following combinations of activities: seminar, STI, study mission (3); seminar, study mission, procurement (1); seminar, LTA, studies (1); STI, seminar, procurement (1); and LTA, STI and study mission (1)); ten projects included at least two activities (with the following combinations of activities: seminar, STI (3); LTA, drafting (2); LTA, seminar (2); seminar, studies (1); seminar, study mission (1); and STA, studies (1)); and seven projects only had one activity (with seminars only, one project with a long term advisor only, and one project with a study mission only).

<sup>45</sup> The multinational organization donors include the following: World Bank (3), UNCTAD (3), Organisation for Economic Cooperation and Development (2), InterAmerican Development Bank (2).

<sup>46</sup> The Bilateral Donors include the following: Australia (4), Austria (1), Brazil (1), Canada (4), Chile (1), Costa Rica (1), France (1), Germany (6), Korea (1), Norway (1), Portugal (2), Spain (2), Sweden (1), Switzerland (2), United Kingdom (3), United States (7).

The modules, and more specifically for this Report, the seminar instrument, largely focused on the use of objective indicators of success of particular activities.<sup>47</sup> Other areas of inquiry related to format and content of the seminar, and ongoing contacts with speakers and other attendees. The final section of all of the module survey instruments contained a series of satisfaction questions, which were relatively similar across modules and also linked to the general project-level satisfaction measures, where respondents were asked to rate different inputs and outputs on a scale of one to seven.<sup>48</sup>

The principal findings of the General Project Survey and the seminar instrument suggest that:

1. Consistent with the 2003 Report, respondents generally indicated a high degree of satisfaction with technical assistance projects in general. Seventy one percent of respondents assessed their project quality at either of the two highest levels of satisfaction and none at the two lowest levels.
2. Responses were positive but slightly less favorable about the impact of projects on improving agency effectiveness; 62% scored on the two highest levels of satisfaction. Here also, no respondent assessed their project's impact at the two lowest levels.
3. Advisor quality was also rated very high, with 70% of respondents reporting at the two highest levels of satisfaction. None reported at the two lowest levels of satisfaction.
4. Knowledge about local conditions appears less important than one might have thought. While at the project level, understanding of local conditions is important, at the advisor level knowledge of local conditions is not significantly related to overall quality of the advisors. Similarly, at the seminar level, "local content" in presentations and seminar materials is not significantly related to overall satisfaction or impact.

## A. General Project Survey

The general project survey provides several different types of outcome measures that can be used as dependent variables in a search for causal factors behind successful TA projects. These measures include largely subjective indicators such as overall satisfaction, impact on agency effectiveness, and ability to engage in new types of activity due exclusively to the TA provided. Each of these is discussed below. Likewise, this survey also provides a variety of input measures that may be useful in distinguishing between successful and unsuccessful projects and which we use as explanatory variables.

The principal analytical approach employed in this chapter is comparisons of outcome and input on a pair of variables to identify statistically significant associations. We recognize that this type of partial analysis fails to control for interaction among explanatory variables. Nevertheless, given the small number of responses available at this time, it is still instructive as an interim step before additional data permits a fuller analysis.

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<sup>47</sup> In the seminar survey respondents were asked, for example, about seminar materials including identifying when the seminar materials were provided; in what language (and whether they were subsequently translated if not provided in one of the agency's working languages); whether, and if so, how, the materials were used for training staff that did not attend the seminar; where the materials were kept at present and whether anyone continued to consult them for informational purposes.

<sup>48</sup> These are referred to as known as seven-point semantic differential scales in survey research terminology. In this section, "one" represents very dissatisfied and "seven" represents very satisfied.

## 1. Satisfaction with Technical Assistance Projects

As a whole, the degree of satisfaction with the overall quality of technical assistance projects was high, averaging 6.1 on a one to seven scale.<sup>49</sup> Satisfaction with the quality of inputs were very high: overall quality of the advisors, advisors' knowledge, advisors' ability to interact with staff, quality of materials, and applicability and usefulness of advice all received the top two scores over 70 of the time. Only the advisors' knowledge and understanding of the local legal and economic environment received a qualified score. As noted elsewhere, recipients do not view this input factor as being critical to the success of the program.

The overall impact of the project on the effectiveness of the agency in fulfilling its missions or objectives, however, was slightly lower, averaging 5.8. Agency performance measures such as resulting improvements in the operations of the agency, improvements in the ability of the agency to handle complex cases, to select priority cases, the ability to handle new cases, in quality of decisions and recommendations, and in enforcement of the law were generally divided between the top two ratings and medium ratings. Respondents gave the weakest scores to the question of whether the program had resulted in improvements in the speed of cases resolved by the agency. This disparity suggests that while satisfaction with programs may be high, levels of satisfaction are not fully explained by improvements in agency performance.

Respondents were asked to express their satisfaction with 18 project characteristics, shown in Tables 4.1 and 4.2. These characteristics attempt to cover a number of important aspects of project implementation and thus directly relate to both the overall satisfaction outcome measure and the impact on agency effectiveness measure.

**Table 4.1. Perception of Design of the Technical Assistance Project<sup>50</sup>**

Indicators of Satisfaction	scale: 1 (strongly disagree) to 7 (strongly agree)			
	mean	1-2	3-4-5	6-7
The activities selected for this project were clearly linked to its goals and objectives	6.2	0%	21%	79%
The goals and objectives of this project were clearly articulated	6	3%	21%	76%
The project achieved its objectives	6	0%	24%	76%
The activities were appropriate for the Agency's level of age and capacity	5.9	0%	33%	67%
There were opportunities to make adjustments to the project to reflect changing conditions	5.7	12%	36%	52%
This project was designed to take account of local conditions	5.7	3%	38%	59%
The project has made a substantial contribution to the Agency's ability to carry out its mission	5.7	0%	42%	58%
There were opportunities to assess the progress of the project periodically	5.4	10%	45%	45%

<sup>49</sup> It is worth keeping in mind that this sample was not randomly drawn, since the universe of all technical assistance projects from which a random sample might have been drawn is not known. Hence the measures of program outcomes are likely to be upwardly biased since our sample of projects was identified from a combination of sources, most of which are related to donors. It is reasonable to presume that donors would tend to identify more successful projects.

<sup>50</sup> Responses to Question 15 of the General Project Survey where respondents were asked to indicate their level of satisfaction with the statements in column one of the table.

**Table 4.2. Level of Satisfaction with Technical Assistance Project<sup>51</sup>**

	Scale: 1 (very dissatisfied) to 7 (very satisfied)			
	mean	1-2	3-4-5	6-7
The advisors' ability to interact amicably with the Agency's staff	6.2	0%	12%	88%
The advisors' knowledge and understanding of the subject matter	6.2	0%	15%	85%
The overall quality of the technical assistance provided by this project	6	0%	29%	71%
The quality of materials and cases prepared by the advisors for the Agency	6	0%	25%	75%
The overall quality of the advisors provided by the project	5.9	0%	30%	70%
The applicability and usefulness of the advice provided by the advisors	5.9	0%	28%	72%
Resulting improvement in the skill levels of the staff	5.9	0%	38%	63%
The advisors' ability to get staff to participate in project activities	5.8	0%	29%	71%
The overall impact of the project on the effectiveness of the Agency in fulfilling its mission	5.8	0%	38%	62%
Resulting improvements in the quality of decisions or recommendations rendered by Agency	5.6	0%	44%	56%
Resulting improvements in the operations of the Agency due to this project	5.5	3%	45%	52%
Resulting improvements in the Agency's ability to conduct competition advocacy	5.4	7%	39%	54%
Resulting improvements in the enforcement of the law due to this project	5.4	3%	50%	47%
Resulting improvements in the ability of Agency staff to handle complex cases due to project	5.3	6%	50%	44%
Resulting improvements in ability of the Agency staff to select which cases are given priority	5.3	0%	58%	42%
Resulting improvements in the ability of Agency staff to handle new types of cases	5.3	0%	52%	48%
Resulting improvements in the speed with which cases that are within the Agency resolved	5.1	4%	68%	29%
The advisors' knowledge and understanding of local legal and economic environment	4.9	0%	59%	41%

a. Overall Quality of Technical Assistance Project

Table 4.3 reports a positive relationship between all project characteristics and the satisfaction outcome measure. Three of these are statistically significant:

- Responses regarding whether the activities selected for the project were clearly linked to its goals and objectives was associated with the responses about the overall quality of the technical assistance project.
- Respondents' agreement that the activities in the project were appropriate for the agency's level of age and capacity was associated with their response regarding satisfaction with the overall quality of the technical assistance provided by the project.

<sup>51</sup> Responses to Question 16 of the General Project Survey where respondents were asked to indicate their level of satisfaction with the aspects of technical assistance in column one of the above table.

- Responses regarding the degree to which the project was designed to take account of local conditions was associated with the overall quality of the technical assistance provided by the project.

It is interesting to note that while it appears important that the *project* take into account local conditions if it is to be perceived of high quality, it is less important that the *advisor* personally have a good understanding of local conditions (see Table 4.5). The difference between designing a program that takes local conditions into account without needing to select advisors with understanding of local conditions warrants further exploration. At a minimum, the significance of these three characteristics demonstrate the challenges of designing a one-size-fits-all approach.

The satisfaction with the overall quality of the project does not seem to depend on the project's clear articulation of goals and objectives, nor opportunities to conduct periodic assessments, nor flexibility in adjusting to changing conditions. Clear articulation of the goals and objective and opportunities to make changes to reflect changing conditions, however, do appear to impact the perception that the project has improved the effectiveness of the agency, as reflected in Table 4.4, below.

**Table 4.3. Relationship between the Overall Quality of Technical Assistance Project and Specific Aspects of the TA Program<sup>52</sup>**

Table 4.3 presents the relationship between (1) the level of satisfaction with the overall quality of the technical assistance project (low satisfaction, medium satisfaction or high satisfaction) and (2) the degree to which respondents agreed (strongly disagree, neither agree nor disagree, strongly agree) with statements about the articulation of goals, appropriateness of activities, incorporation of local conditions in project design, opportunities of periodic assessment, and opportunities to make changes during the project.

<i>satisfaction with overall quality</i>	Strongly Disagree with Statement			Neither Agree Nor Disagree with Statement			Strongly Agree with Statement		
	<i>Low (1-2)</i>	<i>Med (3-4-5)</i>	<i>High (6-7)</i>	<i>Low (1-2)</i>	<i>Med (3-4-5)</i>	<i>High (6-7)</i>	<i>Low (1-2)</i>	<i>Med (3-4-5)</i>	<i>High (6-7)</i>
Clear articulation of goals and objects of the project	0%	0%	0%	0%	12%	12%	0%	18%	59%
Activities selected for this project were clearly linked to its goals and objectives*	0%	0%	0%	0%	12%	9%	0%	0%	62%
Activities were appropriate for the Agency's level of age and capacity*	0%	3%	3%	0%	12%	15%	0%	18%	54%
Project was designed to take account of local conditions**	0%	30%	0%	0%	18%	21%	0%	9%	50%
Opportunities for periodic assessment	0%	0%	10%	0%	17%	28%	0%	7%	38%
Opportunities to make adjustments to reflect changing conditions	0%	30%	60%	0%	13%	25%	0%	13%	41%

\*\* Statistically significant at the .05 level

\* Statistically significant at the .10 level

<sup>52</sup> Responses to Question 16 of the General Project Survey about satisfaction with quality of the technical assistance program compared with Responses to Question 15 of the General Project Survey about the statements in column one of the table.



b. Overall Impact of the Project on the Effectiveness of the Agency

Table 4.4 presents responses on impact on the effectiveness of the agency in the same format as the previous table. There is a much stronger association between project components and impact on agency effectiveness than we saw previously with general satisfaction. All factors except “opportunities for periodic assessment” are statistically significant and that measure is nearly significant. This result underscores the importance of conducting additional multivariate analyses to better understand the relative importance of each of these project design factors to high impact on agency operations.

**Table 4.4. Relationship between the Overall Impact of the Project on the Effectiveness of the Agency and Specific Aspects of the TA Program<sup>53</sup>**

Table 4.4 presents the relationship between (1) the level of satisfaction with the impact of the project on the effectiveness of the agency (low satisfaction, medium satisfaction or high satisfaction) and (2) the degree to which respondents agreed (strongly disagree, neither agree nor disagree, strongly agree) with statements about the articulation of goals, appropriateness of activities, incorporation of local conditions in project design, opportunities of periodic assessment, and opportunities to make changes during the project.

<i>satisfaction with overall quality</i>	Strongly Disagree that Aspect Was Present			Neither Agree Nor Disagree that Aspect Was Present			Strongly Agree that Aspect Was Present		
	<i>Low (1-2)</i>	<i>Med (3-4-5)</i>	<i>High (6-7)</i>	<i>Low (1-2)</i>	<i>Med (3-4-5)</i>	<i>High (6-7)</i>	<i>Low (1-2)</i>	<i>Med (3-4-5)</i>	<i>High (6-7)</i>
Clear articulation of goals and objects of the project*	0%	0%	0%	0%	15%	9%	0%	24%	53%
Activities selected for this project were clearly linked to its goals and objectives**	0%	0%	0%	0%	15%	6%	0%	24%	56%
Activities were appropriate for the Agency's level of age and capacity**	0%	6%	0%	0%	18%	9%	0%	15%	52%
Project was designed to take account of local conditions**	0%	3%	0%	0%	24%	15%	0%	12%	47%
Opportunities for periodic assessment	0%	3%	7%	0%	28%	17%	0%	10%	34%
Opportunities to make adjustments to reflect changing conditions*	0%	6%	3%	0%	22%	16%	0%	13%	41%

\*\* Statistically significant at the .05 level

\* Statistically significant at the .10 level

<sup>53</sup> Responses to Question 16 of the General Project Survey about satisfaction with impact of the technical assistance project on the effectiveness of the agency compared with responses to Question 15 of the General Project Survey about the statements in column one of the above table.

### c. Relationship between Satisfaction and Impact

Respondents' satisfaction with a technical assistance project does not necessarily depend on the project's impact on agency performance. While 68% of respondents score both measures in the same range (which does not necessarily imply that they do not draw a distinction between these two output measures), 11% assign a higher rating to overall satisfaction than to impact on effectiveness of a particular project and the remaining 21% indicate the reverse. Thus, 32% of respondents appear to be saying that their satisfaction with the project does not depend on its impact on agency effectiveness. Given that, it is not surprising that different project attributes exhibit statistically significant associations with these two outcome measures or that specific project characteristics are much more strongly associated with impact on effectiveness than overall satisfaction. There was no discernable pattern in the data relating project characteristics to this difference in project quality and impact. A more detailed analysis of this difference in perception between satisfaction and impact is outside the scope of this preliminary report, but we plan to investigate further.

### d. Overall Quality of the Advisors

Advisor quality is significantly related to both overall project quality and overall impact on agency effectiveness. The survey allows us to examine advisor attributes in some detail and relate them to advisor quality. That analysis suggests that respondents place principal importance on the practical contributions and abilities of the advisors, such as their subject matter expertise, the applicability of their advice, and the quality of the materials they produce. "Softer" attributes that go to the advisor's ability to fit in socially or motivate agency personnel are not significantly associated with advisor quality.

Some responses seem to run counter to the received wisdom on good technical assistance. In particular, one would expect the advisor's understanding of local conditions to be positively significantly related to the assessment of the advisor's quality, but it is not. The result is inconsistent with previous responses on the importance of reflecting local conditions, although as explained above, it may be that a properly-designed project that accounts for local conditions is sufficient. One explanation could be that the economic principles underlying effective competition policy tend to have universal application. While local conditions may vary, individuals and firms tend to respond to incentives in similar ways. Advisors will likely already be experienced with markets that have different characteristics of entry, elasticity of demand, market structure and so forth. Consequently, being able to provide sound advice in a different country may prove to be a relatively simple exercise of reacting to new varieties of market characteristics and may thus be less difficult than one might expect.

#### **Table 4.5. Overall Quality of the Advisors<sup>54</sup>**

Table 4.5 presents the relationship between (1) the level of satisfaction with the overall quality of technical assistance advisors (low satisfaction, medium satisfaction or high satisfaction) and (2) the level of satisfaction with particular aspects of the advisors (low satisfaction, medium satisfaction or high satisfaction).

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<sup>54</sup> Responses to Question 16 of the General Project Survey about satisfaction with quality of the technical assistance advisors of the project compared with its subsections questions.

<i>satisfaction with advisors</i>	Low Satisfaction with Aspect(1-2)			Medium Satisfaction with Aspect (3-4-5)			High Satisfaction with Aspect (6-7)		
	<i>Low (1-2)</i>	<i>Med (3-4-5)</i>	<i>High (6-7)</i>	<i>Low (1-2)</i>	<i>Med (3-4-5)</i>	<i>High (6-7)</i>	<i>Low (1-2)</i>	<i>Med (3-4-5)</i>	<i>High (6-7)</i>
Advisors' knowledge and understanding of local legal and economic environment	0%	0%	0%	0%	18%	39%	0%	12%	30%
Applicability and usefulness of the advice provided by the advisors**	0%	0%	0%	0%	22%	9%	0%	6%	63%
Advisors' knowledge and understanding of the subject matter**	0%	0%	0%	0%	12%	18%	0%	3%	67%
Quality of materials and cases prepared by the advisors**	0%	0%	0%	0%	16%	16%	0%	10%	58%
Advisors' ability to interact amicably with the agency's staff	0%	0%	0%	0%	3%	9%	0%	27%	61%
Advisors' ability to get staff to participate in project activities	0%	0%	0%	0%	13%	16%	0%	16%	55%

\*\* Statistically significant at the .05 level

## 2. Effectiveness

While the introduction to this Report notes that the goals of technical assistance are broad, improving the agency's ability to handle cases remains one of the most important indicia of success for many technical assistance projects. The General Project Survey examined these indicia in three ways: (1) the ability of the agency to undertake new types of conduct cases (cartel agreements, non-cartel horizontal agreements, vertical agreements and abuse of dominance); (2) the ability of the agency to undertake cases in new sectors; and (3) the agency's ability to handle conduct cases.

