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on Trade and Development**

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Trade and Development Board
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Intergovernmental Group of Experts on Competition Law and Policy
Eleventh session
Geneva, 19–21 July 2011
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 the effectiveness of capacity-building and technical assistance to young competition agencies
4. Provisional agenda for the twelfth session
5. Adoption of the report of the Intergovernmental Group of Experts on Competition Law and Policy

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 Tuesday, 19 July 2011, should be devoted to procedural matters (items 1 and 2 of the provisional agenda) and to introductory statements. The closing plenary meeting, to be held on Thursday, 21 July 2011, 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 19 July to the morning of 21 July, can then be devoted to the substantive items 3(a) and 3(b) of the provisional agenda. If necessary, the adoption of the report may be postponed until the late afternoon of 21 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. At its closing plenary meeting, on Friday, 12 November 2010, the Sixth United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices adopted the provisional agenda for the eleventh session of the Intergovernmental Group of Experts (contained in document TD/RBP/CONF.7/11). The conference, in paragraph 8 of its resolution, decided that:

(a) Future Intergovernmental Group of Experts sessions should include at least four clusters of issues for informal consultations among participants on competition law and policy issues with special focus on practical cases. The clusters should cover:

- (i) Appropriate design and enforcement of competition law and policy;
- (ii) International cooperation and networking;
- (iii) Cost-effectiveness, complementarity and collaboration in the provision of capacity-building and technical assistance to interested countries;
- (iv) Consultations on the Model Law;

(b) As part of such consultations, the Intergovernmental Group of Experts should undertake a comprehensive informal exchange of views and experiences of several developed and other interested countries on issues relating to cases concerning anticompetitive practices and other issues relevant to competition which have been raised by member States.

6. Accordingly, the Group will consider the following issues at the current session:
 - (a) Foundations of an effective competition agency;
 - (b) The importance of coherence between competition policies and government policies;
 - (c) Peer review of Serbian competition law and policy;
 - (d) Review of the experience gained so far in enforcement cooperation, including at the regional level;
 - (e) Consultations on the Model Law.
7. Future revisions of the Model Law should be carried out in stages so as to allow adequate time for the secretariat to update the relevant chapters and for in-depth consultations among member States.
8. Delegates are reminded that, in view of paragraph 8 of the resolution of the Sixth United Nations Conference to Review the Set, the topics contained therein may be discussed at future sessions of the Intergovernmental Group of Experts, with the aim of (i) holding an in-depth discussion and (ii) reaching consensus on best practices in these areas, which could be of use to young competition agencies.
9. To facilitate the round-table discussion on topics (i), (ii) and (iv), the secretariat has prepared reports entitled “Foundations of an effective competition agency” (TD/B/C.I/CLP/8); “The importance of coherence between competition policies and government policies” (TD/B/C.I/CLP/9); and “Review of the experience gained so far in enforcement cooperation, including at the regional level” (TD/B/C.I/CLP/10).
10. Given that the draft agenda for the current session of the Intergovernmental Group of Experts listed the topic “Foundations of agency effectiveness” for a substantive round-table discussion, it was agreed to further update the commentaries on chapter IX (the Administering Authority and its Organization) and chapter X (Functions and Powers of the Administering Authority) of the Model Law on Competition for summer 2011. Accordingly, the secretariat has prepared an updated version of chapter IX (TD/B/C.I/CLP/L.2) and of chapter X (TD/B/C.I/CLP/L.3).

Expected outcome of the round tables

11. The discussion on these topics – which will include presentations by experts, by international and regional actors, and by representatives of the private sector and civil society – will identify practical ways to feed the experiences into capacity-building activities for interested competition agencies in developing countries and in countries with economies in transition.
12. In addition, in paragraph 8(d) of the conference resolution, the Sixth United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices decided that the Intergovernmental Group of Experts should undertake further voluntary peer reviews on the competition law and policy of a member State or of regional groupings of States, during the eleventh session of the Group of Experts. Accordingly, the Group will conduct a voluntary peer review of the competition policy of Serbia. The full peer review report (UNCTAD/DITC/CLP/2011/2) will be available in English only; to facilitate discussion of it, an overview will be made available in all languages (UNCTAD/DITC/CLP/2011/2(Overview)).
13. 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 topics referred to above and on the peer review of Serbia; the full report on the peer review of Serbia's competition policy will be made available in the meeting room during the consultations. An overview of the report in all United Nations languages will be available six weeks in advance of the meeting. Should countries wish to hold consultations on other subjects, they are invited to inform the secretariat of the subject by no later than 15 May 2011, in order to enable all participants to prepare for the consultations.

