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**REVIEW OF CAPACITY-BUILDING AND TECHNICAL ASSISTANCE ON
COMPETITION LAW AND POLICY**

Note by the UNCTAD secretariat

Executive summary

UNCTAD provides capacity-building and technical assistance on competition law and policy to developing countries and economies in transition upon request and available resources. This includes both national and regional assistance in drafting competition laws and policy guidelines as well as capacity-building in the implementation of competition policy with a long-term perspective in line with the United Nations Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices and the requests made by the Fifth United Nations Conference to Review All Aspects of the Set. This document includes a progress report on the technical cooperation activities of the UNCTAD secretariat. The document also contains extracts from replies by member States and international organizations to the note by the Secretary-General of UNCTAD requesting information on technical cooperation activities provided, planned or received, bilaterally or multilaterally, in the area of competition law and policy. Extracts from the replies received from member States and/or international organizations identifying specific competition law and policy areas or issues, which they would like to receive priority attention, are presented in a separate subsection.

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Introduction

1. Section F, paragraphs 6 and 7, of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices adopted by the United Nations General Assembly in 1980 (TD/RBP/CONF.10/Rev.2) calls for technical assistance and advisory and training programmes on restrictive business practices, particularly for developing countries. The Fifth United Nations Conference to Review All Aspects of the Set, in paragraph 4 of its resolution (TD/RBP/CONF.6/14), noted with appreciation the voluntary financial and other contributions received for capacity-building and technical cooperation, and invited all member States to assist UNCTAD on a voluntary basis in its technical cooperation activities by providing experts, training facilities or resources. It also decided that, in the light of the São Paulo Consensus (TD/410) as it relates to competition issues, UNCTAD should continue to work as appropriate on the subjects indicated by the Fourth Review Conference and should also work, within existing resources, on the subject of, inter alia, technical assistance, advisory and training services, and information and advocacy. It further requested the UNCTAD secretariat to revise documents prepared for the Fifth Review Conference in the light of comments by member States made at the Conference or to be 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 make them available on UNCTAD's web site.

2. Accordingly, this note contains information on the capacity-building and technical cooperation activities of the UNCTAD secretariat in 2005, as well as extracts from replies of member States and international organizations to the note by the Secretary-General of UNCTAD requesting information on technical cooperation activities in the field of competition law and policy (UNCTAD/DITC/CLP/MISC/2005/2 of 28 December 2005). The Secretary-General is grateful for the replies to his note.

I. PROGRESS REPORT ON UNCTAD CAPACITY-BUILDING AND TECHNICAL COOPERATION ACTIVITIES

3. UNCTAD provides various types of assistance on competition law and policy to developing countries and countries in transition in accordance with requests received, needs of the countries concerned and resources available. The main capacity-building and technical cooperation activities of the UNCTAD secretariat in 2005 are described below.

A. National activities

4. UNCTAD continued its demand-driven efforts to assist in the creation of competition culture to individual developing and least developed countries as well as economies in transition. For this purpose, UNCTAD provided technical assistance related to the preparation, adoption, revision or implementation of national competition and consumer protection policies and legislation, as well as in areas contributing to a better understanding of the issues involved, and building national institutional capacity to enforce effective competition legislation. This assistance, which was delivered in the form of training and advisory missions, national seminars and workshops, was provided to Kenya, Mozambique, Malawi, Laos, Cambodia, Jamaica, St. Lucia, China, Malaysia, Bhutan, Egypt, Botswana, Lesotho, Uganda, Romania, Brazil, Angola, Mauritania, South Africa, Indonesia, Jordan, Morocco, Costa Rica, El Salvador, Peru, Nicaragua, Namibia, Tanzania, Thailand and Zambia. Furthermore, the capacity-building

activities assisted Governments in identifying the role of competition policy in development, its implications at the national, regional and international levels, as well as strategies for international cooperation in this field, including for the achievement of the MDGs. These workshops and seminars include:

(a) A stakeholders' workshop on the review of Kenya's competition law and policy and a training course on investigation tools for case handlers were held by UNCTAD in cooperation with the Monopolies and Price Commission of Kenya on 25 February and on 1 to 4 March 2005 in Nairobi and Nanyuki (Kenya).

(b) A Romanian national seminar on competition law and policy was organized by UNCTAD together with the Romanian Competition Council and the Chamber of Commerce and Industry of Romania on 16-17 March 2005 in Bucharest.

(c) A national dissemination seminar on the draft competition policy was jointly organized by UNCTAD and the Ministry of Trade, Industry, Cooperatives and Marketing of Lesotho on 21-22 June 2005 in Maseru.

(d) Two national stakeholders meetings on competition law and policy were held by UNCTAD in cooperation with the Ministry of Industry and Trade of Mozambique in Maputo on 24-25 June and 22-23 August 2005.

(e) A national induction seminar for competition commissioners was co-organized by UNCTAD and the newly established Competition and Fair Trading Commission of Malawi in Blantyre on 25-26 August 2005.

(f) Together with the Ministry of Tourism, Trade and Industry of Uganda, UNCTAD held a stakeholders workshop on 4 October 2005 in Kampala to discuss the Uganda sector competitiveness study.

(g) A training course on the application and formulation of competition policy was organized in Maputo on 3-7 October 2005, in cooperation with the Ministry of Industry and Trade of Mozambique.

B. Regional and subregional activities

5. Following UNCTAD's assistance in the drafting of competition legislation to member States of the Common Market for Eastern and Southern Africa (COMESA), common competition rules of COMESA were adopted in early 2005. UNCTAD also undertook feasibility studies and prepared a draft agreement for the regional competition policy for member States of the South African Customs Union (SACU), which was adopted by Ministers. Assistance was also provided in the facilitation of the application of the CARICOM Treaty (art. 81) on competition policy and consumer protection; assistance was also given to a number of ASEAN member States in preparation and coordination of the ASEAN regional meeting on conversion to common competition policy. Implementation continued of the COMPAL (Competition and Consumer Protection Policies for Latin America) programme for five Latin American countries

(Bolivia, Costa Rica, El Salvador, Nicaragua and Peru). UNCTAD also organized a number of conferences and workshops which contributed to capacity-building and multilateral cooperation in competition and consumer protection area.

