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TRADE AND DEVELOPMENT BOARD
Commission on Investment, Technology
and Related Financial Issues
Intergovernmental Group of Experts
on Competition Law and Policy
Geneva, 29 - 31 July 1998
Agenda item 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**

AGREED CONCLUSIONS

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 and the Third 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 General Assembly resolution 52/182 of 18 December 1997, which endorsed the change of name of the Intergovernmental Group of Experts on Restrictive Business Practices to the Intergovernmental Group of Experts on Competition Law and Policy, and the convening of a 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 with appreciation of the cooperation taking place with the World Trade Organization and other organizations active in the field of competition law and policy,

Taking note also with appreciation of the documentation prepared by the UNCTAD secretariat for the present meeting,

1. Reaffirms the fundamental role of competition law and policy for sound economic development; recognizes the importance of strengthened international cooperation in the area of competition law and policy; and in this connection recommends the continuation of the important and useful work programme being carried out on competition law and policy issues within the UNCTAD intergovernmental machinery which has the active support and participation of the competition law and policy authorities of member States;
2. Recalls that the Intergovernmental Group of Experts on Competition Law and Policy has been able to mobilize a high level of participation of experts and practitioners from capitals, which has allowed it to discuss technical and policy issues in an informal and constructive setting. These working methods have enabled the Intergovernmental Group of Experts to pursue its objectives of clarifying and elucidating principles, concepts and policy issues concerning the formulation and enforcement of competition law and policy. The exchange of experiences and information by member States, in particular during the informal consultations of the Intergovernmental Group of Experts, continues to contribute to a better understanding of the issues concerned, capacity-building for individual countries and the promotion of international cooperation in this area;
3. Invites the Secretary-General of UNCTAD to continue cooperation with the World Trade Organization and other organizations working in the area of competition law and policy;
4. Invites the Secretary-General of UNCTAD, in view of the fact that the 199 session of the Intergovernmental Group of Experts will be the last meeting of the Group before the Fourth Review Conference in 2000, to prepare a preliminary assessment of the operation of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices since the Third Review Conference;
5. Takes note with appreciation of the voluntary financial and other contributions received from member States and invites all member States to assist UNCTAD on a voluntary basis in its technical cooperation activities by providing experts, training facilities or financial resources; requests the UNCTAD secretariat to pursue its technical cooperation activities within the available resources, taking into account the deliberations and consultations that took place at the present

session; and invites the Secretary-General of UNCTAD to explore the feasibility of supporting training and capacity-building on a regional basis within the available resources;

6. Recommends that the consultations at the next meeting of the Intergovernmental Group of Experts should focus on the following topics:

- (a) The relationship between the competition authority and relevant regulatory agencies, especially in respect of the privatization and demonopolization processes;
- (b) International merger controls, in particular where they have effects in developing countries; and
- (c) The creation of a culture of competition;

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

- (a) A report on the experiences gained so far with international cooperation on competition policy issues and the mechanisms used, taking into account commentary and information to be received from member States by 31 January 1999;
- (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 1999; and
- (c) A preliminary report on how competition policy addresses the exercise of intellectual property rights;

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

- (i) Further issues of the Handbook on Competition Legislation, including regional and international instruments;
- (ii) A revised version of the Commentary to the Model Law, taking into account in particular new trends in merger control;

- (iii) An updated version of the Directory of Competition Authorities; and
- (iv) 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.