



**United Nations Conference
on Trade and Development**

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Trade and Development Board
Trade and Development Commission
Intergovernmental Group of Experts on Competition Law and Policy
Twelfth session
Geneva, 9–11 July 2012
Item 2 of the provisional agenda
Adoption of the agenda and organization of work

Provisional agenda and annotations

I. Provisional agenda

1. Election of officers
2. Adoption of the agenda and organization of work
3. (a) Consultations and discussions regarding peer reviews on competition law and policy, review of the Model Law, and studies related to the provisions of the Set of Principles and Rules
(b) Work programme, including the effectiveness of capacity-building and technical assistance to young competition agencies
4. Provisional agenda for the thirteenth session
5. Adoption of the report of the Intergovernmental Group of Experts on Competition Law and Policy

II. Annotations

Item 1

Election of officers

1. The Intergovernmental Group of Experts will elect a Chair and a Vice-Chair-cum-Rapporteur.

Item 2

Adoption of the agenda and organization of work

2. The Intergovernmental Group of Experts may wish to adopt the provisional agenda as contained in chapter I above.
3. It is proposed that the first plenary meeting, which will start at 10 a.m. on Monday, 9 July 2012, be devoted to procedural matters (items 1 and 2 of the provisional agenda) and to introductory statements. The closing plenary meeting will take place during the Ad Hoc Expert Meeting on Consumer Protection, on Thursday, 12 July 2012, at 10 a.m. This will be followed by a review of Chapter VIII of the Model Law (Some possible aspects of consumer protection), which will also serve as an introduction to the discussions of the Ad Hoc Expert Meeting on Consumer Protection. In view of the short duration of the session, the Vice-Chair-cum-Rapporteur will be authorized to complete the final report after closure of the session.
4. The remaining meetings, from the afternoon of 9 July to the morning of 12 July, can then be devoted to the substantive items 3(a) and 3(b) of the provisional agenda. If necessary, the adoption of the report may be postponed until the late morning of 12 July, in order to allow for an informal working session to be held that morning.

Item 3(a)

Consultations and discussions regarding peer reviews on competition law and policy, review of the Model Law, and studies related to the provisions of the Set of Principles and Rules

5. At its closing plenary meeting on Friday, 12 November 2010, the Sixth United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices adopted the provisional agenda for future sessions of the Intergovernmental Group of Experts. It was decided, in paragraph 8, that:

(a) Future Intergovernmental Group of Experts sessions should include at least four clusters of issues for informal consultations among participants on competition law and policy issues with special focus on practical cases. The clusters should cover:

- (i) Appropriate design and enforcement of competition law and policy;
- (ii) International cooperation and networking;
- (iii) Cost-effectiveness, complementarity and collaboration in the provision of capacity-building and technical assistance to interested countries;
- (iv) Consultations on the Model Law.

(b) As part of such consultations, the Intergovernmental Group of Experts should undertake a comprehensive informal exchange of views and experiences of several developed and other interested countries on issues relating to cases concerning anticompetitive practices and other issues relevant to competition which have been raised

by member States. Accordingly, the Group will consider the following issues at this session:

- (i) Competition policy and public procurement;
- (ii) Knowledge and human-resource management for effective enforcement of competition law;
- (iii) Cross-border anticompetitive practices: the challenges for developing countries and countries with economies in transition
- (iv) Tripartite peer review of the competition laws and policies of the United Republic of Tanzania, Zambia, and Zimbabwe;
- (c) Future revisions of the Model Law should be carried out in stages so as to allow adequate time for the secretariat to update the relevant chapters and for in-depth consultations among member States.

6. The eleventh session of the Intergovernmental Group of Experts also requested the UNCTAD secretariat to prepare, for consideration, (a) an updated review of capacity-building and technical assistance, taking into account information to be received from member States; (b) a further revised chapter III (Restrictive agreements or arrangements); and (c) a further revised chapter VIII (Some possible aspects of consumer protection), and for these to be posted on its website. To facilitate the round-table discussion on topics (i), (ii) and (iii), the secretariat has prepared reports entitled “Competition policy and public procurement” (TD/B/C.I/CLP/14), “Knowledge and human-resource management for effective enforcement of competition law” (TD/B/C.I/CLP/15), and “Cross-border anticompetitive practices: the challenges for developing countries and countries with economies in transition” (TD/B/C.I/CLP/16).

7. Given that the Ad Hoc Expert Meeting on Consumer Protection will be held back to back with the meeting of the Intergovernmental Group of Experts on Competition Law and Policy, and that it was agreed to further update the commentaries on chapter VIII (Some possible aspects of consumer protection) of the Model Law for the middle of 2012, the secretariat has prepared an updated version of chapter VIII (TD/B/C.I/CLP/L.5) for discussion on the first day of the ad hoc expert meeting (morning of Thursday, 12 July).

Expected outcome of the Round Tables

8. The discussion on these topics, which will include presentations by experts and international and regional actors, as well as representatives of the private sector and civil society, will identify practical ways to feed the experiences into capacity-building activities for interested competition agencies in developing countries and countries with economies in transition.