(a) A regional training course on competition issues and consumer protection for CARICOM member States was held in Castries, St. Lucia from 11 to 15 April 2005. It was organized jointly with the Ministry of Commerce, Investment and Consumer Affairs of St. Lucia and CARICOM secretariat and it was designed to equip CARICOM member States with sufficient knowledge and skills on CARICOM competition and consumer protection regulation and to enhance national consumer protection activities and programmes.

(b) In cooperation with the Consumer International Asia Pacific Office, an Asian Conference on Consumer Protection and the UN Millennium Development Goals (MDGs) was held on 23 August 2005 in Kuala Lumpur, Malaysia.

(c) UNCTAD cooperated with competition authorities of Brazil to hold on 29-30 August 2005 in Brasilia a meeting on the role of competition policy and cooperation among Lusophone countries. The meeting was attended by participants from Brazil, Angola and Mozambique.

(d) An international conference on the contribution of competition policies to the achievement of the UN Millennium Development Goals (MDGs) in countries in transition was held in Baku, Azerbaijan, on 27-28 September 2005. It was co-organized by UNCTAD with the Department of Antimonopoly Policy of the Ministry of Economic Development of Azerbaijan.

Participation in Seminars and Conferences

6. UNCTAD staff members also took part in a number of seminars, workshops and conferences related to issues of competition law and policy and consumer protection. In particular, resource persons from UNCTAD made substantive presentations and/or participated in discussions at the following meetings:

- (1) The training course for lawyers and economists organized within the framework of EUROMED Market Programme (La Valetta, Malta, 24-27 January 2005);
- (2) Different OECD competition meetings (Paris, France, 14-18 February and 19-25 October 2005);
- (3) The meeting within the framework of the phase 3 of the 7Up Project (Entebbe, Uganda, 22-23 February 2005);
- (4) The Conference on Competition Law and Regulation in Egypt (Cairo, Egypt, 21-22 March 2005);
- (5) The Commonwealth Expert Group Meeting of the Africa Region (Victoria, Seychelles, 4-8 April 2005);

- (6) The Conference on Competition Policy Foundations for Trade Reform, Regulatory Reform and Sustainable Development (Brussels, Belgium, 26 April 2005);
- (7) The National Seminar on Competition Law and Policy (Amman, Jordan, 23-24 May 2005);
- (8) The ECLAC/IDRC Meeting on Competition and Regulation (Tegucigalpa, Nicaragua, 1-3 June 2005);
- (9) The 12th International Conference on Competition and the 4th Annual Conference of the International Competition Network (Bonn, Germany, 5-8 June 2005);
- (10) The Buyer Power Workshop (London, United Kingdom, 15-16 June 2005);
- (11) The Third OECD Meeting of the Latin American Competition Forum (Madrid, Spain, 19-20 July 2005);
- (12) The APEC Training Programme on Competition Policy Meeting (Manila, Philippines, 2-4 August 2005);
- (13) The meeting within the framework of the phase 2 of the 7Up project (Hanoi, Viet Nam, 16-17 August 2005);
- (14) The Sixth Consumer Conference (Bridgetown, Barbados, 14-16 September 2005);
- (15) The JICA Competition Course (Tokyo, Japan, 20-21 September 2005);
- (16) The Opening Conference of the OECD Regional Centre for Competition (Budapest, Hungary, 26 September 2005);
- (17) The Workshop on the External Evaluation of the Francophonie Programme (Paris, France, 14 October 2005);
- (18) The OECD/INDECOPI Seminar on the Abuse of Dominance and Vertical Restraints (Lima, Peru, 30 November-2 December 2005);
- (19) The Symposium on Competition Policy for International Development (Brussels, Belgium, 9-10 December 2005).

II. INFORMATION ON CAPACITY-BUILDING AND TECHNICAL COOPERATION OF MEMBER STATES AND INTERNATIONAL ORGANIZATIONS

A. Assistance provided, planned or received

7. This subsection provides a summary of the replies received to the Secretary-General's note (UNCTAD/DITC/CLP/MISC/2005/2 of 28 December 2005), which requested information on technical cooperation activities in the area of competition law and policy.

Armenia

8. The State Commission for the Protection of Economic Competition has provided detailed information on technical cooperation activities undertaken in Armenia within the following projects: (a) USAID's Commercial Law and Economic Regulation Programme (CLERP); (b) The EC's TACIS project "Support and Capacity-Building to the State Commission for the Protection of Economic Competition of the Republic of Armenia" programme (Policy Advice); (c) EC TACIS project on Policy Advice to the State Commission for the Protection of Economic Competition of the Republic of Armenia; and (d) AEPLAC "Advice on Secondary Legislation" project.

Azerbaijan

9. The employees of the Department of Antimonopoly Policy (DAP) have participated in the annual conferences and meetings held in the United States, Germany, Switzerland, Hungary, Belarus, Republic of Korea, Turkey, China, Ukraine, Russia and Kazakhstan. An exchange of experiences in the competition agencies of these States also took place. Specialists from competition and consumer protection agencies of Lithuania, Latvia, Estonia and the United States together with specialists of DAP have organized seminars in Baku (Azerbaijan).

10. Meetings of the Interstate Council on Antimonopoly Policy of CIS States and the International Conference on the Contribution of Competition Policies to the Achievement of the UN MDG in Countries in Transition were held in Baku in September 2005. The DAP actively cooperates with the International Competition Network (ICN), the International Consumer Protection and Enforcement Network (ICPEN), German Technical Cooperation Organization (GTZ), USAID, the World Bank, the Turkish Agency on Cooperation and Development, UNCTAD, OECD and the American Bar Association.

