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UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT

**Report of the Intergovernmental Group of Experts
on Competition Law and Policy
on its third session**

held at the Palais des Nations, Geneva,
from 2 to 4 July 2001



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Chapter I

AGREED CONCLUSIONS ADOPTED BY THE INTERGOVERNMENTAL GROUP OF EXPERTS ON COMPETITION LAW AND POLICY AT ITS THIRD SESSION¹

The Intergovernmental Group of Experts on Competition Law and Policy,

Recalling the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices, the decisions on competition issues adopted by UNCTAD X in paragraphs 140-143 of the Bangkok Plan of Action (TD/386), and the Fourth United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices,

Taking note of United Nations General Assembly resolution 55/182 of 20 December 2000, which “reaffirms the role of competition law and policy for sound economic development, takes note of the important and useful work of the United Nations Conference on Trade and Development in this field, and, in this regard, decides to convene in 2005 a 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, under the auspices of the United Nations Conference on Trade and Development”,

Taking note with appreciation of the continued cooperation with the World Trade Organization, the Organisation for Economic Co-operation and Development and other organizations active in the field of competition law and policy,

1. *Recommends* the continuation and strengthening of the important and useful work programme within UNCTAD’s secretariat and the intergovernmental machinery that addresses competition law and policy issues and proceeds with the active support and participation of competition law and policy authorities of member countries;

2. *Notes* with appreciation the convening by the Commission on Trade in Goods and Services, and Commodities, of an Expert Meeting on Consumer Interests, Competitiveness, Competition and Development, as invited by the Fourth Review Conference;

3. *Requests* the UNCTAD secretariat, for its next session, to study the possibility of formulating a model cooperation agreement on competition law and policy, based on the Set of Principles and Rules on Competition;

4. *Takes note* with appreciation of the documentation prepared by the UNCTAD secretariat for the third session of the Intergovernmental Group of Experts and requests the secretariat to revise documents TD/B/COM.2/CLP/20, 21, 22 and 23 in the light of comments made by member States at the third session or to be sent in writing by 31 January 2002 for submission to the next session of the Intergovernmental Group of Experts, and to make them available through UNCTAD’s website;

¹ As adopted at its closing plenary meeting, on Wednesday, 4 July 2001.

5. *Recommends* that the Intergovernmental Group of Experts consider in its consultations at its session in 2002 the following issues for better implementation of the Set:

- (a) Merger control: the balance between control of concentrations and the ability of domestic firms to compete on world markets;
- (b) The interface between competition authorities and regulatory bodies;

6. *Takes note* with appreciation of the voluntary financial and other contributions received from member States; *invites* all member States to assist UNCTAD on a voluntary basis in its technical cooperation activities by providing experts, training facilities or financial resources; and *requests* the UNCTAD secretariat to pursue and, where possible, expand its technical cooperation activities within the available resources, taking into account the deliberations and the consultations that took place at the present session, and to update information about its forthcoming events on its website;

7. *Requests* the UNCTAD secretariat to prepare for consideration by the next session of the Intergovernmental Group of Experts:

- (a) A study on the relationship between competition, competitiveness and development;
- (b) An updated review of technical assistance, taking into account the information to be submitted by member States and international organizations no later than 31 January 2002;
- (c) A preliminary report on ways in which possible international agreements on competition might apply to developing countries, including through preferential or differential treatment, with a view to enabling them to introduce and enforce competition law and policy;
- (d) A study of the roles of possible dispute mediation mechanisms and alternative arrangements, including voluntary peer reviews, in competition law and policy;

8. *Requests* the secretariat to continue to publish the following documents on a regular basis and to make them available on the Internet:

- (a) Further issues of the Handbook on Competition Legislation, including regional and international instruments;
- (b) An updated version of the Directory of Competition Authorities; and
- (c) An information note on recent important competition cases, with special reference to competition cases involving more than one country and taking into account information to be received from member States.