Twelve of 34 respondents reported that their agency was able to undertake enforcement cases after the beginning of a particular technical assistance project that it could not have undertaken without the technical assistance received during the project. Six respondents indicated that they were able to undertake enforcement cases in new sectors as a result of the technical assistance project. Five of these also declared their ability to undertake new types of conduct cases above.

The degree to which a particular technical assistance project contributed to an agency's ability to deal with conduct cases was reported by type of case. While differences in ability to handle different types of cases as a result of technical assistance are minimal, abuse of dominance cases were rated the highest score for improvement. The lowest improvement was for vertical agreements, which may reflect the degree of analytical difficulty in determining what kinds of vertical agreements adversely affect competition from those that do not. The responses may reflect the subject matter of the technical assistance project: it is highly likely that a larger number of projects focus on abuse of dominance cases than vertical agreements. If the survey instrument is revised, respondents should be asked to report the focus of the project. The results are provided in Table 4.6.

**Table 4.6. Agency's Ability to Deal with Conduct Cases<sup>55</sup>**

A seven point scale was used with a score of one indicating “no improvement in the ability of the agency to conduct these cases” and a score of seven “great improvement in the ability of the agency to conduct these cases.” The criteria are listed in the table in ascending order of mean survey response.

Agency's Ability to Deal with Conduct Cases	Mean	Low Satisfaction (1-2)	Medium Satisfaction (3-4-5)	High Satisfaction (6-7)
Abuse of Dominance	5.03	14%	21%	66%
Noncartel	4.97	12%	15%	73%
Cartel	4.96	12%	24%	64%
Vertical	4.67	19%	22%	59%

### 3. Types of Activities

The delivery of technical assistance can be broadly classified into seven types of activities: academic studies, legal drafting, long term advisors, procurement, seminars, short term interventions, and study missions. Since most of the projects surveyed incorporated more than one type of activity, respondents were asked to rate how different activities within a particular project affected the overall impact of the technical assistance project on the effectiveness of the agency at fulfilling its mission or objectives, where one was very little impact and seven was great impact. On average, respondents gave the highest impact rating to the majority of activities, the exceptions being short-term interventions and procurement, which scored markedly lower. The results are presented in Table 4.7.

**Table 4.7. Types of Activities<sup>56</sup>**

A seven point scale was used with a score of one indicating “very little impact” and a score of seven “very great impact.” The criteria are listed in the table in descending order of mean survey response.

Type of Activity	Mean	Low Impact	Medium Impact	High Impact
National/regional/international seminar/conference (25 responses)	6	0%	24%	76%
Study missions/internships abroad (15 responses)	5.9	0%	33%	67%
Long term advisors (12 responses)	5.8	0%	42%	58%
Academic studies (11 responses)	5.7	0%	45%	55%
Drafting laws or implementing regulations (11 responses)	5.6	0%	55%	45%
Short term advisors (in-country consultations) (18 responses)	5.1	11%	33%	56%
Procurement (e.g. computers, high budget items) (9 responses)	4.9	22%	33%	44%

<sup>55</sup> Response to Question 14 of the General Project Survey, “How would you assess the Agency’s ability to deal with the following types of cases after the completion of the technical assistance received during this project?”

<sup>56</sup> Response to Question 17 of the General Project Survey, “Please evaluate each of the relevant activities or components of this project listed below with respect to their overall impact on the effectiveness of the Agency at fulfilling its mission or objectives.”

#### 4. Selecting Providers

There is little doubt that finding an appropriate provider is a key element in determining the success or failure of technical assistance projects. A well designed project, planned with adequate resources, sufficient input from the recipient agency, and including the most suitable types of activities, is worthless if the individuals implementing the project are unable to do so effectively. While recognizing that one size does not fit all, the project survey still attempted to determine whether certain characteristics of technical assistance providers are more important to recipient agencies or to successful projects than other characteristics. These included both characteristics that are specific to individuals (*e.g.*, teaching skills, language ability) as well as institutional considerations, namely, the affiliation of providers (*e.g.*, staff from competition agencies, individuals from private consulting firms).

What makes for an effective provider of technical assistance? Is their current or previous employment experience important? Educational background? Language skills? Certainly criteria and skills sets are dependent on the type of assistance being offered (*e.g.*, employment with a competition agency is probably most important for teaching investigative skills to agency staff; educational background is likely most important for seminars teaching local academics about competition law and/or industrial organization). Within this limitation, however, certain elements might generally be accorded more weight than others. Respondents were asked to rate the importance of a series of criteria in the selection of providers of technical assistance. The results are presented in Table 4.8.

**Table 4.8. The Importance of Various Criteria for Selecting Providers** <sup>57</sup>

A seven point scale was used with a score of one indicating “not important” and a score of seven “most important.” The criteria are listed in the table in descending order of mean survey response.

Criteria for Selecting Providers	Mean	Low Importance (1-2)	Medium Importance (3-4-5)	High Importance (6-7)
Current employment in a competition agency	6.5	3%	21%	76%
Educational background	5.8	0%	28%	72%
Teaching skills	5.6	3%	35%	61%
Previous employment in a competition agency	5.5	6%	31%	63%
Flexibility in scheduling the assignment	5.2	3%	47%	50%
Experience as a private practitioner	5.1	6%	45%	48%
Ability to work in the working language of the agency	4.1	33%	18%	48%
Nationality	2.5	68%	16%	16%

Nationality, and to a lesser extent, language skills, appear largely unimportant. The importance of language skills, however, varies with the language of the recipient country. In Spanish-speaking countries, for example, only one respondent reported medium importance (5), with the rest of the respondents attaching high importance (a 6 or 7) to the ability to work in the working language of the agency. Employment with a competition agency and educational background, as one might expect, are viewed by agencies as important criteria in selecting providers of technical assistance.

In addition to specific criteria regarding advisors, another important factor thought to be important is the type of provider that implements the project. As indicated earlier, providers were divided into four categories: staff of competition agencies, consultants from multinational donors, consultants from multinational organizations, and individuals from private consulting firms. The responses for the 34 projects indicated that 21 projects drew some or all of their technical advisors from other competition

<sup>57</sup> Response to Question 7 of the General Project Survey, “What importance would your agency attach to the following criteria in the selection of providers of technical assistance?”

agencies, 14 included individual consultants provided by multilateral donors, six included individual consultants provided by multinational organizations, and nine projects had TA participation from private consulting firms. While the majority of projects drew their TA providers from a single source (22, or 65%), six relied on advisors from 3 or more provider types. To investigate a possible relationship between the types of TA providers and project success, we first examined the mean responses for our three standard outcome measures for each of the four principal provider types, reported in Table 4.9.

**Table 4.9. Satisfaction Levels by Type of Provider<sup>58</sup>**

Table 4.9 presents the relationship between (1) the types of providers and the level of satisfaction with the overall quality of the technical assistance project, advisors, and (2) the impact of the project on the effectiveness of the agency (low satisfaction, medium satisfaction or high satisfaction). The second row for each type of provider, in italics, provides the same information for single-source projects.

Type of Provider	No. of Responses	Overall Quality of Project	Overall Quality of Advisors	Overall Impact of the Project on the Effectiveness of the Agency
Staff from Competition Agencies	21	6.1	6.1	5.9
<i>Staff from Competition Agencies (single source)</i>	<i>11</i>	<i>6.4</i>	<i>6.2</i>	<i>5.8</i>
Consultants from Multinational Donors	13	6.1	6	6.1
<i>Consultants from Multinational Donors (single source)</i>	<i>6</i>	<i>6</i>	<i>5.6</i>	<i>5.3</i>
Consultants from Multinational Organization	6	6.2	6.3	6
<i>Consultants from Multinational Organization (single source)</i>	<i>0</i>	<i>NA</i>	<i>NA</i>	<i>NA</i>
Private Consulting Firms	9	5.8	5.8	5.8
<i>Private Consulting Firms (single source)</i>	<i>3</i>	<i>5</i>	<i>5</i>	<i>5.6</i>

On first inspection, there appears to be little difference in the satisfaction scores generated by different technical assistance provider types. We further investigated by controlling for multiple providers and reviewing the outcome measure scores of projects where there was a unique provider type. Although there appear to be larger differences in mean scores among various provider types, response numbers are too low to allow for reliable test of statistical significance.

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<sup>58</sup> Response to Question 6 of the General Project Survey, "Who were the consultants that conducted the technical assistance?" compared to the responses to Questions 15 and 16 relating to overall satisfaction with the quality of the program, the quality of the advisors and the overall impact of the project on the effectiveness of the agency.

## B. SEMINARS

### 1. Responses to Seminar Survey

Seminars are possibly the most frequent form of technical assistance. On average, the 22 respondents to the seminar survey attended 13 seminars organized by donors or international organizations in their country and 6.6 in their region within the past three years. In 2003, agency officials traveled abroad 6.2 times in 2003 to attend a seminar organized by donors or international organizations.

The average length of seminars was 5.77 days, and 15 of the 22 seminars surveyed were part of a series of seminars organized by the same donor or provider. The series, on average, included three seminars in total.

The seminars were often jointly organized, among the respondent agency, the donor and/or the provider of technical assistance. Fourteen respondents reported that they organized the seminar in whole or in part, 12 respondents reported that the donors organized the seminar in whole or in part, and seven respondents reported that the providers of technical assistance organized the seminar in whole or in part. For selecting the topic of the seminar, choosing the speakers for the seminar and choosing the timing of the seminar, agencies reported that they were moderately influential. The agencies reported high influence, however, in selecting the participants for the seminar.

On average, the twenty two seminars had nine speakers per seminar, with attendees from the competition agency (13 reported yes), other competition agencies (21 reported yes), academia (12), as well as from private practice, from international organizations and/or donors. Twelve of the 22 seminars surveyed were conducted in the working language used by the respondent agency, and the majority of the rest offered simultaneous translation for a language that participants from the agency could understand.

The formats of the seminars were divided fairly evenly among three formats: long presentations with short periods of time devoted to question and answer sessions (6); sessions that equally divided presentations by speakers and question and answer sessions (6); and mostly interactive discussions between speakers and participants (6). Seventeen of the 22 seminars surveyed reported that presentations included discussions of specific examples or case studies. Within those 17 seminars, more than half of the time the case studies or specific examples came from the speaker's own jurisdiction, and less than half of the time case studies or specific examples were provided from at least two jurisdictions. More specifically, on a scale of one (none of the time) to seven (all of the time), the average case studies and/or specific examples were:

- Case studies or examples from your jurisdiction: 4.6
- Case studies or examples from the speaker's own jurisdiction: 5.3
- Case studies or examples from at least two jurisdictions: 3.4
- Case studies or examples from more than two jurisdictions: 3.8

#### **Table 4.10. Relevance of the Subject Matter of the Seminar<sup>59</sup>**

A seven point scale was used with a score of one indicating "not relevant" and a score of seven "highly relevant." The criteria are listed in the table in descending order of mean survey response.

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<sup>59</sup> Response to Question 11 of the Seminar Survey, "Which of the following topics were the subject matter of this seminar? How relevant was each topic at the time of the seminar?"

Subject of Seminar	Number of Responses	Mean	Low Relevance of Topic (1-2)	Medium Relevance of Topic (3-4-5)	High Relevance of Topic (6-7)
Competition policy	21	6.2	24%	0%	76%
Economic analysis	15	6.2	0%	27%	73%
Cartels	17	6	0%	29%	71%
Legal analysis	19	5.9	11%	16%	74%
Investigative techniques	13	5.8	23%	23%	54%
Abuse of dominance	18	5.7	6%	28%	67%
Mergers	16	5.4	19%	19%	63%
Regulated sectors	15	4.9	27%	27%	47%
Agency administration/procedure	7	4.8	29%	0%	71%
Advocacy	7	4.5	43%	0%	57%

Respondents were asked to compare the seminar for which they were responding with other seminars that the agency participated in, on a scale of one to seven, where one is much less useful and seven is much more useful. In general, the seminar was considered more useful. The average response was 5.9 on our standard scale of 1 to 7.

The data in this table should be considered with caution, since there is significant overlap across categories. For example, 21 of 22 respondents selected "competition policy"; each respondent that selected "investigative techniques" also selected a subject matter topic. The data does merit further analysis however, since some of the findings could raise interesting questions. One might expect that investigative techniques is a high priority for developing competition agencies, yet it receives fairly low scores, especially when the number of 'ones' and 'twos' is considered. Some investigative skills training seminars receive very high marks, but the data may suggest that some seminar formats are less than ideal for teaching investigational techniques and that others work better.

The low scores for the relevance of seminars on advocacy and regulated sectors are striking. One possible explanation is that advocacy, unlike economics, requires a more nuanced understanding of the political conditions of a country than a visiting expert can be expected to possess and is less amenable to being successfully addressed in a seminar. Yet the advocacy data is interesting in that all the scores are at either the top two or bottom two satisfaction ratings. This may suggest that there are good ways and bad ways to address this important topic. Further study may help identify the good ways.

Materials were provided in nearly all the seminars surveyed (20 of 21). Eighteen respondents felt that these materials were appropriately tailored to the agency's needs or interests, but only 13 of the 22 respondents reported using the materials for reference purposes. About half reported that the materials were used to train other staff members that did not attend the seminar, and nine out of 20 reported using the materials for outreach/advocacy initiatives outside the agency. Use of the materials after the seminar may depend on the language in which the materials were presented. In 13 of the 22 seminars, the seminar materials were presented in the working language of the interviewee's agency. Five respondents subsequently translated the materials; in two of these cases the agency paid the translation costs.

At the close of the seminar, 17 out of 20 respondents reported that they were asked to provide an evaluation. Three out of sixteen reported that the evaluation was not structured in a way that the respondent had an opportunity to provide instructive comments.



One of the principal benefits of seminars, and in particular when it is part of a series of seminars, is thought to be the relationships that attendees form with their colleagues in other jurisdictions. In nineteen of the seminars, the seminar organizers provided participants with a list of participants and their contact information. When asked whether anyone who attended the seminar subsequently contacted other participants that they met at the seminar, the respondents answered as presented in Table 4.11.

**Table 4.11. Contact with Seminar Participants Post-Seminar<sup>60</sup>**

Contacts with Seminar Participants After Seminar	Number Responding	Yes	No
For enforcement related advice	18	78%	22%
For policy related advice	17	53%	47%
For follow-on or other TA projects	18	28%	72%

Fourteen respondents indicated that the participants they met at the seminar that they later contacted were from another competition agency; five additional respondents contacted participants that were not affiliated with a competition agency, and two more respondents did not know the affiliation. Respondents were also asked to indicate their level of satisfaction (where one is very dissatisfied and seven is very satisfied) in the improvements in the respondent agency's relations with other jurisdictions as a result of the seminar. The response was generally moderately to highly satisfied, with an average of 5.1.

Another benefit of seminars is thought to be the solicitation of technical assistance projects. Out of 19 respondents, however, only two reported that their agency received additional funding or technical assistance for needs raised at the seminar.

**Table 4.12. Impact of the Seminar on the Effectiveness of the Agency<sup>61</sup>**

Table 4.12 presents the relationship between (1) the level of satisfaction with the overall impact of the seminar on the effectiveness of the agency, using a scale of one (very dissatisfied) to seven (highly satisfied), and (2) particular aspects of the seminar (whether it was part of a series of seminars, the language of seminar materials, the timing of dissemination of the materials, and whether the materials were appropriately tailored.)

Impact of the Seminar on the Effectiveness of the Agency	Number Yes	Low Satisfaction (1-2)	Med. Satisfaction (3-4-5)	High Satisfaction (6-7)
Was the seminar part of a series of seminars?***	15	0%	33%	67%
Were the materials in the working language of your agency?	13	8%	23%	69%
Were the materials provided before the seminar?*	11	9%	36%	55%
Were the materials appropriately tailored?	18	6%	22%	72%

\*\*\* Statistically significant at the .05 level

\* Statistically significant at the .10 level

## 2. Seminar Quality and Effectiveness

As with the general project survey, the seminar module posed a series of questions designed to measure both satisfaction with the intervention and impact on agency effectiveness by relating the properties of the seminar (e.g. level of presentation appropriate for the agency) to those two outcome

<sup>60</sup> Response to Question 29 of the Seminar Survey.

<sup>61</sup> Response to Question 33 of the Seminar Survey and Questions 6, 17, 18 and 19 of the Seminar Survey.

measures. In addition, a series of questions relating seminar characteristics (e.g. format) to overall seminar quality were posed.

Table 4.13 reports the findings of the first comparison, properties and overall quality, showing both means and a categorical breakout for each property (the first four rows of Table 4.13). Of the four “well articulated goals for the seminar” and “pitching” the course content and materials at the right level for the agency” stand out as particularly important in relation to seminar quality. Table 4.14 presents the findings of the second comparison, properties and impact on the effectiveness of the agency. With respect to effectiveness, however, there is no real differentiation among the four, and none are statistically significant.

**Table 4.13. Relationship between the Overall Quality of the Seminar and Indicators of Success<sup>62</sup>**

Table 4.13 presents the relationship between (1) the level of satisfaction with the overall quality of the seminar (low satisfaction, medium satisfaction or high satisfaction) and (2) the degree to which respondents agreed (strongly disagree, neither agree nor disagree, strongly agree) with statements about the articulation of goals, appropriateness of materials, including a satisfactory level of understanding of local conditions, and the opportunities to make changes to the seminar to reflect changing conditions.