Belgium

11. A number of Greek-Cypriot, Egyptian, Bulgarian and Syrian officials visited Belgium in 2005 within the framework of technical assistance in the field of competition law and policy. The Belgian competition authority and the director-general of the Netherlands' competition authority also shared their experiences and exchanged views.

Brazil

12. The Brazilian Competition Policy System (BCPS) has concluded three bilateral cooperation agreements with the competition agencies of the United States, Russian Federation and Argentina, and others are under negotiation. The BCPS staff members often exchange experiences with their counterparts in the United States and Argentina. Outside the Americas, the BCPS maintains close contacts with antitrust authorities in France. A technical cooperation agreement was signed with Portugal, which focuses on best practices and exchange of personnel. Contacts have also been established with the EU DG for Competition to exchange non-confidential information regarding investigations being conducted simultaneously by the two jurisdictions.

13. BCPS participates in competition-related activities of many international organizations including the OECD, the ICN, UNCTAD, and the Latin American Competition Forum. The OECD and the BCPS have engaged in a project envisaging the OECD contribution to the development of draft competition law amendments and its participation in seminars in Brazil. SEAE and CADE also have access to the OECD's OLIS database for technical research. Brazil is also an active member of the ICN and participate in UNCTAD's meetings, technical assistance projects (both as recipient and donor) and has organized with UNCTAD conferences in Brazil. BCPS also informally exchanges information with Chile, USDoJ, USFTC, United Kingdom, France, Peru, Canada and the EU.

Bulgaria

14. The EU Phare Programme is the main provider of technical assistance to the Commission on Protection of Competition (CPC). The CPC has successfully implemented several Phare-funded projects, including Phare Projects BG 9910.01 and BG 0201.08; Phare Twinning Light Project BG 02/IB/FI/02/UE and BG/2004/IB/FI/01.

15. Other major providers of technical assistance over the past 10 years were the USDoJ and USFTC assisting within the framework of USAID technical assistance projects for the countries in Central and Eastern Europe and the Balkans. The main focus of the training activities provided within these projects was in the areas of: (a) cartel agreements and abuse of dominance-investigation techniques; (b) abuse of dominance; and (c) consumer protection.

Canada

16. In 2006 Canada will participate in a project on "The Role and Importance of Competition Policy in Promoting Investment, Growth, Competitiveness and Poverty Reduction in Costa Rica". This project is targeted at the Commission for the Promotion of Competition (Costa Rica) and will combine the expertise of the Canadian International Development Agency (CIDA), the World Bank and the Competition Bureau Canada. Each organization will be focusing on their particular areas of expertise.

Colombia

17. The Office for the Promotion of Competition, which is part of the Department of Trade and Industry, received technical assistance and financial aid indirectly through the Andean Community under an agreement with the European Union, in the form of training programmes, seminars and expert meetings at the national and subregional levels. It also benefited from the internship scheme for officials from the competition authorities of beneficiary countries and from activities in the field of information, such as the creation or adaptation of websites for each institution. It received assistance with the publication of teaching manuals (“The ABC of competition”) and supplies of bibliographic materials and office equipment, as well as help to participate in international forums. Under an agreement between the Andean Community and the United States, Colombia benefited from staff-training activities, technical assistance and the exchange of information.

Costa Rica

18. The Commission for the Promotion of Competition has provided detailed information on the projects undertaken with the following countries: (a) Mexico - “Institutional support for the Costa Rican Commission for the Promotion of Competition and the Mexican Federal Competition Commission in the competition process”; (b) Chile - “Strengthening competition, with the participation of the Chilean National Economic Inspectorate, the Costa Rican Commission for the Promotion of Competition and the Pontifical Catholic University of Chile”; (c) Spain - “Technical assistance for public bodies responsible for enforcing competition law” (phase II); (d) Canada - “The role and importance of competition policy in the promotion of investment, growth, competitiveness and poverty-reduction in Costa Rica”; and (e) Switzerland - “Phase II of the programme on strengthening institutions and capacities in the area of competition and consumer protection policies: the cases of Bolivia, Costa Rica, El Salvador, Nicaragua and Peru (2004-2007)”.

Croatia

19. The process of strengthening the administrative capacity of the Croatian Competition Agency (CCA), especially the education and training of its staff, was covered in 2003-2005 within the framework of the CARDS 2001 project on “Support to the Development of Competition Policy in Croatia in line with the EU Standards and Practice”.

20. Two CARDS projects were also preparing the ground for the twinning CARDS 2002 project “Support to the Croatian State Aid System”. The twinning project began in 2005 and is being undertaken by Germany and Slovenia.

21. The implementation of the CARDS 2003 projects on the “Further strengthening of the Croatian Competition Agency” and “Implementation of Competition Law and Policy” began in 2005. One of these projects refer to the implementation and enforcement of competition legal framework within the government and private sector and the other to the institutional and administrative capacity-building of the CCA.

22. The PHARE project is expected to start in 2006 and will comprise both competition and State aid components under twinning subprojects, as well as a supply subproject. The CCA representatives are invited by the OECD to participate in seminars for non-member countries as well as to other seminars organized by UNCTAD, WTO, the EU, etc.

Finland

23. The Finnish Competition Authority (FCA) provided various types of technical assistance to Estonia in 1996-2002 and to the Russian Federation in 1994-2005. Experts from the FCA participated as panellists in OECD seminars in the Russian Federation (2000-2001) and Latvia (2002). An FCA expert undertook an advisory mission to Mozambique in 2004. Short-term visits to the FCA were organized for officials from Lithuania (1997, 2001-2002), Poland (1998), China (2001 and 2004), Ukraine (2001), Bulgaria (2002), Hungary (2004), Republic of Korea (2004), Mozambique (2005), Russian Federation (2005), China (2005) and Romania (2006).