Chapter II

GENERAL STATEMENTS

1. The **Secretary-General of UNCTAD** said that recent developments in international competition policy, including mega mergers and cross-border anti-competitive practices which had made the headlines recently, were of direct relevance to developing countries' growth and development and their integration into the world economy. Interdependence and globalization offered opportunities but also carried risks of further marginalization if not managed wisely. Global interdependence implied that the production and distribution of goods and services were no longer national, but the international division of labour and capital posed special problems for policy makers attempting to formulate development strategies and address anti-competitive practices. Referring to recent cases involving developing countries, he said that those countries faced a dilemma as regards using criteria for evaluation of economic concentration in terms of abuse of market dominance or in terms of the critical mass necessary for an enterprise to be able to compete on international markets. This challenge brought to the forefront the interface between competition policy, development and competitiveness, an issue which was of major concern to the development dimension and a priority area of UNCTAD's work.

2. Quoting Professor Joseph Stiglitz, former chief economist of the World Bank, he said that one of the weakest aspects of the "Washington Consensus" had been the neglect of competition. Evidence from developing countries' experiences over the last decade showed that the lack of competitive infrastructure such as in ports, transport and telecommunications had detrimental effects on the overall competitiveness of developing countries' production, distribution and exports. UNCTAD intended to continue work on these issues in order to document the interface between competition, competitiveness and development. UNCTAD's role was one of building consensus by organizing national and regional meetings to clarify competition issues, by contributing to the identification of the goals and objectives of developing countries in this area and by exploring the effectiveness and complementarity of international cooperation at different levels.

3. Referring to the organization of the work of the session, he said that the Intergovernmental Group of Experts had three substantive items on its agenda, namely the control of mergers and acquisitions, competition and intellectual property rights, and international cooperation in competition. The report of the Group would contribute to the discussions to take place in other forums, such as the Organisation for Economic Co-operation and Development and the World Trade Organization's Working Group on the Interaction between Trade and Competition Policy, whose meeting was being held back to back with the present session, on 5 and 6 July. Lastly, he looked forward to the visit of the European Commissioner for Competition, Mr. Mario Monti, who would be addressing the Group on the subject of international cooperation on Wednesday, 4 July.

4. The representative of **Hungary** drew attention to new developments in his country's competition legislation. The 1996 Competition Act, published in the UNCTAD Handbook, had been amended three times and five block exemption regulations had been adopted by the Government. The latest amendments, which had entered into force in February 2001, were

based on the four-year experience in the implementation of the Act and were motivated by the needs of law approximation in line with the preparation for the country's accession to the European Union (EU). He also informed the meeting about the substantive provisions and procedures of the amended Act, the text of which was available on the Internet homepage of the Office of Economic Competition.

5. The representative of **South Africa** presented the recent developments in his country's competition legislation. Several amendments had been made and had come into force on 1 February 2001. These amendments were aimed at improving the enforcement of competition law arising from the experience gained. They covered interpretation of the Act, merger control, labour unions and restrictive business practices. He informed the meeting that information regarding the amendments could be obtained from the website www.ccsa.co.za.

6. The representative of **Pakistan** said that his country's competition law was being amended on the basis of inputs from UNCTAD's Model Law. A separation would be made between investigative powers, vested in the Director of Investigations, and adjudicative powers, vested in the Competition Commission. Penalties had been reinforced. He called for a reinforcement of bilateral and multilateral cooperation and information exchange.

7. The representative of **Cuba** said that the issue of competition should not necessarily be accompanied by a process of liberalization and privatization. Competition occurred in all processes of economic transformation, i.e. among State enterprises, joint ventures, and the cooperative and the private sectors, and the major beneficiary in the end was the consumer. In the case of Cuba, a high-level commission had been established to examine and make proposals in the field of competition policy. In this connection, UNCTAD's Model Law on Competition had been examined and was considered to be an important reference document.

8. The representative of **Ecuador** stated that although his country did not have a competition law, there were provisions in its Constitution relating to consumer protection and competition policy. The Ministry of Trade was now preparing a draft competition law with the help of the UNCTAD secretariat, which had also assisted in publicizing competition principles, and had organized workshops for that purpose.

