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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, 14–18 November 2005
Agenda item 8

**DRAFT REPORT OF 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, 14–18 November 2005

Rapporteur: Mr. Rahim Huseynov (Azerbaijan)

Speakers

El Salvador for the Latin American and
Caribbean Group
Senegal
Cuba
Tunisia

Saudi Arabia
Russian Federation
Mozambique
Morocco
Nigeria

Note for delegations

This draft report is a provisional text circulated for clearance by delegations.
Requests for amendments to statements of individual delegations should be communicated by
Wednesday, 23 November 2005 at the latest to:

UNCTAD Editorial Section, Room E.8106 – Fax No. +41 22 907 0056 - Tel. No. +41 22 907 1437.

II. REVIEW OF ALL ASPECTS OF THE SET OF MULTILATERALLY AGREED EQUITABLE PRINCIPLES AND RULES FOR THE CONTROL OF RESTRICTIVE BUSINESS PRACTICES

(Agenda item 6)

(continued)

1. The representative of **El Salvador**, speaking on behalf of the **Latin American and Caribbean Group**, said that UNCTAD had played an important role in support of developing countries in the competition policy area, and that work should be strengthened through the allocation of additional resources. He encouraged UNCTAD to take all necessary steps to obtain such resources in order to enable it to respond better to his region's priorities, which included training for officials and experts, cooperation among authorities and organizations responsible for competition matters, maintenance of an updated comparative matrix of competition laws and authorities, studies on competition in specific sectors, organization of internships and visits to more experienced competition authorities, and awareness programmes targeting civil society and economic agents. He also referred to the results of the COMPAL project, which should be used as a model for programmes with similar outreach in the Latin American and Caribbean region.

2. The representative of **Senegal** said that special and differential treatment should enable developing countries to implement their competition policies in the light of their level of development and their specific needs. In this connection, technical cooperation was needed to build and strengthen the capacities of developing countries. The Senegalese competition authority had recently released its first report, which had increased public awareness of its activities. The West African Economic and Monetary Union's community competition law had now superseded national competition laws in each member State, so institutional arrangements needed to be brought into line with the community law.

3. The representative of **Cuba** referred to the importance of operationalizing special and differential treatment in the field of competition. The enforcement of competition policy at the international level should not affect developing countries' sovereignty, and should allow enough flexibility for adaptation in line with national interests. He proposed concrete measures to operationalize special and differential treatment, including measures against hardcore cartels, especially when they affected developing countries; provision of sufficient flexibility for developing countries to establish sectoral exemptions in line with their industrial policies; and elimination of obstacles faced by developing countries in accessing international markets and of barriers imposed by developed countries.

4. The representative of **Tunisia** said that the application of competition policy was crucial for the country's economy, and his Government was therefore modernizing and strengthening the investigative and judicial framework and institutions for enforcing competition law. He emphasized the key role that cooperation from other Governments and international organizations, including UNCTAD, had played in the effective implementation of Tunisian competition policy. A new project financed by the EU aimed at creating a partnership between the French and Tunisian competition councils in order to strengthen the Tunisian council's capacity.

5. The representative of **Saudi Arabia** said that important steps had been taken by his country to meet the needs of a globalized world and to ensure solidarity with other developing countries. The process of Saudi Arabia's accession to the WTO was being finalized, and that would step up the development process. A new free market system was

being established, although much remained to be done to that end. The competition concepts being built up by UNCTAD would be applied.

6. The representative of the **Russian Federation** said that her Government was undertaking a thorough revision of its competition law and its code on administrative violations. A number of new basic terms and principles and stricter sanctions were being introduced. Cooperation agreements had been concluded with some EU member countries. Important work was also being undertaken to create a single economic space among CIS countries; 19 intergovernmental agreements were being elaborated, as well as agreements on common principles and implementation rules for competition policy.

7. The representative of **Mozambique** said that liberalization had induced anti-competitive practices that were damaging the economy. Efforts to deal with these practices had been hampered by economic and institutional handicaps, the absence of competition regulations, and inadequate experience with competition concepts. With the support of UNCTAD technical assistance programmes, as well as bilateral support, a competition law and a competition policy were being adopted

8. The representative of **Morocco** said that his country had adopted a law on prices and competition in 2001, and its provisions had been designed to meet the specific needs of the country's economy. The law had been applied in parallel with other reforms to improve the regulatory framework for business. Enterprises in developing countries had to face competition in both national and international markets, but national competition authorities were unable to obtain the information required to address effectively anticompetitive practices of firms operating in international markets. An international competition code was therefore needed to overcome such practices. He suggested that the Conference adopt recommendations relating to the harmonization of competition rules and the provision of technical assistance to developing countries in this area, and commended the work already done by UNCTAD in that connection.

9. The representative of **Nigeria** said that, although his country already had sector-specific regulations, it was in the process of adopting a comprehensive competition law and policy, in line with the recommendations of the Fourth Review Conference. Liberalization of the Nigerian economy in recent years had created an enabling environment for the enactment of the competition law. The new body which would be formed, namely the Nigerian Trade and Competition Commission, would administer all matters relating to competition, anti-dumping, consumer protection, and weights and measures.

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