Ghana

24. The Ministry of Trade and Industry provided information on assistance received, following its request in 1989, within the framework of the UNDP/UNCTAD umbrella project on restrictive business practices as well as on other forms of UNCTAD's technical assistance provided in the 1990s.

India

25. The Government of India has arranged for the capacity-building of the Competition Commission of India through the technical assistance programme of IDF (WB) and USAID. Some market studies on competition issues have also been taken up under the programmes of FIAS (WB) and UK DFID. The Commission is currently undertaking, inter alia, the following capacity-building activities under these programmes: (a) development of competition advocacy literature in accordance with the Indian Competition Act; (b) undertaking research/market study on competition issues in various sectors of India's economy by engaging reputed academic institutions/experts; (c) institutional capacity-building of the Commission including development of guidelines, operational manuals, etc; (d) core training programme for the Commission and staff.

Italy

26. The Italian Antitrust Authority (IAA) participates in a number of technical assistance programmes implemented in developing countries and transition economies.

27. In recent years, technical assistance was provided in the context of several EU-funded twinning projects with Romania, Czech Republic and Malta. The IAA has also been entrusted with the implementation of a twinning project with Bulgaria expected to start in 2006. A bilateral cooperation programme between the IAA and the Russian Federation has been also going on for several years.

28. In 2004, the IAA launched a multilateral cooperation initiative with the Balkan countries (Albania, Bosnia-Herzegovina, Bulgaria, FYR Macedonia, Romania and Serbia and Montenegro). The initiative included a meeting in 2005 of the heads of competition agencies followed by a training seminar in Bucharest.

29. The IAA also participates in technical assistance activities of several international organizations (including the OECD, UNCTAD, the World Bank and ICN), by contributing experts and panellists to their training and policy dialogue events. Italy has also hosted internships and study visits of officials from a number of developing countries, for example Kenya.

Jamaica

30. In 2005 the representatives of Fair Trading Commission participated in various conferences and workshops in Paramaribo (Surinam), Port of Spain (Trinidad and Tobago), Lima (Peru) (2 seminars), Buenos Aires, Chicago, Bridgetown (Barbados), Bonn, Rome and Antalya (Turkey). Three meetings were organized in Kingston on the “Role of Experts in Trial Process” (funded by FTC); “Shirley Playfair Forum” (funded by IADB/MIF/FTC), and the “UNCTAD Peer Review of FTC and FCA” (funded by UNCTAD).

Japan

31. The Japan Fair Trade Commission (JFTC) is providing a wide variety of technical assistance programmes such as training courses, short-term seminars, dispatching of competition policy experts to international conferences, etc. The JFTC’s technical assistance programmes are aimed at various competition policy experts from developing or countries with economies in transition and particularly in East Asian developing countries.

32. The JFTC provided the following technical assistance in 2005: (a) with financial aid from JICA, the JFTC held several long-term training courses for competition authority officials and competition-related authorities. Courses were provided both on a multilateral and bilateral basis (for China, Indonesia, and Thailand); (b) with financial assistance from JICA, the JFTC dispatched to the competition authority of Indonesia a competition policy expert as a long-term adviser; (c) JFTC in collaboration with host economies organized the APEC Training Course and East Asia Conference on Competition Law and Policy; (d) JFTC dispatched its officials to seminars organized by international organizations, such as APEC, OECD and UNCTAD.

Kenya

33. The Ministry of Finance is thankful to UNCTAD for funding the Investigators Course held in 2005 in Nanyuki.

Republic of Korea

34. In 2005 the Korea Fair Trade Commission (KFTC) participated in three technical assistance programmes and related activities, provided through the International Workshop on Competition Policy, the Korea International Cooperation Agency (KOICA) and OECD Regional Center for Competition (RCC).

35. The 2005 International Workshop on Competition Policy, which serves as a channel for exchange of technical assistance-related information and cooperation among competition officials, was organized for 10 Asian countries. The KOICA provides training programmes to competition officials from developing countries in order to share Korea's experience in competition policies. In 2005 training activities were organized for participants from 12 developing countries and 8 transition economies. RCC provides training programmes on cartels, enterprise combinations, and investigation techniques to competition officials from non-OECD member countries in Asia. In 2005 it organized six training and advisory activities. The KFTC also participated in East Asia Conference on Competition Law and Policy held in Bogor, Indonesia and in the Fifth UN Review Conference held in Antalya, Turkey.

36. Technical assistance programmes and related activities provided through the International Workshop on Competition Policy, KOICA and RCC will remain in operation in 2006. In addition, UNCTAD Asian region seminars and Seoul Competition Forum are expected to be held.

Latvia

37. In 2006 the Phare Twinning Light Project on "Enforcement of Competition Advocacy Measures for Further Administrative Capacity Strengthening of the Competition Council" will be implemented. The project's general objective is a further enforcement of fair and effective competition principles in society to the advantage of consumers and market participants and to integrate Latvia as a genuine part of the common EU market. The project will be implemented in cooperation with Federal Cartel Office of Germany.

Lebanon

38. The Ministry of Economy and Trade referred to the financial and technical assistance provided to Lebanon as consisting of: (a) a specific financing agreement between the EC and Lebanon in support of the implementation of the association agreement, through which the "Support for the Implementation of a Competition Rules Framework" project may be funded; (b) a USAID project in support of Lebanon's accession to the WTO, which financed an expert to assist in the development of the draft competition legislation of Lebanon.

Lithuania

39. In 2005 the Federal Trade Commission in cooperation with Lithuanian, Latvian and Estonian competition agencies launched a programme of technical assistance for the Azerbaijan authorities in enforcing competition legislation. The programme, which will continue in 2006, is funded by USAID. It is planned that the programme will consist of six seminars: cartels, abuse of dominance, mergers, deceptive advertising, and de-monopolization of infrastructure industries. An expert from the Lithuanian Competition Council participated and shared experiences at the seminar held in Baku (Azerbaijan) in December 2005 on abuse of dominance.