9. The representative of **Ukraine** said that his country had recently substantially amended its competition law and policy. The Law on the Anti-Monopoly Committee had been changed with a view to defining the goals of the Committee's activities as well as its place as a central executive body with a special status. After five years of discussions in the Parliament, the Law on Natural Monopolies had been adopted in 2000. It envisaged a new system of State regulation of natural monopolies, including in the areas of electricity, oil, gas, transportation and communications, provided by independent State agencies. This laid the foundation for equal access to these areas for all economic entities, including foreign enterprises. The Law on the Protection of Economic Competition, adopted in January 2001, provided a mechanism for the harmonization of competition and industrial policies, with due attention paid to the public interest. It also ensured the legal protection of entrepreneurs against actions by State bodies, contained a number of exemptions, broadened the variety of forms of protection of infringed rights and contained a number of other important changes.

Also, a rotation system had been introduced among the members of the Anti-Monopoly Committee of Ukraine.

10. The representative of **Argentina** referred to the various reviews of competition legislation that had taken place in his country since 1923, particularly reforms in 1946, 1980 and 1999. In 1980, a major change in the analysis of anti-competitive conduct had been introduced with the replacement of the *per se* approach by the rule-of-reason approach. A reform in 1999 had included the establishment of an independent tribunal on competition, merger control and the referral of all competition issues to the tribunal, with no exceptions. Recently, the benchmarks to determine the obligation to notify concentrations had been modified, considerably reducing the numbers of cases that had to be reviewed by the competition authority.

11. The representative of **Turkey** drew attention to the intensive work done by the Turkish Competition Board since 1997, and described major activities of the Board in the implementation of competition legislation. A number of exemptions for patent, know-how, licence and trademark agreements, as well as research and development agreements, were in the process of being prepared, taking into account the developments in the European Commission. Also, since the Fourth Review Conference, the Turkish Competition Authority had organized a series of regional seminars on competition law and policy for experts from the Black Sea region, the Caucasus and Central Asia.

12. The representative of **Morocco** said that the new competition law which had been adopted in his country in March 2000 had come into force on 1 July 2001. The contents of the law had been presented to the Intergovernmental Group of Experts as well as to the WTO Working Group. His Government was appreciative of UNCTAD's technical assistance in the area of enforcement and looked forward to further cooperation.

13. The representative of the **Common Market for Eastern and Southern Africa (COMESA)** reported on the progress made by his organization in the implementation of the competition provisions contained in the COMESA Treaty. A detailed work programme had been completed and a number of donors had been approached for financing. He hoped that rapid progress could be achieved within the next nine to twelve months, and looked forward to assistance from international organizations, including UNCTAD.

14. The representative of **Egypt** described the competition law being prepared in his country. This draft law, which would exclude strategic entities, intellectual property rights and agreements encouraging exports, envisaged the control of mergers and acquisitions when they involved a market share exceeding 30 per cent. Sanctions envisaged in the draft law included both fines and prison terms.

15. The representative of **Indonesia** said that his country's new competition law had gone into effect in March 2000, after which business had had a grace period of six months until September 2000. The aim was to safeguard the interest of the public and to encourage economic efficiency, as well as giving equal business opportunities to large and to small and medium-sized enterprises.

16. A Commission had been established to enforce the law, provide competition advocacy, establish guidelines and take policy decisions. Major challenges at present included difficulties in interpretation and enforcement of the law, the choice of the goals which should take precedence, ensuring that the law received public support, and the ability of the courts to take up competition issues.

17. The representative of **Tunisia** referred to the importance of establishing a competition culture. His country had adopted the Competition Law in 1991, but felt it had not sufficiently developed a competition culture. He expressed in advance his gratitude for any suggestion that could be made in order to assist his country in its endeavours.

18. The representative of the **United Republic of Tanzania** explained the recent amendments to his country's Fair Trade Practices Act. He said that the Act was complex and cumbersome in many aspects, including its coverage of sectoral regulations and consumer protection. A new Fair Trade Commission had been established to deal exclusively with competition law and policy. Regulation and consumer affairs would be dealt with by specialized agencies.

