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Intergovernmental Group of Experts on Competition Law and Policy

Ninth session

Geneva, 15–18 July 2008

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 tenth session of the Intergovernmental Group of Experts on Competition Law and Policy
5. Adoption of the report of the Intergovernmental Group of Experts on Competition Law and Policy

* This document was submitted on the above-mentioned date as a result of processing delays.

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 Wednesday 16 July 2008, should be devoted to procedural matters (items 1 and 2 of the provisional agenda) and introductory statements. The closing plenary meeting, on Friday 18 July 2008, 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 16 July to the morning of 18 July, can then be devoted to the substantive item, item 3 (a) and (b), of the provisional agenda. If necessary, the adoption of the report may be postponed until the late afternoon of 18 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 9 of the agreed conclusions adopted by the Intergovernmental Group of Experts at its eighth session (contained in document TD/B/COM.2/CLP/63), the Group will consider the following issues at this session:

- (a) The attribution of competence between community and national competition authorities and the application of competition rules; and
- (b) Independence and accountability of competition authorities.

6. To facilitate the round-table discussion on these two topics, the secretariat has prepared two reports: "The attribution of competence to community and national competition authorities in the application of competition rules" (TD/B/COM.2/CLP/69) and "Independence and accountability of competition authorities" (TD/B/COM.2/CLP/67).

7. In paragraph 1 of the above-mentioned agreed conclusions, the Intergovernmental Group of Experts decided that UNCTAD should undertake further voluntary peer reviews on the competition law and policy of member States or regional groupings of States, back to back with the ninth session of the Group. Accordingly, at its ninth session, the group will conduct a voluntary peer review of the competition policy of Costa Rica. The review (UNCTAD/DITC/CLP/2008/1) will be available in English and Spanish only; to facilitate discussion of it, an overview will be made available in all languages (UNCTAD/DITC/CLP/2008/1 (Overview)).

8. 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 paper 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 4 June 2008, to enable all participants to prepare for the consultations.

9. In paragraph 7 (e) of the above-mentioned agreed conclusions, the Intergovernmental Group of Experts requested the secretariat to revise and update the Model Law on Competition on the basis of submissions received from member States by 31 January 2008. The update will be submitted at the tenth session of the Intergovernmental Group of Experts, to be held in July 2009.

10. Also in paragraph 7 of the agreed conclusions, the Group requested the secretariat to continue publishing the following documents as non-sessional documents:

(a) Further issues of the *Handbook on Competition Legislation* (TD/B/COM.2/CLP/64);

(b) An updated version of the *UNCTAD Guidebook on Competition Systems* (UNCTAD/DITC/CLP/2007/2);

(c) A further information note on recent important cases, with special reference to competition cases involving more than one country, taking into account information received from member States by 31 January 2008 (TD/B/COM.2/CLP/71);

(d) An updated review of capacity-building and technical assistance, taking into account information received from member States by 31 January 2008 (UNCTAD/DITC/CLP/2007/7).

11. As non-sessional documents, the documents listed in paragraph 7 of the agreed conclusions may not all be available in time for the session, but they will be posted as soon as possible on the UNCTAD website (www.unctad.org/competition).

12. In addition, the secretariat was requested to prepare a report on the abuse of dominance and a report on the key roles that competition policy and intellectual property rights play in attaining development objectives, taking into account the proceedings and written contributions of the round table on competition policy and the exercise of intellectual property rights, held during the eighth session of the Intergovernmental Group of Experts. Accordingly, the secretariat has prepared the following documents: "Report on abuse of dominance" (TD/B/COM.2/CLP/66) and "Competition policy and the exercise of intellectual property rights" (TD/B/COM.2/CLP/68).

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

13. 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/COM.2/CLP/70). 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, they should identify financial and technical resources for the implementation of technical assistance and capacity-building programmes.

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

14. 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 on Competition Law and Policy

15. The Intergovernmental Group of Experts will adopt its report to the Commission on Investment, Technology and Related Financial Issues.
