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TRADE AND DEVELOPMENT BOARD
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Intergovernmental Group of Experts on Competition Law and Policy
Third session
Geneva, 4 July 2001

**AGREED CONCLUSIONS OF THE INTERGOVERNMENTAL GROUP OF EXPERTS ON
COMPETITION LAW AND POLICY AT ITS THIRD 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, 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;

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.