



MENA-CLS Project

The Arab Center for the Rule of Law and Integrity (ACRLI) is a regional, non-governmental and not-for-profit organization that works to strengthen the rule of law and integrity in the region through research, capacity building and advocacy.

With the support of the Middle East Partnership Initiative (MEPI), ACRLI is implementing the MENA Commercial Law Strengthening Project (MENA-CLS) in four MENA project countries: Lebanon, Tunisia, UAE, and Yemen, during the period 2008-2010.

Project activities include the preparation of a thematic study for each project country depending on the reform needs and priorities that have been identified in the earlier phase of the project. Each study is expected to focus on a specific commercial law theme with a view to contributing to related reforms through analyzing existing regulatory frameworks and examining the state of implementation. Ultimately, the study shall put forward a series of reform recommendations.

In order to ensure a comprehensive picture, ACRLI will work with specialized institutions to develop and implement a user-survey on each theme in the project country; this survey will inform the development of the study, and provide it with primary information on the subject matter

In the case of Tunisia, the study and the survey will focus on "competition".

The target audience of the survey will include four different categories: concerned government officials, members of the business community, members of the legal community, and users from the public.

Your response to the below questionnaire would serve as a main source of information to the drafting process of the thematic national report. Any information that you disclose will remain confidential and shall be used solely for professional purposes.



With the Support of the Middle East Partnership Initiative



Section 1: Identification Sheet - Interviewer

- | | | | |
|---------------------------|----------------------------|------------------------|-----|
| 1.1. Country: | _____ | 1.2. Country Code: | ___ |
| 1.3. Serial Number: | ___/___/___/ | 1.4. Sub-sample Code: | ___ |
| 1.5. Interviewer Name: | _____ | 1.6. Interviewer Code: | ___ |
| 1.7. Date of completion: | ___/___/2009
DD/MM/2009 | 1.8. Number of visits: | ___ |
| 1.9. Supervisor Name: | _____ | 1.10. Supervisor Code: | ___ |
| 1.11. Data entry officer: | _____ | 1.12. Data entry Code: | ___ |

General comments:

(Please provide any useful information on the interview process: from initial contact until completing the questionnaire)



Section 2: Identification Sheet - Respondent

- 2.1. Name and Title of Respondent: _____
- 2.2. Gender Male
 Female
- 2.3. Address and contacts: _____
(email, telephone, mobile, address: city, street...etc)
Business cards are required
- 2.4. Age of Respondent: less than 24
 [25-34]
 [35-44]
 [45-54]
 55 and above
- 2.5. Highest educational level achieved Doctoral degree (PhD)
 Post-graduate degree(MA/MS)
 Under-graduate degree (BA/BS)
 Other
- 2.6. Nationality: _____
- 2.7. Profession: _____
(provide a detailed description)
- 2.8. Years of experience in this field: ___/___/ years
- 2.9. Sector: Private sector
 Public sector
 Other (NGOs, etc.), specify: _____
- 2.10. Sector of activity of your agency _____
(provide a detailed description)



Section 3: Business/Commercial Laws

3.1. To what extent do you think are people in your country familiar or unfamiliar with Business/Commercial Laws and Regulations?

- Never
- Rarely
- Sometimes
- Often
- Always
- No Answer or don't know

3.2. To what extent are you familiar with Business/Commercial Laws and Regulations in your country?

- Strongly unfamiliar
- Quite unfamiliar
- Neither
- Quite familiar
- Strongly familiar
- No Answer or don't know

3.3. Do you consider your country's Business/Commercial laws to be business-friendly?

- Very unfriendly
- Somewhat unfriendly
- Neutral
- Somewhat friendly
- Very friendly
- No Answer or don't know

3.4. In your opinion, how often are Business/Commercial Laws and Regulations enforced?

- Never
- Rarely
- Sometimes
- Often
- Always
- No Answer or don't know

3.5. To what extent do you agree or disagree with the following statements?

Use the coding system presented in the Show Card #1, here below:

Show Card #1

<i>Strongly disagree</i>	<i>1</i>
<i>Disagree</i>	<i>2</i>
<i>Neither agree nor disagree</i>	<i>3</i>
<i>Agree</i>	<i>4</i>
<i>Strongly agree</i>	<i>5</i>
<i>No Answer or don't know</i>	<i>9</i>



	Statements	Code
3.5.1	Access to information related to Business/Commercial laws and regulations is easy	___/
3.5.2	Interpretations of Business/Commercial regulations are consistent and predictable	___/
3.5.3	Business/Commercial Law reform is a priority for the national government	___/
3.5.4	Rarely do people have to resort to courts to resolve business disputes	___/

Using the provided show cards (Show Card #2 and #3), please give importance and satisfaction ratings to each of the factors listed in the table below. Please make sure you complete both ratings for each factor, before moving on to the next one (i.e. fill the table row by row).