14. In addition, the secretariat was requested to prepare – in consultation with other organizations and other providers – a review of technical cooperation activities, with a view to strengthening its ability to provide technical assistance for capacity-building in the area of competition law and policy. Accordingly, the secretariat has prepared the document “Effectiveness of capacity-building and technical assistance extended to young competition agencies” (TD/B/C.I/CLP/11).

15. The resolution also requested the secretariat to continue publishing as non-sessional documents, and to include on its website, further issues of the *Handbook on Competition Legislation*, containing commentaries on national competition legislation providing and providing the basis for further revision and updating of the Model Law. The updated version of the handbook is submitted in the form of the *Consolidated Report 2001–2011* (UNCTAD/DITC/CLP/2011/3 CD). The UNCTAD competition website features the Directory of Competition Authorities at http://www.unctad.org/en/docs/c2clpd56_en.pdf and the more comprehensive UNCTAD Guidebook on Competition Systems at http://www.unctad.org/en/docs/ditclp20072_en.pdf.

Item 3(b). Work programme, including the effectiveness of capacity-building and technical assistance extended to young competition agencies

16. 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 “Effectiveness of capacity-building and technical assistance extended to young competition agencies” (TD/B/C.I/CLP/11). 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, donors and beneficiaries are invited to discuss the issue of the type and level of technical assistance provided and the needs of emerging competition agencies, in order to facilitate identification of the financial and technical resources that are available and needed for the implementation of technical assistance and capacity-building programmes.

Item 4. Provisional agenda for the twelfth session

17. The Intergovernmental Group of Experts on Competition Law and Policy 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

18. The Intergovernmental Group of Experts on Competition Law and Policy will submit its report to the Trade and Development Commission.

Input from experts

Experts nominated by member States are encouraged to submit brief papers (approximately five pages) as contributions to the work of the meeting. The papers should be submitted to the UNCTAD secretariat in advance of the meeting and will be made available at the meeting in the form and the language in which they are received.

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Annex

**Provisional meeting schedule
Palais des Nations, E-Building, Room XVIII**

Tuesday 19 July 2011	Wednesday 20 July 2011	Thursday 21 July 2011
<p><i>(10 a.m. – 1 p.m.)</i></p> <p>Opening of the meeting: Address by Dr. Supachai Panitchpakdi, Secretary-General, UNCTAD</p> <p>Item 1 – Election of officers Item 2 – Adoption of the agenda and organization of work Item 3 – Introduction by the secretariat</p> <p>- General statements¹</p>	<p><i>(10 a.m. – 1 p.m.)</i></p> <p>Round table on: The importance of coherence between competition policies and government policies</p> <p>Panellists</p> <p>Discussion</p>	<p><i>(10 a.m. – 1 p.m.)</i></p> <p>Round table on: Review of the experience gained so far in enforcement cooperation, including at the regional level</p> <p>Panellists</p> <p>Discussion</p>
<p><i>(3 p.m. – 6 p.m.)</i></p> <p>Round table on: Foundations of an effective competition agency, followed by consultations on chapter IX (the Administering Authority and its Organization) and chapter X (Functions and Powers of the Administering Authority) of the UNCTAD Model Law</p> <p>Round table on: Effectiveness of capacity- building in the area of competition policy</p> <p>Panellists</p> <p>Discussion</p>	<p><i>(3 p.m. – 6 p.m.)</i></p> <p>Voluntary peer review of competition policy in Serbia</p> <p>Session I: - Presentation of the country report - Observations by delegations - Questions and answers</p> <p>Session II: Interactive session on specific issues identified in the peer review report, and issues on which Serbia may seek clarification and advice from participating competition authorities</p> <p>Session III: The way forward</p>	<p><i>(3 p.m. – 6 p.m.)</i></p> <p>- Adoption of the agenda for the twelfth session of the Intergovernmental Group of Experts</p> <p>- Adoption of the report of the eleventh session of the Intergovernmental Group of Experts</p>

¹ Delegates who wish to make a statement during the IGE are invited to do so during the plenary session. Statements will be posted on the UNCTAD website in the form and the language in which they are received.