19. The representative of **Guinea** said he was pleased to participate in the work of UNCTAD on competition policy and hoped to benefit from the exchange of expertise and experiences which the Intergovernmental Group of Experts offered to participants. He reported on the difficulties which his country had experienced in the enforcement of the Competition Law of 1994. These were related to the nature of the law itself and to the lack of skilled staff and resources. He called upon UNCTAD to detach an expert to work with the ministry responsible for competition policy, and also to offer training courses for government officials and provide electronic equipment.

20. The representative of **Burkina Faso** said a competition law had been adopted in his country in 1994. The Competition Commission had started to operate in August 1998. However, it had been handicapped by its lack of decision-making powers and the inability to investigate cases. Work had now been started to amend the law so as to reinforce the powers of the Commission.

21. The representative of **Kenya** said that his country now had 12 years' experience in implementing competition law. Kenyan competition law covered all areas of competition, such as anti-competitive practices, merger control and abuse of dominance. However, there was still a challenge to develop a competition culture in the market place. Referring to the important role that UNCTAD was playing in technical cooperation programmes in the region, he informed the meeting about the regional seminar held in Mombasa from 26 to 30 March 2001, which had brought together 10 countries from the region. He also reported that the East African Community had established channels to discuss the possibility of establishing a competition policy.

22. The representative of **Gabon** said that her country had adopted a competition law but there were problems with its implementation. An implementing regulation had not yet been adopted, but was now before Parliament for approval. Referring to the need to train Gabon's

officials on competition issues, she hoped that the UNCTAD secretariat would continue to assist her country in this respect.

23. The representative of the **World Trade Organization** (WTO) referred to the excellent working relations between UNCTAD and WTO. He reported on the various forms of cooperation between the two organizations, including the provision of inputs to each other's working groups, participation in regional workshops and seminars and symposia, as well as informal consensus-building through group discussions and the planned simulation of negotiation exercises.

24. The representative of **Chile** described his country's competition legislation and the institutional machinery for enforcing it. He noted in particular that the law had been amended in 1999 to give more investigative powers and independence to the competition authority.

25. The representative of **Zimbabwe** reported that his country had enacted a competition law in 1996, and that as a result of the experience gained in administering that law since 1998, certain amendments had been prepared for presentation to Parliament. These amendments touched on merger notifications, investigative powers, the relationship with sector regulators, and the interface between competition and trade policy. He hoped that he would be able to inform UNCTAD by the end of the year when the amendments would be passed. The number of cases being handled by the Competition Commission was steadily increasing.

26. The representative of the **Libyan Arab Jamahiriya** said that his country did not have a competition law at present, but that this was a subject of growing interest in the Ministry of Economy and Commerce. He called upon UNCTAD to provide for capacity-building in this area.

27. The representative of **Benin** stated that a project to adopt a competition law in his country had been stopped when the West African Economic and Monetary Union, of which Benin was a member, decided on the adoption of a common competition regulation that would supersede competition laws at the national level. What was now important for Benin was to strengthen its human resources so as to enforce that regulation. Assistance from UNCTAD would be appreciated in this connection.

28. The representative of **Thailand** noted that while globalization had brought about benefits in many countries, it had also increased foreign direct investment through mergers and acquisitions of local firms. If not properly regulated, domestic markets would rapidly see powerful transnational corporations forcing local small and medium-sized enterprises out of the market. Competition law and policy were needed in order to prevent the adverse effects of liberalization. International cooperation was essential in this respect. He proposed the development of a model cooperation agreement along the lines of the resolution of the Fourth Review Conference. Cooperation would be needed when domestic competition law was inappropriate: it would promote harmonization of rules and cooperation in enforcement, and would involve technical cooperation.

