



Multi-Purpose Regulators: Making It Work

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The Recurring Gap

- Grand Policy Aims vs. Program Delivery
- Inattention to Implementation
- Refreshing Modern Trend



Agenda

- Multiplicity: Significance
- Operational Considerations
- Caveat: Personal Views Only
- Hyman & Kovacic, *Why Who Does What Matters: Governmental Design and Agency Performance*, 82 GEORGE WASHINGTON LAW REVIEW 1446 (2014)



Multiplicity: Pervasiveness

- Jurisdictions with Competition Systems
 - >125: 110+ created since 1990
- GW Survey: >60 *Competition* Agencies Do More Than Competition Policy
 - Advertising/consumer protection
 - Public procurement
 - Intellectual property
 - Public utility regulation



Causes of Multiplicity

- Conscious Choice: Award for Success
- Unanticipated Evolution
- Recognition of Complimentarity
- Technological Change



Why It Matters

- Distinctive Challenges Posed by Multi-Purpose vs. Single-Purpose Institutions
 - Organization
 - Management



Three Normative Criteria

- Policy Coherence
- Operational Integration
- Capability/Commitment Compatibility



Policy Coherence

- Clear Definition of Aims
- Conscious Strategy for Attainment
- Branding in All Agency Actions
- No Regulatory Leveraging
 - Example: Misuse of merger control



Operational Integration

- Minimum: Coordination
- More Ambitious: Integration
 - Within units
 - Across units
- Role of Board and Operating Units



Match Agency Capabilities to Commitments

- Managerial Skill
- Staff Expertise
- Resources
- Routine Assessment



Concluding Thoughts

- Significance for Modern Reforms
- Industries Change and Adapt: So Must Regulatory Authorities
 - Urgency of recurring reassessment
- Value of Comparative Study