Overall Quality	Strongly Disagree with Statement			Neither Agree Nor Disagree			Strongly Agree with Statement		
	Low (1-2)	Med (3-4-5)	High (6-7)	Low (1-2)	Med (3-4-5)	High (6-7)	Low (1-2)	Med (3-4-5)	High (6-7)
Clear articulation of goals and objects of the project**	0%	5%	0%	0%	5%	5%	0%	5%	80%
The level of presentations and materials were appropriate for the Agency's age and capacity**	0%	0%	0%	0%	14%	14%	0%	0%	70%
This presentations and materials reflected a satisfactory level of understanding of the local legal and economic environment	0%	0%	0%	0%	11%	42%	0%	0%	47%
There were opportunities to make adjustments to this component to reflect changing conditions	0%	0%	19%	0%	13%	38%	0%	0%	31%

\*\* Statistically significant at the .05 level

**Table 4.14. Relationship between the Overall Impact of the Seminar on the Effectiveness of the Agency and Specific Characteristics of the Seminar<sup>63</sup>**

Table 4.14 presents the relationship between (1) the level of satisfaction with the impact of the project on the effectiveness of the agency (low satisfaction, medium satisfaction or high satisfaction) and (2)

<sup>62</sup> Responses to Question 33 of the Seminar Survey about satisfaction with quality of the seminar compared with responses to Question 32 of the Seminar Survey about the statements in column one of the table.

<sup>63</sup> Responses to Question 33 of the Seminar Survey about satisfaction with impact of the project on the effectiveness of the agency compared with responses to Question 32 of the Seminar Survey about the statements in column one of the table.

the degree to which respondents agreed (strongly disagree, neither agree nor disagree, strongly agree) with statements about the articulation of goals, appropriateness of materials, including a satisfactory level of understanding of local conditions, and the opportunities to make changes to the seminar to reflect changing conditions.

<i>Impact on Effectiveness</i>	Strongly Disagree with Statement			Neither Agree Nor Disagree			Strongly Agree with Statement		
	<i>Low (1-2)</i>	<i>Med (3-4-5)</i>	<i>High (6-7)</i>	<i>Low (1-2)</i>	<i>Med (3-4-5)</i>	<i>High (6-7)</i>	<i>Low (1-2)</i>	<i>Med (3-4-5)</i>	<i>High (6-7)</i>
Clear articulation of goals and objects of the project	0%	5%	0%	0%	10%	0%	0%	38%	48%
The level of presentations and materials were appropriate for the Agency's age and capacity	0%	0%	0%	0%	19%	10%	0%	33%	38%
This presentations and materials reflected a satisfactory level of understanding of the local legal and economic environment	0%	0%	0%	0%	26%	26%	0%	21%	26%
There were opportunities to make adjustments to this component to reflect changing conditions	0%	6%	13%	0%	31%	19%	0%	19%	13%

The Seminar module of the survey posed a number of additional questions about the structure of the technical assistance programs that could gainfully inform the process of designing seminars in the future. For example, slightly over half of all seminars in our sample were conducted in one of the working languages of the recipient agency, and this approach was positively related to perceived satisfaction about the seminar. Similarly, certain aspects of the role of the Agency in the design of the seminar were positively related to the perception of its quality. In particular, these included a high degree of influence in the selection of the topic, the participants, and the timing of the seminar. In contrast, high degree of influence over the selection of the seminar speakers was not particularly related to perception of seminar quality.

Table 4.15 specifically explores the relationship between the quality of the seminar being evaluated and its attributes or characteristics. Although we find generally very high levels of satisfaction with the quality of the seminar, not all characteristics proposed to the respondents are viewed as equally important in explaining this overall quality. Seminar format is deemed quite important as are the applicability of the presentations and hand-out materials and their relevance to the Agency. Applicability and relevance speak to the immediate utility of seminar content, implying a strong preference for less abstract or theoretical approach. As we observed elsewhere, this could be a function of Agency maturity, a question which we plan to explore further. The importance accorded to relevance is interesting in light of fairly robust findings elsewhere of the irrelevance of attention to local conditions. Perhaps this reflect a narrowing of the "local conditions" issue to include only salient agency concerns and exclude more general attention to knowledge about broader laws and economic characteristics of the recipient countries. The only other characteristic from the list below that appears significant (though less strongly than those previously mentioned) is the level of complexity of the presentation, which could itself be interpreted as a subset of the applicability of presentation.

**Table 4.15. Relationship between the Overall Quality of the Seminar and Indicators of Success<sup>64</sup>**

Table 4.15. compares the relationship between (1) the level of satisfaction with the overall quality of the seminar (low satisfaction, medium satisfaction and high satisfaction).

Quality of Seminar	Low Satisfaction with Attribute(1-2)			Medium Satisfaction with Attribute (3-4-5)			High Satisfaction with Attribute (6-7)		
	Low (1-2)	Med. (3-4-5)	High (6-7)	Low (1-2)	Med. (3-4-5)	High (6-7)	Low (1-2)	Med. (3-4-5)	High (6-7)
Format of the Seminar**	0%	0%	0%	0%	10%	10%	0%	0%	80%
Applicability and Usefulness of Presentations**	0%	0%	0%	0%	14%	19%	0%	0%	67%
Level of Complexity of the Presentations*	0%	0%	0%	0%	11%	26%	0%	0%	63%
Relevance of Materials Prepared for the Seminar**	0%	0%	0%	0%	15%	20%	0%	0%	65%
The applicability of the materials prepared for the seminar**	0%	0%	0%	0%	15%	15%	0%	0%	70%
The timeliness with which materials were provided for the seminar	0%	0%	10%	0%	10%	15%	0%	5%	60%

\*\* Statistically significant at the .05 level

\* Statistically significant at the .10 level

### C. CONCLUSIONS

While the ability to draw sound conclusions from the results remains limited at this time, a number of preliminary results are interesting and suggestive of areas of further exploration. In particular, a key inference from the Project Survey is that advisor quality is important for the success of a technical assistance project: advisor quality appears significantly related to both overall project quality and overall impact on agency effectiveness. The analysis suggests that respondents place principal importance on the practical contributions and abilities of the advisors, such as their subject matter expertise, the applicability of their advice, and the quality of the materials they produce. Counter to common beliefs, the advisor's understanding of local conditions does not appear to be significantly related to the assessment of the advisor's quality.

The relationship between satisfaction with a technical assistance project and the project's impact on agency effectiveness was noteworthy: the analysis of the Project Survey demonstrated that respondents' satisfaction with a technical assistance project does not necessarily depend on the project's impact on agency performance. In general, respondents assigned a higher degree of satisfaction with the overall quality of a technical assistance project than the overall impact of the project on the effectiveness of the agency in fulfilling its mission or objectives. There is a much stronger association between particular project characteristics (*e.g.*, articulation of goals and objectives, appropriateness of activities, incorporation of local conditions in project design, opportunities to make changes during the project) and impact on agency effectiveness than between these same

<sup>64</sup> Response to Question 33 of the Seminar Survey about overall satisfaction with the quality of the seminar compared to specific subsections of Question 33.

characteristics and general satisfaction with the quality of the project. Appropriate design appears particularly important, then, for the project's impact on agency effectiveness.

Developing competition agencies perceive that advisors are more effective when they are drawn from the ranks of more experienced competition agency staff than from other sources.

The results across types of activities and across providers need to be supported by additional data from module-level surveys before tentative conclusions can be made.

## VI. THE WAY AHEAD

Since the late 1980s, competition policy has emerged as a significant focal point of law reform in countries undergoing the transition from central planning toward greater reliance on market processes. National and multinational donor organizations have funded a myriad of technical assistance programs to facilitate the design and implementation of competition laws in emerging markets. As documented in the 2003 ICN Report on Capacity Building and Technical Assistance, it is unusual to find a new competition authority that has not been the recipient of at least some technical assistance support – for example, in the form of seminars, study tours, long-term advisors – in the past fifteen years.

The extensive modern experience with technical assistance raises the question of what specific initiatives or combinations of projects have made the greatest contributions to the establishment of effective competition policy institutions. The question is significant and urgent, as there is general recognition that successful efforts to build sound institutional foundations at the outset of reforms can greatly enhance the prospects of effective implementation of competition laws in the short- and longer terms. A consequence of the experimentation inherent in the development of new competition regimes, and the evolution of older systems, is that we have a deep and diverse base of experience to inform judgments about how new competition authorities ought to proceed. In short, there are exciting opportunities for comparative study and learning about how to design and execute competition policy commands.

Essential to the process of learning and improvement is the evaluation of past practice. Institutions seldom achieve durable progress by sheer luck, intuition, or by taking comfort in the belief that past or present policies inevitably will be good policies tomorrow. A hallmark of excellent public administration is the allocation of resources to evaluate past choices as a means to identify superior techniques.

In recent years, a number of organizations and commentators have attempted to assess, at least in limited ways, what technical assistance methods best promote the development of strong competition policy systems. On their own terms, such inquiries often have been useful and have inspired constructive reforms in technical assistance programs for competition policy. Nonetheless, previous work has relied heavily on the views of individual researchers about experience with a small number of countries or projects. By contrast, this study employs a broader, more systematic approach to improve our knowledge about how donors, provider organizations, and recipient competition agencies can cooperate to devise superior strategies for technical assistance resources. By using surveys to develop quantitative measures of technical assistance effectiveness across many jurisdictions, the ICN has entered terrain unexplored by earlier research.

The Subgroup found that the data produced by the survey was highly revealing, but tended to produce more questions than they answered. Consequently, the number of sound conclusions that can be drawn from the results remains limited at this time. Despite methodological difficulties that beset all quantitative work, however, this preliminary study has yielded a number of informative perspectives; among others by illuminating promising areas for future quantitative and qualitative work. First, the study verifies the view of previous qualitative research that the satisfaction with technical assistance programs is higher if the recipient agency is actively involved in the initial process of assessing needs for assistance and in the design of specific assistance projects. A closely related implication of this finding, which should be explored in future work, is that, whatever the specific form and sequence of technical assistance measures may be, a continuing engagement between donors and providers and the recipient country over a number of years improves the prospect of success. A sustained relationship among the relevant parties over time, rather than a collection of occasional, disconnected

projects, should be more likely to realize the benefits of learning and incorporate lessons from earlier initiatives into the search for enhanced techniques.

Second, advisor quality is important for the success of a technical assistance project, and was significantly related to both overall project quality and overall impact on agency effectiveness. Respondents regarded the technical skills and teaching ability of advisors as more important above the advisor's detailed knowledge of local conditions. This is consistent with the observation, discussed above, that a continuing interaction over time between an individual advisor or an advisor institution provides assurance that the advisor will acquire the requisite knowledge of local conditions and shape assistance projects to reflect such knowledge. One also can infer from the data that, from the recipient's perspective, an important ingredient of good advice is the capacity to translate theory and concepts into operational criteria that the competition authority's staff can apply effectively in practice.

Further work will determine how various types of technical assistance are linked to impact on improvements to agency effectiveness given differences in the age, experience, and resources of the competition agency. It is reasonable to believe that individual authorities may have different needs at different stages of development. For example, it is possible that long-term advisors are likely to make stronger contributions to an agency that has created a functional law rather than to the initial design and establishment of a competition authority. At the same time, new agencies with desperate resource deficiencies may gain more from support for the procurement of a basic information technology infrastructure. The data has not been developed sufficiently for conclusions to drawn on this point. The Subgroup believes this is a fruitful area for further research and analysis.

Fourth, improvement in agency performance may not be determinative of success of a technical assistance project. The results demonstrated that the respondents' satisfaction with a technical assistance project does not necessarily depend on the project's impact on agency performance. At the same time, however, experience with the agency data sheet highlights the value of devising more meaningful measures of competition agency performance more generally. Possibilities to this end would include (1) creating better defined and more uniform systems for classifying specific enforcement interventions and other forms of agency action, such as advocacy filings, and (2) promoting research that measures the economic effects of specific initiatives. ICN might play a role in developing generally accepted conventions for classifying and reporting cases and might assist in collecting research that sheds light on enforcement and advocacy outcomes.

The survey data underscore the likely value to recipients of improving training programs and training materials. The extensive attention devoted to date by donors and assistance providers to training, often in the form of seminars and role-playing exercises, has generated a broad base of experience that could be tapped to identify possible improvements in existing teaching methods and training materials. Here again, ICN is well positioned to play a leadership role in promoting enhancements in this dimension of technical assistance.

A final observation involves the value of future empirical research and evaluation concerning technical assistance for competition policy. The needs and capabilities of newer competition authorities change dynamically in parallel with adjustments in the preferences of donors and the offerings of technical assistance providers. ICN's survey work of the past year could be envisioned as the first step in a continuing effort to assess the efforts of all three groups of actors – donors, providers, and recipients – to improve assistance programs over time. By virtue of its qualitative and quantitative work in the past two years, ICN stands in a uniquely advantageous position to help inform the choice of technical assistance programs for its existing members and new competition agencies in the years to come.

**DATA SHEET**

**Confidentiality Statement:** For research and dissemination purposes, the ICN Technical Assistance Subgroup would like to be able to use and report all of the data collected on this Data Sheet. The data is descriptive in nature and does not involve your opinion. In some cases, this might lead to reporting results in such a way that it will be possible to identify the responding agency or jurisdiction, but in no cases will the individual respondent be identified. If there are responses on this Data Sheet that you want to remain confidential, please indicate which by noting the appropriate data counters (bracketed numbers next to the response space).

Survey ID: \_\_\_\_\_ [1]

Please indicate which currency you are using to report financial information: \_\_\_\_\_ [A]  
(Use the same currency throughout)

**Agency Data Sheet**

- 1) Does the law allow the issuance of orders that
  - ◆ prohibit or require a particular conduct Y N [2]  
If yes, approximately how many such orders have been issued in the last two years (2002/2003)? \_\_\_\_\_ [3]
  - ◆ invalidate or void contracts Y N [4]  
If yes, approximately how many such orders have been issued in the last two years (2002/2003)? \_\_\_\_\_ [5]
  - ◆ allow the agency to monitor future conduct Y N [6]  
If yes, approximately how many such orders have been issued in the last two years (2002/2003)? \_\_\_\_\_ [7]
  - ◆ block, condition, or reverse mergers Y N [8]  
If yes, approximately how many such orders have been issued in the last two years (2002/2003)? \_\_\_\_\_ [9]

- 2) Does the law allow for the imposition of monetary sanctions on enterprises or individuals? Y N [10]  
If yes, please indicate the approximate total amount of fines imposed and collected:  
In 2003: fines imposed: \_\_\_\_\_ [11] fines collected: \_\_\_\_\_ [12]  
In 2002: fines imposed: \_\_\_\_\_ [13] fines collected: \_\_\_\_\_ [14]  
In 2001: fines imposed: \_\_\_\_\_ [15] fines collected: \_\_\_\_\_ [16]

- 3) Does the law allow for the imposition of criminal penalties on individuals? Y N [17]  
If yes, how many times have these sanctions been imposed in 2002 and 2003? \_\_\_\_\_ [18]

- 4) In the last two years, approximately how many decisions have been taken? \_\_\_\_\_ [19]  
Does your competition law allow for an external appeal of decisions? Y N [20]  
If yes,  
How many of these decisions taken have been appealed externally in 2002 and 2003? \_\_\_\_\_ [21]  
How many of the decisions taken have been reversed on appeal in 2002 and 2003? \_\_\_\_\_ [22]

5) What was the total budget of your agency and how was it (approximately) allocated among the following functions (excluding administrative and overhead costs). (The numbers do not have to add up to 100 percent.)

	Total Budget	% dedication to competition mission	% dedicated to training
In 2003:	[23]	[24]	[25]
In 2002:	[26]	[27]	[28]
In 2001:	[29]	[30]	[31]



- 6) Please allocate the agency's annual budget among the following sources of funding in 2003:
- ◆ separate line item in the government's budget \_\_\_\_\_% [32]
  - ◆ line item within the budget of the ministry the agency reports to \_\_\_\_\_% [33]
  - ◆ merger and other filing fees \_\_\_\_\_% [34]
  - ◆ fines and penalties \_\_\_\_\_% [35]
  - ◆ others (please specify): \_\_\_\_\_ [B] \_\_\_\_\_% [36]
- Total: 100%

7) What is the agency's total number of professional staff and how are they allocated among the following disciplines (at the end of 2003)?

	Total	Dedicated to Competition
◆ lawyers	_____ [37]	_____ [38]
◆ economists	_____ [39]	_____ [40]
◆ other professionals	_____ [41]	_____ [42]

8) How many professionals joined or left the agency in:

	Joined	Left
2003	_____ [43]	_____ [44]
2002	_____ [45]	_____ [46]
2001	_____ [47]	_____ [48]

9) Please use the following table to tell us about your agency's workload, where data are available. "Simple" mergers are those that are completed in the first period of merger review (e.g. the European Commission's Phase I) and "Complex" mergers are those that proceed to a second period of merger review (e.g., European Commission's Phase II). If your agency does not draw a distinction between the two, please respond only to the total merger questions.