29. The representative of **Zambia** informed the meeting that the number of cases dealt with by his country's Competition Commission had been increasing in the four years that it had been in operation. A total of 69 cases had been handled on anti-competitive practices, 64 on mergers, 15 on horizontal agreements and 25 on consumer welfare. The greatest challenge facing competition authorities in the region, and especially Zambia, was the prosecution of competition cases. In this connection, he requested UNCTAD to send an expert on prosecutions to Zambia to look at the pending competition cases and advise on how to prosecute them. He thanked UNCTAD for all its technical assistance work and expressed his appreciation that COMESA was planning to draft competition policy for its member States in the next 12 months.

30. The representative of **Georgia** said that his country's Anti-Monopoly Service was supervising the competition legislation, which consisted of three laws adopted in recent years – on monopoly activity and competition, on consumer rights protection and on advertising. In addition, two sector regulation commissions – on energy and telecommunications – had been established. Although the Anti-Monopoly Service was part of the Georgian Government, the latter was considering the possibility of making it independent.

31. The representative of **China** referred to a draft competition law that her Government was finalizing, which would include rules relating to administrative monopolies and market dominance. The application of this law would be supported by a law against illicit transactions. In preparing the law, China had benefited from cooperation provided by competition experts from other countries and from international organizations. More cooperation would now be required, as there was a substantial need for training, and as her country would soon be facing the transition problems arising from its pending accession to the World Trade Organization.

32. The representative of **Canada** brought to the attention of the Expert Group the chapter on competition policy (chapter XI) of the recently signed Canada–Costa Rica Free Trade Agreement (CCRFTA). He presented it as an example of the kind of agreement which was possible between countries, even if they were at different levels of economic and institutional development. The chapter provided a framework for countries in the design, implementation and application of competition law and policy at the national or subregional level and also in respect of cooperation and coordination among competition authorities. The framework included a commitment to the principles of transparency, non-discrimination and procedural fairness, and mechanisms for cooperation to assist in the dissemination of information on anti-competitive activities and their consequences. While the competition chapter reflected the intent of the CCRFTA as a whole to forge a closer relationship between the two countries, he hoped that it would serve as a useful example in guiding the deliberations of the WTO Working Group.

33. The representative of **France** said that his country's Parliament had adopted in May 2001 amendments to the French Competition Act making prior notification of mergers an obligation. It had also considerably increased investigatory powers, including a leniency programme for whistle-blowers. In addition, it had adopted the notion of abuse of economic dependency. The amendments also strengthened the Competition Council's powers to

cooperate with other States and the European Commission on competition matters, subject to confidentiality requirements and in line with positive comity principles.

34. The representative of the **Russian Federation** emphasized the growing importance of competition policy in the implementation of economic reforms in her country. For more than a year the anti-monopoly authority had existed in the form of an independent ministry, its head being a member of the Russian Government. Recently, most attention had been given to the efficient implementation and improvement of the competition legislation, adopted ten years ago. In view of the size of the country, regional institutions had been established to implement this legislation. In the year 2000 alone the ministry had dealt with more than 3,000 claims in the area of economic concentration. It not only controlled the implementation of legislation, but also contributed to the pro-competitive development of the economy. It participated in the drafting of economic laws and in the reform of natural monopolies in the areas of transportation and energy, as well as in the regulation of foreign investments with a view to ensuring that competition legislation did not become a barrier to these investments. Special attention was given to the transparency of competition legislation. In conclusion, she referred to the important role played by UNCTAD and other international organizations in the development of competition law and policy in her country.

35. The representative of the **West African Economic and Monetary Union (UEMOA)** stated that a common competition regulation had recently been adopted by the UEMOA Commission. Its particular characteristic was that it superseded the national competition laws of member countries. The main problem was to develop cooperation with national authorities to enforce the regulation. It was a priority to train officials at national and regional levels before its entry into force, and he requested assistance from UNCTAD in this connection.