3.6. To what extent are these factors important for economic growth and development?

Use the coding system presented in the Show Card #2 here below:

Show Card #2

Very low importance	1
Low importance	2
Average importance	3
High importance	4
Very high importance	5
No Answer or don't know	9

3.7. What is your degree of satisfaction of the status of current these factors in your country?

Use the coding system presented in the Show Card #3 here below:

Show Card #3

Very low satisfaction	1
Low satisfaction	2
Average satisfaction	3
High satisfaction	4
Very high satisfaction	5
No Answer or don't know	9

Factors	3.6. Importance	3.7. Satisfaction
1 Cooperation by central/local government with businesses	___/	___/
2 Simplicity of business licensing procedures	___/	___/
3 Transparency of laws and regulations	___/	___/
4 Enforcement of contractual and property rights	___/	___/
5 Customs (signing trade liberalization agreements)	___/	___/
6 Foreign trade regulations	___/	___/
7 Business friendly labor regulations	___/	___/
8 Business friendly environmental regulations	___/	___/
9 The level of income and profit tax rates	___/	___/
10 Simplicity and coherence of tax regulations	___/	___/



11 Controlling unofficial payments to public officials ___/ ___/

Section 4: Thematic Section – Competition in Tunisia

4.1. In your opinion, how important is Competition Policy for improving the investment climate in Tunisia?

- Very low importance
- Low importance
- Average importance
- High importance
- Very high importance
- No Answer or don't know

4.2. In your opinion, to what extent are people in your country familiar or unfamiliar with competition laws and regulations?

- Strongly unfamiliar
- Quite unfamiliar
- Neither
- Quite familiar
- Strongly familiar
- No Answer or don't know

4.3. To what extent are you familiar with competition laws and regulations?

- Strongly unfamiliar
- Quite unfamiliar
- Neither
- Quite familiar
- Strongly familiar
- No Answer or don't know

4.4. In your opinion, how often are competition laws and regulations enforced in Tunisia?

- Never
- Rarely
- Sometimes
- Often
- Always
- No Answer or don't know

4.5. Please rate your degree of satisfaction regarding the competition council

Use the coding system presented in the Show Card #3 here below:

Show Card #3

<i>Very low satisfaction</i>	<i>1</i>
<i>Low satisfaction</i>	<i>2</i>
<i>Average satisfaction</i>	<i>3</i>



<i>High satisfaction</i>	4
<i>Very high satisfaction</i>	5
<i>No Answer or don't know</i>	9

	Factors pertaining to this structure	Code
4.5.1	General Performance	___/
4.5.2	Independence from political interventions	___/
4.5.3	Technical competence	___/
4.5.4	Human and financial resources	___/
4.5.5	Enforcement authority	___/
4.5.6	Speed of reaching decisions	___/

4.7. Please rate your degree of satisfaction regarding the *General Directorate for Competition and Economic Surveys*

Use the coding system presented in the Show Card #3 here below:

Show Card #3

<i>Very low satisfaction</i>	1
<i>Low satisfaction</i>	2
<i>Average satisfaction</i>	3
<i>High satisfaction</i>	4
<i>Very high satisfaction</i>	5
<i>No Answer or don't know</i>	9

	Factors pertaining to this structure	Code
4.7.1	General Performance	___/
4.7.2	Independence from political interventions	___/
4.7.3	Technical competence	___/
4.7.4	Human and financial resources	___/

Using the provided show cards (Show Card #5 and #3), please give effectiveness and satisfaction ratings to each of the factors listed in the table below. Please make sure you complete both ratings for each factor, before moving on to the next one (i.e. fill the table row by row).

4.8. To what extent are the factors below effective in promoting competition?

Use the coding system presented in the Show Card #6 here below:

Show Card #6

<i>Very low effectiveness</i>	1
<i>Low effectiveness</i>	2
<i>Average effectiveness</i>	3
<i>High effectiveness</i>	4
<i>Very high effectiveness</i>	5
<i>No Answer or don't know</i>	9



4.9. What is your current degree of satisfaction regarding each of these factors?

Use the coding system presented in the Show Card #3 here below:

Show Card #3

Very low satisfaction	1
Low satisfaction	2
Average satisfaction	3
High satisfaction	4
Very high satisfaction	5
No Answer or don't know	9

