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TRADE AND DEVELOPMENT BOARD
Commission on Investment, Technology and
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Intergovernmental Group of Experts on Competition Law and Policy
Seventh session
Geneva, 31 October – 2 November 2006
Item 2 of the provisional agenda

ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK ¹

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 capacity-building and technical assistance on competition law and policy
4. Provisional agenda for the eighth session of the Intergovernmental Group of Experts on Competition Law and Policy
5. Adoption of the report of the Intergovernmental Group of Experts

¹ It should be noted that this year, the Intergovernmental Group of Experts will be preceded, on Monday, 30 October, by an Ad Hoc Expert Group on competition-related provisions in regional trade agreements in which all experts participating in the Intergovernmental Group of Experts are invited to participate.

II. ANNOTATIONS

Item 1: Election of officers

1. The Intergovernmental Group of Experts will elect a Chairman and a Vice-Chairman-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 agreed at the Fifth United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices.

Organization of work

3. It is proposed that the first plenary meeting, which will open at 10 a.m. on Tuesday, 31 October 2006, be devoted to procedural matters (items 1 and 2 of the provisional agenda) and to introductory statements. The closing plenary meeting, on Thursday 2 November 2006, will be devoted to the adoption of the report (item 5).²

4. This would leave the remaining meetings, from the afternoon of 31 October to the morning of 2 November inclusive, for items 3(a) and (b) of the provisional agenda. If more time is needed, the adoption of the report could be postponed to the late afternoon of 2 November in order for an informal working session to take place that afternoon.

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. As decided in paragraph 12 of the resolution adopted by the Review Conference,³ the Intergovernmental Group of Experts will consider the following issues:

(a) The relationship between competition authorities and sectoral regulators, particularly with respect to abuse of dominant positions;

(b) International cooperation in investigating and prosecuting hard-core cartels affecting developing countries;

(c) Analysis of cooperation and dispute settlement mechanisms relating to competition policy in regional free trade agreements, taking into account issues of particular concern to small and developing countries;

(d) Relationship between competition law and policy and subsidies.

² In view of the short duration of the session, the Rapporteur will be authorized to complete the final report after the close of the session.

³ See the report the Fifth UN Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices (TD/RBP/CONF.6/15) chapter 1, page 3.

6. Should countries wish to hold consultations on additional subjects, they are requested to inform the secretariat well in advance (no later than 19 September 2006) in order for all participants to be able to prepare themselves for such consultations. Moreover, for each of the issues referred to above, the secretariat invites experts from both developed and developing countries, as well as countries in transition, to make oral presentations supported by short written contributions to be made available during the consultations.

7. Under paragraph 10 of the resolution, the Conference requested the secretariat to revise documents, including TD/RBP/CONF.6/3, TD/RBP/CONF.6/9 and TD/RBP/CONF.6/11, in the light of comments made by member States at the Conference or sent in writing by 31 January 2006 for submission to the next session of the Intergovernmental Group of Experts on Competition Law and Policy, and to make them available through UNCTAD's website. A number of comments have been received, and the following documents will be submitted to the Expert Groups' seventh session: TD/RBP/CONF.6/12/Rev.1, "Experiences gained so far on international cooperation on competition policy issues and the mechanisms used"; TD/RBP/CONF.6/13/Rev.1, "Best practices for defining respective competences and settling of cases which involve joint action of competition authorities and regulation bodies"; TD/RBP/CONF.6/9/Rev.1, "Ways in which possible international agreements on competition might apply to developing countries, including through preferential or differential treatment, with a view to enabling these countries to introduce and enforce competition law and policy consistent with their level of economic development".

8. In line with paragraph 7 of the resolution adopted by the Conference, during the seventh session of the Intergovernmental Group of Experts a voluntary peer review of the competition law and policy of Tunisia will take place. For this voluntary peer review, a peer review report on Tunisia (UNCTAD/DITC/CLP/2006/2) will be submitted to the Intergovernmental Group of experts.

9. Finally, as requested in paragraph 11 of the resolution, the secretariat is continuing to publish the following documents on a regular basis and to make them available on UNCTAD's competition website (www.unctad.org/competition):

(a) Further issues of the *Handbook on Competition Legislation*, including regional and international instruments: document TD/B/COM.2/CLP/50 contains the laws and commentaries from the Czech Republic and the United Republic of Tanzania;

(b) An updated version of the *Directory of Competition Authorities*: document TD/B/COM.2/CLP/51;

(c) An information note on recent important competition cases, with special reference to cases involving more than one country, and taking into account information to be received from member States: document TD/B/COM.2/CLP/53.

10. These three documents, being non-sessional as far as the Intergovernmental Group of Experts is concerned, may not all be available in time for the session but will be placed on the UNCTAD website as soon as possible, like all other documents requested by the Intergovernmental Group of Experts.

Item 3 (b): Work programme, including capacity-building and technical assistance on competition law and policy

11. Under this item, the Intergovernmental Group of Experts is expected to give guidance to the UNCTAD secretariat as to further work to be undertaken on competition law and policy. To facilitate this exercise, as at previous sessions of the Intergovernmental Group, the experts will have before them an updated review of capacity building and technical assistance (TD/B/COM.2/CLP/54), taking into account information submitted by States and international organizations in preparation for the session. On the basis of the review, the experts will be invited to give guidance to the secretariat on how best to assist developing countries in formulating national competition legislation and regional competition rules and in building and strengthening capacities in this field, as well as how best to identify financial and technical resources for the implementation of technical assistance and capacity-building programmes.

Item 4: Provisional agenda for the eighth session of the Intergovernmental Group of Experts on Competition Law and Policy

12. As in previous years, 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

13. The report of the Intergovernmental Group of Experts will be submitted to the Commission on Investment, Technology and Related Financial Issues at its next session.

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