Malaysia

40. Under the Japan-Malaysia Free Trade Agreement, both parties will work together in technical cooperation activities related to competition laws and regulations. Malaysia also received UNCTAD's assistance in providing expertise in formulating the Fair Trade Practices Policy.

Mauritius

41. Mauritius benefited from UNCTAD assistance in 2004 with regard to the implementation of the competition regime established under the Competition Bill of 2003. Up to now, however, the Government of Mauritius has not been able to set up a Competition Commission nor an Office of Fair Trading.

Montenegro

42. USAID was the first to provide the Ministry of Economy with technical assistance in drafting a new law on the protection of competition. In 2005, the Policy and Legal Advice Centre (PLAC) and a EU project managed by the European Agency for Reconstruction, assisted by the Ministry in evaluating the level of compliance of the law with the EU acquis, and helped drafting two implementing regulations. The same PLAC project and relevant EU experts plan to assist in drafting the other four by-laws and in resolving practical questions.

Nicaragua

43. In January 2005, Nicaragua signed a memorandum of understanding with the Swiss State Secretariat for Economic Affairs (SECO) and UNCTAD under the Programme on Strengthening Institutions and Capacities in the Area of Competition and Consumer Protection Policies (COMPAL). In view of the forthcoming adoption of its competition law, Nicaragua has taken steps to increase market transparency, in order to support the establishment of a modern and effective competition authority in Nicaragua. In addition, the Competitiveness, Learning and Innovation Project supported by the World Bank has a component on strengthening institutional capacity and growing the domestic market, which led to the submission of the bill on competition to the National Assembly.

Norway

44. The Norwegian Competition Authority provided an expert panellist to the OECD seminar for competition officials from transition economies (Vienna, April 2005), as well as an expert for the training seminar held at the OECD Budapest Regional Centre for Competition in June 2005.

Paraguay

45. Paraguay received bilateral assistance from the United States Agency for International Development (USAID), Federal Trade Commission and Department of Justice within the framework of the Free Trade Area of the Americas (FTAA): funding was provided to enable national experts to attend training seminars on the defence of competition organized for countries of the Southern Common Market (MERCOSUR) and the Andean Community. Paraguay also received regional assistance under existing technical cooperation agreements within the

framework of MERCOSUR (Technical Committee No. 5). In addition, Paraguay received multilateral assistance from: (a) the Inter-American Development Bank (IDB), which, under a programme to provide technical assistance to the Ministry of Trade and Industry in the area of trade negotiations, financed and helped arrange the hiring of national and international consultants to draft a law on the defence of competition in Paraguay, and also financed the participation of national competition experts in the FTAA and MERCOSUR-European Union trade negotiations; (b) IDB/OECD, which financed the participation of national experts in the first two Latin American competition forums; and (c) UNCTAD/WTO, which financed the participation of national experts in three seminars and one advanced training course on the defence of competition at the regional level (in Brazil and Argentina respectively) for MERCOSUR and other Latin American countries.

Peru

46. The National Institute for the Defence of Competition and Intellectual Property (INDECOPI) supplied detailed information on the following projects: (a) a programme to harmonize competition rules in the Andean region (European Union/Andean Community Competition Project); and (b) support for increasing supply and facilitating external trade (World Bank). Peru's participation in various activities related to competition policy issues was made possible by international organizations such as the International Competition Network (ICN), Asia-Pacific Economic Cooperation (APEC), OECD, the Latin American Integration Association (ALADI) and the Andean Community.

Poland

47. The office of Competition and Consumer Protection (OCCP) provided information on technical assistance programmes undertaken by the following donors: (a) 2002 - UK Office of Fair Trading; (b) 2001-2003 - EU, Association pour le Développement des Echanges en Technologie Economique et Financière (ADETEF). Provider - France; (c) 2001-2003 - EU. Provider - Swedish Competition Authority; (d) 2003 - WTO; (e) 2002-2004 - EU (PHARE), German Antimonopoly Authority and German Ministry of Economy and Labour. Provider - Germany; (f) 2003-2004 - EU, German Ministry of Economy and Labour. Provider - Germany; (g) from 2004 - EU (PHARE), German Antimonopoly Authority and German Ministry of Economy and Labour. Provider - Germany; (h) 2006 - Transition Facility 2006: Competition Policy was prepared by the OCCP; this needs to be evaluated by the European Commission.

Portugal

48. During 2005 the Portuguese Competition Authority (PCA) organized an internship for the Director for Commerce and Competition of Cape Verde and received a delegation from China. The PCA also concluded a Memorandum of Understanding with the Romanian Council for Competition and organized a workshop with Romanian officials to share experiences on the enforcement of national and European competition law.

49. The Second Lusophone Countries Competition Meeting will take place in May 2006 in Lisbon. It will be organized by the PCA in cooperation with the Brazilian CADE and UNCTAD.

Romania

50. The Romanian Competition Council (RCC) has provided detailed information on the assistance received from: (a) US competition authorities, which from early 1990s provided Romania with permanent support in building up its competition policy; and (b) assistance granted by the European Commission under Twinning Project and TAIEX Project.

51. At the bilateral level the RCC has received technical assistance from the competition authorities of Korea, France, Italy and Hungary on the basis of agreements or memoranda of understanding and those of Germany, Netherlands and the UK on the basis of ongoing cooperation. At the multilateral level the RCC receives technical assistance from OECD, UNCTAD, KOIKA and ICN.

52. On the basis of a Memorandum of Cooperation with competition authorities of Turkey and Croatia, the RCC plans to enhance its cooperation with them and invite their experts to attend seminars in Bucharest. The RCC not only receives, but also provides its own experience for consideration of foreign partners and international institutions such as the OECD. On the initiative of ICN's Competition Policy Implementation Group on developing a twinning/mentorship programme for developing countries, the RCC presented the Twinning Project to the competition authority of Albania.