Chapter III

CONSULTATION ON COMPETITION LAW AND POLICY, INCLUDING THE MODEL LAW AND STUDIES RELATED TO THE PROVISIONS OF THE SET OF PRINCIPLES AND RULES;

WORKING PROGRAMME, INCLUDING TECHNICAL ASSISTANCE, ADVISORY AND TRAINING PROGRAMMES ON COMPETITION LAW AND POLICY

(Agenda item 3)

36. For its consideration of the substantive agenda item (agenda item 3), the Intergovernmental Group of Experts had before it the following documentation:

"Review of technical assistance, advisory and training programmes on competition law and policy" (TD/B/COM.2/CLP/20)

"Experiences gained so far on international cooperation on competition policy issues and the mechanisms used" (TD/B/COM.2/CLP/21)

"Competition policy and the exercise of intellectual property rights" (TD/B/COM.2/CLP.22)

"Model law" (TD/B/COM.2/CLP/23)

37. At its closing plenary meeting, on 4 July 2001, the Intergovernmental Group of Experts adopted its agreed conclusions on agenda item 3 (for the text of the conclusions, see chapter I).

Chairperson's summary of the informal discussions

38. The discussions focused on three subjects: (i) the interface between competition policy and intellectual property rights (IPRs); (ii) cooperation regarding merger control; and (iii) international cooperation and capacity-building in the field of competition policy.

39. As regards the interface between competition policy and IPRs, a panel composed of experts from France, the United States of America, Zambia and the West African Economic and Monetary Union was formed, which described some of the approaches and experiences relating to this complex subject in their countries or regions. A number of delegations then took the floor. The points covered included:

- (a) The effects of IPRs in terms of market dominance, static and dynamic efficiency, consumer welfare, trade, foreign direct investment and technological innovation and transfer;
- (b) The manner in which IPR-based practices, including licensing practices, should be dealt with under competition law and policy;

- (c) The optimum balance to be maintained in this area by developing countries;
- (d) Experiences in relation to licences for production, distribution or franchising, as well as counterfeiting and unfair competition;
- (e) The importance of international cooperation in this area.

40. On the subject of cooperation regarding merger control, a panel composed of experts from the Business International Advisory Council, Brazil and the Republic of Korea was formed. Some of the questions raised by the panellists and subsequently by delegations included:

- (a) The effects on business of the proliferation of merger control regimes worldwide;
- (b) Process convergence in this area and its relationship with national sovereignty;
- (c) Transparency, non-discrimination, timing, safeguarding of confidential information, transaction costs of first filings of merger notifications, and jurisdictional thresholds;
- (d) The spill-over effects of mergers on the global economy;
- (e) The ability of developing country competition authorities to take effective action in respect of any anti-competitive effects of mergers originating overseas;
- (f) National champion arguments and international competitiveness;
- (g) Information exchange and enforcement cooperation among competition authorities and between them and businesses, and technical assistance in this area;
- (h) Work proceeding or envisaged in this area in other forums.

41. The European Commissioner for Competition, Mr. Mario Monti, addressed the session on the issue of international cooperation and capacity-building in the field of competition policy. He urged that, in line with the resolution adopted by the Fourth Review Conference on the Set of Principles and Rules, competition authorities enhance their dialogue and cooperation through open and inclusive multilateral frameworks. In this connection, he expressed support for the launching of negotiations on competition policy at the WTO Ministerial Meeting to be held in Doha later in the year, and for the creation of a global forum for competition authorities, and put forward suggestions about the forum's mission and working methods. He also described EU efforts to provide technical assistance to emerging competition authorities, for example a capacity-building project with the COMESA. He proposed that technical assistance in this area be increased and better coordinated among the various donors, and pledged that the EU would continue to cooperate with UNCTAD with regard to this assistance.

42. There were a number of comments and questions relating to this statement, covering such issues as the actual benefits of frameworks in resolving the competition problems of

developing countries, the role of competition policy in relation to competitiveness and development, possible duplication with UNCTAD's work, and support for EU technical assistance at national and regional levels.

IV. ORGANIZATIONAL MATTERS

A. Opening of the session

43. The third session of the Intergovernmental Group of Experts on Competition Law and Policy was opened on Monday, 2 July 2001, by Mr. Rubens Ricupero, Secretary-General of UNCTAD. In the course of the session, the Intergovernmental Group of Experts held two plenary meetings and four informal meetings.