	2003	2002	2001
Total number of merger reviews initiated	[49]	[50]	[51]
Total number of merger reviews completed	[52]	[53]	[54]
Number of "simple" merger reviews initiated	[55]	[56]	[57]
Number of "simple" merger reviews completed	[58]	[59]	[60]
Number of "complex" merger reviews initiated	[61]	[62]	[63]
Number of "complex" merger reviews completed	[64]	[65]	[66]
Number of investigations of anticompetitive conduct initiated	[67]	[68]	[69]
Number of investigations of anticompetitive conduct completed	[70]	[71]	[72]
Number of investigations of cartel agreements initiated <sup>1</sup>	[73]	[74]	[75]
Number of investigations of cartel agreements completed	[76]	[77]	[78]
Number of investigations of noncartel agreements between competitors initiated <sup>2</sup>	[79]	[80]	[81]
Number of investigations of noncartel agreements between competitors completed	[82]	[83]	[84]
Number of investigations of vertical agreements initiated <sup>3</sup>	[85]	[86]	[87]
Number of investigations of vertical agreements completed	[88]	[89]	[90]
Number of investigations of abuse of dominance initiated <sup>4</sup>	[91]	[92]	[93]
Number of investigations of abuse of dominance completed	[94]	[95]	[96]

<sup>1</sup> Cartel Agreements include: price fixing, bid rigging, customer allocation agreements, territorial allocation agreements, output restriction agreements.

<sup>2</sup> Noncartel agreements between competitors include information exchanges, agreements restricting advertising, agreements to set standards, boycotts and joint refusals to deal, trade associations, and export cartels.

<sup>3</sup> Vertical agreements include exclusive dealing, geographic market restrictions, refusals to deal/sell, resale price maintenance, tie-in sale agreements, and quantity forcing.

<sup>4</sup> Abuse of dominance includes: charging excessive prices, price discrimination, predatory pricing, price squeezing by integrated firms, refusals to deal/sell, tied selling or product bundling, and raising rivals' costs.

AGENCY SURVEY

**Confidentiality Statement:** Responses to Questions 16-26 are confidential. We will report only aggregate results that will not permit the identification of individual responses. For research and dissemination purposes, the ICN Technical Assistance Subgroup would like to be able to use and report all of the data collected in Questions 1-15. In some cases, this might lead to reporting results in such a way that it will be possible to identify the responding agency or jurisdiction, but not the individual respondent. If there are responses in Questions 1-15 that you want to remain confidential, please indicate which by noting the appropriate data counters (bracketed numbers next to the response space).

Survey ID: \_\_\_\_\_ [1]

1) In what year was the first competition law enacted in your country? \_\_\_\_\_ [2]

2) In what year was the most recent competition law (or substantive amendments to the current law) enacted? \_\_\_\_\_ [3]

3) In what year was legislation enacted to establish the agency? \_\_\_\_\_ [4]

4) In what year was the agency actually established and functioning? \_\_\_\_\_ [5]

5) How many different agency heads have there been since the agency was established? \_\_\_\_\_ [6]  
 How many of those heads did not complete their full term of office/period of appointment? \_\_\_\_\_ NA [7]

6) Does the head of the agency hold cabinet or minister rank or higher? Y N [8]

7) Is the Agency \_\_\_\_\_ [9]  
 1. Part of a Ministry, or  
 2. An independent body

8) Does the Agency have the authority to select which cases it wants to investigate? Y N [10]

9) Does the Agency have the authority to:  
 Make a recommendation on whether or not to prosecute Y N [11]  
 Make a decision on whether or not to prosecute Y N [12]  
 Make a decision that the law has been violated Y N [13]

10) Where does the agency go to enforce first-level decisions, orders, or sanctions (for civil cases)?  
 Select the principal body: \_\_\_\_\_ [14]

1. The Agency itself
2. Administrative decision-making body (independent of judiciary)
3. Specialized tribunal (part of the judiciary)
4. Specialized tribunal (within the executive/ministry)
5. Lower court of general jurisdiction
6. Supreme Court
7. Parliament/Congress/Legislative Assembly
8. Oversight Ministry
9. Other Ministry
10. Other body (specify which): \_\_\_\_\_ [A]

11) Where does a party go for the first external appeal?  
 Select the principal body: \_\_\_\_\_ [15]

1. Administrative decision-making body (independent of judiciary)
2. Specialized tribunal (part of the judiciary)
3. Specialized tribunal (within the executive/ministry)
4. Lower court of general jurisdiction
5. Supreme Court
6. Parliament/Congress/Legislative Assembly
7. Oversight Ministry
8. Other Ministry
9. Other body (specify which): \_\_\_\_\_ [B]

12) Which of the following entities provide the principal oversight over the agency's operations?  
 (choose one and indicate which number): \_\_\_\_\_ [16]

- 1) the parliament/congress/legislative assembly
- 2) the president
- 3) the prime minister
- 4) the Ministry of Finance (or equivalent)
- 5) the Ministry of Industry or Economy (or equivalent)
- 6) another Ministry (please specify) : \_\_\_\_\_ [C]

13) The Agency's functions and/or jurisdiction include which of the following (circle Yes or No for each)?

◆ Mergers	Y N [17]
◆ Anticompetitive conduct	Y N [18]
◆ State Aid	Y N [19]
◆ Consumer protection	Y N [20]
◆ Unfair competition	Y N [21]
◆ Price regulation	Y N [22]
◆ Competition advocacy	Y N [23]
◆ Sectoral regulation in public services	Y N [24]
◆ Antidumping	Y N [25]
◆ International trade negotiations	Y N [26]
◆ Intellectual Property	Y N [27]
◆ Other (please specify): _____ [D]	Y N [28]

14) Are there sectoral regulatory agencies for the following sectors (circle Yes or No for each sector)?

if yes, indicate what type of authority your agency has over **competition issues** in the sector:  
 1: sole jurisdiction      2: combined jurisdiction (w/the regulatory agency)      3: no jurisdiction

	mergers	anticompetitive conduct
◆ Telecommunications	Y N [29] _____ [30]	_____ [31]
◆ Energy	Y N [32] _____ [33]	_____ [34]

15) Is the agency a provider of technical assistance to other competition authorities? Y N [35]

If yes, please indicate which of the following types of technical assistance the agency has provided?

◆ long-term advisor (3 months or more)	Y N [36]
◆ in-country consultations (advisor on a short-term basis)	Y N [37]
◆ national/regional/international seminar or conference	Y N [38]
◆ received study missions or secondments	Y N [39]
◆ assisted in drafting laws or regulations	Y N [40]

**Section 2 Needs Assessment**

16) Has the agency ever been the subject of an outside review? Y N [41]

If no, skip to question 24. If more than one, consider only the most recent review in answering these questions.

17) What year was it conducted? \_\_\_\_\_ [42]

18) What was the principal purpose? (indicate which number): \_\_\_\_\_ [43]

- 1) general diagnostic review/needs assessment
- 2) in anticipation of new TA project
- 3) peer review
- 4) other (please specify): \_\_\_\_\_ [E]

19) Who was the principal initiator and the principal entity to conduct the review?

Initiated: \_\_\_\_\_ [44] Conducted: \_\_\_\_\_ [45]

- 1) the agency itself
- 2) another national government agency
- 3) multinational organization

- 4) multinational lender or bilateral donor
- 5) another country's competition agency
- 6) consultants/non-government organizations
- 7) other: (please specify): \_\_\_\_\_ [F]

20) Did this review leave the agency with a good understanding of its technical assistance needs and priorities? Y N [46]

21) Did the review change your agency's perceptions of its needs and priorities? Y N [47]

22) Have any of the more important recommendations or identified needs been incorporated into subsequent technical assistance programs? Y N [48]

23) What changes, if any, occurred as a result of this review?

- ◆ change in agency mission or objectives Y N [49]
- ◆ change in enforcement strategy Y N [50]
- ◆ change in organization or structure Y N [51]
- ◆ change in staffing Y N [52]
- ◆ change in legal/regulatory framework Y N [53]
- ◆ other substantive change (please specify): \_\_\_\_\_ [G] Y N [54]

### Section 3 Efficacy of Technical Assistance

24) Which of the following types of technical assistance has your agency received since its inception? Circle all that apply.

Of the types of technical assistance you have received, how effective have the following types of technical assistance been at improving your agency's ability to fulfill its mission / objectives?

Use the following scale: 1 (not effective at all) to 7 (most effective) or NA (not applicable).

- ◆ Long term advisor (3 months or more) Y N [55] 1 2 3 4 5 6 7 NA [56]
- ◆ In-country consultations (advisor on a short-term basis) Y N [57] 1 2 3 4 5 6 7 NA [58]
- ◆ National/Regional/international workshop/seminar Y N [59] 1 2 3 4 5 6 7 NA [60]
- ◆ Drafting (laws, amendments, guidelines, or regulations) Y N [61] 1 2 3 4 5 6 7 NA [62]
- ◆ Academic studies Y N [63] 1 2 3 4 5 6 7 NA [64]
- ◆ Study missions/internships abroad Y N [65] 1 2 3 4 5 6 7 NA [66]
- ◆ Procurements (e.g. computers) Y N [67] 1 2 3 4 5 6 7 NA [68]

25) Based on your agency's overall experience as a recipient of technical assistance and considering all technical assistance received, please rate the following set of characteristics on how important they are to the success of the technical assistance projects.

Use the following scale: 1 (no importance at all) to 7 (greatest importance) or NA (not applicable).

- ◆ The role of the agency in the involvement of the project design 1 2 3 4 5 6 7 NA [69]
- ◆ The timing of the agency's involvement in project design 1 2 3 4 5 6 7 NA [70]
- ◆ The knowledge and experience of the technical assistance advisors 1 2 3 4 5 6 7 NA [71]
- ◆ The stability and predictability of funding from donors over the course of the project 1 2 3 4 5 6 7 NA [72]
- ◆ The flexibility of the donor to change or revise the projects to reflect changes in the needs of the agency 1 2 3 4 5 6 7 NA [73]
- ◆ The quality of training and case materials provided by the technical assistance advisors 1 2 3 4 5 6 7 NA [74]
- ◆ The resource contributions made by the agency 1 2 3 4 5 6 7 NA [75]
- ◆ The degree of control the agency has over the selection of the advisors 1 2 3 4 5 6 7 NA [76]
- ◆ The role of the donors in deciding the time frame of the intervention 1 2 3 4 5 6 7 NA [77]
- ◆ The ability of the technical assistance advisors to teach 1 2 3 4 5 6 7 NA [78]
- ◆ The technical assistance advisors' familiarity with local legal and economic conditions 1 2 3 4 5 6 7 NA [79]

Again, based on your agency's overall experience as a recipient of technical assistance and considering all technical assistance received, please rate the following set of characteristics on how important they are to the success of the technical assistance projects.

Use the following scale: 1 (no importance at all) to 7 (greatest importance) or NA (not applicable).

- ◆ The overall role of the agency in project design and implementation    1 2 3 4 5 6 7 NA [80]
- ◆ The overall quality of the advisors    1 2 3 4 5 6 7 NA [81]
- ◆ The overall role of the donors    1 2 3 4 5 6 7 NA [82]

26) Have any of your technical assistance programs directly included the following constituencies?

- ◆ the judicial branch    Y N [83]
- ◆ private attorneys    Y N [84]
- ◆ the business community    Y N [85]
- ◆ consumers or consumer groups    Y N [86]
- ◆ members of the media    Y N [87]
- ◆ parliamentarians/congressmen/legislators    Y N [88]
- ◆ sectoral regulators    Y N [89]
- ◆ others (please specify): \_\_\_\_\_ [H]    Y N [90]

**SURVEY – PROJECT LEVEL – GENERAL**

**Confidentiality Statement:** We assure you that your responses will be kept confidential. Our statistical analyses will be performed only at the aggregate level. We will not identify an individual respondent or their organization.

Survey ID: \_\_\_\_\_ [1]

**GENERAL**

Title of Project: \_\_\_\_\_ [A]

A PROJECT is a set of one or more technical assistance activities that form part of a singularly conceived, designed, and executed program, typically with a single donor and a single organization coordinating its implementation. A project is typically governed by a single memorandum of understanding (terms of reference) between the donor and the recipient Agency and a single contract between the donor and the implementing organization (provider).

- 1) For the above-referenced project, which of the following types of technical assistance activities were included (actually provided) during this project?
- |  |   |   |     |
|--|---|---|-----|
| ◆ Long term advisor                                  | Y | N | [2] |
| ◆ Short term advisor (in-country consultations)      | Y | N | [3] |
| ◆ National/Regional/international seminar/conference | Y | N | [4] |
| ◆ Drafting laws or implementing regulations          | Y | N | [5] |
| ◆ Academic studies                                   | Y | N | [6] |
| ◆ Study missions/internships abroad                  | Y | N | [7] |
| ◆ Procurement (e.g. computers, high budget items)    | Y | N | [8] |
| ◆ Other (please specify): _____ [B]                  | Y | N | [9] |

***Please respond to the questions that follow as they pertain to the overall project, rather than any individual components or activities.***

2) How many donors funded this project? \_\_\_\_\_ [10]  
 → Which of the following organizations funded the project (donors)

- |   |   |   |      |
|---|---|---|------|
| ◆ World Bank                              | Y | N | [11] |
| ◆ InterAmerican Development Bank          | Y | N | [12] |
| ◆ Asian Development Bank                  | Y | N | [13] |
| ◆ European Union                          | Y | N | [14] |
| ◆ OECD                                    | Y | N | [15] |
| ◆ UNCTAD                                  | Y | N | [16] |
| ◆ Bilateral (identify country): _____ [C] | Y | N | [17] |

3) When did the project begin and end?  
 Began in mo: \_\_\_\_\_ [18] year: \_\_\_\_\_ [19]  
 Ended in mo: \_\_\_\_\_ [20] year: \_\_\_\_\_ [21]

4) During the course of this project, did the Agency receive: \_\_\_\_\_ [22]  
 1. funds  
 2. services  
 3. both funds and services

→ If funds were provided, what was the amount received by your Agency over the course of the project (please indicate currency: \_\_\_\_\_ [D] )? \_\_\_\_\_ [23]

- Was this amount a: \_\_\_\_\_ [24]  
 1. loan  
 2. grant  
 3. in-kind contributions  
 4. any combination of the above

- 5) What was the approximate value of your Agency's contribution of resources (including in-kind contributions) to this project (please indicate currency: \_\_\_\_\_ [E] )? \_\_\_\_\_ [25]
- 6) Who were the consultants that conducted the technical assistance?
- ◆ staff from other competition agencies Y N [26]
    - If yes, specify the country(ies): \_\_\_\_\_ [F]
  - ◆ individual consultants provided by multinational donors Y N [27]
    - If yes, specify the principal donor: \_\_\_\_\_ [G]
  - ◆ individual consultants provided by multinational organizations Y N [28]
    - If yes, specify the principal organization: \_\_\_\_\_ [H]
  - ◆ private consulting firms Y N [29]
    - If yes, specify the principal consulting firm: \_\_\_\_\_ [I]
  - ◆ other \_\_\_\_\_ [J] Y N [30]
- 7) What importance would your Agency attach to the following criteria in the selection of the providers of technical assistance?  
Use a scale of 1 (not important) to 7 (most important)
- ◆ Current employment in a competition agency 1 2 3 4 5 6 7 NA [31]
  - ◆ Previous employment in a competition agency 1 2 3 4 5 6 7 NA [32]
  - ◆ Experience as a private practitioner in competition law cases 1 2 3 4 5 6 7 NA [33]
  - ◆ Nationality 1 2 3 4 5 6 7 NA [34]
  - ◆ Teaching skills 1 2 3 4 5 6 7 NA [35]
  - ◆ Ability to work in the working language of the Agency 1 2 3 4 5 6 7 NA [36]
  - ◆ Flexibility in scheduling the assignment 1 2 3 4 5 6 7 NA [37]
  - ◆ Educational background 1 2 3 4 5 6 7 NA [38]
  - ◆ Other (please specify) \_\_\_\_\_ [K] 1 2 3 4 5 6 7 NA [39]

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## PROJECT DESIGN AND IMPLEMENTATION

- 8) Did the donor conduct a specific needs assessment prior to the design of this project? Y N DK [40]
- 9) How much influence did each of the following organizations have on the design of the project?  
Use a scale of 1(no influence) to 7 (highest influence)
- ◆ donor 1 2 3 4 5 6 7 NA [41]
  - ◆ provider of TA 1 2 3 4 5 6 7 NA [42]
  - ◆ your agency 1 2 3 4 5 6 7 NA [43]
  - ◆ other agency or ministry of your government 1 2 3 4 5 6 7 NA [44]
- Looking back, what would have been your preferred level of involvement for each of these organizations on the design of this project?  
Use a scale of 1(no influence) to 7 (highest influence)
- ◆ donor 1 2 3 4 5 6 7 NA [45]
  - ◆ provider of TA 1 2 3 4 5 6 7 NA [46]
  - ◆ your agency 1 2 3 4 5 6 7 NA [47]
  - ◆ other agency or ministry of your government 1 2 3 4 5 6 7 NA [48]
- 10) Compared to other technical assistance projects your agency has participated in, how would you rate the administrative requirements of this project?  
Use a scale of 1(not at all burdensome) to 7 (highly burdensome)
- ◆ reporting requirements 1 2 3 4 5 6 7 NA [49]
  - ◆ record keeping 1 2 3 4 5 6 7 NA [50]
  - ◆ accounting 1 2 3 4 5 6 7 NA [51]
  - ◆ mandatory outside evaluation 1 2 3 4 5 6 7 NA [52]
  - ◆ other (please specify): \_\_\_\_\_ [L] 1 2 3 4 5 6 7 NA [53]
- 11) Does the Agency have the authority to decline to pursue certain cases? Y N [54]
- 12) Has the Agency undertaken enforcement cases after the beginning of this project that it could not have undertaken without the technical assistance received during the project? Y N [55]
- Which types of cases were they? (circle yes for all that apply)
  - ◆ Cartel agreements Y N [56]

- ◆ Non-cartel horizontal agreements Y N [57]
- ◆ Vertical agreements Y N [58]
- ◆ Abuse of dominance Y N [59]

13) Has the Agency undertaken enforcement cases in new sectors that it could not have undertaken without the technical assistance project? Y N [60]  
 → If yes, which sectors? \_\_\_\_\_ [M]

14) How would you assess the Agency's ability to deal with the following types of cases after the completion of the technical assistance received during this project?