Russian Federation

53. International cooperation and technical assistance to Federal Antimonopoly Service (FAS) is provided both at multilateral and bilateral levels. FAS is both a recipient of technical assistance but also brings its own experience with international institutions and foreign partners.

54. At the bilateral level FAS has received technical assistance from competition authorities of East European countries, Finland, Sweden, Italy and other countries. At multilateral level FAS received assistance from the European Commission (TACIS projects), OECD, UNCTAD, APEC and USAID. The OECD remains one of the main consultants and sponsors of technical assistance to Russia in the field of competition policy. Its assistance includes legal advice on basic antimonopoly legislation and its modernization, seminars for staff of antimonopoly authorities and judges on competition law enforcement, consultations on methodology of competition policy, and high-level meetings on deregulation of natural monopolies. USAID organized series of thematic seminars and workshops on competition policy. Two TACIS projects under the joint title "Antimonopoly Policy and State Aid Control" have assisted in the introduction of amendments to the basic antimonopoly law and the elaboration of related guidelines in Russia since 1997. Since 2005 FAS also participates as beneficiary in the TACIS project "Approximation of Competition Rules".

55. The contribution made by UNCTAD to the process of developing competition law and policy in Russia in the past decade is difficult to overestimate. UNCTAD is also actively contributing to the promotion of regional cooperation between competition authorities in the Commonwealth of Independent States. In 2004 FAS also participated as one of the beneficiaries of the project on "Land Reform Privatization Procedures and Monitoring System" of the Foreign Investment Advisory Service as well as in various meetings organized by the above-mentioned organizations.

Serbia

56. The Antimonopoly Department (AD) joined ICN as one of its first members. It also participated in the OECD Regional Initiative on “Competition Policy and Law in SEE Europe” and “SEE Competition Authorities Network”. Technical assistance consists mostly of the training of AD’s employees at seminars organized in Serbia and abroad. The AD also received technical assistance from the European Agency for Reconstruction through the project on the “Support to the Commission for Competition Protection” and from the CARDS Regional Project 2003.

Slovak Republic

57. The Antimonopoly Office (AMO) has provided information on the assistance received during the last 10 years. In 2005 it consisted of a workshop on cartel agreements organized in Bratislava and financed by TAIEX; a study stay at French Competition Authority financed by EGIDE; and workshops on selected competition issues held at AMO and financed by OECD.

South Africa

58. In 2000 South Africa and Algeria established a binational Commission of Cooperation through which the South African Competition Commission (SACC) has developed a working relationship with the Algerian Ministry of Trade for cooperating on issues of competition policy. The SACC presented a competition policy seminar in Algiers and is expected to host a training course in Pretoria for Algerian officials.

59. The SACC is also participating in the ICN partnership/consultation programme. The Commission has offered assistance to new competition authorities, particularly those from Sub-Saharan African countries. The Commission has also established an exchange programme with the Kenyan Monopolies and Prices Commission for the seconding of staff.

60. The USDoJ and USFTC have availed their officials as resident advisers within the Commission. Competition authorities of Australia, Germany and Norway as well as international organizations such as the OECD, UNCTAD and InWent Capacity Building International have also hosted training courses for the Commission.

Spain

61. In 2002, the Ibero-American countries decided to set up the Forum of Ibero-American Competition Authorities and the Ibero-American School for Competition Defence. The latter, based in Madrid and financed by Spain’s Tribunal for Competition Defence, provides technical training for officials from competition authorities in Ibero-American countries. The advisory board, consisting of Portugal, Chile, Argentina, Brazil, Peru and Spain, assists the Tribunal for Competition Defence in organizing the school’s programme and teacher-training. The speakers are usually officials from the competition authorities of Spain, the European Union or Ibero-American countries or members of the Spanish judiciary.

62. Every year since 2002, the Tribunal for Competition Defence has financed the participation of two officials from each Ibero-American country in the two-week training course given at headquarters in Madrid.

Sweden

63. In December 2004, the Swedish Competition Authority (SCA) and the Federal Antimonopoly Service of Russia initiated a bilateral cooperation. Activities during 2005 have encompassed a one week training visit for officials from FAS to the SCA, a workshop on natural monopolies and recently liberalized sectors in Moscow and a joint seminar in Moscow on recent amendments to the Russian competition legislation. This advocacy activity was specially addressed to Swedish companies established in Russia. Similar activities are planned for 2006. The cooperation also includes exchange of information and experiences on a bilateral basis.

Switzerland

64. The State Secretariat for Economic Affairs (SECO) provided detailed information on the following technical cooperation projects implemented with the assistance from Switzerland: (a) COMPAL - Strengthening Competition Institutions and Consumer Protection in Latin America, implemented in Nicaragua, El Salvador and Costa Rica and (b) Promoting Competition and Consumer Protection in the Mekong Region, which aims at strengthening the competition culture in Viet Nam, Cambodia and Laos, with a special focus on Viet Nam.

Trinidad and Tobago

65. The WTO in collaboration with the Ministry of Trade and Industry conducted a National Workshop on Competition Policy in Port of Spain on 14-15 September 2005.

Turkey

66. In 2005 within the framework of short-term technical assistance provided by Technical Assistance and Information Exchange (TAIEX) Office, two officials from Turkish Competition Authority participated in a study visit in Madrid, while other officials attended a workshop on Group Exemption on Distribution and Services Agreements of Motor Vehicles and a workshop on Leniency Notice and Fining Policy in the EU. Proposals to organize two workshops - on payment card systems and regulation and on competition in the railways (to be held within the framework of the short-term technical assistance provided by TAIEX), were sent to the General Secretariat of the EU. A proposal was also submitted for organizing a study visit on ground handling.

