



# 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

Tenth session

Geneva, 7–9 July 2009

Item 2 of the provisional agenda

## 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 Sixth Review Conference
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 contained in chapter I above.

3. It is proposed that the first plenary meeting, which will start at 10 a.m. on Tuesday 7 July 2009, should be devoted to procedural matters (items 1 and 2 of the provisional agenda) and introductory statements. The closing plenary meeting, on Thursday 9 July 2009, will be devoted to the adoption of the report (item 5 of the provisional agenda). 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 7 July to the morning of 9 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 afternoon of 9 July in order to allow for an informal working session to be held 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. In accordance with paragraph 6 of the agreed conclusions adopted by the Intergovernmental Group of Experts at its ninth session (contained in document TD/B/COM.2/CLP/72), the Group will consider the following issues at this session:

- (a) Public monopolies, concessions, and competition law and policies;
- (b) The relationship between competition and industrial policies in promoting economic development; and
- (c) Voluntary review on the competition law and policy of Indonesia.

6. To facilitate the round table discussion on the first two topics, the secretariat has prepared two reports: “Public monopolies, concessions, and competition law and policy” (TD/B/C.I/CLP/2) and “The relationship between competition and industrial policies in promoting economic development” (TD/B/C.I/CLP/3).

### **Expected outcome of the round tables**

7. 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.

8. Also, in paragraph 2 of the above-mentioned agreed conclusions, the Intergovernmental Group of Experts decided that UNCTAD should undertake further voluntary peer reviews on competition law and policy of a member state or regional groupings of states, during the tenth session of the Intergovernmental Group of Experts. Accordingly, and in line with paragraph 6 (c) of the agreed conclusions, at its tenth session, the group will conduct a voluntary peer review on competition law and policy of Indonesia. The full peer review report (UNCTAD/DITC/CLP/2009/1) will be available in English only; to facilitate discussion of it, an overview will be made available in all languages (UNCTAD/DITC/CLP/2009/1 (Overview)).

9. Experts from both developed and developing countries, as well as from countries with economies in transition, are invited to make an oral presentation supported by a short written paper on the subjects referred to above; the papers will be made available in the meeting room during the consultations. 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 2009, to enable all participants to prepare for the consultations.

10. In addition, the secretariat was requested to prepare a report on the importance of using economic analysis in competition cases, based on contributions from member States. Accordingly, the secretariat has prepared the document “The use of economic analysis in competition cases” (TD/B/C.I/CLP/4).

11. In paragraph 8 of the above-mentioned agreed conclusions, the Intergovernmental Group of Experts requested the secretariat to continue publishing as non-sessional documents and to include in its website further issues of the *Handbook on Competition Legislation* containing commentaries on national competition legislation providing the base for further revision and updating of the Model Law. The updated version of the handbook is submitted in the form of the *Consolidated Report 2001–2009* (UNCTAD/DITC/CLP/2009/2/CD). The Directory of Competition Authorities in its extended form of the UNCTAD Guidebook on Competition Systems is available on the UNCTAD competition website ([www.unctad.org/competition](http://www.unctad.org/competition)).

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

12. Under this 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, the experts will have before them a report entitled “Review of capacity-building and technical assistance in the area of competition law and policy” (TD/B/C.I/CLP/5). The 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 the identification of financial and technical resources available and needed for the implementation of technical assistance and capacity-building programmes.

**Item 4. Provisional agenda for the Sixth Review Conference**

13. Acting in its capacity as preparatory meeting for the Sixth Review Conference, the Intergovernmental Group of Experts is expected to agree on the provisional agenda for the next session of the conference.

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

14. The Intergovernmental Group of Experts will adopt its report to the Trade and Development Commission.

**Input from experts**

Experts nominated by member states 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.

Experts are requested to submit papers to the UNCTAD secretariat as soon as possible. For further information, please contact Ms. Ulla Schwager, Competition Law and Policy Branch, DITC, UNCTAD; e-mail: [Ulla.schwager@unctad.org](mailto:Ulla.schwager@unctad.org); tel.: +41 22 917 5921; fax +41 22 917 0247.

## Annex

### Provisional meeting schedule

#### Palais des Nations, E-Building, Room XII

<b>Tuesday, 7 July 2009</b>	<b>Wednesday, 8 July 2009</b>	<b>Thursday, 9 July 2009</b>
<p>10 a.m.–1 p.m.</p> <p>Opening of the meeting:</p> <p><b>Address by Dr. Supachai Panitchpakdi, Secretary-General, UNCTAD</b></p> <p>Item 1 – Election of officers Item 2 – Adoption of the agenda and organization of work Item 3 – Introduction by the secretariat</p> <p><b>General statements<sup>1</sup></b></p>	<p>10 a.m.–1 p.m.</p> <p><b>Round table on monopolies, concessions and competition policy</b></p> <p><b>Panellists</b></p> <p><b>Discussion</b></p>	<p>10 a.m.–1 p.m.</p> <p><b>Consideration and review of the UNCTAD secretariat report on “the use of economic analysis in competition cases”</b></p> <p><b>Capacity-building and technical assistance activities in support of national and regional efforts</b></p>
<p>3 p.m.–6 p.m.</p> <p><b>Round table on the relationship between industrial and competition policies in promoting economic development</b></p> <p><b>Panellists</b></p> <p><b>Discussion</b></p>	<p><b>Voluntary peer review on competition policy: Indonesia</b></p> <p><b>Session I:</b></p> <ul style="list-style-type: none"> <li>• Presentation of the country reports</li> <li>• Observations by the Costa Rican delegation</li> <li>• Questions and answers</li> </ul> <p><b>Session II:</b> Interactive session on specific issues identified in the peer review report and issues on which COPROCOM may seek clarification and advice from participating competition authorities</p> <p><b>Session III:</b> The way forward</p>	<p>3 p.m.–6 p.m.</p> <p><b>Adoption of the agenda for the Sixth Review Conference</b></p> <p><b>Adoption of the report of the tenth session of the Intergovernmental Group of Experts</b></p>

<sup>1</sup> Delegates who wish to have their statements recorded in the report of the meeting are invited to make them during the plenary session.