	Factors pertaining to Competition Law/Policy	4.8. Effectiveness	4.9. Satisfaction
1	Clarity and transparency of procedures pertaining to mergers/acquisitions	___/	___/
2	Speed of reaching decisions by competition authorities	___/	___/
3	Governmental willingness to support	___/	___/
4	Consideration of the interests of consumers groups by policymakers	___/	___/
5	Consideration of the interests of businesses entities by policymakers	___/	___/
6	Presence of specialized court staff and judges	___/	___/
7	Access to market information	___/	___/
8	Prohibition of exclusive agencies	___/	___/
9	Regular reporting by competition authorities	___/	___/

4.10. To what extent do you agree or disagree that the following practices are common in the Tunisian economy?

Use the coding system presented in the Show Card #1, here below:

Show Card #1

Strongly disagree	1
Disagree	2
Neither agree nor disagree	3
Agree	4
Strongly agree	5
No Answer or don't know	9



	Common Practices	Code
4.10.1	Collusion and coalition (kindly confirm terminology)-az	___/
4.10.2	Abuse of dominant position	___/
4.10.3	Boycotts	___/
4.10.4	Trademark hijacking (kindly confirm terminology)-az	___/
4.10.5	Predatory pricing	___/
4.10.6	Limit pricing	___/
4.10.7	Price fixing	___/
4.10.8	Dumping	___/
4.10.9	Market sharing	___/
4.10.10	Franchises	___/
4.10.11	Resale price maintenance	___/
4.10.12	Price discrimination	___/
4.10.13	Ventes liées	___/

4.11. Please assess the current degree of competition on each of the following markets?

4.12. In your opinion, what should the degree of competition be on regarding each of the following markets?

Use the coding system presented in the Show Card #6, here below:

Show Card #9

<i>Very low</i>	<i>1</i>
<i>Low</i>	<i>2</i>
<i>Average</i>	<i>3</i>
<i>High</i>	<i>4</i>
<i>Very high</i>	<i>5</i>
<i>No Answer or don't know</i>	<i>9</i>

Markets	4.11. Current Degree	4.12. Desired Degree
1 Agriculture	___/	___/
2 Industry	___/	___/
3 Electricity and Gas	___/	___/
4 Water	___/	___/
5 Trade	___/	___/
6 Transportation (land)	___/	___/
7 Transportation (sea)	___/	___/
8 Transportation (air)	___/	___/
9 Telecommunications	___/	___/
10 Banking	___/	___/
11 Insurance	___/	___/
12 Healthcare	___/	___/
13 Education	___/	___/



4.13. Please assess the current degree of competition regarding on each of these professional occupations?

	Factors pertaining to this structure	Code
4.13.1	Doctors	___/
4.13.2	Lawyers	___/
4.13.3	Engineers	___/
4.13.4	Pharmacists	___/

4.14 In your opinion, what would be the effect of the following measures regarding the competition enhancement in the Tunisian economy?

Use the coding system presented in the Show Card #6, here below:

Show Card #9

Very low	1
Low	2
Average	3
High	4
Very high	5
No Answer or don't know	9

	Measures	Code
4.14.1	Acceleration of the privatization and liberalization process	___/
4.14.2	Liberalization of external financial transactions	___/
4.14.3	Joining Bilateral and Multilateral competition related agreements	

4.15. Please assess the current degree of the following competitive conditions on the Tunisian markets?

Use the coding system presented in the Show Card #6, here below:

Show Card #9

Very low	1
Low	2
Average	3
High	4
Very high	5
No Answer or don't know	9

	Factors pertaining to this structure	Code
4.15.1	Number of suppliers	___/
4.15.2	Ease of market access	___/
4.15.3	Pricing transparency and users' access to information	___/



4.16. To what extent do you agree or disagree that the Tunisian government tends to relax competition rules during economic downturns?

- Strongly disagree
- Disagree
- Neither
- Agree
- Strongly agree
- No Answer or don't know

4.17. Do you believe they should be relaxed?

- Strongly disagree
- Disagree
- Neither
- Agree
- Strongly agree
- No Answer or don't know

4.18. Please give a priority rating to the following improvement measures?

Use the coding system presented in the Show Card #7 here below:

Show Card #7

<i>Very low priority</i>	<i>1</i>
<i>Low priority</i>	<i>2</i>
<i>Average priority</i>	<i>3</i>
<i>High priority</i>	<i>4</i>
<i>Very high priority</i>	<i>5</i>
<i>No Answer or don't know</i>	<i>9</i>

	Measures	Code
4.18.1	Update and adapt competition laws and regulations	___/
4.18.2	Training of enforcement staff	___/
4.18.3	Hotline creation	___/
4.18.4	Impose fines on infringers	___/
4.18.5	Impose jail sentences/mandatory dissolution on infringers and/or establishments	___/



Section 5: General comments

Please use this section to note any comments or suggestions provided by the respondent during the interview. Whenever the comment is in reference to a specific question, please indicate the number of that question.
