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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
Eighth session
Geneva, 17 – 19 July 2007
Item 2 of the provisional agenda

ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK

Provisional agenda and annotations

I. PROVISIONAL AGENDA

1. Election of officers
2. Adoption of the agenda and organization of work
3. (i) 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
(ii) Work programme, including capacity-building and technical assistance on competition law and policy
4. Provisional agenda for the Ninth Session of the Intergovernmental Group of Experts on Competition Law and Policy
5. Adoption of the report of the Intergovernmental Group of Experts

II. ANNOTATIONS

Item 1. Election of officers

1. The Intergovernmental Group of Experts (IGE) will elect a Chairman and a Vice-Chairman-cum-Rapporteur.

Item 2. Adoption of the agenda and organization of work

2. The Intergovernmental Group of Experts may wish to adopt the provisional agenda, as agreed at United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices.

Organization of work

3. It is proposed that the first plenary meeting, which will open at 10 a.m. on Tuesday, 17 July 2007, be devoted to procedural matters (items 1 and 2 of the provisional agenda) and to introductory statements. The closing plenary meeting, on Thursday 19 July 2007, will be devoted to the adoption of the report (item 5).²

4. This would leave the remaining meetings, from the afternoon of 17 July to the morning of 19 July inclusive, for items 3 (i) and 3 (ii) of the provisional agenda. If more time is needed, the adoption of the report could be postponed to the late afternoon of 19 July in order for an informal working session to take place that afternoon.

Item 3(i) Consultations and discussions regarding peer reviews on competition law and policy; review of the Model Law; and studies related to the provisions of the Set of Principles and Rules

5. As decided in paragraph 11 of the Resolution adopted by the Seventh Session of the IGE³, this session of the IGE will consider the following issues:

- (a) Competition at the national and international levels: energy;
- (b) Competition policy and the exercise of Intellectual Property Rights;
- (c) Criteria for evaluating the effectiveness of competition authorities.

6. Should countries wish to hold consultations on additional subjects, they are requested to inform the secretariat well in advance (no later than 4 June 2007) in order to enable all participants to prepare themselves for such consultations. Moreover, for each of the issues referred to above, the secretariat invites experts from both developed and developing countries, as well as countries in transition, to make oral presentations supported by short written contributions to be made available during the consultations.

7. Under paragraph 9 and 10 of the Agreed conclusions, the IGE requested the secretariat to revise or update documents TD/RBP/CONF.6/5/Rev.1,

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

³ See the agreed conclusions adopted by the Intergovernmental Group of Experts at its Seventh Session (TD/B/COM.2/CLP/L.10, 3 November 2006).

TD/RBP/CONF.6/9/Rev.1 and TD/RBP/CONF.6/12/Rev.1, in the light of comments made by member States at the Conference or sent in writing by 31 January 2007 for submission at the next session of the Intergovernmental Group of Experts on Competition Law and Policy, and to make them available through UNCTAD's website. Accordingly, documents TD/B/COM.2/CLP/62 "Recent important competition cases involving more than one country"; TD/B/COM.2/CLP/46/Rev.3 "Ways in which possible international agreements on competition might apply to developing countries, including through preferential or differential treatment"; and TD/B/COM.2/CLP/21/Rev.5 "Experiences gained so far on international cooperation on competition policy issues and the mechanisms used". The Secretariat was also requested to prepare for the eighth session of the IGE a study on competition issues at national and international levels in the energy sector. Accordingly, the Secretariat has prepared document TD/B/COM.2/CLP/60. In addition and in order to facilitate the discussions for the roundtable on the evaluation of the effectiveness of competition authorities, called for in paragraph 11 of the Agreed Conclusions, the Secretariat has prepared a background note: TD/B/COM.2/CLP/59 "Criteria for Evaluating the Effectiveness of Competition Authorities".

8. In line with para 7 of the resolution adopted by the Conference, the eighth session of the IGE will hold an ad hoc voluntary peer review of the competition law and policy of the West African Monetary Union. For this voluntary peer review, a Report of The West African Monetary Union including Senegal and Benin, doc UNCTAD/DITC/CLP/2007/1(Overview) will be submitted to the IGE. The full report, which contains over 160 pages, will be made available as a conference room paper in the original language (French).

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

- (a) A Revision of the Model Law, doc TD/RBP/CONF.5/7/Rev.3
- (b) Further issues of the *Handbook on Competition Legislation*, including regional and international instruments: document TD/B/COM.2/CLP/55 containing the laws and commentaries from the Republic of South Africa (new law), the Republic of Serbia and the Republic of Montenegro;
- (c) An updated version of the *Directory of Competition Authorities*: document TD/B/COM.2/CLP/56;
- (d) An information note on recent important competition cases, with special reference to cases involving more than one country, and taking into account information to be received from member States: document TD/B/COM.2/CLP/62.

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

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

11. Under this item, the Intergovernmental Group of Experts is expected to give guidance to the UNCTAD secretariat as to further work to be undertaken on competition law and policy.

12. To facilitate this exercise, as at previous IGEs, the experts will have before them a report on recent developments in the area of capacity building and technical assistance on competition law and policy (TD/B/COM.2/CLP/61), taking into account the information submitted by States and international organizations and the beneficiary countries. On the basis of the review, the experts will discuss how best to assist developing countries in formulating national competition legislation and regional competition rules and in identifying financial and technical resources for the implementation of technical assistance and capacity-building programmes.

Item 4. Provisional agenda for the Ninth Session of the Intergovernmental Group of Experts on Competition Law and Policy

13. Acting in its capacity as the preparatory meeting for the ninth IGE on CLP, the Intergovernmental Group of Experts is expected to agree on the provisional agenda for its next session.

Item 5. Adoption of the report of the Intergovernmental Group of Experts

14. The Intergovernmental Group of Experts is required to report to the Commission on Investment, Technology and Related Financial Issues.



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Corrigendum

Pages 2-3, paragraph 7

For the existing text substitute

7. Under paragraph 9 and 10 of the Agreed conclusions, the IGE requested the secretariat to revise or update documents TD/RBP/CONF.6/5/Rev.1, TD/RBP/CONF.6/9/Rev.1 and TD/RBP/CONF.6/12/Rev.1, in the light of comments made by member States at the Conference or sent in writing by 31 January 2007 for submission at the next session of the Intergovernmental Group of Experts on Competition Law and Policy, and to make them available through UNCTAD's website. Accordingly, documents TD/B/COM.2/CLP/62 "Recent important competition cases involving more than one country"; TD/B/COM.2/CLP/46/Rev.3 "Ways in which possible international agreements on competition might apply to developing countries, including through preferential or differential treatment"; and TD/B/COM.2/CLP/21/Rev.5 "Experiences gained so far on international cooperation on competition policy issues and the mechanisms used" **will be submitted to the eighth session of the IGE**. The Secretariat was also requested to prepare for the eighth session of the IGE a study on competition issues at national and international levels in the energy sector. Accordingly, the Secretariat has prepared document TD/B/COM.2/CLP/60. In addition and in order to facilitate the discussions for the roundtable on the evaluation of the effectiveness of competition authorities, called for in paragraph 11 of the Agreed Conclusions, the Secretariat has prepared a background note: TD/B/COM.2/CLP/59 "Criteria for Evaluating the Effectiveness of Competition Authorities".