B. Election of officers

(Agenda item 1)

44. At its opening plenary meeting, on Monday, 2 July 2001, the Intergovernmental Group of Experts elected its officers, as follows:

Chairperson: Mr. Fernando Heftye Etienne (Mexico)

Vice-Chairperson-cum-Rapporteur: Mrs. Victoria Steeples (United Kingdom)

C. Adoption of the agenda and organization of work

(Agenda item 2)

45. Also at its opening plenary meeting, the Intergovernmental Group of Experts adopted the provisional agenda for the session (TD/B/COM.2/CLP/19). The agenda was thus as follows:

1. Election of officers
2. Adoption of the agenda and organization of work
3. (i) Consultations on competition law and policy, including the Model Law and studies related to the provisions of the Set of Principles and Rules;
(ii) Work programme, including technical assistance, advisory and training programmes on competition law and policy
4. Provisional agenda for the fourth session
5. Adoption of the report of the Intergovernmental Group of Experts

D. Provisional agenda for the fourth session

(Agenda item 4)

46. At its closing plenary meeting, on 4 July 2001, the Intergovernmental Group of Experts approved the provisional agenda for its fourth session (for the text of the provisional agenda, see annex I).

E. Adoption of the report of the Intergovernmental Group of Experts

(Agenda item 5)

47. Also at its closing plenary meeting, the Intergovernmental Group of Experts adopted the draft report on its session (contained in TD/B/COM.2/CLP/L.6 and L.6/Add.1), subject to any amendments that delegations might wish to make, and authorized the Rapporteur to finalize the report as appropriate.

Annex I

PROVISIONAL AGENDA FOR THE FOURTH SESSION

1. Election of officers
2. Adoption of the agenda and organization of work
3. (i) Consultations on competition law and policy, including the Model Law and studies related to the provisions of the Set of Principles and Rules;
(ii) Work programme, including technical assistance, advisory and training programmes on competition law and policy
4. Provisional agenda for the fifth session
5. Adoption of the report of the Intergovernmental Group of Experts

Annex II

ATTENDANCE *

1. Experts from the following States members of UNCTAD attended the session:

Argentina	Lesotho
Belgium	Libyan Arab Jamahiriya
Benin	Madagascar
Botswana	Mauritania
Brazil	Mexico
Burkina Faso	Morocco
Burundi	Netherlands
Cameroon	Nicaragua
Canada	Niger
Central African Republic	Nigeria
Chile	Norway
China	Pakistan
Colombia	Paraguay
Congo	Peru
Costa Rica	Poland
Côte d'Ivoire	Republic of Korea
Croatia	Romania
Cuba	Russian Federation
Democratic People's Republic of Korea	Sao Tome and Principe
Democratic Republic of the Congo	Senegal
Dominican Republic	South Africa
Ecuador	Spain
Egypt	Sri Lanka
Finland	Sweden
France	Thailand
Gabon	Trinidad and Tobago
Georgia	Tunisia
Germany	Turkey
Ghana	Ukraine
Guatemala	United Kingdom of Great Britain and Northern Ireland
Guinea	United Republic of Tanzania
Hungary	United States of America
India	Venezuela
Indonesia	Viet Nam
Iran (Islamic Republic of)	Zambia
Italy	Zimbabwe
Kenya	

* For the list of participants, see TD/B/COM.2/CLP/INF.3.

2. The following intergovernmental organizations were represented at the session:

Common Market for Eastern and Southern Africa
European Community
Organisation for Economic Co-operation and Development
West African Economic and Monetary Union ²

3. The following specialized agency and related organization were represented at the session:

World Intellectual Property Organization
World Trade Organization

4. The United Nations Department of Economic and Social Information and Policy Analysis was represented at the session.

5. The following non-governmental organization was represented at the session:

General Category

Exchange and Cooperation Centre for Latin America

² Specially invited by the secretariat.