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TRADE AND DEVELOPMENT BOARD

Commission on Investment, Technology and Related Financial Matters

Intergovernmental Group of Experts on Competition Law and Policy

Seventh session

Geneva, 31 October - 2 November 2006

Agenda item 3

**AGREED CONCLUSIONS ADOPTED BY THE INTERGOVERNMENTAL
GROUP OF EXPERTS AT ITS SEVENTH SESSION**

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,

Recalling the provisions relating to competition issues adopted by UNCTAD XI in the São Paulo Consensus (TD/410), including the provisions in paragraphs 89, 95 and 104 of the São Paulo Consensus,

Further recalling the resolution adopted by the 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 (Antalya, Turkey, November 2005),

Reaffirming the fundamental role of competition law and policy for sound economic development and the need to further promote the implementation of the Set of Principles and Rules,

1. *Encourages* developing countries to consider, as a matter of importance, establishing competition laws and frameworks best suited to their development needs, complemented by technical and financial assistance for capacity building, taking fully into account the objectives of other national policies and capacity constraints;
2. *Recognizes* that liberalization and privatization without competition safeguards could adversely affect sound economic development;

3. *Calls upon* States to increase cooperation between competition authorities and Governments for the mutual benefit of all countries in order to strengthen effective international action against anti-competitive practices as covered by the Set, especially when these occur at the international level; such cooperation should take particular note of the needs of developing countries and economies in transition;
4. *Recognizes* the link between competition and regulation and suggests that States promote coordination between competition authorities and regulatory bodies to ensure complementarity between these authorities and the effectiveness of their work;
5. *Expresses appreciation* to the Government of Tunisia for volunteering for a peer review during the seventh session of the Intergovernmental Group of Experts and to all Governments participating in the review; *recognizes* the progress achieved so far in the enforcement of Tunisia's competition law; *invites* all member States to assist UNCTAD on a voluntary basis by providing experts or other resources for future activities in connection with voluntary peer reviews; and *decides* that UNCTAD should, in the light of the experiences with the voluntary peer reviews undertaken during the Fifth Review Conference and the seventh session of the Group of Experts and in accordance with available resources, undertake further voluntary peer reviews on the competition law and policy of member States or regional groupings of States, back-to-back with the eighth session of the Group of Experts;
6. *Notes with satisfaction* the important written and oral contributions from competition authorities of members participating in its session;
7. *Takes note* of the continued implementation of national economic reforms aimed at the establishment of competition rules and strengthening of bilateral and multilateral cooperation in the area of competition;
8. *Takes note* with appreciation of the documentation prepared by the UNCTAD secretariat for its seventh session, and *requests* the secretariat to revise/update documents in the light of the comments made by member States at the seventh session or to be sent in writing by 31 January 2007 for submission to the eighth session of the Group of Experts;
9. *Requests* the UNCTAD secretariat to prepare for the eighth session of the Group of Experts a study on competition issues at national and international levels in the energy sector;
10. *Further requests* the UNCTAD secretariat to continue publishing as non-sessional documents and to include in its website the following documents:
 - (a) Further issues of the Handbook on Competition Legislation;
 - (b) An updated version of the Directory of Competition Authorities;
 - (c) A further 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 no later than 31 January 2007;

- (d) An updated review of capacity building and technical assistance, taking into account information to be received from member States no later than 31 January 2007; and
- (e) A further revised and updated version of the Model Law on Competition on the basis of submissions to be received from member States no later than 31 January 2007;

11. *Recommends* that the eighth session of the Group of Experts consider the following issues for better implementation of the Set:

- (a) Competition at national and international levels: energy;
- (b) Competition policy and the exercise of intellectual property rights; and
- (c) Criteria for evaluating the effectiveness of competition authorities;

12. *Takes note* with appreciation of the voluntary financial and other contributions received from member States; *invites* member States to continue to assist UNCTAD on a voluntary basis in its capacity-building and technical cooperation activities by providing experts, training facilities or financial resources; and *requests* the UNCTAD secretariat to pursue and, where possible, expand its capacity-building and technical cooperation activities (including training) in all regions, within available resources;

13. *Proposes*, in order to enhance the effect of presentations by speakers and delegations, that they should be complemented where possible by a more detailed account of cases, in particular those with a regional and international dimension.