Viet Nam

67. Viet Nam benefited from the following main forms of technical assistance: (a) Policy Implementation Assistance Project (PIAP) funded by Canada Government; (b) Assisting Viet Nam in International Economic Integration Project sponsored by Priority Solidarity Fund of France; (c) Technical Assistance from Japanese International Cooperation Agency on Implementation of Competition Law and Policy; (d) Capacity-building provided by US FTC and US Department of Commerce, German Development Assistance Fund and Consumer Unity and Trust Society.

Zambia

68. With technical assistance from international agencies such as UNCTAD, in 2004 the Zambia Competition Commission (ZCC) managed to secure funding to host an investigative technique course and the second seminar for adjudicators. These events, which formed part of the Commission's capacity-building programme, attracted participants from countries such as Kenya, Malawi, South Africa, Tanzania and Zimbabwe.

69. The Commission successfully hosted the National Consumer and the Regional Competition Seminars in 2002 and 2003; these seminars were made possible with UNCTAD funding and bilateral technical assistance from the World Bank.

70. In 2006, the Commission received multilateral technical assistance from the European Union through the project administered under Ministry of Commerce, Trade and Industry. Under the EU Project, the Commission intends to further enhance its capacity-building through training of staff, as well as to improve its office mechanization and to generate literature for information dissemination.

Latin American Integration Association

71. In accordance with the mandate set out by the Council of Ministers of the Latin American Integration Association (ALADI) at its 13th meeting, on 18 October 2005, member States have developed an agenda containing new trade-related items, including competition policy. In this context, a comparative study has been carried out on national laws on the subject, as well as on the provisions in agreements signed within ALADI and with other countries.

UNESCAP

72. UNESCAP organized in cooperation with WTO and the Administrative Staff College of India, a Regional Seminar for Asian and Pacific Economies on Competition Policy and the Multilateral Trading System in October 2004 in Hyderabad in India. However, since competition policy is not part of the current Doha negotiation agenda, no further work is being done in this area at the moment from a trade policy perspective. UNESCAP is also involved in some ongoing activities of CUTS (Consumer Unity and Trust Society) in this area (i.e. the "Advocacy and Capacity-building on Competition Policy and Law in Asia" project) and do not rule out working more comprehensively in this area from a supply-side point of view in the future.

Islamic Development Bank

73. Within the framework of the WTO-related Technical Assistance Programme carried out by the Islamic Development Bank, a seminar on Competition Policy and Law for Arab Countries was held in Khartoum, Sudan in April 2004 in Arabic.

IADB

74. The IADB has cooperated with the OECD on competition law and policy since April 2003, through a corresponding agreement between the two institutions. Since 2003 the IADB has yearly editions of the Latin-American Competition Forum in which matters of interest are discussed and analysed and a peer review on competition law and policy of a Latin American country is carried out. To date the cases of Peru, Chile and Brazil have been discussed.

OECD

75. A Council Resolution adopted in July 2004 asks all OECD committees to develop “a well targeted, pro-active outreach strategy” for involving non-members in OECD work. A recent survey of non-members participating in the outreach programme revealed extensive use of the Committee’s outputs, notably for improved law enforcement, in advocacy for pro-competitive reforms, in legislative work and for staff training.

76. In 2005, OECD outreach activities included a full programme of events at the two OECD Centres for Competition established in Seoul and Budapest. There were six seminars during the year in Seoul and five seminars in Budapest, attended by competition authority officials from the region. An annual two-week seminar was held at the Joint Vienna Institute for officials from Eastern Europe and CIS countries. Seminars and consultations were also held in Peru, Viet Nam, Indonesia, Russia, and Bosnia and Herzegovina. Comments were provided on draft laws being considered in China, Russia and Indonesia.

77. The annual meeting of the Global Forum on Competition took place in February 2005 and was attended by 62 countries, as well as other international organizations, including UNCTAD. The main theme of the Forum was the interface between competition and regulation and included a peer review of Turkey. In July the third annual Latin American Competition Forum was held and included a peer review of Brazil. The next meeting of the Forum will take place in El Salvador in July 2006.

WTO

78. In 2005, the WTO Secretariat undertook a scaled-back programme of technical assistance activities in the area of trade and competition policy, taking account of decisions taken in the WTO General Council in 2004 on the status of the WTO’s work programme in this area.¹ The

¹ On 1 August 2004, the General Council of the WTO decided that the subject of the interaction between trade and competition policy in addition to those of the relationship between trade and investment and transparency in government procurement would no longer form part of the Doha work programme and, therefore, that no work toward negotiations on these subjects would take place within the WTO during the Doha Round (WT/L/579, 2 August 2004).

Secretariat's programme of technical assistance in this area focused on the provision of national workshops, on request. Two such workshops were presented, one for Ethiopia and one for Trinidad and Tobago. These workshops focused not on possible negotiations on trade and competition policy (which have been ruled out for the duration of the Doha Round) but on more basic aspects of institution-building, national objectives and policy formulation in this area and their relation to international trade.

79. In 2006, the WTO Secretariat will again undertake a limited programme of technical assistance in this area, focused on the provision of national workshops, on request.

B. Requests for assistance

80. This subsection contains extracts from the replies received, which are related to requests for technical assistance with identification of specific competition law and policy areas or issues which States wish to receive priority attention.

Azerbaijan

81. The Department of Antimonopoly Policy needs bilateral or multilateral technical assistance for investigation of cartel agreements, mutual relationship between monopolistic activity, unfair competition and protection of consumer rights and for the improvement of new institutional structure of the agency.

Bulgaria

82. The main issues of competition law and policy to which the Commission on Protection of Competition would like to give priority attention are the detection, investigation and sanctioning of restrictive agreements and cartels, in particular the use of digital investigative techniques (IT forensic office) in cartel investigations. These techniques are currently one of the most commonly used methods for collecting evidence for cartel agreements during on-site inspections at the premises of undertakings, suspected of being members of a cartel.