9. Also, in paragraph 8(d) of the resolution adopted by the Sixth United Nations Conference to Review All Aspects of the Set, it was decided that the Intergovernmental Group of Experts should undertake further voluntary peer reviews on the competition law and policy of a member State or regional groupings of States, during the twelfth session of the Group of Experts. Accordingly, and in line with item 3(a) of the provisional agenda, the Group of Experts will conduct a voluntary peer review of the competition policy of Mongolia. The full peer review report (UNCTAD/DITC/CLP/2012/2) will be available in English only; to facilitate discussion of it, an overview will be made available in all languages (UNCTAD/DITC/CLP/2012/2 (Overview)). In addition, the Group of Experts will examine the tripartite peer review of the competition laws and policies of the United Republic of Tanzania, Zambia, and Zimbabwe, which includes a comparative assessment of the three reports (UNCTAD/DITC/CLP/2012/1(Overview Comparative Assessment)). The

full peer review report (UNCTAD/DITC/CLP/2012/1) will be available in English only; to facilitate discussion of it, four overviews will be made available in all languages:

UNCTAD/DITC/CLP/2012/1(Overview Tanzania),
 UNCTAD/DITC/CLP/2012/1(Overview Zambia),
 UNCTAD/DITC/CLP/2012/1(Overview Zimbabwe), and
 UNCTAD/DITC/CLP/2012/1(Overview Comparative Assessment).

10. Experts from both developed and developing countries and from countries with economies in transition are invited to make an oral presentation supported by a short written paper on the topics referred to above and on the four peer reviews – of Mongolia, the United Republic of Tanzania, Zambia, and Zimbabwe. Should countries wish to hold consultations on other subjects, they are invited to inform the secretariat of the subject by no later than 15 May 2012, to enable all participants to prepare for the consultations.

11. In addition, the secretariat was requested to prepare – in consultation with other organizations and other providers – a review of technical cooperation activities, with a view to strengthening its ability to provide technical assistance for capacity-building in the area of competition law and policy. Accordingly, the secretariat has prepared a document entitled “Capacity-building extended to young competition agencies” (TD/B/C.I/CLP/17).

12. The resolution also requested the secretariat to continue publishing as non-sessional documents, and to include on its website, further issues of the Handbook on Competition Legislation, containing commentaries on national competition legislation and providing the basis for further revision and updating of the Model Law. The updated version of the Handbook is available in the form of the Consolidated Report 2001–2012 (UNCTAD/DITC/CLP/2012/2). The Handbook and the Directory of Competition Authorities are available on the UNCTAD competition website (<http://www.unctad.org/competition>).

Item 3(b)

Work programme, including the effectiveness of capacity-building and technical assistance to young competition agencies

13. Under this agenda item, the Intergovernmental Group of Experts is expected to give guidance to the UNCTAD secretariat on further work to be undertaken on competition law and policy. To facilitate this exercise, experts will have before them the report entitled “Capacity-building extended to young competition agencies” (TD/B/C.I/CLP/17). This report takes into account the information submitted by member States, international organizations and beneficiary countries. On the basis of the report, experts will discuss how best to assist developing countries in formulating national competition legislation and regional competition rules. In addition, donors and beneficiaries are invited to discuss the issue of the type and level of technical assistance provided and the needs of emerging competition agencies, to facilitate identification of the financial and technical resources available and needed for the implementation of technical assistance and capacity-building programmes.

Item 4

Provisional agenda for the thirteenth session

14. The Intergovernmental Group of Experts is expected to agree on the provisional agenda for its next session.

Item 5**Adoption of the report of the Intergovernmental Group of Experts on Competition Law and Policy**

15. The Intergovernmental Group of Experts will submit its report to the Trade and Development Commission.

Input from experts

Experts are encouraged to submit brief papers (approximately five pages) as contributions to the work of the meeting. The papers should be submitted to the UNCTAD secretariat in advance of the meeting, and will be made available at the meeting in the form and language in which they are received. They will also be posted on the UNCTAD website.

For further information, please contact:

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Annex

Provisional meeting schedule Palais des Nations, E-Building, Room XV

<i>Monday, 9 July 2012</i>	<i>Tuesday, 10 July 2012</i>	<i>Wednesday, 11 July 2012</i>
<i>10 a.m. to 1 p.m.</i>	<i>10 a.m. to 1 p.m.</i>	<i>10 a.m. to 1 p.m.</i>
Opening of the meeting Address by Dr. Supachai Panitchpakdi, Secretary-General of UNCTAD	Round table on Competition policy and public procurement	Round table on Knowledge and human- resource management for effective enforcement of competition law
Item 1 Election of officers	Panellists	Panellists
Item 2 Adoption of the agenda and organization of work	Discussion ¹	Discussion
Item 3 Introduction by the secretariat		
General statements²	Consultations on chapter III of the Model Law	Consultations on the effectiveness of capacity-building
<i>3 p.m. to 6 p.m.</i>	<i>3 p.m. to 6 p.m.</i>	<i>3 p.m. to 6 p.m.</i>
Tripartite peer review (United Republic of Tanzania, Zambia, Zimbabwe)	Round table on Cross-border anticompetitive practices: the challenges facing developing countries and countries with economies in transition	Peer review of Mongolia
Session I	Panellists	Session I
– Presentation of the country reports	Discussion	– Presentation of the country reports
– Observations by the delegations		– Observations by the delegations
– Questions and answers		– Questions and answers

¹ Delegates are invited to submit written contributions to the secretariat in advance of the meeting. In order to facilitate a structured debate, the moderator will give the floor in the first instance to delegations that have submitted written contributions.

² Written statements are not reproduced in the report of the meeting, however they are posted on the IGE competition website in the language and format in which they are received.

*Monday, 9 July 2012**Tuesday, 10 July 2012**Wednesday, 11 July 2012*

Session II

Interactive session on specific issues identified in the peer review report and issues on which the three countries may seek clarification and advice from participating competition authorities.

Session III

The way forward

See detailed programme

Session II

Interactive session on specific issues identified in the peer review report and issues on which Mongolia may seek clarification and advice from participating competition authorities.

Session III

The way forward

See detailed programme