Use a scale of 1 = no improvement in the ability to conduct these cases to 7 = great improvement in the ability of the agency to conduct these types of cases.

- ◆ Cartel agreements 1 2 3 4 5 6 7 NA [61]
- ◆ Non-cartel horizontal agreements 1 2 3 4 5 6 7 NA [62]
- ◆ Vertical agreements 1 2 3 4 5 6 7 NA [63]
- ◆ Abuse of dominance 1 2 3 4 5 6 7 NA [64]

15) Please indicate your level of agreement or disagreement with the following statements as they apply to the **technical assistance project as a whole**. Use a scale of 1 (strongly disagree) to 7 (strongly agree)

- ◆ The goals and objectives of this project were clearly articulated 1 2 3 4 5 6 7 NA [65]
- ◆ The activities selected for this project were clearly linked to its goals and objectives 1 2 3 4 5 6 7 NA [66]
- ◆ The activities were appropriate for the Agency's level of age and capacity 1 2 3 4 5 6 7 NA [67]
- ◆ This project was designed to take account of local conditions 1 2 3 4 5 6 7 NA [68]
- ◆ There were opportunities to assess the progress of the project periodically 1 2 3 4 5 6 7 NA [69]
- ◆ There were opportunities to make adjustments to the project to reflect changing conditions 1 2 3 4 5 6 7 NA [70]
- ◆ The project achieved its objectives 1 2 3 4 5 6 7 NA [71]
- ◆ The project has made a substantial contribution to the Agency's ability to carry out its mission or objectives 1 2 3 4 5 6 7 NA [72]

16) Please indicate your level of satisfaction with the following aspects of the **technical assistance project as a whole**. Use a scale of 1 (very dissatisfied) to 7 (very satisfied)

- ◆ The overall quality of the technical assistance provided by this project 1 2 3 4 5 6 7 NA [73]
- ◆ The overall quality of the advisors provided by the project 1 2 3 4 5 6 7 NA [74]

and more specifically:

- ◆ The advisors' knowledge and understanding of local legal and economic environment 1 2 3 4 5 6 7 NA [75]
- ◆ The applicability and usefulness of the advice provided by the advisors 1 2 3 4 5 6 7 NA [76]
- ◆ The advisors' knowledge and understanding of the subject matter 1 2 3 4 5 6 7 NA [77]
- ◆ The quality of materials and cases prepared by the advisors for the Agency 1 2 3 4 5 6 7 NA [78]
- ◆ The advisors' ability to interact amicably with the Agency's staff 1 2 3 4 5 6 7 NA [79]
- ◆ The advisors' ability to get staff to participate in project activities 1 2 3 4 5 6 7 NA [80]
- ◆ The overall impact of the project on the effectiveness of the Agency in fulfilling its mission or objectives 1 2 3 4 5 6 7 NA [81]

and more specifically:

- ◆ Resulting improvement in the skill levels of the staff 1 2 3 4 5 6 7 NA [82]
- ◆ Resulting improvements in the operations of the Agency due to this project 1 2 3 4 5 6 7 NA [83]
- ◆ Resulting improvements in the Agency's ability to conduct competition advocacy due to this project 1 2 3 4 5 6 7 NA [84]
- ◆ Resulting improvements in the speed with which cases that are within the Agency are resolved? 1 2 3 4 5 6 7 NA [85]
- ◆ Resulting improvements in the ability of Agency staff to handle complex cases due to this project 1 2 3 4 5 6 7 NA [86]
- ◆ Resulting improvements in the ability of the Agency staff to select which cases are given a high priority 1 2 3 4 5 6 7 NA [87]



- ◆ Resulting improvements in the ability of Agency staff to handle new types of cases or violations due to this project 1 2 3 4 5 6 7 NA [88]
- ◆ Resulting improvements in the quality of decisions or recommendations rendered by the Agency due to this project 1 2 3 4 5 6 7 NA [89]
- ◆ Resulting improvements in the enforcement of the law due to this project 1 2 3 4 5 6 7 NA [90]

17) Please evaluate each of the relevant activities or components of this project listed below with respect to their overall impact on the effectiveness of the Agency at fulfilling its mission or objectives.

Use a scale of 1 (very little impact) to 7 (very great impact)

- ◆ Long term advisor 1 2 3 4 5 6 7 NA [91]
- ◆ Short term advisor (in-country consultations) 1 2 3 4 5 6 7 NA [92]
- ◆ National/regional/international seminar/conference 1 2 3 4 5 6 7 NA [93]
- ◆ Drafting laws or implementing regulations 1 2 3 4 5 6 7 NA [94]
- ◆ Academic studies 1 2 3 4 5 6 7 NA [95]
- ◆ Study missions/internships abroad 1 2 3 4 5 6 7 NA [96]
- ◆ Procurement (e.g. computers, high budget items) 1 2 3 4 5 6 7 NA [97]
- ◆ Other (please specify): \_\_\_\_\_ [N] 1 2 3 4 5 6 7 NA [98]

**SURVEY – PROJECT LEVEL: ACADEMIC STUDIES**

Survey ID: \_\_\_\_\_ [1]

**ACADEMIC STUDIES**

The purpose of this survey is to establish the characteristics and effectiveness of academic studies conducted through technical assistance projects.

***If your Agency has had more than one academic study conducted, please answer the following questions for ONE STUDY which was part of the project being discussed today. If there have been more than one study as part of this project, please confine your answers to the most recent study ONLY.***

Please provide a copy of the academic study, if possible.

- 1) When was the study conducted? (year) \_\_\_\_\_ [2]
- 2) Who financed the study? \_\_\_\_\_ [A]
- 3) How many researchers participated in the study? \_\_\_\_\_ [3]
- 4) What were the nationalities of the researchers? \_\_\_\_\_ [B]  
 \_\_\_\_\_ [C]  
 \_\_\_\_\_ [D]
- 5) The researchers were affiliated with:  
 (mark the number of researchers for each affiliation, use a zero for none)
  - ◆ a competition agency \_\_\_\_\_ [4]
  - ◆ a university law school \_\_\_\_\_ [5]
  - ◆ a university economics department or business school \_\_\_\_\_ [6]
  - ◆ a multinational lender or organization \_\_\_\_\_ [7]
  - ◆ a private firm \_\_\_\_\_ [8]
  - ◆ other (please specify): \_\_\_\_\_ [E] \_\_\_\_\_ [9]
  - ◆ don't know \_\_\_\_\_ [10]
- 6) What is the educational background of the researchers:  
 (mark the number of researchers with each kind of educational background, use a zero for none)
  - ◆ law \_\_\_\_\_ [11]
  - ◆ economics \_\_\_\_\_ [12]
  - ◆ both law and economics \_\_\_\_\_ [13]
  - ◆ public administration \_\_\_\_\_ [14]
  - ◆ other (please specify): \_\_\_\_\_ [F] \_\_\_\_\_ [15]
  - ◆ don't know \_\_\_\_\_ [16]
- 7) The foreign researchers' local counterparts were affiliated with:  
 (mark the number of local researchers for each affiliation, use a zero for none)
  - ◆ a competition agency \_\_\_\_\_ [17]
  - ◆ a university law school \_\_\_\_\_ [18]
  - ◆ a university economics department or business school \_\_\_\_\_ [19]
  - ◆ a multinational lender or organization \_\_\_\_\_ [20]
  - ◆ a private firm \_\_\_\_\_ [21]
  - ◆ other (please specify): \_\_\_\_\_ [G] \_\_\_\_\_ [22]
  - ◆ don't know \_\_\_\_\_ [23]
- 8) What is the educational background of the local counterparts:  
 (mark the number of local researchers with each kind of educational background, use a zero for none)
  - ◆ law \_\_\_\_\_ [24]
  - ◆ economics \_\_\_\_\_ [25]
  - ◆ both law and economics \_\_\_\_\_ [26]
  - ◆ public administration \_\_\_\_\_ [27]
  - ◆ other (please specify): \_\_\_\_\_ [H] \_\_\_\_\_ [28]
  - ◆ don't know \_\_\_\_\_ [29]

- 9) Which of the following were the topics of the study? How relevant was each topic to the work of your agency? Use a scale of where 1 is not relevant and 7 is highly relevant.
- |  |   |   |      |   |   |   |   |   |   |   |    |      |  |  |  |  |  |  |  |   |   |      |
|--|---|---|------|---|---|---|---|---|---|---|----|------|--|--|--|--|--|--|--|---|---|------|
| ◆ sector study                               |   |   |      |   |   |   |   |   |   |   |    |      |  |  |  |  |  |  |  | Y | N | [30] |
| which sector(s)?                             |   |   |      |   |   |   |   |   |   |   |    |      |  |  |  |  |  |  |  |   |   | [1]  |
| ◆ competition policy                         | Y | N | [31] | 1 | 2 | 3 | 4 | 5 | 6 | 7 | NA | [32] |  |  |  |  |  |  |  |   |   |      |
| ◆ economic effects of competition law-policy | Y | N | [33] | 1 | 2 | 3 | 4 | 5 | 6 | 7 | NA | [34] |  |  |  |  |  |  |  |   |   |      |
| ◆ legal analysis of cases                    | Y | N | [35] | 1 | 2 | 3 | 4 | 5 | 6 | 7 | NA | [36] |  |  |  |  |  |  |  |   |   |      |
| ◆ mergers                                    | Y | N | [37] | 1 | 2 | 3 | 4 | 5 | 6 | 7 | NA | [38] |  |  |  |  |  |  |  |   |   |      |
| ◆ cartels and restrictive agreements         | Y | N | [39] | 1 | 2 | 3 | 4 | 5 | 6 | 7 | NA | [40] |  |  |  |  |  |  |  |   |   |      |
| ◆ abuse of dominance                         | Y | N | [41] | 1 | 2 | 3 | 4 | 5 | 6 | 7 | NA | [42] |  |  |  |  |  |  |  |   |   |      |
| ◆ advocacy                                   | Y | N | [43] | 1 | 2 | 3 | 4 | 5 | 6 | 7 | NA | [44] |  |  |  |  |  |  |  |   |   |      |
| ◆ international trade                        | Y | N | [45] | 1 | 2 | 3 | 4 | 5 | 6 | 7 | NA | [46] |  |  |  |  |  |  |  |   |   |      |
| ◆ intellectual property                      | Y | N | [47] | 1 | 2 | 3 | 4 | 5 | 6 | 7 | NA | [48] |  |  |  |  |  |  |  |   |   |      |
| ◆ procurement                                | Y | N | [49] | 1 | 2 | 3 | 4 | 5 | 6 | 7 | NA | [50] |  |  |  |  |  |  |  |   |   |      |
| ◆ privatization                              | Y | N | [51] | 1 | 2 | 3 | 4 | 5 | 6 | 7 | NA | [52] |  |  |  |  |  |  |  |   |   |      |
| ◆ other (specify which): _____ [J]           | Y | N | [53] | 1 | 2 | 3 | 4 | 5 | 6 | 7 | NA | [54] |  |  |  |  |  |  |  |   |   |      |
- 10) Was the study quantitative? Y N [55]  
If yes, was any new data collected? Y N [56]
- 11) Was the study written in the official or working language(s) used by your agency? Y N [57]  
If not, was the study subsequently translated? Y N [58]  
If the study was translated, did your Agency pay the translation costs? Y N [59]
- 
- 12) Please indicate the degree of influence that the Agency had over the following decisions:  
Use a scale of 1 (no influence) to 7 (complete influence)
- |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|---|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| ◆ Selecting the specific topic of the study       |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| ◆ Selecting the specific researchers of the study |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
- 
- 13) Were the results of the study disseminated through
- |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| ◆ organized seminars                   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| ◆ formal training programs             |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| ◆ informal discussion among colleagues |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| ◆ outside media                        |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| ◆ other _____ [K]                      |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
- 14) To whom was the study disseminated
- |                               |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| ◆ other government officials  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| ◆ private legal practitioners |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| ◆ business community          |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| ◆ media                       |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| ◆ universities                |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| ◆ other _____ [L]             |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
- 
- 15) Has the study been used for reference purposes
- |                                  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|----------------------------------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| ◆ within your competition agency |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| ◆ by universities                |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| ◆ by research centers            |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| ◆ other _____ [L]                |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
- 16) Has the study been used for outreach/advocacy initiatives outside the agency? Y N [77]
- 17) Have you received requests for copies of the study? Y N DK [78]
- 18) Is the study available online? Y N [79]
- 19) Did the local counterparts involved in the study continue to work in this area? Y N DK [80]
- 20) Did any of the local counterparts involved in the study come to work for the Agency? Y N [81]

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21) Please indicate your level of agreement or disagreement with the following statements as they apply to the **academic study** component of the technical assistance project. Use a scale of 1 (strongly disagree) to 7 (strongly agree)

- ◆ The goals and objectives of the study were clearly articulated 1 2 3 4 5 6 7 NA [82]
- ◆ The study achieved its objectives 1 2 3 4 5 6 7 NA [83]
- ◆ This study has made an important contribution to the Agency's ability to carry out its mission or objectives 1 2 3 4 5 6 7 NA [84]

22) Please indicate your level of satisfaction with the following aspects of the **academic study** component of the technical assistance project. Use a scale of 1 (highly dissatisfied) to 7 (highly satisfied)

- ◆ The overall quality of the study 1 2 3 4 5 6 7 NA [85]
- ◆ The level of complexity of the study 1 2 3 4 5 6 7 NA [86]
- ◆ The applicability and usefulness of the topics addressed in the study 1 2 3 4 5 6 7 NA [87]

- ◆ The overall impact of the study on the effectiveness of the Agency at fulfilling its mission and more specifically: 1 2 3 4 5 6 7 NA [88]

- ◆ Resulting improvement in determining the agency's enforcement priorities 1 2 3 4 5 6 7 NA [89]

- ◆ Resulting improvements in the quality of advocacy initiatives the Agency undertakes 1 2 3 4 5 6 7 NA [90]

- ◆ Resulting improvements in the ability of the Agency to handle complex cases due to this component 1 2 3 4 5 6 7 NA [91]

- ◆ Resulting improvements in the ability of the Agency to handle new types of cases or violations due to this component 1 2 3 4 5 6 7 NA [92]

- ◆ Resulting improvements in the academic studies the Agency engages in 1 2 3 4 5 6 7 NA [93]

23) How does this study compare with other studies conducted in technical assistance projects? Use a scale of 1 (much less useful) to 7 (much more useful). 1 2 3 4 5 6 7 NA [94]

24) How does this study compare with other studies that the Agency has conducted? Use a scale of 1 (much less useful) to 7 (much more useful). 1 2 3 4 5 6 7 NA [95]

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25) Would it be useful for the Agency to have more studies conducted in the future? Use a scale of 1 (not at all useful) to 7 (extremely useful). 1 2 3 4 5 6 7 NA [96]

26) Would the Agency engage in similar studies in the future on its own initiative? Use a scale of 1 (not useful) to 7 (most useful). 1 2 3 4 5 6 7 NA [97]

**SURVEY – PROJECT LEVEL: LEGISLATIVE DRAFTING**

Survey ID:

\_\_\_\_\_ [1]

**LEGISLATIVE DRAFTING**

This survey seeks to establish the nature and effectiveness of any assistance that your jurisdiction may have received in drafting national competition law, amendments of to an existing competition law, or implementing regulations.

1) During the last ten years, on how many occasions has your agency or a government department either drafted a national competition law, drafted significant amendments to a national competition law, or drafted significant implementing regulations on competition matters?

\_\_\_\_\_ [2]

2) How many of these drafting activities involved technical assistance? \_\_\_\_\_ [3]

**If your Agency has had more than one technical assistance project for legislative drafting, please answer the following questions for the legislative drafting assistance RELATED TO THE PROJECT WE ARE CURRENTLY DISCUSSING ONLY. If this project has had more than one legislative drafting missions or components, please answer for THE MOST RECENT LEGISLATIVE DRAFTING TECHNICAL ASSISTANCE MISSION that you are familiar with.**

3) What was the principal purpose of the drafting assistance? \_\_\_\_\_ [4]

- 1. Writing a new law, where none previously existed
- 2. Writing a new law to replace an existing law
- 3. Writing amendments to the existing law
- 4. Writing regulations where none existed
- 5. Revising or expanding existing regulations

4) Please indicate which of the following bodies were responsible for initiating the legislative drafting project.