Colombia

83. Following the signing of the free trade agreement between the United States of America and Colombia, the Department of Trade and Industry would like to learn more about the experiences of Argentina and Brazil in MERCOSUR, Chile's experience with Japan, and the experience of Canada, Mexico and the United States under the North American Free Trade Agreement (NAFTA), as well as the European Union's experience with competition law.

84. Colombia believes it would be useful to have some training in the prosecution of restrictive business practices and the analysis of concentration in expanded markets, and would like to have: (1) specialist advice; (2) training for staff, on internships and courses abroad; (3) an exchange of information; and (4) training on the subject in situ, at seminars and workshops on specific topics.

Dominican Republic

85. The Competition Defence Bill is awaiting adoption by the Congress of the Dominican Republic and the Consumer Rights Protection Act was recently enacted. The Dominican Republic needs technical cooperation and assistance to strengthen its institutions and build the capacity to administer these laws. In the course of the coming year, it will be submitting an official request to UNCTAD to be included in the COMPAL programme.

Ghana

86. The Ministry of Trade and Industry has indicated that Ghana urgently needs technical assistance in drafting a new competition bill. The Ministry also needs assistance in the form of attachment of officials to foreign competition agencies and in training of officials in competition law and policy issues.

Jamaica

87. Jamaica is requesting technical assistance in the areas of staff development, judicial training, competition advocacy, industry studies and library upgrade (to be funded by UNCTAD in 2006-2007 and, together with the area of information technology development, by IADB/MIF/FTC in 2006). In 2006 it will also need assistance in staff development from USAID. Assistance is also required from UNCTAD, OECD, FTC and the American Bar Association for the participation in competition meetings to be held in Washington, Bogotá and Paris.

Kenya

88. Kenya seeks further assistance on capacity-building in the area of human resources.

Malaysia

89. Malaysia requests: (a) assistance in drawing up a curriculum for advocacy programmes which should specify benefits of competition law and policy as well as their impact on consumers/industry/businesses and losses accruing from not having such law and policy; and (b) identification of types of advocacy programme that should be undertaken and attachment to other competition agencies which conduct advocacy programmes.

Mauritius

90. The Government of Mauritius is seeking assistance from the Commonwealth Secretariat for funding of a consultant to look into setting up an Office of Fair Trading and a Competition Commission.

Paraguay

91. Paraguay would like to receive: (a) assistance in organizing national workshops on competition advocacy and promotion aimed particularly at the business sector, lawmakers, officials from regulatory bodies and university students; (b) specialist support to help speed up the adoption of national legislation; (c) financial assistance to enable national negotiators to take

part in the regional and interregional trade negotiations under way on the defence of competition; and (d) financial assistance to enable national experts to attend international meetings organized by UNCTAD and WTO on the defence of competition and training courses to help build up specialist local capacity in the field of competition policy. Once the Competition Defence Bill has been adopted, Paraguay would like help in strengthening the national agency responsible for enforcing the rules in it, through a programme providing, among other things, basic training for government officials working in the field of competition and assistance in ensuring that the new office has the basic operational equipment and infrastructure to be able to work efficiently.

Romania

92. With UNCTAD's assistance, the Romania Competition Council would like to organize another advocacy seminar in Bucharest in the second half of 2006.

Russian Federation

93. The FAS put forward the initiative to hold in Moscow in 2007 the ICN Annual Conference. Taking into account available international experience acquired in the course of convening two international events, FAS proposes to organize an UNCTAD workshop on competition policy and enforcement in Moscow before the ICN Conference. The financing by UNCTAD of some of the expenses related to the workshop will allow the participation of a wider range of experts and make it possible to cover a broader range of topics.

Sri Lanka

94. The present technical capacity of the Consumer Affairs Authority to undertake responsibilities pertaining to competition issues is very low and it is in dire need of the assistance that can help: (a) to increase technical knowledge and skills of the staff of the Competition Promotion Division; and (b) to improve physical facilities available to the Division. As the expertise available within the country regarding the subject is very low, obtaining international technical assistance is very important for making progress towards implementing an effective competition policy.

Swaziland

95. Swaziland has completed the drafting of the Competition and Fair Trading Acts and would need technical expertise to draft regulations that would govern these acts.

Trinidad and Tobago

96. Trinidad and Tobago is in the preliminary stages of enacting its legislation on competition policy. Once the legislation is enacted and the process of establishing the Fair Trading Commission begins, it is anticipated that assistance in training the Commissioners and other staff of the FTC in the conduct of investigations will be priority. The areas of interest include mergers, anti-competitive agreements and monopolies.

Tunisia

97. The Competition Board would like special attention to be paid to the following needs:
- (a) Training of rapporteurs in survey methods, data collection and organizing the evidence, especially once the Competition Board has been authorized to initiate proceedings on its own initiative;
 - (b) Organization of a seminar on “The relationship between the Competition Board and sectoral authorities: the case of the national telecommunications body”;
 - (c) General training on the law on agreements to restrain trade and various forms of abuse for Competition Board members and judges from the Administrative Court with jurisdiction in competition matters at the appeal and review levels; and
 - (d) A training course for trainers.

98. The Board reiterates its commitment to helping set up a regional training centre for Arab and African countries. To do this, the Board will need the necessary electronic documents and specialist journals, as well as a training course for officials.

Zambia

99. Additional technical assistance is needed to allow the ZCC to attain its vision of repealing and replacing the current Competition and Fair Trading Act. Insufficient financial resources have meant that the ZCC is not able to contract experts in the fields of competition and consumer protection to assist in the revision of the new legislation. The ZCC also needs technical assistance to procure its own office block as the new legislation would require more staff; the ZCC’s current rented office space cannot accommodate extra staff.