- ◆ The Competition Agency Y N [5]
- ◆ Other parts of the executive branch (including ministries) Y N [6]
- ◆ Parliament/Congress/Legislative Assembly Y N [7]
- ◆ Multinational organization Y N [8]
- ◆ Multinational lender or bilateral donor Y N [9]
- ◆ Business community Y N [10]
- ◆ Other: (please specify): \_\_\_\_\_ [A] Y N [11]

5) Please indicate the degree of influence that each body had during the entire legislative process, from drafting to submission to the legislative body. Use a scale of 1 (not influential) to 7 (most influential)

- ◆ The Competition Agency 1 2 3 4 5 6 7 NA [12]
- ◆ Other parts of the executive branch (including ministries) 1 2 3 4 5 6 7 NA [13]
- ◆ Parliament/Congress/Legislative Assembly 1 2 3 4 5 6 7 NA [14]
- ◆ Multinational organization 1 2 3 4 5 6 7 NA [15]
- ◆ Bilateral donor 1 2 3 4 5 6 7 NA [16]
- ◆ Business community 1 2 3 4 5 6 7 NA [17]
- ◆ Other: (please specify): \_\_\_\_\_ [B] 1 2 3 4 5 6 7 NA [18]

6) Please indicate the degree of influence that the Agency had over the following decisions:

Use a scale of 1 (not influential) to 7 (most influential)

- ◆ Selecting the timing of the technical assistance 1 2 3 4 5 6 7 NA [19]
- ◆ Choosing the providers of technical assistance 1 2 3 4 5 6 7 NA [20]
- ◆ Deciding whether or not to incorporate the advice from the technical assistance providers 1 2 3 4 5 6 7 NA [21]

7) How many foreign advisors participated in this particular technical assistance effort? \_\_\_\_\_ [22]

8) Approximately how many total person days (total person/days) were spent by the foreign advisors on in-country consultations in this particular technical assistance effort? \_\_\_\_\_ [23]

- 9) The advisor(s) were affiliated with:  
 (mark the number of advisors for each affiliation, use a zero for none)
- ◆ A competition agency \_\_\_\_\_ [24]
  - ◆ A university law school \_\_\_\_\_ [25]
  - ◆ A university economics department or business school \_\_\_\_\_ [26]
  - ◆ A multinational lending organization \_\_\_\_\_ [27]
  - ◆ A private firm \_\_\_\_\_ [28]
  - ◆ Other (please specify): \_\_\_\_\_ [C] \_\_\_\_\_ [29]
  - ◆ Don't know \_\_\_\_\_ [30]

If the answer above is not "a competition agency", to your knowledge, have any of the advisor(s) ever worked in a competition agency? Y N DK [31]

- 10) What is the educational background of the advisor(s):  
 (mark the number of advisors with each kind of educational background, use a zero for none)
- ◆ Law \_\_\_\_\_ [32]
  - ◆ Economics \_\_\_\_\_ [33]
  - ◆ Both law and economics \_\_\_\_\_ [34]
  - ◆ Public administration \_\_\_\_\_ [35]
  - ◆ Other (please specify): \_\_\_\_\_ [D] \_\_\_\_\_ [36]
  - ◆ Don't know \_\_\_\_\_ [37]

11) Did any of the advisor(s) provide any type of technical assistance to your Agency prior to this legislative drafting project?  
 Y N DK [38]

12) At what stage did the technical assistance project begin? \_\_\_\_\_ [39]

1. At the conceptual stage
2. For the first draft
3. After a first draft existed
4. After extensive drafting
5. Before submission to legislature (only for comments)

13) Was there a drafting group in place for this law or regulation when the foreign advisor(s) began their work? Y N [40]  
 If no, was a drafting group formed for this drafting assignment? Y N [41]  
 if there was a drafting group, did it have formal status Y N [42]  
 If there was no formal or informal working group, did the foreign advisor(s) work with individual local lawyers? Y N [43]

- 14) Which of the following local counterparts did the foreign advisors work with:
- ◆ Lawyers from the Competition Agency Y N [44]
  - ◆ Members of the legislative branch Y N [45]
  - ◆ Law Professors Y N [46]
  - ◆ Specialists in Administrative Law Y N [47]
  - ◆ Private lawyers Y N [48]
  - ◆ Representatives of the private sector Y N [49]
  - ◆ Economists (from or outside the Agency) Y N [50]
  - ◆ Other: \_\_\_\_\_ [E] Y N [51]
  - ◆ Not Applicable Y N [52]

15) Did the foreign advisor(s) offer specific advice on the content of the law/regulation? Y N [53]  
 If yes, approximately how many of these comments were incorporated into the draft document?  
 Use a scale where 1 is almost none, 2 is half, 3 is almost all. \_\_\_\_\_ [54]

If the foreign advisor(s)' comments were in conflict with the Agency's views, were you able to exclude them? Use a scale where 1 is never, 2 is some of the time, 3 is all the time, or NA (not applicable). \_\_\_\_\_ [55]

16) Did the foreign advisor(s) meet for general consultations with the following stakeholders as part of the drafting process?

◆ The Competition Agency	Y	N	DK	[56]
◆ Other parts of the executive branch (including ministries)	Y	N	DK	[57]
◆ Parliament/Congress/Legislative Assembly	Y	N	DK	[58]
◆ Consumer associations	Y	N	DK	[59]
◆ Private lawyers	Y	N	DK	[60]
◆ Business associations or private firms	Y	N	DK	[61]

17) Was there a workshop with key decision makers during the intervention to discuss the new draft? Y N [62]  
 Did any of the foreign advisors participate in the workshop? Y N [63]

18) Were the foreign advisor(s) available for questions after the drafting project ended? Y N NA [64]

19) Did other foreign advisors (from different donors or providers) offer advice on the same drafting process? Y N DK [65]  
 Did the final draft incorporate comments from both groups? Y N NA [66]  
 Did the foreign advisors coordinate their work with one another? Y N NA DK [67]

◆ Please rate the contribution of this group of advisors that you are discussing to the final legislative drafting product, relative to all other advisors who have worked on it. Use a scale of 1 (least contribution) to 7 (most contribution):  
 1 2 3 4 5 6 7 NA [68]

20) Please indicate your level of agreement or disagreement with the following statements as they apply to the **legislative drafting** component of the technical assistance project. Use a scale of 1 (strongly disagree) to 7 (strongly agree)

◆ The goals and objectives of the drafting project were clearly articulated	1	2	3	4	5	6	7	NA	[69]
◆ There were opportunities to assess the progress of the drafting project periodically	1	2	3	4	5	6	7	NA	[70]
◆ The drafting project was designed to take account of local legal and economic conditions	1	2	3	4	5	6	7	NA	[71]
◆ The drafting project achieved its objectives	1	2	3	4	5	6	7	NA	[72]
◆ The drafting project has made an important contribution to the Agency's ability to carry out its mission or objectives	1	2	3	4	5	6	7	NA	[73]

21) Please indicate your level of satisfaction with the following aspects of the **legislative drafting** component of the technical assistance project. Use a scale of 1 (very dissatisfied) to 7 (very satisfied)

◆ The overall quality of the drafting project and more specifically:	1	2	3	4	5	6	7	NA	[74]
◆ The applicability and usefulness of the drafting assistance	1	2	3	4	5	6	7	NA	[75]
◆ The ability of the foreign advisors to provide comparative information on the laws of a number of different jurisdictions	1	2	3	4	5	6	7	NA	[76]
◆ The ability of the foreign advisors to provide comparative information on the decisions/cases of a number of different jurisdictions	1	2	3	4	5	6	7	NA	[77]
◆ The ability of the foreign advisors to accommodate the local legal system in preparing the draft	1	2	3	4	5	6	7	NA	[78]
◆ The ability of the foreign advisors to make changes to the drafts to reflect changing conditions	1	2	3	4	5	6	7	NA	[79]

Again, please indicate your level of satisfaction with the following aspects of the **legislative drafting** component of the technical assistance project. Use a scale of 1 (very dissatisfied) to 7 (very satisfied)

- ◆ The overall impact of the drafting project on the effectiveness of the Agency at fulfilling its mission or objectives and more specifically: 1 2 3 4 5 6 7 NA [80]
- ◆ Resulting improvements in Agency procedures due to the drafting project 1 2 3 4 5 6 7 NA [81]
- ◆ Resulting improvements in the Agency's enforcement ability due to the drafting project 1 2 3 4 5 6 7 NA [82]
- ◆ Resulting improvements in the ability of the Agency to handle new types of cases or violations due to the drafting project 1 2 3 4 5 6 7 NA [83]
- ◆ Resulting improvements in the stature of the law due to the drafting project 1 2 3 4 5 6 7 NA [84]
- ◆ Resulting improvements in the stature of the Agency due to the drafting project 1 2 3 4 5 6 7 NA [85]

22) How does this drafting project compare with other drafting projects that the Agency has participated in? Use a scale of 1 (much less useful) to 7 (much more useful). 1 2 3 4 5 6 7 NA [86]

23) Would it be useful for the Agency to receive technical assistance in legislative drafting projects in the future? Use a scale of 1 (not useful) to 7 (most useful) 1 2 3 4 5 6 7 NA [87]



**SURVEY – PROJECT LEVEL: LONG TERM ADVISORS**

Survey ID: \_\_\_\_\_ [1]

**LONG TERM ADVISORS**

The purpose of this survey is to establish the characteristics, role, and effectiveness of visits by foreign long term advisors to your competition Agency. A long term advisor (LTA) is one whose stay at your Agency lasts more than three months.

1) How many different long term advisors have been placed with the Agency? \_\_\_\_\_ [2]

**If your Agency has had more than one LTA, please answer the following questions for the LTA RELATED TO THE PROJECT WE ARE CURRENTLY DISCUSSING ONLY. If this project has had more than one LTA, please answer for THE MOST RECENT LTA ONLY.**

2) When did the LTA begin and end his assignment?

Began in mo: \_\_\_\_\_ [3] year: \_\_\_\_\_ [4]  
 Ended in mo: \_\_\_\_\_ [5] year: \_\_\_\_\_ [6]

3) What was the nationality of the long term advisor? \_\_\_\_\_ [A]

4) Just prior to starting with your Agency, the LTA was affiliated with:  
 (choose the most representative and indicate which number): \_\_\_\_\_ [7]

- 1. a competition agency
- 2. a university law school
- 3. a university economics department or business school
- 4. an international or regional financial organization/lender
- 5. a private firm
- 7. other (please specify): \_\_\_\_\_ [B]
- 8. don't know

If the answer above is not "a competition agency", to your knowledge, has the LTA ever worked in a competition agency? Y N DK [8]

5) What is the educational background of the long term advisor:  
 (choose the most representative and indicate which number): \_\_\_\_\_ [9]

- 1. law
- 2. economics
- 3. both law and economics
- 4. public administration
- 5. other (please specify): \_\_\_\_\_ [C]
- 6. don't know

6) Did the LTA conduct a short term visit in your Agency prior to his long term assignment? Y N DK [10]

7) Please indicate the degree of influence that the Agency had over the following decisions:  
 Use a scale of 1 (least influential) to 7 (most influential)

- ◆ selecting the long term advisor 1 2 3 4 5 6 7 NA [11]
- ◆ choosing the timing of the LTA assignment 1 2 3 4 5 6 7 NA [12]
- ◆ drafting the terms of reference for the assignment 1 2 3 4 5 6 7 NA [13]

8) Please describe how much time the advisor spent on the following activities. Use a scale of 1 (no time at all) to 7 (greatest amount of time).

Activities	Over the course of the LTA's assignment, how much of the advisor's time was spent on the following activities? Use a scale of 1 (no time at all) to 7 (greatest amount of time).	How would the Agency have preferred the advisor spend his time on the following activities? Use a scale where 1 is less time; 2 is the same amount of time actually spent; 3 is more time.
Advising on the selection of cases to pursue	1 2 3 4 5 6 7 NA [14]	1 2 3 NA [15]
Advising on cases	1 2 3 4 5 6 7 NA [16]	1 2 3 NA [17]
Advising senior Agency officials	1 2 3 4 5 6 7 NA [18]	1 2 3 NA [19]
Writing manuals of investigative and analytical techniques	1 2 3 4 5 6 7 NA [20]	1 2 3 NA [21]
Drafting new regulations or internal procedures	1 2 3 4 5 6 7 NA [22]	1 2 3 NA [23]
Conducting internal workshops/staff training sessions	1 2 3 4 5 6 7 NA [24]	1 2 3 NA [25]
Advising government officials from other agencies	1 2 3 4 5 6 7 NA [26]	1 2 3 NA [27]
Conducting external conferences	1 2 3 4 5 6 7 NA [28]	1 2 3 NA [29]
Preparing and integrating other components of the technical assistance project (e.g., coordinating short term advisors' visits)	1 2 3 4 5 6 7 NA [30]	1 2 3 NA [31]

9) How satisfied were you with the LTA's contribution to the following activities? Use a scale of 1(very dissatisfied) to 7 (very satisfied).

- ◆ Advising on the selection of cases to pursue 1 2 3 4 5 6 7 NA [32]
- ◆ Advising on cases 1 2 3 4 5 6 7 NA [33]
- ◆ Advising senior Agency officials 1 2 3 4 5 6 7 NA [34]
- ◆ Writing manuals of investigative and analytical techniques 1 2 3 4 5 6 7 NA [35]
- ◆ Drafting new regulations or internal procedures 1 2 3 4 5 6 7 NA [36]
- ◆ Conducting internal workshops/staff training sessions 1 2 3 4 5 6 7 NA [37]
- ◆ Advising government officials from other agencies 1 2 3 4 5 6 7 NA [38]
- ◆ Conducting external conferences 1 2 3 4 5 6 7 NA [39]
- ◆ Preparing and integrating other components of the technical assistance project (e.g., coordinating short term advisors' visits) 1 2 3 4 5 6 7 NA [40]
- ◆ Other (please specify): \_\_\_\_\_[D] 1 2 3 4 5 6 7 NA [41]

10) Did the long term advisor speak the working languages used by your Agency? Y N DK [42]  
 If no, did the LTA have a dedicated interpreter? Y N DK [43]

11) Was the LTA's office located within the Agency? Y N DK [44]  
 If no, would the Agency have preferred the LTA's office to be located within the Agency? Y N DK [45]

12) How frequently was the LTA typically in contact with the staff of the Agency?  
 (choose the most representative and indicate which number): \_\_\_\_\_ [46]

1. daily
2. weekly
3. about every two weeks
4. monthly
5. less than once a month

How frequently would the Agency have preferred the long term advisor to be in contact with the staff of the agency? Use a scale where 1 is less time; 2 is the same amount of time he actually spent; 3 is more time. \_\_\_\_\_ [47]

- 13) How frequently did the LTA come into contact with senior officials at the Agency?  
 (choose the most representative and indicate which number): \_\_\_\_\_ [48]
1. daily
  2. weekly
  3. about every two weeks
  4. monthly
  5. less than once a month

- 14) What percentage of the professional staff worked with the LTA on a regular basis?  
 (choose the most representative and indicate which number): \_\_\_\_\_ [49]
1. less than 10%
  2. between 10% and 25%
  3. more than 25% but less than 75%
  4. more than 75%

Using the responses above, what percentage of the professional staff would the Agency have preferred the LTA work with on a regular basis? \_\_\_\_\_ [50]

- 15) Did the LTA work with other government officials outside your Agency during the period when he was an LTA? Y N DK [51]
- If yes, with whom?
- ◆ sectoral regulators Y N DK [52]
  - ◆ ministries Y N DK [53]
  - ◆ consumer protection authority/agency Y N DK [54]
  - ◆ other (specify): \_\_\_\_\_ [E] Y N DK [55]

- 16) Has the Agency contacted the LTA since the end of the assignment for:
- ◆ case-related advice Y N DK NA [56]
  - ◆ additional technical assistance projects Y N DK NA [57]
  - ◆ other (specify) \_\_\_\_\_ [F] Y N DK NA [58]

- 17) Please indicate your level of agreement or disagreement with the following statements as they apply to the **long-term advisor** component of the technical assistance project. Use a scale of 1 (strongly disagree) to 7 (strongly agree)
- ◆ The goals and objectives of the LTA component were clearly articulated 1 2 3 4 5 6 7 NA [59]
  - ◆ The activities selected for the LTA component were clearly linked to its goals and objectives 1 2 3 4 5 6 7 NA [60]
  - ◆ The activities of the LTA were appropriate for the Agency's age and capacity 1 2 3 4 5 6 7 NA [61]
  - ◆ There were opportunities to make adjustments to the LTA's activities to reflect the changing needs of the Agency 1 2 3 4 5 6 7 NA [62]
  - ◆ There were opportunities to assess the progress of the LTA's activities periodically 1 2 3 4 5 6 7 NA [63]
  - ◆ The LTA component of the project achieved its objectives 1 2 3 4 5 6 7 NA [64]
  - ◆ The LTA component has made an important contribution to the Agency's ability to carry out its mission or objectives 1 2 3 4 5 6 7 NA [65]

- 18) Please indicate your level of satisfaction with the following aspects of the **long term advisor** component of the technical assistance project. Use a scale of 1 (very dissatisfied) to 7 (very satisfied)
- ◆ The overall quality of the LTA component 1 2 3 4 5 6 7 NA [66]
  - ◆ The overall quality of the advisor himself 1 2 3 4 5 6 7 NA [67]
- and more specifically:
- ◆ The applicability and usefulness of the advice provided by the advisor 1 2 3 4 5 6 7 NA [68]
  - ◆ The advisor's knowledge and understanding of the subject matter 1 2 3 4 5 6 7 NA [69]
  - ◆ The advisor's ability to revise his priorities and activities to meet the changing needs of the Agency 1 2 3 4 5 6 7 NA [70]
  - ◆ The advisor's knowledge and understanding of local legal and economic conditions 1 2 3 4 5 6 7 NA [71]
  - ◆ The advisor's ability to explain policies and methods which he advocated 1 2 3 4 5 6 7 NA [72]
  - ◆ The quality of materials and cases prepared by the LTA for the Agency 1 2 3 4 5 6 7 NA [73]

- ◆ The advisor's ability to interact amicably with the Agency's staff 1 2 3 4 5 6 7 NA [74]
- ◆ The advisor's ability to encourage staff to participate in LTA activities 1 2 3 4 5 6 7 NA [75]
- ◆ The advisor's ability to integrate other components of the technical assistance project (e.g. seminars, workshops, visits by short term advisors, etc.) 1 2 3 4 5 6 7 NA [76]
- ◆ The availability of the advisor after his advisorship had ended 1 2 3 4 5 6 7 NA [77]

Please indicate your level of satisfaction with the following aspects of the **long term advisor** component of the technical assistance project. Use a scale of 1 (very dissatisfied) to 7 (very satisfied)

- ◆ The overall impact of the LTA component on the effectiveness of the Agency at fulfilling its mission or objectives 1 2 3 4 5 6 7 NA [78]
- and more specifically:
- ◆ Resulting improvements in the case selection process at the Agency 1 2 3 4 5 6 7 NA [79]
- ◆ Resulting improvements in the ability of the Agency to handle complex cases due to this component 1 2 3 4 5 6 7 NA [80]
- ◆ Resulting improvements in the ability of the Agency to handle new types of cases or violations due to this component 1 2 3 4 5 6 7 NA [81]
- ◆ Resulting improvements in the enforcement success of the Agency due to this component 1 2 3 4 5 6 7 NA [82]
- ◆ Resulting improvements in the quality of decisions rendered by the Agency due to this component 1 2 3 4 5 6 7 NA [83]
- ◆ Resulting improvements in the ability of the Agency to engage in advocacy activities 1 2 3 4 5 6 7 NA [84]
- ◆ Resulting improvements in the administration of the Agency 1 2 3 4 5 6 7 NA [85]

19) How does this LTA activity compare with other LTA activities that the Agency has received?  
Use a scale of 1 (much less useful) to 7 (much more useful). 1 2 3 4 5 6 7 NA [86]

20) What importance would your Agency attach to the following criteria in the selection of the advisor?  
Use a scale of 1 (not important) to 7 (most important)

- ◆ Current or prior employment in a competition agency 1 2 3 4 5 6 7 NA [87]
- ◆ Experience as a private practitioner in competition law cases 1 2 3 4 5 6 7 NA [88]
- ◆ Nationality 1 2 3 4 5 6 7 NA [89]
- ◆ Teaching skills 1 2 3 4 5 6 7 NA [90]
- ◆ Ability to work in the working language of the Agency 1 2 3 4 5 6 7 NA [91]
- ◆ Flexibility in scheduling the assignment 1 2 3 4 5 6 7 NA [92]
- ◆ Educational background 1 2 3 4 5 6 7 NA [93]
- ◆ Other (please specify) \_\_\_\_\_[G] 1 2 3 4 5 6 7 NA [94]

21) Would it be useful for the Agency to have another LTA component in the future?  
Use a scale of 1 (not useful) to 7 (most useful). 1 2 3 4 5 6 7 NA [95]

**SURVEY – PROJECT LEVEL: SEMINARS**

Survey ID: \_\_\_\_\_ [1]

**SEMINARS**

The purpose of this survey is to get your opinion on the features of national, regional and international seminars on competition policy matters.

- 1) In the last three years, approximately how many competition-related seminars, organized by donors or international organizations, have officials from your agency attended?
- ◆ Within your country? \_\_\_\_\_ [2]
  - ◆ Within your region? \_\_\_\_\_ [3]

2) In 2003, how many times did your agency’s officials travel abroad to attend a seminar of this kind?  
\_\_\_\_\_ [4]

***If your Agency has organized or participated in more than one seminar, please answer the following questions for ONE EXTERNALLY-FUNDED SEMINAR which was part of the project being discussed today. If there has been more than one seminar held as part of this project, please confine your answers to the most recent seminar on competition law and enforcement matters ONLY.***

Title of the Seminar being discussed: \_\_\_\_\_ [A]

3) When did the seminar take place? Began in mo: \_\_\_\_\_ [5] year: \_\_\_\_\_ [6]

4) How long was the seminar? (days) \_\_\_\_\_ [7]

- 5) Which agency organized the seminar? \_\_\_\_\_ [8]
- ◆ your agency Y N DK [9]
  - ◆ donor Y N DK [10]
  - ◆ provider of technical assistance Y N DK [11]
  - ◆ other (specify): \_\_\_\_\_ [B] Y N NA [12]

6) Was it part of a series of seminars organized by the same donor/provider? Y N [13]  
If yes, how many seminars were there in the series? \_\_\_\_\_ [14]

7) Approximately how many people attended the seminar? \_\_\_\_\_ [15]  
◆ How many people attended from your competition agency? \_\_\_\_\_ [16]

- 8) Were the attendees at the seminar from
- ◆ your country Y N DK [17]
  - ◆ neighboring countries Y N DK [18]
  - ◆ other (specify): \_\_\_\_\_ [C] Y N NA [19]

9) Approximately how many speakers were there at the seminar? \_\_\_\_\_ [20]

- 10) Were the speakers at the seminar from
- ◆ your competition agency Y N [21]
  - ◆ other competition agencies Y N [22]
  - ◆ private practitioners Y N [23]
  - ◆ academia Y N [24]
  - ◆ officials from an international organization or lender Y N [25]
  - ◆ other (specify): \_\_\_\_\_ [D] Y N NA [26]

11) Which of the following topics were the subject matter of this seminar? How relevant was each topic at the time of the seminar? Use a scale where 1 is not relevant and 7 is highly relevant.

- ◆ competition policy Y N [27] 1 2 3 4 5 6 7 NA [28]
- ◆ economic analysis Y N [29] 1 2 3 4 5 6 7 NA [30]
- ◆ legal analysis Y N [31] 1 2 3 4 5 6 7 NA [32]
- ◆ investigative techniques Y N [33] 1 2 3 4 5 6 7 NA [34]

◆ mergers	Y	N	[35]	1	2	3	4	5	6	7	NA	[36]
◆ cartels and restrictive agreements	Y	N	[37]	1	2	3	4	5	6	7	NA	[38]
◆ abuse of dominance	Y	N	[39]	1	2	3	4	5	6	7	NA	[40]
◆ regulated sectors	Y	N	[41]	1	2	3	4	5	6	7	NA	[42]
◆ advocacy	Y	N	[43]	1	2	3	4	5	6	7	NA	[44]
◆ international trade	Y	N	[45]	1	2	3	4	5	6	7	NA	[46]
◆ intellectual property	Y	N	[47]	1	2	3	4	5	6	7	NA	[48]
◆ agency administration, organization, procedure	Y	N	[49]	1	2	3	4	5	6	7	NA	[50]
◆ other (specify which): _____ [E]	Y	N	[51]	1	2	3	4	5	6	7	NA	[52]

12) What was the format of the seminar? \_\_\_\_\_ [53]  
 (choose the most representative and indicate which number)

1. long presentations with short periods of time devoted to question and answer sessions
2. sessions that equally divided presentations by speakers and question and answer sessions
3. mostly interactive discussions between speakers and participants
4. other (specify which): \_\_\_\_\_ [F]

13) Was the seminar conducted in the working language(s) used by your agency? Y N [54]  
 If not, was simultaneous translation available for a language participants from your agency can understand? Y N [55]

14) Did the conference include the following social events:

1. coffee breaks	Y	N	[56]
2. at least one luncheon	Y	N	[57]
3. at least one evening meal	Y	N	[58]
4. at least one cultural event outside of the conference	Y	N	[59]
5. other (specify which): _____ [G]	Y	N	[60]

15) Did the presentations include discussions of specific examples or case studies? Y N [61]  
 If yes, how much time was devoted to the following types of cases:  
 Use a scale of 1 (none of the time) to 7 (all of the time)

◆ from your jurisdiction	1	2	3	4	5	6	7	NA	[62]
◆ from the speaker's own jurisdiction	1	2	3	4	5	6	7	NA	[63]
◆ from at least two jurisdictions	1	2	3	4	5	6	7	NA	[64]
◆ from more than two jurisdictions	1	2	3	4	5	6	7	NA	[65]
◆ other (specify which): _____ [H]	1	2	3	4	5	6	7	NA	[66]

16) Please indicate the degree of influence that the Agency had over the following decisions:  
 Use a scale of 1 (not influential) to 7 (most influential)

◆ Selecting the topic of the seminar	1	2	3	4	5	6	7	NA	[67]
◆ Choosing the speakers for the seminar	1	2	3	4	5	6	7	NA	[68]
◆ Choosing the participants for the seminar	1	2	3	4	5	6	7	NA	[69]
◆ Choosing the timing of the seminar	1	2	3	4	5	6	7	NA	[70]

17) Were seminar materials provided? Y N [71]  
 If yes, were seminar materials provided

◆ before the seminar?	Y	N	[72]
◆ during the seminar?	Y	N	[73]

18) Were the materials presented in the working language(s) used by your agency? Y N [74]  
 If not, were the materials subsequently translated? Y N [75]  
 If the materials were translated, did your Agency pay the translation costs? Y N [76]

19) Were the materials appropriately tailored to your Agency's interests or needs? Y N [77]

20) Were the materials supplied in an electronic format? Y N [78]

21) Did you distribute the materials within the agency? Y N [79]

22) Did you distribute the materials outside the agency? Y N [80]

- 23) Have the materials been used for reference purposes? Y N [81]
- 24) Have the materials been used in training other staff members that did not attend the seminars? Y N [82]
- 25) Have the materials been used for outreach/advocacy initiatives outside the agency? Y N [83]

- 26) Were you asked to provide an evaluation of the seminar after it was over? Y N [84]  
 Was the evaluation structured in a way that the respondent had an opportunity to provide instructive comments? Y N [85]
- 27) Did the seminar organizers contact participants with follow-on materials after the seminar was over? Y N [86]

- 28) Did the seminar organizers provide participants with a list of participants and their contact information? Y N [87]
- 29) Has anyone at your agency who attended the seminar subsequently contacted other participants that they met at this seminar
- ◆ For enforcement-related advice? Y N DK [88]
  - ◆ For policy related advice? Y N DK [89]
  - ◆ For follow-on or other technical-assistance projects? Y N DK [90]
- 30) Were any of these participants from another competition agency? Y N DK [91]

- 31) Did your agency receive additional funding or technical assistance for needs raised by your officials at the seminar? Y N [92]

32) Please indicate your level of agreement or disagreement with the following statements as they apply to the **seminar** component of the technical assistance project. Use a scale of 1 (strongly disagree) to 7 (strongly agree)

- ◆ The goals and objectives of the seminar were clearly articulated 1 2 3 4 5 6 7 NA [93]
- ◆ The level of presentations and materials were appropriate for the Agency's age and capacity 1 2 3 4 5 6 7 NA [94]
- ◆ This presentations and materials reflected a satisfactory level of understanding of the local legal and economic environment 1 2 3 4 5 6 7 NA [95]
- ◆ There were opportunities to make adjustments to this component to reflect changing conditions 1 2 3 4 5 6 7 NA [96]
- ◆ The seminar achieved its objectives 1 2 3 4 5 6 7 NA [97]
- ◆ This seminar has made an important contribution to the Agency's ability to carry out its mission or objectives 1 2 3 4 5 6 7 NA [98]

33) Please indicate your level of satisfaction with the following aspects of the **seminar** component of the technical assistance project. Use a scale of 1(very dissatisfied) to 7 (very satisfied)

- ◆ The overall quality of the seminar component and more specifically: 1 2 3 4 5 6 7 NA [99]
- ◆ The format of the seminar 1 2 3 4 5 6 7 NA [100]
- ◆ The applicability and usefulness of the presentations 1 2 3 4 5 6 7 NA [101]
- ◆ The level of complexity of the presentations 1 2 3 4 5 6 7 NA [102]
- ◆ The relevance of materials prepared for the seminar 1 2 3 4 5 6 7 NA [103]
- ◆ The applicability of the materials prepared for the seminar 1 2 3 4 5 6 7 NA [104]
- ◆ The timeliness with which materials were provided for the seminar 1 2 3 4 5 6 7 NA [105]

Again, please indicate your level of satisfaction with the following aspects of the **seminar** component of the technical assistance project. Use a scale of 1(very dissatisfied) to 7 (very satisfied)

- ◆ The overall impact of the seminar on the effectiveness of the Agency 1 2 3 4 5 6 7 NA [106]

at fulfilling its mission  
and more specifically:

- ◆ Resulting improvement in the skill levels of the staff who attended the seminar 1 2 3 4 5 6 7 NA [107]
- ◆ Resulting improvements in the ability of the Agency to handle complex cases due to this component 1 2 3 4 5 6 7 NA [108]
- ◆ Resulting improvements in the ability of the Agency to handle new types of cases or violations due to this component 1 2 3 4 5 6 7 NA [109]
- ◆ Resulting improvements in the enforcement success of the Agency due to this component 1 2 3 4 5 6 7 NA [110]
- ◆ Resulting improvements in the quality of decisions rendered by the Agency due to this component 1 2 3 4 5 6 7 NA [111]
- ◆ Resulting improvements in the administration of the Agency 1 2 3 4 5 6 7 NA [112]
- ◆ Resulting improvements in the Agency's relations with other jurisdictions 1 2 3 4 5 6 7 NA [113]

34) How does this seminar compare with other seminars that the Agency has participated in?  
Use a scale of 1 (much less useful) to 7 (much more useful). 1 2 3 4 5 6 7 NA [114]

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35) Would it be useful for the Agency to have another seminar in the future?  
Use a scale of 1 (not useful) to 7 (most useful). 1 2 3 4 5 6 7 NA [115]



**SURVEY – PROJECT LEVEL: SHORT TERM INTERVENTIONS**

Survey ID: \_\_\_\_\_ [1]

**SHORT TERM INTERVENTIONS**

The purpose of this survey is establish the characteristics, role, and effectiveness of short-term interventions – short-term assignments by foreign advisor(s) to your competition agency. A short term intervention (STI) has a duration of less than one month, and for the purposes of this survey is not one that is focused exclusively on a legislative drafting project, a seminar, or the preparation of academic studies.

1) Approximately how many different short-term interventions have taken place at the Agency? \_\_\_\_\_ [2]

***If your Agency has had more than one short term intervention, please answer the following questions for the STI RELATED TO THE PROJECT WE ARE CURRENTLY DISCUSSING ONLY. If this project has had more than one STI, please answer for THE MOST RECENT STI ONLY.***

2) When did the STI take place? Began in mo: \_\_\_\_\_ [3] year: \_\_\_\_\_ [4]

3) How long did the advisor(s) spend at your Agency (total person/days)? \_\_\_\_\_ [5]

4) How many advisors participated in this assignment? \_\_\_\_\_ [6]

5) What were the nationalities of the advisor(s)? \_\_\_\_\_ [7]

\_\_\_\_\_ [8]

\_\_\_\_\_ [9]

\_\_\_\_\_ [10]

6) The advisor(s) were affiliated with:  
(mark the number of advisors for each affiliation, use a zero for none)

◆ a competition agency \_\_\_\_\_ [11]

◆ a university law school \_\_\_\_\_ [12]

◆ a university economics department or business school \_\_\_\_\_ [13]

◆ a multinational lender or organization \_\_\_\_\_ [14]

◆ a private firm \_\_\_\_\_ [15]

◆ other (please specify): \_\_\_\_\_ [A] \_\_\_\_\_ [16]

◆ don't know \_\_\_\_\_ [17]

If the answer to 6 above is not "a competition agency", to your knowledge, have any of the advisor(s) ever worked in a competition agency? Y N DK [18]

7) What is the educational background of the advisor(s):  
(mark the number of advisors with each kind of educational background, use a zero for none)

◆ law \_\_\_\_\_ [19]

◆ economics \_\_\_\_\_ [20]

◆ both law and economics \_\_\_\_\_ [21]

◆ public administration \_\_\_\_\_ [22]

◆ other (please specify): \_\_\_\_\_ [B] \_\_\_\_\_ [23]

◆ don't know \_\_\_\_\_ [24]

8) Did any of the advisor(s) provide any type of technical assistance to your Agency prior to this STI ? Y N DK [25]

9) Please indicate the degree of influence that the Agency had over the following decisions:  
Use a scale of 1 (not influential) to 7 (most influential)

◆ Selecting the advisor(s) 1 2 3 4 5 6 7 NA [26]

◆ Choosing the timing of the assignment 1 2 3 4 5 6 7 NA [27]

◆ Drafting the terms of reference for the assignment 1 2 3 4 5 6 7 NA [28]

10) Prior to the advisors' arrival, did the Agency explain what it wanted the advisor(s) to focus on during the mission ? Y N [29]

11) When the advisor(s) arrived for the mission, was there an opportunity for the Agency to clarify what it wanted during the mission? Y N [30]

◆ If changes were proposed during this meeting, did the advisor(s) incorporate these changes ? Y N NA [31]

12) Please describe how much time the advisor(s) spent on the following activities. Use a scale of 1 (no time at all) to 7 (greatest amount of time).

Activities	Over the course of the STI, how much of the advisor(s)' collective time was spent on the following activities? Use a scale of 1 (no time at all) to 7 (greatest amount of time).	How would the Agency have preferred the advisor(s) spend his (their) time on the following activities? Use a scale where 1 is less time; 2 is the same amount of time actually spent; 3 is more time.
Advising on the selection of cases to pursue	1 2 3 4 5 6 7 NA [32]	1 2 3 NA [33]
Advising on cases	1 2 3 4 5 6 7 NA [34]	1 2 3 NA [35]
Advising senior Agency officials	1 2 3 4 5 6 7 NA [36]	1 2 3 NA [37]
Writing manuals of investigative and analytical techniques	1 2 3 4 5 6 7 NA [38]	1 2 3 NA [39]
Drafting new regulations or internal procedures	1 2 3 4 5 6 7 NA [40]	1 2 3 NA [41]
Conducting internal workshops/staff training sessions	1 2 3 4 5 6 7 NA [42]	1 2 3 NA [43]
Advising government officials from other agencies	1 2 3 4 5 6 7 NA [44]	1 2 3 NA [45]
Conducting external conferences	1 2 3 4 5 6 7 NA [46]	1 2 3 NA [47]

13) How satisfied were you with the following activities? Use a scale of 1 (very dissatisfied) to 7 (very satisfied).

- ◆ Advising on the selection of cases to pursue 1 2 3 4 5 6 7 NA [48]
- ◆ Advising on cases 1 2 3 4 5 6 7 NA [49]
- ◆ Advising senior Agency officials 1 2 3 4 5 6 7 NA [50]
- ◆ Writing manuals of investigative and analytical techniques 1 2 3 4 5 6 7 NA [51]
- ◆ Drafting new regulations or internal procedures 1 2 3 4 5 6 7 NA [52]
- ◆ Conducting internal workshops/staff training sessions 1 2 3 4 5 6 7 NA [53]
- ◆ Advising government officials from other agencies 1 2 3 4 5 6 7 NA [54]
- ◆ Conducting external conferences 1 2 3 4 5 6 7 NA [55]
- ◆ Other (please specify): \_\_\_\_\_ [C] 1 2 3 4 5 6 7 NA [56]

14) Did the advisor(s) speak any of the working languages used by your Agency? Y N DK [57]  
 If no, did the advisor(s) have a dedicated interpreter? Y N DK [58]

15) Which of the following topics were the subject matter of this STI?

- ◆ Competition policy Y N [59]
- ◆ Mergers Y N [60]
- ◆ Cartels and restrictive agreements Y N [61]
- ◆ Abuse of dominance Y N [62]
- ◆ Regulated sectors Y N [63]
- ◆ Investigative techniques Y N [64]
- ◆ Agency administration, organization, procedure Y N [65]
- ◆ Other (specify which): \_\_\_\_\_ [D] Y N [66]

16) Please indicate the degree of influence that the Agency had over selecting the subject matter of this STI. Use a scale of 1 (not influential) to 7 (most influential) 1 2 3 4 5 6 7 NA [67]

17) Which of the following activities were used by the advisor(s) on this STI?

- ◆ workshops Y N [68]

- ◆ one on one meetings Y N [69]
- ◆ interactive hypotheticals or case studies Y N [70]
- ◆ lectures Y N [71]
- ◆ review of economic/legal background of draft agency decisions Y N [72]
- ◆ other (specify which): \_\_\_\_\_ [E] Y N [73]

18) Please indicate the degree of influence that the Agency had over selecting the types of activities used by the advisors on this STI. Use a scale of 1 (not influential) to 7 (most influential)

1 2 3 4 5 6 7 NA [74]

- 19) Did the advisor(s) provide any materials or information sources
- ◆ before the assignment? Y N [75]
  - ◆ during their assignment? Y N [76]
  - ◆ after their assignment? Y N [77]

20) Were the materials presented in the working language(s) used by your agency ? Y N [78]  
 If not, were the materials subsequently translated? Y N [79]  
 If the materials were translated, did your Agency pay the translation costs ? Y N [80]

21) Were the materials supplied in an electronic format? Y N [81]

22) Did you distribute the materials within the agency? Y N [82]

23) Did you distribute the materials outside the agency? Y N [83]

- 24) Since the end of the STI, has the Agency contacted any of the advisors for:
- ◆ case-related advice Y N DK NA [84]
  - ◆ additional technical assistance projects Y N DK NA [85]
  - ◆ other (specify) \_\_\_\_\_ [F]

25) Please indicate your level of agreement or disagreement with the following statements as they apply to the **short term intervention** component of the technical assistance project. Use a scale of 1 (strongly disagree) to 7 (strongly agree)

- ◆ The goals and objectives of this STI component were clearly articulated 1 2 3 4 5 6 7 NA [86]
- ◆ The activities of this STI component were appropriate for the Agency's age and capacity 1 2 3 4 5 6 7 NA [87]
- ◆ This STI component was designed to take account of the local legal and economic environment 1 2 3 4 5 6 7 NA [88]
- ◆ There were opportunities to make adjustments to this STI component to reflect changing conditions 1 2 3 4 5 6 7 NA [89]
- ◆ This STI component of the project achieved its objectives 1 2 3 4 5 6 7 NA [90]
- ◆ This STI component has made an important contribution to the Agency's ability to carry out its mission or objectives 1 2 3 4 5 6 7 NA [91]

26) Please indicate your level of satisfaction with the following aspects of the **short term advisor** component of the technical assistance project. Use a scale of 1 (very dissatisfied) to 7 (very satisfied)

- ◆ The overall quality of the STI component 1 2 3 4 5 6 7 NA [92]
- ◆ The overall quality of the advisors themselves 1 2 3 4 5 6 7 NA [93]
- and more specifically:
- ◆ The applicability and usefulness of the advice provided by the advisors 1 2 3 4 5 6 7 NA [94]
- ◆ The advisors' knowledge and understanding of the subject matter 1 2 3 4 5 6 7 NA [95]
- ◆ The advisors' knowledge and understanding of local legal and economic conditions 1 2 3 4 5 6 7 NA [96]
- ◆ The quality of materials and cases used in the STI 1 2 3 4 5 6 7 NA [97]
- ◆ The types of activities used by the advisor(s) (e.g. workshops, one on one meetings, interactive hypotheticals or case studies, lectures, etc.) 1 2 3 4 5 6 7 NA [98]
- ◆ The availability of the advisors after the STI ended 1 2 3 4 5 6 7 NA [99]

Please indicate your level of satisfaction with the following aspects of the **short term advisor** component of the technical assistance project. Use a scale of 1 (very dissatisfied) to 7 (very satisfied)

- ◆ The overall impact of the STI component on the effectiveness of the Agency at fulfilling its mission or objectives 1 2 3 4 5 6 7 NA [100]
- and more specifically:
- ◆ Resulting improvements in the skill levels of the staff whom the advisor(s) worked with 1 2 3 4 5 6 7 NA [101]
- ◆ Resulting improvements in the ability of the Agency to handle new types of cases or violations due to the STI component 1 2 3 4 5 6 7 NA [102]
- ◆ Resulting improvements in the enforcement success of the Agency due to this STI component 1 2 3 4 5 6 7 NA [103]
- ◆ Resulting improvements in the quality of decisions rendered by the Agency due to this STI component 1 2 3 4 5 6 7 NA [104]

27) How does this STI activity compare with other STI activities that the Agency has received?  
Use a scale of 1 (much less useful) to 7 (much more useful). 1 2 3 4 5 6 7 NA [105]

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28) Would it be useful for the Agency to have another STI component in the future?  
Use a scale of 1 (not useful) to 7 (most useful). 1 2 3 4 5 6 7 NA [106]

**SURVEY – PROJECT LEVEL: STUDY MISSIONS**

Survey ID: \_\_\_\_\_ [1]

**STUDY MISSION**

This survey concerns trips by officials from your agency to foreign competition agencies and/or associated government ministries. This survey covers trips that were less than one month in duration.

***If your Agency has participated in more than one study mission, please answer the following questions for ONE STUDY MISSION which was part of the project being discussed today. If there has been more than one study mission as part of this project, please confine your answers to the most recent study mission ONLY.***

- 1) When did the study mission take place? (year)\_\_\_\_\_ [2]
- 2) How many working days was the study mission? (days)\_\_\_\_\_ [3]
- 3) Which jurisdiction(s) did you visit? \_\_\_\_\_ [A]  
 \_\_\_\_\_ [B]  
 \_\_\_\_\_ [C]
- 4) Approximately how many people participated as visitors in the study mission? \_\_\_\_\_ [7]  
 ♦ How many attended from your competition agency? \_\_\_\_\_ [8]

- 5) How important were the following factors in selecting participants? Use a scale of 1 (not important) to 7 (very influence)
- ♦ seniority 1 2 3 4 5 6 7 NA [9]
  - ♦ availability 1 2 3 4 5 6 7 NA [10]
  - ♦ professional skills (capacity) 1 2 3 4 5 6 7 NA [11]
  - ♦ position within the Agency (e.g. lawyer because study mission will focus on legal analysis) 1 2 3 4 5 6 7 NA [12]
  - ♦ guidance from study mission host 1 2 3 4 5 6 7 NA [13]
  - ♦ language 1 2 3 4 5 6 7 NA [14]

- 6) Which of the following topics were the subject matter of the study mission? How relevant was each topic at the time of the study mission? Use a scale where 1 is not relevant and 7 is highly relevant.
- ♦ competition policy Y N [15] 1 2 3 4 5 6 7 NA [16]
  - ♦ economic analysis Y N [17] 1 2 3 4 5 6 7 NA [18]
  - ♦ legal analysis Y N [19] 1 2 3 4 5 6 7 NA [20]
  - ♦ investigative techniques Y N [21] 1 2 3 4 5 6 7 NA [22]
  - ♦ mergers Y N [23] 1 2 3 4 5 6 7 NA [24]
  - ♦ cartels and restrictive agreements Y N [25] 1 2 3 4 5 6 7 NA [26]
  - ♦ abuse of dominance Y N [27] 1 2 3 4 5 6 7 NA [28]
  - ♦ regulated sectors Y N [29] 1 2 3 4 5 6 7 NA [30]
  - ♦ advocacy Y N [31] 1 2 3 4 5 6 7 NA [32]
  - ♦ international trade Y N [33] 1 2 3 4 5 6 7 NA [34]
  - ♦ intellectual property Y N [35] 1 2 3 4 5 6 7 NA [36]
  - ♦ agency administration, organization, procedure Y N [37] 1 2 3 4 5 6 7 NA [38]
  - ♦ other (specify which): \_\_\_\_\_ [D] Y N [39] 1 2 3 4 5 6 7 NA [40]

- 7) Were the objectives of the study mission formulated
- ♦ before departure? Y N [41]
  - ♦ upon arrival? Y N [42]

- 8) Please indicate the degree of influence that the Agency had over the following decisions. Use a scale of 1 (no influence) to 7 (complete influence)
- ♦ selecting the objectives of the study mission 1 2 3 4 5 6 7 NA [43]
  - ♦ selecting specific topics for meetings 1 2 3 4 5 6 7 NA [44]
  - ♦ choosing the number of participants for the study mission 1 2 3 4 5 6 7 NA [45]

- ◆ choosing the participants for the study mission
- ◆ choosing the timing of the study mission

1 2 3 4 5 6 7 NA [46]  
 1 2 3 4 5 6 7 NA [47]

9) Please describe how much of the participants' time was spent on the following activities. Use a scale of 1 (no time at all) to 7 (greatest amount of time).

Activities	Over the course of the study mission, how much of the participants' time was spent on the following a types of activities? Use a scale of 1 (no time at all) to 7 (greatest amount of time).	How would the Agency have preferred the participants spend their time on the following types of activities? Use a scale where 1 is less time; 2 is the same amount of time actually spent; 3 is more time.
Lectures	1 2 3 4 5 6 7 NA [48]	1 2 3 NA [49]
Workshops	1 2 3 4 5 6 7 NA [50]	1 2 3 NA [51]
Interactive hypothetical	1 2 3 4 5 6 7 NA [52]	1 2 3 NA [53]
Review of Agency decisions	1 2 3 4 5 6 7 NA [54]	1 2 3 NA [55]
Participating in investigations	1 2 3 4 5 6 7 NA [56]	1 2 3 NA [57]
Observing investigations	1 2 3 4 5 6 7 NA [58]	1 2 3 NA [59]
Other (please specify: _____ [E])	1 2 3 4 5 6 7 NA [60]	1 2 3 NA [61]

10) Over the course of the study mission, how much of the participants' time was spent on the following activities. Use a scale of 1 (no time at all) to 7 (greatest amount of time).

- ◆ Drafting competition law/regulations 1 2 3 4 5 6 7 NA [62]
- ◆ Information about host nation's laws/enforcement experience 1 2 3 4 5 6 7 NA [63]
- ◆ Matters related to the establishment of a competition agency 1 2 3 4 5 6 7 NA [64]
- ◆ Matters relating to cartels 1 2 3 4 5 6 7 NA [65]
- ◆ Matters relating to abuse of dominance 1 2 3 4 5 6 7 NA [66]
- ◆ Matters relating to mergers 1 2 3 4 5 6 7 NA [67]
- ◆ Investigative skills 1 2 3 4 5 6 7 NA [68]
- ◆ Matters relating to inter-agency cooperation 1 2 3 4 5 6 7 NA [69]
- ◆ Matters relating to international initiatives on competition policy 1 2 3 4 5 6 7 NA [70]
- ◆ other (please specify): \_\_\_\_\_ [F] 1 2 3 4 5 6 7 NA [71]

- 11) Were materials for the study mission provided? Y N [72]  
 If yes, were the materials provided
- ◆ before the study mission? Y N [73]
  - ◆ upon arrival? Y N [74]
- 12) Were the materials written in the working language(s) used by your agency? Y N [75]  
 If not, were the materials subsequently translated? Y N NA [76]  
 If the materials were translated, did your Agency pay the translation costs? Y N NA [77]
- 13) Were the materials appropriately tailored to your Agency's interests or needs? Y N [78]
- 14) Were the materials supplied in an electronic format? Y N [79]
- 15) Did you distribute the materials within the agency? Y N [80]
- 16) Did you distribute the materials outside the agency? Y N [81]
- 17) Have the materials been used for reference purposes? Y N [82]
- 18) Have the materials been used in training other staff members that did not attend the study mission? Y N [83]
- 19) Have the materials been used for outreach/advocacy initiatives outside the agency? Y N [84]

20) Upon return, did participants in the study mission pass on the information they learned through

- ◆ organized seminars Y N [85]
- ◆ formal training programs Y N [86]
- ◆ informal discussion among colleagues Y N [87]
- ◆ preparation and dissemination of report on study mission Y N [88]
- ◆ other \_\_\_\_\_ [G] Y N [89]

- 21) Has anyone at your agency who participated in the study mission contacted officials that they met during the study mission
- ◆ For enforcement-related advice? Y N DK [90]
  - ◆ For policy related advice? Y N DK [91]
  - ◆ For follow-on or other technical-assistance projects? Y N DK [92]

- 22) Did your agency receive additional funding or technical assistance for needs raised by your officials during the study mission? Y N [93]

- 23) How many of the participants in the study mission are currently employed by your competition agency? \_\_\_\_\_ [94]

- 24) Please indicate your level of agreement or disagreement with the following statements as they apply to the **study mission** component of the technical assistance project. Use a scale of 1 (strongly disagree) to 7 (strongly agree)

- ◆ The goals and objectives of the study missions were clearly articulated 1 2 3 4 5 6 7 NA [95]  
The level of presentations and materials were appropriate for the participants in the study mission 1 2 3 4 5 6 7 NA [96]
- ◆ Once the study mission began, there were opportunities to make adjustments to the schedule to reflect different interests 1 2 3 4 5 6 7 NA [97]
- ◆ The study mission achieved its objectives 1 2 3 4 5 6 7 NA [98]
- ◆ The study mission has made an important contribution to the Agency's ability to carry out its mission or objectives 1 2 3 4 5 6 7 NA [99]

- 25) Please indicate your level of satisfaction with the following aspects of the **study mission** component of the technical assistance project. Use a scale of 1 (highly dissatisfied) to 7 (highly satisfied)

- ◆ The overall quality of the study mission 1 2 3 4 5 6 7 NA [100]  
and more specifically:
- ◆ The applicability and usefulness of the topics addressed in the study mission 1 2 3 4 5 6 7 NA [101]
- ◆ Resulting improvement in the skill levels of the staff who attended the study mission 1 2 3 4 5 6 7 NA [102]
- ◆ The level of complexity of the presentations made during the study mission 1 2 3 4 5 6 7 NA [103]
- ◆ The relevance of materials prepared for the study mission 1 2 3 4 5 6 7 NA [104]
- ◆ The level (quality and/or frequency) of contacts with host agency staff 1 2 3 4 5 6 7 NA [105]
- ◆ The timeliness with which materials were provided for the study mission 1 2 3 4 5 6 7 NA [106]

Again, please indicate your level of satisfaction with the following aspects of the **study mission** component of the technical assistance project. Use a scale of 1 (very dissatisfied) to 7 (very satisfied)

- ◆ The overall impact of the study mission on the effectiveness of the Agency at fulfilling its mission 1 2 3 4 5 6 7 NA [107]  
and more specifically:
- ◆ Resulting improvement in the skill levels of the staff who participated in the study mission 1 2 3 4 5 6 7 NA [108]
- ◆ Resulting improvements in the ability of the Agency to handle complex cases due to the study mission 1 2 3 4 5 6 7 NA [109]
- ◆ Resulting improvements in the ability of the Agency to handle new types of cases or violations due to the study mission 1 2 3 4 5 6 7 NA [110]
- ◆ Resulting improvements in the enforcement success of the Agency due to this component 1 2 3 4 5 6 7 NA [111]
- ◆ Resulting improvements in the quality of decisions rendered by the Agency due to this component 1 2 3 4 5 6 7 NA [112]

- ◆ Resulting improvements in the administration of the Agency 1 2 3 4 5 6 7 NA [113]
- ◆ Resulting improvements in the Agency's relations with other jurisdictions 1 2 3 4 5 6 7 NA [114]

26) How does this study mission compare with other study missions that the Agency has participated in?  
 Use a scale of 1 (much less useful) to 7 (much more useful). 1 2 3 4 5 6 7 NA [115]

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27) Would it be useful for the Agency to have another study mission in the future?  
 Use a scale of 1 (not useful) to 7 (most useful). 1 2 3 4 5 6 7 NA [116]